The Bihar Home Guards Rules, 1953

BIHAR India

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Rule THE-BIHAR-HOME-GUARDS-RULES-1953 of 1953

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The Bihar Home Guards Rules, 1953Published vide Notification No. E/HG-1801/53-C.-7271, dated 30th July, 1953Notification No. E/HG-1801/53-C.-7271. - In exercise of the powers conferred by Section 13 of the Bihar Home Guards Act, 1947 (Bihar Act XX of 1947), and in supersession of the Bihar Home Guards Rules, 1948, the Governor of Bihar is pleased to make the following Rules:-

1. Short title.

- These Rules may be called the Bihar Home Guards Rules, 1953.

2. Definitions.

- In these Rules-(a)"The Act" means the Bihar Home Guards Act, 1947;(b)"The Inspector-General" means the Inspector-General of Home Guards;(c)"The Commandant" means the Commandant of Home Guards;(d)"District Magistrate" includes the Additional District Magistrate of Saharasa and the Additional Deputy Commissioner of Dhanbad;(e)"Form" means a Form set out in the Second Schedule to these Rules; and(f)"Home Guards Force" means the force consisting of the class of officers and men referred to in Rule 3.

3. Organisation.

(1)The Home Guards Force in the State of Bihar shall be commanded by the Inspector-General assisted by the Commandant and it shall consist of sections, platoons, companies, and battalions as also a technical corps commanded by Section Leaders, Platoon Commanders, Company Commanders and Battalion Commanders.(2)There will be one or more training camps for the training of the Home Guards. Each of these camps will be commanded by an Officer Commanding; Training Camp, under the direct supervision and control of the Commandant. The Officer Commanding shall be assisted by a staff of Instructors and others as may be sanctioned by the State Government from time to time.(3)The Home Guards Force shall consist of such Gazetted and

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non-Gazetted Officers as are specified in the First Schedule.

4. Qualifications for enrolment as a Home Guard.

- Any person-(a)Who is not less than 19 and not more than 40 years of age on the 1st day of January of the year in which the application for enrolment is made;(b)Who is of good moral character;(c)Who is physically fit to undergo arduous outdoor duties;(d)Whose height is not less than 5'-4" and chest measurement not less than 31" (unexpanded) or in the case of Scheduled Tribes of Chota Nagpur Division or the Santhal Parganas District and of persons belonging to the Purnea District and the Saharsa Sub-district, whose height is not less than 5'-2" and chest measurement not less than 30" (unexpanded); and(e)Who has passed at least the Upper Primary or equivalent examination; shall be eligible for enrolment as a Home Guard: Provided that members of the Auxiliary Force, India, or of the Territorial Army shall not be eligible for enrolment.

5. Procedure for appointment of [officers, men and women of the Home Guards] [Substituted by Notification No. L/H.G.-16-01/2017-5873, dated 30.6.2017] Force.

(1) The Inspector-General, the Commandant, the Officer Commanding, Training Camp, and the Battalion Commanders shall be appointed by the State Government.(2)(i)The Inspector-General shall, on the recommendation of a Committee constituted by the State Government appoint all non-Gazetted officers of the force of and above the rank of Jamadar, Company Commanders, namely, Camp Adjutants, Quarter-Masters, Subedars, Battalion Adjutants, Jamadars including District Company Commanders.(ii) The Commandant shall, on the advice of a Committee constituted by the State Government, appoint all Jamadar head clerks and accountants.(iii)The Commandant shall appoint all Havildar clerks, Writer Naiks, Naiks, L/Naiks and sepoys in the force.(3)The Battalion Commanders shall appoint Platoon Commanders and Section Leaders ordinarily from amongst the Home Guards on the recommendation of the Company Commanders.(4)(i)Applications for enrolment as a Home Guard shall be made in Form A (in Hindi) to the District Magistrate of the district in which the applicant ordinarily resides or to the Commandant.(ii)Home Guards shall be enrolled by the District Magistrate on the recommendation of-(a)A District Committee in each district consisting of the Commandant or, in his absence, Battalion Commander, the District Magistrate and the Superintendent of Police of the district, and a non-official member nominated by the State Government. The District Magistrate shall be the Chairman of the Committee; or(b)A State Committee consisting of the Commandant and such other members as the State Government may, by notification in the Official Gazette, appoint. The Chairman of this committee shall be nominated by the State Government.(iii) After holding tests of the general knowledge, alertness, intelligence and physical fitness of the candidates (who make applications to the District Magistrate) under its supervision, the district committee shall interview all or such of the candidates as it thinks fit and recommend, in order of preference, to the District Magistrate such number of candidates as may be equal to fifty per cent more than the number of vacancies. The State Committee shall likewise interview all the candidates, who make applications to the commandant or such of them as it thinks fit, and recommend, in order of preference, any

