

# Assam Home Guards Act, 1947

ASSAM

India

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### Act 24 of 1947

- Published on 20 December 1947
- Commenced on 20 December 1947
- [This is the version of this document from 20 December 1947.]
- [Note: The original publication document is not available and this content could not be verified.]

Assam Home Guards Act, 1947(Assam Act 24 of 1947)Last Updated 13th February, 2020[Dated 20.12.1947]This act has been applied to the Garo Hills district, vide notification No. HPL 2/48/3, Dated the 7th January, 1948 subject to certain modifications the Act has also been applied to the former Khasi States including the Shillong administered Areas, vide Notification No. SK.57/48/18, Dated the 21st June 1949.An Act to provide for the constitution of Home Guards.Preamble. - Whereas it is expedient to provided a volunteer body called the Home Guards to supplement the ordinary police force in certain parts of the Province;It is hereby enacted as follows: -

### 1. Short title extent and 1947.

(1)This Act may be called the Assam Home Guards act, 1947.(2)It extends to the whole of Assam.(3)It shall come into force(i)In any revenue district or part thereof on such date as the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] may by notification appoint, and(ii)at once in the districts of Goalpara, Kamrup, Silchar and Karimganj.

### 2. Definition.

- In this Act unless there is anything repugnant in the subject or context(a)"Home guards" means a person who is appointed as such under this Act;(b)"Prescribed" means prescribed by rules made under this Act.

### 3. Raising of Home guards.

- (i) In any revenue district of part thereof in which Act is in force the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] may raise in such manner has may be prescribed home guards who shall discharge such duties in relation to the protection of the Public safety or convenience as may assigned to them in accordance with the provisions of this Act and the rules made there under.(ii)The Home Guards in the [state]

[Substituted by the A.C. 1950 for 'Provincial'.] shall, for the purpose of this Act, be deemed to be single force and the members thereof shall be formally appointed; and such force shall consist of such number of officers and as may be ordered by the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.].

#### **4. Subordination and superintendence.**

(1) Subject to sub-Section (2) of section 3 there shall be a commandant-general of the Home Guards and for every revenue district, or part thereof, in which this Act is in force and or more Commandants subordinate to him and such other officers subordinate to them as may be necessary. (2) The superintendence of the Home Guards throughout Assam shall vest in and shall be exercise by the (State Government) through the Inspector General of Police of the (state) in such manner and to such extent as may be prescribed. (3) The administration of the Home Guards throughout Assam shall vest in the Commandant General and in every revenue district or part thereof as the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] may decide, in one or more Commandants.

#### **5. Appointment of officers.**

(1) The Commandant General shall be appointed by the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.]. (2) The appointment of any Home Guards to an office of command subordinate to that of the Commandant General shall be made in such manner as may be prescribed.

#### **6. Appointment of H. Gs.**

(1) Subject to the provisions of the Act and to the rules made there under any person willing to serve as a Home Guards and possessing such qualifications as may be prescribed may be appointed a Home Guard. (2) The appointment of Home Guards shall be made in such manner and by such authority as may be prescribed. (3) (a) Every Officer and every man of the Home Guard shall receive on his appointment a certificate in the form annexed to this Set under the seal of the Commandant in the case of men, by virtue of which the person holding such certificate shall be vested with the powers and privileges of a Home guard. (b) Such certificate shall cease to have effect whenever the person named in it cease to be a Home guard and on his so ceasing shall within ten days be surrendered by him to the Commandant General if he is an Officer and to the Commandant in all other cases.

#### **7. Duties and Training of H. Gs.**

(1) Subject to any rule made in this behalf it shall be the duty of every Home Guard promptly to obey and execute all orders issued to him by any competent authority, to collect and communicate to his immediate superior intelligence affecting the public safety and to prevent the commission of offences against person or property. (2) Subject to any rule made in this behalf it shall be the duty of

every Home Guard may be required to undergo for a period of not more than two months such training as may be prescribed after which he shall serve as a Home Guards for period of six months which period may be extended by the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] considers such extension necessary and shall thereafter serve in the reserve for a period of three YRS. And while in the reserve shall be liable to be called out for duty at any time.

## **8. Discharge.**

(1)Every Officer and man of the Home Guards shall be entitled to receive his discharge from the Home Guards on the expiration of his period of service in the reserve; but any such person may before he becomes so entitled be discharged by such authority and subject to such conditions as may be prescribed.(2)The prescribed authority may, subject to such conditions as may be prescribed, dismiss any officer or man from the Home Guards.

