

THE HIMACHAL PRADESH HOME GUARDS

ACT, 1968 an Act

To provide for the constitution of home Guards for use in emergency and for other purposes connected therewith in Himachal Pradesh. Be it enacted by the Legislative Assembly of Himachal Pradesh in the

Nineteenth Year of the Republic of India as follows:-

<p>1. (1) This Act may be called the Himachal Pradesh Home Guards Act, 1968</p> <p>(2) It extends to the Whole of Himachal Pradesh.</p> <p>(3) It shall come into force at once.</p>	Short title Extent and Commencement.
<p>2. The Government may, by notification, exclude any district or area from the operation of this Act.</p>	Exclusion of any district or area from operation of this
<p>3. In this Act, unless the context otherwise requires,-</p> <p>(a) `Form` means a form in the Schedule to this Act;</p> <p>(b) `Government` means the Government of Himachal Pradesh;</p> <p>(c) `Local authority` means a municipal, small town or notified area committee, zila parishad, gram panchayat or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;</p> <p>(d) `notification` means notification published under proper authority in the official gazette;</p> <p>(e) `Official Gazette` means the Rajpatra, Himachal Pradesh; and</p>	Act. Definitions.

<p>(f) `prescribed` means prescribed by rules made under this Act.</p> <p>4. (1) The Government shall by notification constitute for the Union territory of Himachal Pradesh a volunteer body called the Home Guards, the members of which shall discharge such functions and duties in relation to the protection of persons, the security of property, the public safety and the maintenance of essential services as may be assigned to them in accordance with the provisions of this act and the rules made there under</p> <p> Provided that the Government may, by notification, divide the Union territory of Himachal Pradesh into two or more areas and appoint a Commandant for each such area.</p> <p>(2i) The administration and command of the Home Guards Constituted under sub-section (1) for any area shall under the overall command and control of the Commandant General, be vested in the Commandant who shall be appointed by the Government:</p> <p> Provided that the Commandant may, with the approval of the Commandant General, delegate such administrative and disciplinary functions as may be necessary for the efficient functioning of the organization, to any officer subordinate to him.</p> <p>(iii) The general supervision and control of the Home Guards throughout Himachal Pradesh shall vest in the Commandant General who shall be appointed by the Government.</p> <p>(iv) Until a Commandant is appointed in an area under sub-section(1) the Commandant General may also exercise the powers and perform the functions assigned to the Commandant by or under this Act.</p>		<p>Constitution</p> <p>of Home</p> <p>Guard and appointment of Commandant General and Commandant.</p>
<p>Appointment of members of Home Guards.</p>	<p>5.</p>	<p>(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 Government and may appoint any such member to any office of Command in the Home Guards under him.</p>

		<p>(2) Notwithstanding anything contained in sub-section (1), the Commandant General may appoint any such member to any office of Command under his immediate control.</p> <p>(3) A member of the Home Guards shall on appointment, make a declaration in form I and receive a certificate of appointment in form II under the seal and signatures of such officer as may be prescribed.</p> <p>(4) Subject to any rules made in this behalf, a member of the Home Guards shall be required to serve the Home Guards organization for a period of three years (including the period spent in training) which period may be extended by the Government to such further period as it may consider necessary, and the member of the Home Guards shall, thereafter, serve in the reserve force of the Home Guards constituted as hereinafter provided, for a period of three years and shall, while serving in such reserve force, be liable to be called out for duty at any time.</p> <p>Notwithstanding anything contained in sub-section (4) of section 5, the Commandant General or 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 his opinion, the services of such member are no longer required.</p>
Power to discharge a member of Home Guard	6.	<p>The Government shall, by notification, constitute a reserve force of the Home Guards consisting of members of the Home Guards who under sub-section (4) of section 5 are required to serve in the reserve force.</p>
Reserve Force of Home Guard		
Training,		
Functions and duties of members.	7.	<p>(1) The Commandant General, the Commandant, the District Magistrate or any other officer authorized by the Commandant may at any time call out a member of the Home Guards for training or to discharge any of the functions or duties assigned to the Home Guards in accordance with the provisions of this Act and the rules made there under.</p> <p>(2) The Commandant General may, in an emergency, call out a member of Home Guards for training or to discharge any of the said functions or duties in any part of Himachal Pradesh.</p>