number of candidates it considers suitable to the District Magistrate of the district in which the candidate ordinarily resides.(iv)After such verification of character and antecedents of the candidates recommended by the District Committee and the State Committee as may be necessary, the District Magistrate shall enroll the required number of Home Guards.(v)The Home Guards will be enrolled before joining the training centre by the District Magistrate, or at the time of joining the training camp by the Officer Commanding, Training Centre, who shall obtain the approval of the District Magistrate of the district concerned within a month of such enrolment.(vi)A Home Guard, who has been discharged from the Home Guards Force in accordance with Section 8 of the Act, may be enrolled for a fresh term of service in accordance with the provisions of the Act and these Rules.(vii)Ex-Home Guards, who have a satisfactory record of service and volunteer for re-enrollment, may be re-enrolled by the District Magistrate on receipt of a proposal from the Superintendent of Police and after obtaining the declaration of the Ex-Home Guard concerned in the Form prescribed in the Second Schedule.(viii)For the sake of maintenance of peace and tranquility and to develop in the volunteers a sense of civic responsibility, the Inspector-General of Home Guards may constitute from among the Home Guards of technical corps of the Home Guards force. The members of the technical corps of the Home Guards may be selected by the Commandant in consultation with such technical experts as the Inspector-General considers necessary and the recommendation will be sent to the District Magistrate of the districts concerned for appointment. The members of the technical corps may be required to enter into an agreement in Form G to serve in the Home Guards Force for a period of three years. (5) Seniority shall be determined by rank, and as between persons of the same rank by the date of promotion or appointment to the rank and between person of the same rank some of whom may be promoted and others appointed direct on the same day, the promoted officer will ordinarily rank senior; but if the selection is made in consideration of merit by a Board or as a result of examination, they will rank inter se in the order in which their names appeared in the list of candidates selected.(6)Certificates of appointment under sub-section (3) of Section 3 of the Act shall be issued under the seal and signature of the officer specified below against each class of officers and men:-(i)Commandant, Officer Commanding, Training Camp and Battalion Commanders.-A Secretary or Additional Secretary or Joint Secretary to the State Government.(ii)All Subedars and Jamadars including District Company Commanders.-Inspector-General.(iii)Platoon Commanders and Section Leaders.-Battalion Commanders.(iv)Other ranks.-District Magistrate.(7)[All provisions related to reservation issued by Government of Bihar will be applicable to the fresh nomination of Bihar Home Guards.] [Added by Bihar Notification No. L/H.G.-16-01/2017-5873, dated 30.6.2017 (w.e.f. 30.7.1953).]

6. Discipline.

- In a training camp the Officer Commanding shall, subject to the supervision of the Commandant and the Inspector-General, be responsible for the training, discipline, reward, punishment, leave and other allied matters of the Home Guards while they are undergoing training or refresher course or on emergency duty and all such matters shall be regulated by such special orders as the Inspector-General or, subject to his previous approval, the Commandant may make from time to time.