## **9. Uniform.**

- Officers and men of the Home Guards shall wear such uniform as may be prescribed.

## **10. Calling out H.Gs.**

- The district Magistrate having jurisdiction over any revenue district or part thereof in which Home Guards are raised may by an order made in such manner as may be as prescribed call-out any Home Guard for the discharge of any duty assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

## **11. Control over H. Gs.**

- The Home Guards shall at all times when undergoing training or when called out be under the control and subject to the orders of their officers, and shall when called out be further subject to the general control of the district Magistrate in such manner and to such extent as may be prescribed.

## **12. Powers and Protection of H.Gs.**

(1)Subjected to the provisions of this or the rules made thereunder a Home Guard when called out under section 10 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 [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] or some officer empowered by the [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] in this behalf.

### 13. Penalty.

(1) Every Home Guards who is guilty of any violation of duty or willful breach or neglect of any provision of this Act or withdraws from the duties of his office without permission or who on being required to undergo training under section 7 or being called out under section 10 without sufficient cause neglects or refuses or refuses to obey the requirement or the order calling him out, or who is guilty of cowardice or offers any unwarrantable personal violence to any person in his custody, or who fails within ten days to surrender his certificate under clause (b) of sub-section (3) of section 6, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupee or with both. (2) An offence punishable under sub-section (2) shall be cognizable.

### 14. Power to make rules.

(1) The [State Government] [Substituted by the adaptation of Laws Order, 1950 for 'Provincial Government'.] may make rules for carrying put 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 of the following matters, namely - (a) All matters which are required by this Act to be prescribed; (b) The exercise by the Commandant General or the Commandant or other officer of the Home Guards of the powers conferred on District Superintendents of Police in Assam; (c) the organization, appointment, 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 (d) the exercise by a Home guard of any of the powers exercised only under section 12 of this Act.

### 15. Home Guard to be a public servant.

- A Home Guard acting in the discharged of his functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian penal Code (Act XIV of 1860). Annexure Form of Certificate (See Section 6 (3) (a)) Name Son of Caste Resident of has been appointed an officer/a member of the Home Guards under section 6 (3) (a) of the Assam Home Guards Act, 1947 (Assam act XXIV of 1947). 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.....(Seal) Commandant general of the Home Guard Commissioner The 27th September 1948. No-Ex./Misc./78/47/ 12-Ad. - In exercise of the powers conferred by sub-section (1) of Section 92 of the Government of India Act, 1935, as adopted by the India (provisional Constitution) order, 1947, the Governor of Assam is pleased to direct that the Assam Home Guards Act, 1947 (Assam Act XXIV of 1947), shall apply to the portion of the Mishmi Hills District of the Sadiya Frontier Tract as constitution by regulation I of 1948 which falls within the boundaries in Schedule I subject to the modification mentioned in Schedule II below.

I

North - From a point in latitude 27° 52' 50", longitude 95° 31' 15" approximately on the junction of the GANGO and Dibang rivers along a straight line to a point 492 on the left bank of the Kundil river, thence due east to point 625 on the right bank of the Balijan river. East - Thence down the Balijan River, following the right bank of the western channel of the Balijan river to its confluence of the Lohit river thence across and down the left bank of the Lohit river to Noa Dehingmukh thence up the right bank of the Noa Dehing river to a point opposite to the Dirak Hkamukh; thence across the Dirak Hka river and along its left bank to where this river joins the Sadiya Frontier Tract and the Lakhimpur District boundary. South - Thence in a westerly direction by the southern edge of the path leading from the village of Choto Dirak (Hkamti) to the Bormaithang to a point on the Hahkhathi Jan about one mile west of the Choto Dirak near where the Hahkhathi Jan turns west wards at height 450; thence by the Hahkhathi Jan stream known also as the Dholla and thence the Dangari Nadi Lower down its course, vide survey of India sheet No. 83M/10 of 1920 to a point where a small channel or khal connects it with the Ajuka Nadi also known as the Laikajan Lower down its course to the point where the southern end of the western boundary of Saikhowa Reserve forest is reached. West - Thence northwards along the western boundary of the Saikhowa Reserve Forest to Rongdoi Ghat of the left bank of the Brahmaputra river thence up along the left bank of this river across the mouth of the Lohit river to the left bank of the Dihang river and up the left bank of the Dihang River to the Sisseri at Sisserimukh; thence up the mid-stream of the Sisseri river to its junction of the Gango river thence across to the left bank of the Gango river; thence along the left bank of the Gango river to the starting point.

II

Reference to "District Magistrate" shall be read as referring to the "political Officer".