<p>Powers, protection and Control</p> <p>Control by officers of police Force</p>	<p>8.</p> <p>9.</p> <p>10.</p>	<p>(1) A member of the Home Guards when called out under section 8 shall have the same powers, privileges and protection as an office of police appointed under any law for the time being in force.</p> <p>(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions or duties as such member except with the previous sanction of the District Magistrate.</p> <p>The members of the Home Guards when called out under section 8 in aid of the police force shall be under the control of the officers of the police force in such manner, and to such extent, as may be prescribed.</p>
	<p>11.</p>	<p>(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 at such place, as the Commandant may direct, his certificate of appointment or of office, identity card and arms, ammunition, accoutrements, clothing and other necessities which have been furnished to him as such member.</p> <p>Certificate, Arms, etc. to be delivered by person ceasing to be a member of the Home Guards.</p>

<p>5 of 1898</p>		<p>(2) Any Magistrate or, for special reasons which shall be recorded in writing, any police officer, not below the rank of an Assistant or Deputy Superintendent of Police, may issue a warrant to search for and seize, wherever they may be found any certificate, identity card, arms, ammunition, accoutrements, clothing or other necessities not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a police officer or, if the Magistrate or the police officer issuing the warrant so directs, by any other person.</p> <p>(3) Nothing in this 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.</p>	
	<p>12.</p> <p>5 of 1898</p>	<p>(1) The Commandant General or the Commandant shall have the authority to suspend, reduce in rank, or dismiss or fine to an amount not exceeding fifty rupees, any member of the Home Guards under his control, if such member, on being called out under section 8, without reasonable cause, neglects or refuses to obey such order or to discharge his functions and duties as a member of Home Guards or to obey any other lawful order or direction given to him for the performance of his functions and duties, is guilty of any breach of discipline or misconduct. The Commandant General or the Commandant Shall also have the authority to dismiss any member of the Home Guards on the ground of conduct which</p>	<p>Punishment of members for neglect of duty etc.</p>

<p>5 of 1898</p>	<p>has led to his conviction on a criminal charge.</p> <p>(2) When the Commandant General or the Commandant passes an order for suspending, reducing in rank, dismissing or fining any member of the Home Guards under section sub-section (1) he shall record such order, or cause the same to be recorded, together with the reasons therefore and a note of the enquiry made, in writing and such order shall not be passed by the Commandant General or the Commandant unless the person concerned is given an opportunity to be heard in his defence.</p> <p>(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 Guards aggrieved by an order of the Commandant General may appeal against such order to the Government, with in thirty days of the date on which he was served with notice of such order. The Commandant General, or the Government, as the case may be, may pass such order as he or it thinks fit.</p> <p>(4) The Commandant General, or the Government may, at any time, call for and examine the record of any order passed by the Commandant or the Commandant General, respectively under sub-section (1) for the purpose of satisfying himself as to the legality or propriety of such order passed by the Commandant or the Commandant General, as the case may be, and may pass such order with reference thereto as he or it thinks fit.</p> <p>(5) Every order if no appeal is made there from as hereinbefore provided, and</p>	
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		<p>every order passed in appeal or revision under this section, shall be final.</p> <p>(6) Any fine imposed under this section may be recovered in the manner provided by the code of Criminal Procedure, 1898, for the recovery of fines imposed by a court as if such fines were imposed by a court.</p>	
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Penalty.	<p>(6) 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 13 or any other law for the time being in force.</p> <p>Explanation:--- When the Commandant General, while exercising the powers of the Commandant, passes any order under sub-section (1) or section 6---</p> <p>a. the appeal from such order shall lie to the Government;</p> <p>b. for the purposes of sub-section (4), the powers of revision in respect of such order shall vest in the Government.</p> <p>13. (1) If any member of the Home Guards, on being called out under section 8, without reasonable excuse, neglects or refuses to obey such order, or to discharge his functions as such member or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.</p> <p>(2) If any member of the Home Guards willfully neglects or refuses to deliver up his certificate of appointment or of office or of any other article, in accordance with the provisions of sub-section (1) of section 11, he shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.</p> <p>(3) No proceeding shall be instituted in any court under sub-section (1) or (2) without the previous sanction of the Commandant General.</p> <p>(4) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1) or (2).</p> <p>14. (1) The Government may, by notification, make rules consistent with this Act,-</p> <p>(a) regulating the powers exercisable by the Commandant General, the Commandant, the District Magistrate or other officers authorized by the Commandant under section 8:</p>
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<p>Power to make Rules.</p>	<p>(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;</p> <p>(c) regulating the organisation, appointment, conditions of service, qualifications, functions, duties, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service or be required to undergo any training.</p> <p>(d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 9 of this Act; and</p> <p>(e) generally for giving effect to the provisions of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides 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.</p>
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<p>45 of 1860</p>	<p>15. Members of Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.</p> <p>16. (1) Notwithstanding anything contained to 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 for being, a member of any local authority or legislative merely by reason of the fact that he is a member of the Home Guards.</p> <p>(2) For the removal of doubts, it is hereby declared that a Commandant General or Commandant appointed under section 4 shall not be a member of the Home Guards and as such , he shall be disqualified for being chosen as, and for being, a member of any local authority or legislature.</p> <p>17. The Bombay Home guards Act, 1947, as applicable to the areas comprised in Himachal Pradesh immediately before the Ist November, 1966, and the East Punjab Volunteer Corps Act, 1947, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby replaced.</p>	<p>Members of the Home Guards to be public servants.</p> <p>Home Guards not disqualified from contesting elections to legislature or local bodies.</p> <p>Repeal and savings</p>
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3 of 1947	Provided that anything done or any action taken, including any rule, appointment, declaration, or delegation made, order, notification, Certificate or notice issued, direction given, Home Guards or reserve force constituted, and any proceedings commenced or continued, under the provisions of any of the Acts hereby replaced, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.	
8 of 1947		
31 of 1966		

