

ASSAM VILLAGE DEFENCE ORGANISATION ACT, 1966

22 of 1966

[29th July, 1966]

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An Act to provide for the constitution of an organisation for assisting the police in the maintenance of law and order and certain other matters ancillary thereto Preamble. Whereas it is expedient to provide for the constitution of an organisation to be known as the "Assam Village Defence Organisation" for assisting the police in the maintenance of law and order, peace and tranquillity in the State of Assam; It is hereby enacted in the Seventeenth Year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Assam Village Defence Organisation Act, 1966.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force on such date as the State Government may by notification in the official Gazette, appoint.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context

(a) "Adult" means a person who is not below the age of 18 years;

(b) "Advisor" means the Honorary Chief Advisor or such other person who may be appointed to act as Advisors by the State Government;

(c) "Advisory Committee" means a District Advisory Committee, a Sub-divisional Advisory Committee or a Thana Advisory Committee constituted under the provisions of this Act;

(d) "Chief Controller" means Deputy Inspector General of Police appointed as Chief Controller by the State Government;

(e) "District Village Defence Officer" means the Superintendent of Police of the district concerned, or where there is no Superintendent of Police, the Deputy Commissioner of the District, as the case may be;

(f) "Member" means a person enrolled as a member of the Assam Village Defence Organisation in accordance with the provisions of this Act;

(g) "Organisation" means the Assam Village Defence Organisation constituted under this Act;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Sub-divisional Village Defence Officer" means the Sub-divisional Police Officer of the sub-division concerned, or where there is no Sub-divisional Police Officer, the Sub-divisional Officer concerned, as the case may be;

(j) "Thana Village Defence Officer" means the Sub-Inspector of Police in-charge of the Thana.

3. Constitution of the Assam Village Defence Organisation :-

The State Government may constitute an organisation to be known as the "Assam Village Defence Organisation" and for that purpose enrol any adult citizen of India, who may offer himself to be so enrolled by taking oath as a member of the Organisation, in the manner prescribed.

4. Duties and functions of the Organisation :-

The following shall be the functions of the Organisation, namely:

- (a) to assist the police in the maintenance of law and order, peace and tranquillity in the State of Assam;
- (b) to give information to the police about the particulars of all the persons suspected or accused of any cognizable offence or other anti-State acts, and about the commission of such offences or acts, or about escaped convicts;
- (c) to prevent the commission of any cognizable offence;
- (d) to protect Government and other public properties;
- (e) to do other social work.

5. Constitution of Primary Committees :-

Village Defence Parties, Selection of President and Secretary of Primary Committees and Naiks of Village Defence Parties.

- (1) For every village or group of villages, as the District Village Defence Officer may determine, there shall be a primary committee of the Organisation consisting of such number of adult members of the village or group of villages as may be prescribed.
- (2) Every primary committee may constitute as many parties as it may deem necessary, to be called Village Defence Parties, consisting of such number of members of the Organisation and in such manner as may be prescribed.
- (3) Every Primary Committee shall have one President and one Secretary for each such Committee and every Village Defence Party shall have one Naik for each such party, to be selected in the manner prescribed.

6. Powers, duties and functions of Primary Committees and Village Defence Parties :-

- (1) The President or the Secretary of every Primary Committee or the Naik of every defence party shall

(a) forthwith communicate to the Officer-in-charge of the Police Station in which the village or the group of villages is situated any information which he may possess or come to know in respect of

(i) the residence or place of stay or hiding permanent or temporary, of any notorious receiver or vendor of stolen property and of any person who he knows or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender in the village or group of villages;

(ii) the commission of, or intention to commit in or near such village or group of villages any non-bailable or cognizable offence including murder, culpable homicide, rape, dacoity, robbery, theft, gambling, mischief by fire, grievous hurt, rioting, house-breaking, counterfeiting coins and kidnapping or any anti-State Act;

(iii) any matter likely to affect the maintenance of law and order, peace and tranquillity, or the prevention of crime or the safety of life and property;

(iv) unnatural deaths;

(b) to the best of his ability prevent, and may for that purpose interpose, the commission of any offence or violation of lawful orders in force; protect Government and other public properties whenever he is required to do so by the District Village Defence Officer, as the case may be.

(2) Every member of a Village Defence Party shall

(i) do social works such as construction of roads, clearing of tanks and ponds and other similar welfare activities as may be directed by the Primary Committee;

(ii) carry out such patrol and watch in the area as may be directed by the Primary committee.

