

BOMBAY HOME GUARDS ACT, 1947

3 of 1947

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An Act to provide for the constitution of Home Guards. WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the 1[State of Bombay]; It is hereby enacted as follows :-

1. Short title, extend and commencement :-

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1. Substituted by Bombay 75 of 1958.

2. Constitution of Home Guards and appointment of Comman- dant 4[Commandant General and Commandant] :-

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(1-A) In respect of the Saurashtra area and the Vidarbha region, the Home Guards raised or constituted. Immediately before the commencement of the Bombay Home. Guards (Extension and Amendment) Act, 1958, (Bom. LXXV of 1957) shall be deemed to be constituted under sub-section (1).

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1. Inserted by Bom 75 of 1958.

3. Appointment of members :-

(1) Subject to the approval of the Commandant General, the Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the State Government, and may appoint any such member to any office of command in the Home Guards.

(2) Notwithstanding anything contained in sub-sec. (1) the Commandant General may, subject to the approval of the State Government, appoint, any such member to .any post under his immediate control].

4. Functions and duties of members :-

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(1) The Commandant may at any time call out a member of the Home Guards for training or to discharge any of the functions of duties assigned to the Home Guards in accordance with the provisions of this Act and the rule made thereunder.

1. Substituted by Bom 11 of 1950.

5. Powers, protection and control :-

(1) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

6. Control by officers of police force :-

The members of the Home Guards when called out under section 4 In aid of the Police force shall be under the control of the officers of the police in such manner and to such extent as may be prescribed by rules made under section 1.

6A. Certificate, arms, etc., to be delivered by person creasing to be member :-

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(1) Every person, who for any reason ceases to be a member of the Home Guards shall forthwith deliver up to the Commandant or to such person and such place as the Commandant may direct, his certificate of appointment or of office and the arms, accouterments, clothing and other necessities, which have been furnished to him as such member.

(3) Nothing in the section shall be deemed to apply to any article which under the orders of the Commandant General has become the property of the person to whom the same was furnished.

1. Sections 6-A and 6-B ins. by Bom 11 of 1950.

6B. Punishment of members for neglect of duty, etc :-

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[(1-A) Notwithstanding anything contained in this Act, the Commandant shall have the authority to discharge any member of the Home Guards at any time subject to such conditions as may be prescribed if, in the opinion of the Commandant, the services of such member are no longer required. The Commandant General shall have the like authority in respect of any member of the Home Guards appointed to a post under his Immediate control.]

(2) When the Commandant General or the Commandant passes an order for suspending, reducing, dismissing, or fining any member of the Home Guards under sub-section (1), he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, and so such order shall be passed by the Commandant General or the Commandant unless the person concerned is given an opportunity to be heard in his defence.

(3) Any member of the Home Guards aggrieved by an order of the Commandant may appeal against such order to the Commandant General and any such member aggrieved by an order of the Commandant General may appeal against such order to the State Government, within thirty days of the date on which he was served with notice of such order. The Commandant General or the State Government, as the case may be, may pass such order as he or it thinks fit.

(5) Every order if no appeal is made therefrom as hereinbefore provided and every order passed in appeal or revision under this

section shall be final.

(6) Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1898, (V of 1898), for the recovery in the manner provided by the Code of Criminal Procedure, 1898 (V of 1898), for the recovery of fines imposed by a Court as if such fine were imposed by a Court.

(7) Any punishment inflicted on a member of the Home Guards under this section shall be in addition to the penalty to which such member is liable under section 7 or any other law for the time being in force.)

1. Inserted by Bom 4 of 1954.

7. Penalty :-

8. Rules :-

The ¹[State] Government may make rules consistent with this Act,-
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(a) providing for the exercise by any officer of the Home Guards of the powers conferred by section 4 on the Commandant and the Commandant General

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(b) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(c) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrement and clothing of members of the Home Guards and the manner in which they may be called out for service;

(d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;

(e) generally for giving effect to the provisions of this Act.

1. Substituted by Gujarat A.O. 1960.

2. Substituted by Gujarat A.O. 1960.

9. Members of Home Guards to be public servant :-

Member of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

9A. Home guards not disqualified from contesting elections to State Legislature or local bodies :-

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(2) Notwithstanding anything contained in the contrary in any other law for the time being in force, a member of the Home Guards shall not be disqualified for being chosen, as. and being, a member of any local authority merely by reason of the fact that he is a member of the Home Guards].

1. Inserted by Bombay 11 of 1950.

10. Repeal and saving :-

The Bombay Home Guards Ordinance, 1946,(Bom. Ordinance No. 1 of 1946) is hereby repealed: Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act: and all appointments and rules made, under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.