	<p>AUTHORITATIVE ENGLISH TEXT</p> <p>Act No. 21 of 2002.</p> <p>THE HIMACHAL PRADESH HOME GUARDS (AMENDMENT)</p> <p>ACT, 2002</p> <p>(AS ASSENTED TO BY THE GOVERNOR ON 14TH NOVEMBER, 2002)</p> <p>AN</p> <p>ACT</p>	
	Further to amend the Himachal Pradesh Home Guards act, 1968	

	(Act No. 20 of 1968)	
	Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-third. Year of the Republic of India as follows:-	
	1. This Act may be called the Himachal Pradesh Home Guards (Amendment) Act, 2002/	Short title.
20 of 1968	2. In section 4 of the Himachal Pradesh Home Guards Act, 1968 (hereinafter referred to as the `Principal Act`), for the word `members`, the words `volunteers` shall be substituted.	Amendment of section-4.
	3. In section 5 of the principal Act.- (a) in its heading, for the words `appointment of members` the words `enrollment of volunteers` shall be substituted: (b) in the sub-sections (1),(2) and (3):- (i) for the words `member` and `member` wherever these occur, the word `volunteers` and `volunteer` shall respectively be substituted: and (ii) for the words `appoint` and `appointment`, wherever these occur, the words `enroll` and `enrollment` shall respectively be substituted: and (c) for sub-section (4) , the following shall be substituted namely:- ` (4) Subject to rules made in this behalf, a volunteer of Home Guards shall serve the Home Guards Organization for a minimum period of three years and may continue as such till attaining the age of 58 years and thereafter serve in the reserve force till attaining the age of 60 years.`	Amendment of section-5.
	4. In sections 6, 7, 8, 9, 10, 11, 12, 13, and 15 of the principal Act, for the words `member` and `members`, wherever these occur, the words `volunteer` and `volunteers` shall respectively be substituted.	Amendment of sanction 6, 7, 8, 9, 10, 11, 12, 13, and 15.

Amendment of sanction-14	5. In sections 14 of the principal Act, in sub- section (1) in clause (c) for the words `appointment` and `members`, the words `enrollment` and `volunteers` shall respectively be substituted.
Amendment of sanction-16	6. In sections 16 of the principal Act, in sub- sections (1) and (2), for the words `a member of Home Guards` wherever these occur, the words ` a volunteer of Home Guards` shall be substituted.
Amendment of THE SCHEDULE	<p>7. In THE SCHEDULE appended to the principal Act:-</p> <p>(a) for Form-I, the following shall be substituted, namely:-</p> <p>` Form I `</p> <p>[See section 5(3)]</p> <p>I, Resident of do hereby solomanly declare and affirm that I will truly serve as a volunteer of Home Guards without favour of affection, malice or ill-well, communal or political bias for a minimum period of three years and may continue as such till attaining the age of fifty eight years and thereafter serve in the reserve force of Home Guards till attaining the age of 60 years depending upon my suitability and requirement to the Home Guards Organization. I undertake to serve as a volunteer of Home Guards of any time and place in India if I am called out for training or duty. I will, to the best of my skill and knowledge, discharge the duties of a volunteer of Home Guards.</p> <p>Place</p> <p>Date</p> <p>Signature` : and</p>

	(b) In Form-II for the words `appointed a member`, the words `enrolled as a volunteer` shall be substituted and for the words `date of appointment`, the words `date of enrollment` shall be substituted.
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Department of Home Guard & Civil Defence

Himachal Pradesh.