7. Discharge.

- A Home Guard shall be discharged on completion of the period of his service for three years in the reserve force, provided that the State Government, the Inspector-General or any other authority to whom this power may be delegated by the State Government, may discharge a Home Guard earlier on any of the following grounds, namely-(i)physical unfitness;(ii)attainment of 41 years of age;(iii)at his own request; or(iv)for any other special reason to be recorded in writing by the discharging authority:Provided further that change of residence from one district to another shall not necessarily be a valid ground for discharge and the Home Guard concerned shall be included in the Home Guard unit functioning in the district to which he moves.(1)Every person discharged from the Home Guards Force shall receive from the appointing authority a certificate in Form B.(2)Failure to report for duty, without previous permission of the calling authority or information of his disability to attend to duty on the plea that a letter of resignation has been submitted, will amount to desertion of duty within the meaning of clause (c) of sub-section (1) of Section 10 of the Act.

8. Surrender of certificate of appointment.

- On a Home Guard ceasing to be a member of the Force, certificate of appointment shall be surrendered under sub-section (3) of Section 8 of the Act to the authorities specified below against each class of officers and men of the Home Guards Force:-(i)Commandant, Officer Commanding Central Training Camp, and Battalion Commander-A Secretary or Additional Secretary or Joint Secretary to the State Government.(ii)All Subedars and Jamadars including District Company Commanders-Inspector-General.(iii)Platoon Commanders and Section Leaders-Battalion Commanders.(iv)Other ranks-District Magistrate.

9. List of Home Guards, their Service Books and Muster Rolls.

- (i) A Company Commander at the head-quarters of the district shall be responsible for maintaining an accurate and complete list of all Home Guards on training in service, or in reserve. Verification Roll in Form C, Service Book in Form D, and Muster Roll in Form E showing every change of address as directed by the Inspector-General shall be maintained for every Home Guard. On discharge a Home Guard's name shall be struck off the Muster Roll and his Service Book closed.(ii)The Platoon Commander shall report in advance the anticipated date of discharge of a Home Guard to the Superintendent of Police for necessary action.

10. Uniform and accourrements.

- (i) When on training or on duty, or when proceeding to, or returning from Guards Force shall wear the uniforms and accourrements prescribed by orders issued by the State Government from time to time.(ii)Uniform and accourrements shall be supplied by the State Government to all non-Gazetted Officers and men of the Home Guards Force. These uniforms and accourrements shall continue to be the property of the State Government and shall, on discharge, be surrendered to such officer as the discharging authority may direct. (iii)All Gazetted Officers of the Home Guards Force shall receive

initial and maintenance grants for their uniform and accoutrements in accordance with general or special orders to be issued by the State Government from time to time.(iv)The Home Guard Armlet shall invariably be worn in the event of any difficulty regarding supply of uniform or accoutrements.(v)No unauthorised ornaments or emblem shall be worn with the uniform.(vi)An officer of the Home Guards Force shall take his kit with him when he is transferred from one district to another.

11. Training.

(1)Every Home Guard volunteer shall after his enrolment undergo a course of training for a period of not more than one hundred and five days in-(i)infantry drills including arms drills(ii)weapon training(iii)musketry course(iv)first-aid and relief work relating to outbreak of fire or accident or natural calamities(v)fire-fighting(vi)map reading(vii)field crafts(viii)legal powers of Home Guards(ix)internal security and anti-dacoity operation(x)field craft and battle drill(xi)traffic and mob control #(xii)lathi drill(xiii)bayonet training(xiv)military education, and(xv)such duties as are prescribed under Rule 13 of these Rules.Provided that-(i)the Inspector-General or the Commandant may exempt ex-Home Guards from initial training altogether in case he is re-enrolled for a second term of service in the force; and(ii)the personnel of the technical corps may be given technical training in such manner and for such period, not being more than three months, as may be determined by the State Government from time to time.(2)The syllabus for the training of the technical corps shall be prescribed by the Inspector-General in consultation with such technical experts as may be selected by the State Government.

