

The Haryana Home Guards Act, 1974

HARYANA

India

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Act 31 of 1974

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The Haryana Home Guards Act, 1974 Haryana Act No. 31 of 1974 Received the assent of the Governor of Haryana on the 31st August, 1974, and first published for general information in the Haryana Government Gazette (Extraordinary) Legislative Supplement Part I of the 9th September, 1974. An Act to provide for the constitution of Haryana Home Guards. Be it enacted by the Legislature of the State of Haryana in the Twenty-fifth Year of the Republic of India as follows :-

1. Short title and extent.

(1) This Act may be called the Haryana Home Guards Act, 1974. (2) It extends to the whole of the State of Haryana.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "member" means a member of the Haryana Home Guards; (b) "prescribed" means prescribed by rules made under this Act.

3. Constitution of Haryana Home Guards.

- The State Government may, for any area, constitute a body to be called the Haryana Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act or the rules made thereunder.

4. Enrolment and appointment to offices of command.

(1) The State Government may enrol such number of persons who are fit and willing to serve as members as it may deem fit to enrol. (2) The State Government may appoint any person, whether a member or not, to any office of command in the Haryana Home Guards.

5. Obligation of employer to permit members to join duty.

(1) Except as may be prescribed, every employer shall permit a member who is for the time being employed by or under him to join his duty as such, and, notwithstanding anything in any law or agreement between him and such member, the period of his duty shall, subject to such conditions and restrictions as may be prescribed, be deemed to be the period spent in such employment : Provided that the employer shall not be liable to pay remuneration to such member for a period exceeding thirty days in any year. (2) No employer shall dismiss, remove or suspend any employee, or take any other action which may prejudice such employee, by reason of his being a member. (3) Nothing in this section shall apply to an employer unless he had forwarded the application of the employee concerned for enrolment as member or been informed by the employee of his being a member at the time of applying for employment.

6. Calling out of members.

- The State Government in any area may at any time call out a member for training or to discharge any of the functions assigned to the Haryana Home Guards in accordance with the provisions of this Act and the rules made thereunder.

7. Powers, protection and control.

(1) A member when called out under section 6 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force. (2) No prosecution shall be instituted against a member in respect of anything done or purporting to have been done by him in the discharge of his functions as such member, except with the previous sanction of the State Government.

8. Control by officers of police force.

- The members when called out under section 6 directly in aid of the police force, shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed.

9. Penalty.

(1) If any member, on being called out under section 6, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as such member or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a court, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both. (2) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 5 shall be punishable with fine which may extend to two hundred and fifty rupees, and the court by which an employer is convicted under this section may further order him to pay to the employee a sum not exceeding three months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so ordered

to be paid by the court shall be recoverable as if it were a fine imposed by such court :Provided that an employer shall not be so liable unless he had forwarded the application of the employer concerned for enrolment as member or been informed by the employee of his being a member at the time of applying for employment.(3)An offence under this Act shall be cognizable.

10. Delegation of powers.

- The State Government may, by notification, and subject to any conditions which may be specified, delegate its functions under section 3 or section 4 or section 6 to any person or body of persons.

11. Power to make rules.

(1)The State Government may make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)the exercise of control by officers of the police force over members when acting directly in aid of the police force;(b)regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of members and the manner in which they may be called out for service;(c)conferring on members according to their office any powers, other than the power of an Executive or Judicial Magistrate, exercisable by any person under any law for the time being in force; and(d)any other matter which has to be, or may be, prescribed.(3)All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature while it is in session for a period of not less than ten days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which they are so laid or the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

12. Repeal.

- The Punjab Home Guards Act, 1974 (Punjab Act 8 of 1974), in its application to the State of Haryana, is hereby repealed.