OFFICE MANUAL, FINANCIAL RULES AND OTHER SERVICE RULES & INSTRUCTIONS:

(a) In relation to Home Guard volunteers:

- (i) H.P. Home Guards Act 1968 and amendments.
- (ii) H.P. Home Guards Rules 1971 and amendments.
- (iii) Civil Defence Act, 1969.
- (iv) Compendium of Instructions (Home Guards) 2004.
- (v) Administrative Instructions issued by Commandant General and revised or amended from time to time.
- (vi) Battalion long rolls.
- (vii) Master Plan Civil Defence: General Principles Civil Defence.
- (viii) Compendium of Instructions (Civil Defence) 2004.
- (ix) Civil Defence Rules.
- (x) Civil Defence Regulation.
- (xi) Company long rolls.
- (xii) Character sheets maintained at Battalion level only.

(b) In relation to regular establishment of the department:

- (i) H.P. Office Manual.
- (ii) CCS Rules.
- (iii) FR & SR Rules.
- (iv) CCS leave Rules 1972.
- (v) Pension Rules.
- (vi) CCS & CCA Rules.
- (vii) HPFR.
- (viii) Administration instructions issued by the Govt. time to time.
- (ix) Budget Rules.
- (x) Medical Rules.
- (xi) All records like Service Book, Personal Files.
- (xii) Record of DPCs.
- (xiii) Record of the Vehicles.
- (xiv) Record of the Log Books.
- (xv) Record of Govt. buildings and Land in the department.
- (xvi) Record of Private buildings hired for Govt. accommodation.
- (xvii) Stock ledgers regarding receipt and issue of store items.
- (xviii) Office Machine and Computer record.
- (xix) Furniture Register.
- (xx) Cash Book.
- (xxi) Monthly Expenditure Register.
- (xxii) G.P.F. Account.

- (xxiii) H.B.A. Register.
- (xxiv) G.P.F. Advance Register.
- (xxv) Contingents Bill Register.
- (xxvi) Casual Leave Register.
- (xxvii) Attendance Register.
- (xxviii) Token Register.
- (xxix) T.A. Check Register.
- (xxx) G.I.S. Register.
- (xxxi) Arms & Ammunition Register.

GOVERNMENT OF HIMACHAL PRADESH

HOME DEPARTMENT

` NOTIFICATION `

No.HG.Misc.6-16/66-

Dated Shimla-2, the 8.2.1972.

In exercise of the powers conferred by section 14(1) of the Himachal Pradesh Home Guard Act, 1968, the Governor Himachal Pradesh is pleased to made the following rules under section14 of the aforesaid Act, namely:-

1. **(i) Short title:-**These rules may be called the Himachal Pradesh Home Guard Rules, 1971

(ii) Commencement:-These shall come into force at once.

2. **Definition:-** In these rules unless the context other-wise requires:-

(1) `Act` means the Himachal Pradesh Home Guard Act , 1968.

(2) `Commandant General: means the Commandant General appointed under section 4(3) of the Act.

(3) `Commandant` means a Commandant of Home Guard appointed under section 4 of the Act.

(4) `Home Guards Organization` means the Himachal Pradesh Home Guard constituted under section 4(1) of the Act.

(5) `Member of Home Guard` means a member appointed under section 5(1) of the Act, whether a part-time or a whole time volunteer or a rank holder.

(6) `Honorary Home Guard` means a Home Guard volunteer called under the Act.

(7) `Forms` means form appended to these rules.

(8) `Prescribed Authority` means the authority` declared as competent under these rules.

3. **Appointment:-**

(a) is not less than 18 years and more than 50 years of the age.

(b) Is of good moral character.

(c) Is physically fit to undertake arduous out-door duties and has been medically examined and found to be of normal health.

(d) Is at least literate in Hindi.

(e) Is not wholly engaged in any course of study in any educational institution and has an employment or profession.

(f) Is not a member of the territorial Army.

(g) Takes an oath of allegiance to the constitution of India and to the Government of Himachal Pradesh as laid down in the form of pledge appended to these rules:

Provided that the Commandant General may relax the conditions regarding the age or educational qualifications or both referred to in clauses (a) and (d) above.

Provided further that the age and educational qualifications of the whole time employees in the organization will be governed by the Departmental Recruitment and Promotion Rules.

4. Application for appointment:-

(i) Applications for enrolment as members of Home Guards shall be made in the Form annexed to the Rules at Appendix 'A' to the Commandant of the area of his/her residence with the certificates of good moral character from responsible persons.