12. Period of duty.

(1)(i)After the training prescribed under Rule 11 and during the period in which a Home Guard is required to serve the State Government under sub-section (1) of Section 8 of the Act, he shall be required to be on duty for three days a month or six days every alternate month, each day being of six hours, and shall attend training camp for three weeks in the year:Provided that ex-Home Guards including members of the technical corps who are re-enrolled for a second term of service may be exempted from attending the monthly duty other than attendance at the refresher course at the discretion of the Inspector-General or the Commandant.(ii) While the convenience of the Home Guard will ordinarily be taken into account, he must accept the roster of duties prepared by Platoon Commander concerned or other superior officers.(iii)A Home Guard in the reserve force shall attend a refresher course for three weeks every year or for such other term as may be determined by the State Government from time to time.(iv)Notwithstanding anything contained in clauses (i) to (iii), a Home Guard shall at any time be liable to be called out for the discharge of any duty specified in sub-rule (2) of Rule 13 which may be allotted to him by the District Magistrate. (v) Ordinarily, a Home Guard shall be called out to serve only in his own district, but in an emergency he shall be liable to serve at any time anywhere in the State. (2)(i) The District Magistrate may, under Section 4 of the Act, call out a Home Guard by an order in Form F for the discharge of any duty in accordance with the provisions of the Act and these Rules.(ii) A Home Guard may be called out even under the verbal orders of the District Magistrate, whenever the latter considers that an emergency has arisen.

13. Duties.

(1) It shall be the duty of every Home Guard to assist in the maintenance of peace and tranquillity of the State, to inculcate the habit of self-reliance and discipline and to develop a sense of civic responsibilities among citizens of the State and to assist in the maintenance of essential services for which these volunteers may be trained specially.(2)Subject to any general or special orders of the District Magistrate, the Home Guards may be required to perform all or any of the following duties:-(a)prevention of commission of crime;(b)protection of life and property;(c)assistance in the organisation and functioning of village guards; (d) collection and communication of intelligence concerning law and order to the immediate superior;(e)Suppression of disorders;(f)to report and check currency of rumours likely to disturb the peace;(g)to assist fire-fighting services;(h)to render first-aid help in the removal of casualties to hospitals; (i) relief work relating to outbreak of fire or accident or natural calamities;(3) Every officer of the Home Guards Force shall comply with all orders issued either by the Inspector-General or the Commandant or the District Magistrate or any officer authorised by the Inspector-General, the Commandant or the District Magistrate in accordance with the general or special orders of the State Government.(4) Every member of the Home Guards Force shall carry out the orders of his superiors promptly and with due diligence.(5) Failure to attend at the hour, date and place specified in any order of the District Magistrate, the Inspector-General or the Commandant, for the discharge of any duty, under the provisions of this Act and these Rules shall amount to an offence under clause (a) of sub-section (i) of Section 10 of the Act.

14. Allowance.

(1)(i)During the period in which a Home Guard is on active service (excluding the period spent over training) or in the reserve force under sub-section (1) of Section 8, he shall receive duty allowance at a rate of Rs. 1.50 in addition to rations in accordance with the prescribed scale per day. If no ration is supplied he will draw a ration allowance of Rs. 40 per month: Provided that if the hours of duty is less than 3 hours a day, the Home Guard will draw a duty allowance of Re. 1 but no rations.(ii)The period spent in reaching a parade or assembly ground will also count as duty. Home Guards shall get a single railway or bus fare of the lowest class spent by him in reaching the place and duty allowance at the rate of Re. 1.50 per day, provided duty allowance is not drawn in accordance with sub-rule (i) above.(2)(i)During the period of training every Home Guard shall receive free boarding and lodging besides a training allowance of Rs. 30 a month. In the absence of provision for free boarding, he shall receive a ration allowance at the rate of Rs. 40 per month.(ii) Home Guards of the technical corps shall get during training free lodging and rations at the rate of Rs. 40 per month and duty allowance at an enhanced rate of Rs. 2.50 per day.(3)Members of the Home Guards Force, other than whole-time officers, shall not be entitled to any cost of living allowance. (4) A Home Guard who dies while serving the State Government as required by sub-section (1) of Section 8 of the Act, shall be eligible for financial assistance from the Compassionate Fund, Bihar, on the same terms as are allowed to other Government servants, the duty allowance prevailing at the time being treated as pay of the Home Guard for this purpose. (5) Pay and allowances of the whole-time officers of the Home Guards Force shall be fixed in accordance with any general or special orders that may be issued by the State Government.