(3) Every member shall have the power to arrest any proclaimed offender or any person who in his view commits a non-bailable and cognizable offence. Any person so arrested shall without unnecessary delay be made over to the Police Officer, who in the absence of a Police Officer shall be taken or cause to be taken in custody in the nearest police station.

(4) The Primary Committees, the Village Defence Parties, the Presidents and Secretaries of the Primary Committees, the Naiks of

the Village Defence Parties and of the members shall have such other powers, duties and functions as may be prescribed.

7. Officers of the Organisation :-

(1) The following shall be the officers of the Organisation, namely:

- (i) The Chief Controller;
- (ii) The District Village Defence Officer;
- (iii) The Sub-divisional Village Defence Officer;
- (iv) The Thana Village Defence Officer.

(2) In addition to the powers and duties of the officers as conferred by this Act, they shall have such other powers and duties as may be prescribed.

8. Administration and control :-

(1) The administration and control of the Village Defence Organisation in the State shall be vested in Chief Controller. He may be advised by an Honorary Chief Advisor appointed by the Government.

(2) The Thana Village Defence Officer, the Sub-divisional Village Defence Officer and the District Village Defence Officer, shall be under the control of the Sub-divisional Village Defence Officer or the Chief Controller respectively, as the case may be. They may be assisted by such advisers and by such Advisory Committees, if any, as may be appointed by the State Government.

(3) The Primary Committees shall be under the control of the administration of the Thana Village Defence Officer concerned.

9. Advisory Committees :-

(1) The State Government may appoint a District Advisory Committee, Sub-divisional Advisory Committee and a Thana Advisory Committee or any of them to advise the District Village Defence Officer, the Sub-divisional Village Defence Officer or the Thana Village Defence Officer respectively.

(2) The duties of the Advisory Committees appointed under the preceding sub-section shall be such as may be prescribed.

10. Bar to remuneration :-

No member of the organisation shall be entitled to any

remuneration but commendable services including welfare work by any member may be suitably rewarded as may be prescribed.

11. . :-

The Adviser may be paid such allowances or honoraria as may be determined by the State Government from time to time.

12. Arms and equipments :-

A Village Defence Party may be provided with such arms and equipments as may be supplied by the State Government from time to time.

13. Uniform and badge :-

Every member of the Village Defence Party shall while on patrol or watch duty, wear such uniform or badge as may be prescribed.

14. Members and officers to be public servants :-

A member or an officer of the Organisation acting in the discharge of his functions and duties or in the exercise of his powers under this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of S. 21 of the Indian Penal Code.

15. Discharge and removal :-

The Chief Controller or the District Village Defence Officer may remove any member from the Organisation or the Village Defence Party, as the case may be, if the officer removing the member is of opinion that the member is remiss or negligent in the discharge of his duties or otherwise unfit for continuing as such member.

16. Penalty :-

Any member of a Village Defence Party who is guilty of any violation, wilful breach or neglect of any of the duties imposed by or under this Act or refuse to obey or comply with any lawful order made by any competent authority under this Act or the rules made thereunder shall, on conviction in a court of law, be punishable with a fine which may extend to rupees fifty.

17. Bar to prosecution :-

No prosecution, suit, or other legal proceeding shall lie against any member or officer of the Organisation in respect of anything done or purported to be done by him in exercise of the powers, duties and functions or in carrying out any lawful order made under this Act or the rules made thereunder except with the previous sanction of the District Village Defence Officer or the Chief Controller.

18. Power to make rules :-

(1) The State Government may make rules for carrying out the purposes and objects 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) formation and constitution of the Village Defence Parties, Primary Committees and Advisory Committees;

(b) selection of President and Secretary of Primary Committees and the Naiks of the Village Defence Parties;

(c) demarcation of jurisdiction of every Village Defence Parties and Primary Committees;

(d) enrolment of the members of the Organisation;

(e) duties and functions of the officers, Advisory Committee, Primary Committees and Village Defence Parties;

(f) maintenance of registers, reports and accounts of the Village Defence Parties, Primary Committees and other offices of the Organisation;

(g) allotment of fund and other equipment for each village Defence Party or Primary Committee;

(h) supply of badges, signals and uniforms;

(i) prescribe the forms of oath for the members of the Village Defence Parties and other members; and

(j) any other matter.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the 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 under that rule.