

Jharkhand Home Guards Act, 2005

JHARKHAND

India

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Act 03 of 2006

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Jharkhand Home Guards Act, 2005[Jharkhand Act No. 03 of 2006]Last Updated 9th December, 2019[Dated 25.01.2006]Whereas is expedient to provide a volunteer organization to serve as an auxiliary to the police and assist in maintaining internal security, assist the community in any kind of emergency-an air raid, a fire, a flood, an epidemic and so on, organise functional unit to provide essential services such as motor transport, pioneer and engineer groups, fire brigades, nursing and first aid, operation of water and power supply in installation etc, promote communal harmony and give assistance to the administration in protecting weaker sections of the society, participate insocio-economic and welfare activities such as adult education, health any hygiene, developmental schemes and such other tasks as are deemed useful. For the constitution of the Jharkhand State Home Guards for aforesaid purposes is the requirement of this act.Be it enacted by the legislature of the state of jharkhand in the fifty sixth year of the republic of India as follows -

1. Short title, extent and commencement.

(1)This Act may be called the Jharkhand Home Guards Act, 2005.(2)It extends to the whole of the State of Jharkhand.(3)The State Government may, from time to time, by notification direct that any of the provisions of this Act shall come into force in any local area on such date as may be specified in the notification and may likewise cancel or modify such notification.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"Home Guard" means a person who is enrolled as such under this Act.(b)"prescribed" means prescribed by rules framed under this Act.

3. Constitution of Home Guards.

(1)The State Government shall constitute in such manner as may be prescribed for each of the areas specified in a notification under sub-section (3) of section 1, Home Guards who shall discharge such functions in relation to the protection of persons the security of property of public safety in any area within the State of Jharkhand as may be assigned to them in accordance with the provisions of this Act and the rules made there under.(2)The Home Guards in the State of Jharkhand shall, for the purposes of this Act, be deemed to be a single force and the members thereof shall be formally enrolled and such force shall consist of such number of officers and men, and their qualifications and conditions of training and service shall be such as prescribed.(3)A Home Guard shall on enrolment, make a declaration in the form specified in the First Schedule and receive a certificate of enrolment in the form specified in the Second Schedule, under the seal and signature of prescribed authority by virtue of which the person holding such certificate shall be vested with the powers and privileges of a Home Guard

4. Calling out Home Guards.

- The Deputy Commissioner having jurisdiction over any area in which this Act is in force may, by an order made in such manner as may be prescribed, call out any Home Guard for the discharge of any duty assigned to the Home Guard in accordance with the provisions of this Act and the rules made thereunder.

5. Control by officers of Police Force.

- A Home Guard when called out under section-4 in auxiliary to the police force, shall be under the control and superintendence of the officers of the police force in such manner and to such extent as may be prescribed.

6. Power and protection of Home Guards.

(1)Subject to the provisions of this Act and the rules made there under, a Home Guard when called out under section-4 in auxiliary to the police force shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force.(2)No prosecution shall be instituted against a Home Guard in respect of anything done or purporting to be done by him in the discharge of his duty as a Home Guard except with the previous sanction of the Deputy Commissioner/District Magistrate having jurisdiction over the area in which the Home Guard has been raised.

7. Control over Home Guards.

- The general superintendence, direction and control of the Home Guards constituted for nay area, shall be exercised by the Deputy Commissioner/District Magistrate assisted by the District Commandant Homeguards having jurisdiction over the area in which the Home Guards have been

raised. The District Commandant Home Guards will execute above responsibilities under the supervision of prescribed authority for specific purpose under the general supervision of the Commandant General, Home guards of the State.

8. Period of service and discharge.

(1) Subject to any rules made in this behalf, a Home Guard shall be required to serve the State Government for a period of four years (including the period spent in training) and shall be liable to be called out for duty at any time but not beyond the age of 54 (fifty four) years. (2) Every Home Guard shall be entitled to receive his discharge from the Home Guards on the expiration of the period specified in sub-section (1); but any such person may before he becomes so entitled be discharged by such authority and subject to such conditions as may be prescribed. (3) A Home Guard shall, within ten days of his discharge under sub-section (2), surrender the certificate of enrolment granted to him under sub-section (3) of section-3 to the office of the District Commandant of Home Guards.

9. Penalties.

(1) If a Home Guard -(a) fails to report himself when called out for duty under section-4, or (b) without sufficient excuse neglects or refuses to obey any lawful order or direction given to him for the performance of his duties or fails to discharge his functions as a member of the Home Guards while on duty, or (c) deserts his duty, or (d) is guilty of cowardice or offers any unwarrantable personal violence to any person in his custody. (e) fails within ten days to surrender his certificate of enrolment granted under sub-section (3) of section-3, he shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. (2) An offence punishable under sub-section (1) shall be cognizable.

10. Uniforms.

- A Home Guards shall wear such uniform as may be prescribed.

11. Home Guard to be a public servant.

- A Home Guard acting in the discharge of his functions under this Acts shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1869).

12. Power to make rules.

(1) The State Government may, subject to the condition of previous publication, 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 or regulate all or any the following matters namely: -(a) all matters which are required by this Act to be prescribed, (b) the organization, appointment qualifications, conditions of service, functions, discipline, arms accoutrements, clothing and

uniform of the Home Guards and the manner in which they may be called out for service or required to undergo training, and(c)the exercise by a Home Guard of any of the powers exercisable under section-6.

13. Standing orders.

- The Commandant General of the Home Guards may, however, issue standing orders, on subjects governing day to day administration of the Home Guards force.

14. Savings.

- Any action taken in exercise of the powers conferred by or under the "Bihar Home Guards Act, 1947" in the light of section 84 of the Bihar Reorganisation Act, 2000, shall be deemed, as if this Act were in force on the date on which such thing was done or action taken. The First Schedule (See Section (3) Clause 3) I..... Son resident of do hereby solemnly declare and affirm that I will truly serve as a member of the Home Guards for a period of twelve months from the date of enrolment including the period spent over training (which period may be extended at the discretion of the State Government) and that I further undertake to serve as a member of the Home Guards at any time or at any place during a further period of three years if I am called out for duty during such period. I will do to the best of my skill and knowledge and discharge the duties of a member of the Home Guards..... Signature Address..... The Second Schedule (See section 3(3)) Form of certificate of enrolment Name..... Son of resident of has been enrolled a member of Home Guards under section 3(3) of the Jharkhand Home Guards Act, 2005. When lawfully on duty, he shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force. Date of appointment..... Place..... Date..... Signature and seal of the prescribed authority.