(ii) After the certification of character and antecedents of the volunteer, the Commandant shall formally enroll the required member of Home Guards and after complying with all the pre-requisites, the recruit shall make a declaration in Form -I of the schedule appended to the Act.

5. Issue of Certificates:-

(i) Every person appointed as a member of Home Guard shall receive a certificate of appointment as in form-II of the schedule appended to the Act.

(ii) This certificate will invariably be carried by a Home Guard when he is on duty.

(iii) Such a certificate shall of Home Guards: he shall surrender the certificate to the Commandant General if he is an Officer of the Rank of Platoon Commander and above and to the Commandant of his darea in all other cases.

6. Organisation:-

(i) The Home Guards constituted under section -4 of the Act, will be a Battalion, comprising of a group of Companies under the command and control of a Commandant who shall be assisted by such executive, instructional and clerical paid staff as may be sanctioned by the Government.

(a) Section Leader and 9 Home Guards. These sections shall combined to form a Platoon. For each Platoon there shall be a Platoon Commander and a Platoon Havildar. These Platoon shall constitute into a Company Commander, a Senior Platoon Commander, Company Havildar Major, Company Havildar Clerk and a Company Q.M. Havildar.

(b) The overall strength of a company shall be 110. Unless otherwise sanctioned by the State Government, the officers of the Company will be Honorary Rank holders. The Company can have such additional paid staff as may be sanctioned by the State Government from time to time.

(i) The honorary officers of the Company shall be paid such honorarium and allowances as laid-down in the succeeding paragraphs of these rules.

(ii) The Commandant General will have powers to create the required number of the honorary posts.

(iii) The Commandant General or any authority prescribed by him shall have powers to appoint any number of the Home Guards to post referred to in (iii) above under his command.

7. Calling out of Home Guards:-

(i) Subject to the over-all directions of the Commandant General, the Commandant shall have the powers to call out a Home Guard or an officer or officers of the Home Guards under their control for the following purposes:-

(a) For training at such places and for such period as may be authorised by the Commandant General:

(b) For duties connected with training, administration, security of arms, ammunition, ceremonials occasions etc. according to the scale and period as may be authorized by the Commandant General.

(c) For operational duty for the protection of life and property from natural calamities or anti-social elements, maintenance of essential services, suppression of disturbances control and regulation of traffic and assemblies and prevention of commission of military, authorities or the Police in the interest of national security.

(d) Any by the Commandant General in public interest.

(ii) Provided that any Home Guard Officer of the rank not below the rank of Company Commander may call out any number of Home Guards under his command for operational duties in an emergency, provided further that if there is insufficient time to obtain the orders of the Commandant of his Battalion for purposes mentioned in clauses (a), (b), (c) and (d) above. Any such action taken by him shall however, be reported immediately to the Commandant:

(iii) The District Magistrate in his discretion may issue directions to the Commandant to call out Home Guards for operational duties for purposes mentioned in clause (c).

8. Powers of the Commandant General :-

(i) Subject to the provisions of the Home Guards Act and the Rules made thereunder, the Commandant General shall have the powers to regulate training operational duties, organization, administration, disciplines and punishment, procurement, maintenance and scales of issue of uniforms, equipment and stores, arms and ammunition of the Home Guards and exercise overall command and control over the Home Guards and its officers.

Provided that the fixation of scale of uniforms, equipment, arms and ammunition etc., shall be as may be prescribed from time to time by the Himachal Pradesh Government.

(ii) Power of the Commandant:- Subject to the over-all directions and orders of the Commandant General, the Commandant will have the powers to supervise and inspect the training, operational duties and administration and maintenance of uniforms, arms and stores etc ,

(iv) The Commander of any formation or detachment will have powers to relieve a member of the Home Guards under his command from the performance of his duties if, in his opinion, the conduct of that Home Guards is prejudicial to the performance of that duty. He shall also have powers to withdraw arms, ammunition, uniform and other Home Guard property, Identity Card from such a member. He shall report the reasons in writing immediately to his superior officer who will in turn report the matter in the Commandant for taking disciplinary action.

9. Offences of misconduct:-:-

(j) The following shall be deemed to be offences on the part of the Home Guards when undergoing a course of training or performing duty:

- (a) Failure to respond to call up notices without any reasonable cause at the place and time specified.
- (b) Threatening of using of violence or improper language against and member of the Home Guards or the public.
- (c) Being found in a state of intoxication while on duty.
- (d) Knowingly furnishing a false report in regard in Home Guards under his command or regarding any money, arms ammunition, clothing, store or property in his charge.
- (e) Misuse or failure to return any property or any weapon or uniform issued to him, when asked.
- (f) Conduct or behaviour prejudicial and disgraceful to the Home Guards organisation.
- (g) Not carrying out the general or special orders of his or her superiors promptly and with the diligence.

