

The Punjab Home Guards Act, 1947

PUNJAB

India

The Punjab Home Guards Act, 1947

Act 8 of 1947

- Published on 4 December 1947
- Commenced on 4 December 1947
- [This is the version of this document from 4 December 1947.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Home Guards Act, 1947 East Punjab Act No. 8 of 1947 The word "National" in the short title omitted by East Punjab Act, 31 of 1949, Section 2. Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and first published in the East Punjab Government Gazette (Extraordinary) of the 8th December, 1947. An Act to provide for the constitution of [Punjab Home Guards] [Substituted for the words 'East Punjab Volunteer Corps' by Punjab Act 42 of 1960.]. It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called [the Punjab Home Guards Act, 1947.] [The word 'National' in the short title omitted by East Punjab Act, 31 of 1949, Section 2.](2) It extends to the whole of the State of [Punjab] [Substituted by the words 'East Punjab' by the Adaptation of Laws Order, 1950.](3) It shall come into force at once.

2. Constitution of [Punjab] [Home Guards].

- The [State] Government may for any case constitute a body to be called the [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950, the words 'East Punjab' had been substituted for the words 'National' by the East Punjab Act 31 of 1949, Section 4.] [Home Guards] [Substituted for the words 'Volunteer Corps' by Punjab Act 42 of 1960, section 2.] 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 and the rules made thereunder.

3. Appointment of members.

- The State Government may appoint as members of the [Punjab] [Substituted for the word 'East Punjab' by the Adaptation of Laws Order, 1950, the words 'East Punjab' had been substituted for the

words 'National' by the East Punjab Act 31 of 1949, Section 4.] [Home Guards] [Substituted for the words 'Volunteer Corps' by Punjab Act 42 of 1960, section 2.] so many persons who are fit and willing to serve as such, as the State Government may see fit to appoint and may appoint any such member to any office of command in the [Punjab Home Guards].

4. Calling out of members.

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

5. Powers, protection and control.

(1)A member of the [Punjab] [Home Guards] when called out under section 4 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 of the [Punjab] [Home Guards] in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the [State] Government.

6. Control by officers of police force.

- The members of the [Punjab] [Home Guards] when called out under section 4 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 by rules made under section 8.

7. Penalty.

- [(1)] [Section 7 renumbered as sub-section (1), by Punjab Act 42 of 1960, Section 3.] If any member of the [Punjab Home Guards] on being called out under section 4, without sufficient excuse neglects or refuses to obey such order, or to discharge his functions as a member of the [Punjab Home Guards], or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent 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)An offence under this Act shall be cognizable] [Substituted for the words 'fine which may extend to fifty rupees' and sub-section (2) added thereafter by Punjab Act 42 of 1960.].

8. Delegation of Powers.

- The [State] Government may by notification and subject to any conditions which may be specified delegate its functions under section 2, 3 or 4 to any person or body of persons.

9. Rules.

- The [State] Government may make rules consistent with this Act -(a)providing for the exercise of control by officers of the police force over members of the [Punjab] [Home Guards] 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 of the [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950, the words 'East Punjab' has been substituted for the word 'National' by the East Punjab Act 31 of 1949, Section 4.] [Home Guards] [Substituted for the words 'Volunteer Corps' by Punjab Act 42 of 1960, section 2.] and the manner in which they may be called out for service;(c)conferring on members of the [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950, the words 'East Punjab' has been substituted for the word 'National' by the East Punjab Act 31 of 1949, Section 4.] [Home Guards] [Substituted for the words 'Volunteer Corps' by Punjab Act 42 of 1960, section 2.] according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any law for the time being in force; and(d)generally for giving effect to the provisions of this Act.

10. Repeal of Ordinance No. 10 of 1947.

- The East Punjab National Volunteer Corps Ordinance, 1947, is hereby repealed.