15. Offences against the Home Guards Force.

- A Home Guard undergoing a course of training or performing service as required by sub-section (1) of Section 8 of the Act, shall, if he does any of the following acts, be deemed to have committed an offence against the Force:-(1)When on parade and engaged on duty or wearing Home Guard uniform or armlet, he-(a)uses or threatens to use force against or uses threatening or improper language to his superior officers; or(b)disobeys any standing order, or lawful command given by his superior officers; or(c)neglects to obey a general order given by the Inspector-General or Commandant or the Commanders of the unit to which he belongs; or (d) is found in a state of intoxication; or(e)being an officer of the Home Guards, strikes, ill-treats or vulgarly abuses any person who is his subordinate in rank or position and is subject to the provisions of the Act and these Rules.(2) Without sufficient cause, fails to appear at the place of parade at the time fixed, or to attend any place in his capacity as a Home Guard when duly required so to attend or when on parade quits the ranks.(3) Without sufficient cause, fails to perform any part of the training which by or under the Act he is required to perform. (4) Strikes, or uses or offers violence to any person, whether subject to the Act or not, in whose custody he is for the time being placed. (5) When in charge of any property belonging to the State Government or to the unit, illegally disposes of or is involved in unauthorised disposal of any such property.(6)Wilfully injures or by culpable neglect losses or causes injury to any property belonging to the State Government or to the unit.(7)Knowingly furnishes a false return or reports on the number or state of men under his command or charge, or of any money, arms, ammunition, clothing, equipment, stores or other property in his charge.(8)Through design or culpable neglect omits to submit any return of any matter mentioned in clause (7) which is his duty to furnish; (9) Makes a declaration, in pursuance of his official duties, which he either knows or believes to be false or does not believe to be true.(10)Knowingly makes against any person subject to the Act an accusation which he either knows or believes to be false or does not believe to be true.(11) Fails to take proper care of any weapon or uniform of the Home Guards Force issued to him.(12)Fails to show, while on duty, proper courtesy to the public; and(13)Fails to report in writing to the Platoon Commander any change of his residence for a period exceeding seven days.

16. Punishment.

(1)Without prejudice to the imposition of other penalty by or under the Act, one or more of the following punishments may be imposed on officers and men of the Home Guards Force, for dereliction of duty or offences against the Force:-(i)reprimand, (ii) extra guard or fatigue duty, (iii) confinement to barracks, (iv) forfeiture of allowance, (v) suspension, (vi) black mark, (vii) stoppage of increments, (viii) reduction in rank, (ix) removal, (x) dismissal.Note.-Particular care and discretion must be exercised before imposing any punishment under clauses (ii) and (iii) which shall not be imposed on Platoon Commanders and higher ranks of officers.(2)(i)The penalties indicated in items (v) to (x) of sub-rule (1) above may be imposed after proper proceedings by the appointing authority.(ii)[Director General, Home Guards, Bihar, Patna will have the power to hear appeal application preferred by appellant within thirty days from the date of communication of the order of punishment passed by the Competent Authority.] [Substituted by Bihar Notification No. L/H.G.-16-01/2017-5325, dated 11.6.2018 (w.e.f. 30.7.1953).](iii)Proceeding will be regulated by the

general orders of State Government laid down from time to time unless special orders, if any, are issued in this respect

17. Rewards.

(1)Good service marks and commendations will be entered in service books. Money rewards may be awarded to Platoon Commanders and other lower ranks. While an individual Home Guard shall not accept any money other reward from members of the public, the Inspector-General or the District Magistrate may accept on behalf of the section or the platoon gifts of money or presents intended to encourage the force as a token of public appreciation.(2)Appropriate rewards and recommendations will be cited at rallies of the Battalion, Company or Platoon.