(ii) **Punishment:-**The following punishments shall be imposed by the Commandant General or the Commandant on members of the Home Guards for any of the offences of misconduct mentioned above:-

- (a) Reprimand,
- (b) Extra duty,
- (c) Suspension,
- (d) Education of rank,
- (e) Dismissal,
- (f) Fine not exceeding Rs.50/-.

(iii) The Home Guards on whom any of the aforesaid punishment is imposed may, within 30 days of the communication of the official orders to him, appeal to the officer immediately superior, to the authority imposing the punishment.

10. Control by the Officers of the Police Force or Military:-

When a contingent of the Home Guards is deputed to assist the Army/Police, the Station Commander/ the Superintendent of Police shall have the operational control over the contingent:

Provided that the senior-most officer of such a contingent of the rank of Company Commander and below shall not be under the control of an officer below the rank of Subedar Major/Inspector of Police.

11. **Uniforms and Accoutrements:-** All:-Officers and members of Home Guards when on duty shall be supplied at State expense uniforms as well as accouterments to be used for shelter, building and meaning etc. on the scale as may be prescribed by the State Govt. They will also wear badges of rank as may be prescribed and supplied by the State Govt.

12. **Arms and Ammunition:-** Officers and members of the Home Guards shall be entitled to use and carry small arms, such as rifles, carbines, hand-grenades and service revolvers and their ammunition, on such scale and manner as may be prescribed by the Commandant General during the course of training or operational duties.

13. **Conditions of Services:-**

(i) The Home Guard shall be liable to serve anywhere within Himachal Pradesh. Those who volunteer for duties outside of Himachal Pradesh may be drafted for the purpose as and when required.

(ii) The Home Guard employed for whole time duty, other than the Honorary Home Guards, will receive pay and allowances equivalent to their counterpart in the Police Department of equal rank. The equivalency of rank is given in Appendix 'B'.

(iii) The Honorary Home Guards shall be

Notwithstanding, in Himachal Pradesh Home Guards Rules, 1962, if any, free accommodation was provided to them before coming into force of these Rules, no recovery will be made from them on this account.

(a) **Duty Allowance:-** All honorary officers and members of Home Guards shall be paid a duty allowance of Rs. 3/- per day when called under Section 8(1) of the Home Guard Act-for Operational duty for six hours or more.

(b) **Camp Allowance:-** If the place of duty is more than 8 K.m. beyond the Company or independent Platoon HG as fixed by the Commandant General, a sum of Rs. 1/- per day will be given in addition to the duty allowances to the honorary Officer and members of Home Guards.

(c) **Out of Pocket Allowances:-** When honorary Officers and Men of Home Guards are called for training or duty for less than six hours, they shall be paid an out of pocket allowance of Rs. 1/- per day instead of the duty allowance of Rs. 3/-.

(d) **Traveling Allowances:- (i)** Honorary Officer and the members of the Home Guard shall be entitled to traveling and duty allowances on the scales as may be sanctioned by the State Government from time to time.

(e) **Any Other** Allowances as may be sanctioned by the Govt. from time to time.

(f) **Honoraria:-** The honorary Home Guards Officers will be given an Honoraria for performing short-time instructional and Administrative duties at the following rates per month provided they perform such duties during the month.

1.	Company Commander	Rs. 40/-
2.	Platoon Commander	Rs. 30
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3.	Havildar i.e. Havildar Major, Havildar Q.M. and Clerk and Pl. Havildar	Rs. 15/-
4.	Section Leader	Rs. 10/-

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(g) **(i)** All Members of the reserve force when called out under Section-8 of the Act will be treated as Home Guard on duty and all provision of the act and these Rules will apply to them.

(ii) No prosecution shall be instituted against any Home Guard in respect of any thing done or purporting to be done by him in the discharge of his duties as Home Guards except with the prior sanction of the State Government or such other Officer as empowered by the State Government in this behalf.

14. The equivalency of Ranks of Home Guards with the Police personnel is as below:-

- (i) Company Commander = Inspector Police
- (2) Sr. Platoon Commander = Sub- Inspector Police
- (3) Platoon Commander = Asstt. Sub – Inspector Police
- (4) Havildar = Head constable
- (5) Section Leader = Constable.

15. **Compensation-**

If any member of the Home Guards suffer any damage to his person or property while undergoing training or on duty, and he does not cause it by his own negligence or willful Act or omission of the provisions of this Act and Rules or directions issued by superior Officer, he shall be paid compensation in the form of temporary allowances, disability pension, family pension and children allowances as the case may be, on the following terms and conditions:-

(i) **Temporary allowances:-** If any Home Guards is indicated for work for a period of 3 days or more he shall be paid temporary disability allowances for the period of disablement @ of Rs. 30/- per month pay able at half monthly intervals as Rs. 15/-.

(ii) Where an Injury sustained by Home Guard causes him serious and prolonged and permanent disablement,, he shall be awarded compensation at the rates mentioned below. The amount depending on the percentage of disablement:-

Percentage of	Disability pension
Disablement.	per mensem
100	Rs. 30/-
90	Rs. 27/-
80	Rs. 24/-
70	Rs. 21/-
60	Rs. 18/-
50	Rs. 15/-
20 to 40	Rs. 12/-
10	Rs. 10/-

Provided that where the disablement is not more than 50% and injured Home Guard is not debarred from the means of his livelihood, the amount of disablement pension shall be substituted by a lum sum payment calculated at 70 time to the monthly payments specified in the foregoing schedule.

(iii) In case of death of Home Guard, as a result of injuries sustained while on duty on training, a family pension and children allowances shall be payable in accordance with the following:-

(a) A family pension of Rs. 20/- per month to his legally wedded wife and in case the incumbent may have more than one legally wedded wife then this rate of provision of Rs. 20/- will be distributed equally and an allowances of Rs. 5/- per month to each of his legitimate child. In case no family pension is being paid each child will get an allowance of Rs. 7.50 paise per month.

(i) Provided that in case of a minor the children allowance will be paid to the legal wife or the guardian of the children.

(ii) Provided further where a Home Guard entitled to the temporary or children allowance or disability pension is in receipt of an allowance or pension from public funds paid to him by reasons of same injuries or death, he shall be allowed to draw only the amount of the difference by which the allowance or pension from these public funds falls short of the allowances to which he was entitled as Home Guard under these Rules.

(b) For calculating the amount of injury, the opinion of the authorized Medical Officer shall be legal and final. The authorized Medical Officer in this case means any Civil Doctor in the service of the Government not below the rank of Class-I.

16. Awards:-

(i) Home Guards are eligible to cash awards individually or collectively for conspicuous good work or for a work of outstanding nature in saving life, protection of property, assistance in the maintenance of law and order, devotion to duty and for any other purpose which furthers the aims and objects of Home Guards.

(ii) The Commandant General, is authorized to grant awards upto a monetary limit of Rs. 250/- in any one case on any one occasion.

(iii) The complete citation indicating the reasons for which the awards are granted shall be written up and duly publicized.

17. Resignation :-

(i) A member of Home Guards may resign his office by submitting an application in writing addressed to the Commandant.

(ii) The resignation shall not take effect unless the Commandant General or the Commandant accepts the resignation and intimation to this effect is given to the applicant, failure to report for duty, without previous permission of the calling authority or information of his inability to attend the duty on the plea that a letter of resignation has been submitted, will amount to absence from duty.

(iii) The Commandant shall forward the resignation with his remarks to the Commandant General in the case of all rank holders.

18. Discharge:-

A Home Guard shall be discharged on completion of the term of his service of three years in the reserve force provided that the Commandant General or the Commandant may discharge a Home Guard earlier on any one of the following grounds:

(a) Physical unfitness;

(b) Attainment of age of 60 years;

(c) For behavior detrimental and prejudicial to good order, welfare or disciplines of Home Guards;

(d) At his own request with due notice ranging over one month;

(e) Or found unsuitable;

Provided that a change of residence from one district to another shall not necessarily be valid ground for discharge and the Home Guard concerned shall form part of the Home Guards units functioning in the District to which he moves.

Every Home Guard discharged shall receive from the appointing authority a discharged certificate in the form, vide appendix-`D` attached in the Rules.

19. Surrender of Certificates:-

(i) A Home Guard on ceasing to be member of the Home Guard Organisation shall surrender to the appointing authority, the certificate of his appointment issued to him at the time of his recruitment,

Before discharge, a Home Guard shall delivered in good condition all articles of uniforms equipment, arms & ammunition, account raiment`s & other Home Guards property, if any, in his position. If any Home Guard neglects or refuses to deliverer his certificates or appointment or office or any other articles, he shall render him shelf livable to prosecutions in the Court of Law.