18. Superintendence.

(1)The District Magistrate assisted by the Superintendents of Police, or such officer as may be appointed by the State Government in this behalf, shall exercise through the officers of the Home Guards Force general superintendence, direction and control of the Home Guards functioning in his district. The Inspector-General or the Commandant shall exercise similar superintendence, direction and control of the Home Guards throughout the State.(2)Reports for prosecution under sub-section (2) of Section 6 or Section 10 of the Act shall pass through the Company Commander before submission to the District Magistrate.

19. Inspection by higher authorities.

- The Inspector-General of Police, Commissioner of the Division, Deputy Inspector-General of Police, Armed Forces, and the Range Deputy Inspector-General of Police shall periodically inspect the Home Guards and submit minutes of inspection to the State Government.

20. Standing Orders.

- The Inspector-General or the Commandant may issue standing orders relating to the discipline, morale and sense of duties of the Force. The Commandant will invariably maintain very close contact with the District Magistrate, Superintendent of Police, Range Deputy Inspector-General of Police and Deputy Inspector-General of Police, Armed Forces.

21.

The provisions of the Bihar Police Manual shall apply, as far as may be, to the Home Guards Force unless such provision is repugnant to any of the provisions of the Bihar Home Guards Act, and Rules 1 to 20 and 22.

22.

The Inspector-General may delegate all or any of his powers to the Commandant or any other officer subordinate to the Inspector-General with the approval of the State Government. First Schedule List of Gazetted Officers of The Home Guards Force

- 1. The Inspector-General of Home Guards, Bihar, who is also the Inspector-General of Police.
- 2. The Commandant.
- 3. Officer Commanding Training Camp.
- 4. Battalion Commander.

List of Non-Gazetted Officers of The Home Guards Force

- 1. Camp Adjutant (Subedar-Major).
- 2. Camp Quarter-Master (Subedar).
- 3. Company Commanders (Subedar).
- 4. Battalion Adjutants (Subedar).
- 5. District Company Commanders (Jamadars).
- 6. Jamadars.
- 7. Havildars and Honorary Platoon Commanders.
- 8. Naik and Section Leaders.
- 9. Lance Naiks.
- 10. Sepoys and Home Guards.

Form B[Rule 7 (3)]Discharge CertificateThis is to certify that										
No	.Rank	.name	was enrolled in	the on	19, and was discharged on He i	S				
discharged	by order	of in conseque	nce of	under Rule	7 (1) of the Rules framed under					
the Bihar H	ome Gua	rds Act, 1947.C	CharacterPeriods	of training atte	ndedParticulars of embodied					

service, if any.Father's nameVillageP.O.DistrictAddressVerified or notStationPrescribed AuthorityDated......19Form C(Rule 9)Verification Roll(To be filled in by applicant for the post of a Home Guard officer or men)

- 1. Name and caste
- 2. Date of birth. Also state whether horoscope is available or not.
- 3. Residence (village, P.O., RS. and district should be given).
- 4. Whether married or not, if so, the number of children.
- 5. Father's name, residence, past and present occupation and average yearly income.
- 6. Names of applicant's brothers, of father's brothers and father-in-law.
- 7. Whether applicant has ever been accused in a criminal case or has ever been in prison? If so, give details.
- 8. Whether in debt and whether any criminal case or civil suit is pending against him? If so, give details.
- 9. Whether applicant has been inoculated, vaccinated or had small-pox? If so, state which.
- 10. Names of any relations in Government service and the appointment held by them or names of relations giving details of nonofficial Government or social services rendered by them.
- 11. Whether held any appointments since leaving school? If so, name them and state why left them. (Copies of certificates, if any, should be attached).
- 12. Names of three person whom applicant wishes to be his heirs.
- 13. Names of three referees, and their addresses.

I solemnly declare that the above information is, to the best of my belief, correct.

Left thumb	o-mark of applic	cant(To be fil	led in t	he	Signature of applicant.(To be made in thepresence of)					
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The Bihar Home Guards Rules, 1953

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bounden.....in the presence of (1)(2)