(ii) Any fine imposed under these rules may be recovered as **provided** in section-12 (6) of the Act.

20. **(1)** The Himachal Pradesh Home Guards Rules-1962 as in force in Himachal Pradesh are hereby repealed:-

Provided that the repeal shall not effect:

(a) The provision operation of the rules so repealed or any thing done or suffered there under

(b) Any right privilege, obligation or liability accrued or incurred under these rules.

(c) Any penalty, for feautre or punishment incurred in respect of any offence, committed against the rules so repealed.

(d) Any investigation, legal proceeding or remedy in respect of any such right privileges, obligation, liability or punishment as force said any such investigation, legal proceeding or remedy may be instituted, contained or enforced and any such penalty, for future or punishment may be imposed as if these rules had not been repealed.

(2) Subject to the provision of sub rule (1) any thing done or any action taken under the rules repealed by sub rule (1) shall, in so far as it is not inconsistent with these rules be deemed to have been done or taken under the corresponding provisions of these rules and shall continue to be enforce accordingly unless superceded by any thing done or any action taken under these rules.

By Order

Chief Secretary to the
Government of Himachal Pradesh

No.6-G.Misc. 6-16/66- dated Shimla

Copy with enclosures forwarded to:-

- (1) The Commandant General Home Guard, Himachal Pradesh Shimla (with 15 spare copies).
- (2) All the Commandants, Home Guards, Battalion and the Commandants (Training) CTI Junga (with 10 spare copies).
- (3) The Joint Secretary (Home) to the Government of Himachal Pradesh (with 10 spare copies).
- (4) The Manager, Himachal Pradesh Govt Press, Shimla for publication in the Rajpatra (extra ordinary) and with the request that 250 spare copies of the Gazette notification may kindly be sent to the Commandant General Home Guard Shimla for placing these rules on the table of the Vidhan Sabha. .

Joint Secretary (Home) to the

Government of Himachal Pradesh.

JAYA19092007

APPENDIX `A`

APPLICATION FORM

The Commandant Home Guards.

I declare that I am citizen of India and that I desire to be enrolled as a member of Home Guard for and have no intention of permanently leaving the limits of Himachal Pradesh for at least five years after enrolment and that I am not under any obligation to serve in any other force.

I understand that:-

1. In any emergency I shall be liable to be called out on duty at any time and for any period and any part of the State of Himachal Pradesh.
 2. I shall be required to take a pledge for the proper discharge of my duties.
 3. I shall be liable to undergo training and attend Parades in accordance with the order of my superior Officers.
 4. I shall be required to serve for a period of three years in the Home Guards and thereafter for another period of three years in the reserve force of Home Guards unless I am allowed to resign in pursuance of the Himachal Home Guards Rules, 1971.
 5. I shall ordinarily be liable to serve in any part of Himachal Pradesh.
- 1) Name

2) Permanent
Address:-

.....

3) Telephone No.

4) Date of Birth

5) Place of Birth (Town, Country & Distt.

6) Occupation or profession

7) Education (Degree held or (examination passed) or special
qualification

8) Particulars of War service or Military Training or training with any First Aid or Ambulance,
Corps

9) Father`s Name

10) Father`s Occupation or Profession

11) If originally a resident of Pakistan, the address in the country and the date of migration to India
Union

12) Particulars of place where the applicant resided for more than one year during the proceeding
five years

I declare that the above particulars are correct.

Date

Signature

Note:- If you are a Govt. servant or an employee in a local authority a Firm or any other office you should send this form through your superior Officer with his certificate that he has no objection to your attending the training and that he will release you for duty in an emergency at any time and for any period and in any part in the State of

APPENDIX-`B`

Sr. No.	Name of post in the Home Guards	Equivalent rank in Police Department
1	Commandant General-cum-Director of Civil Defence	Inspector General of Police/Secretary to State Govt.
2.	Dy. Commandant General-cum- Deputy Director Civil Defence	Senior Superintendent of Police (SSP)
3.	Senior Staff Officer (SSO)	Superintendent of Police (SP)
4.	Junior Staff Officer	Deputy Superintendent of Police (DSP)
5.	District Commandant	Deputy Superintendent of Police (DSP)
6.	Company Commander	Inspector of Police

APPENDIX-`D`

DISCHARGE CERTIFICATE

This is to certified that
No Rank Name was enrolled as
a Home Guard in the on20..... He is discharged by
order of in consequence of section of the Himachal
Pradesh Home Guard Act-1968.

Charter Assessed

Periods of Training attended

Particulars of embodied service

Signature of the
prescribed Authority

Place :

Date:-