

"NOTIFICATION"

No.HG.Nisc.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 Guards Act, 1968, the Governor, Himachal Pradesh, is pleased to make the following rules under section 14 of the aforesaid Act, namely:-

1. (i) Short title:- These rules may be called the Himachal Pradesh, Home Guards 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 Guards Act, 1968.
 - (2) 'Commandant General' means the Commandant General appointed under section 4(3) of the Act.
 - (3) 'Commandant' means a Commandant of Home Guards appointed under section 4 of the Act.
 - (4) 'Home Guards Organisation' means the Himachal Pradesh Home Guards constituted under section 4(1) of the Act.
 - (5) 'Member of Home Guards' 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 Guards' means a Home Guards volunteer called under the Act.
 - (7) 'Forms' means forms appended to these rules.
 - (8) 'Prescribed authority' means the authority declared as competent under these rules.
3. Appointment:- A person shall be eligible for appointment to the Home Guards Organisation if he/she fulfils the following requirements:-
 - (a) is not less than 18 years and not more than 50 years of age;
 - (b) is of good moral character;
 - (c) is physically fit to undergo 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;

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- (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 organisation 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 two certificates of good moral character from responsible persons.
- (ii) After the verification of character and antecedents of the volunteer, the Commandant shall formally enrol the required number 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 cease to be effective after a person to whom it relates ceases to be a member of the Home Guards and within 10 days of his ceasing to be a member 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 area 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) A company shall be the basic unit of the Home Guards with a Platoon as a sub-Unit. The company shall comprise of 9 Sections; each section consisting of an Assistant

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Section leader, and 9 Home Guards. Three sections shall combine to form a Platoon. For each Platoon there shall be a Platoon Commander and a Platoon Havildar. Three Platoon shall constitute into a Company. A Company HQ shall consist of 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.
- (ii) The honorary officers of the Company shall be paid such honoraria and allowances as laid-down in the succeeding paragraphs of these rules.
- (iii) The Commandant General will have powers to create the required number of the honorary posts.
- (iv) The Commandant General or any authority prescribed by him shall have powers to appoint any member 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, ceremonial occasions etc. according to the scale and period as may be authorised 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, Civil authorities or the Police in the interest of national security.
 - (d) Any other duty authorised by the Commandant General in public interest.

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- (ii) Provided that any Home Guard Officer of their 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, organisation, administration, discipline 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. as well as take disciplinary action against members of Home Guards under his command.
- (iii) 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 with-draw 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 to the Commandant for taking disciplinary action.

9. Offences of misconduct:-

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

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- (a) Failure to respond to call up notices without any reasonable cause at the place and time specified.
- (b) Threatening or using of violence or improper language against any 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 to 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 due 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) Reduction 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;

shall not be under the control of an officer below

Provided that the senior-most officer of such a contingent of the rank of Company Commander and below / the rank of Subedar Major/Inspector of Police.

11. Uniforms and Accounteraments:- All Officers and members of Home Guards when on duty shall be supplied at

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State expense uniforms as well as accountraments to be used for shelter, badding and messing 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-granades and service revolvers and their ammunition, on such scale and manner as may be decided by the Commandant General during the course of training or operational duties.

13. Conditions of Service:-

- (i) The Home Guards shall be liable to serve anywhere within Himachal Pradesh. Those who volunteer for duties out-side Himachal Pradesh may be drafted for the purposes as and when required.
- (ii) The Home Guards employed for whole time duty, other than the Honorary Home Guards, will receive pay and allowances equivalent to their counterparts in the Police Department of equal rank. The equivalency of rank is given in Appendix 'B'.
- (iii) The Honorary Home Guards shall be voluntary workers entitled to such allowances and honoraria as specified hereunder. They shall also be provided free accommodation wherever available when called for duty.

Notwithstanding anything contained 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 Guards Act for operational duty or training, provided that he is on 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 HQ as fixed by the Commandant General, a sum of Rs. 1/- per day will be given in addition to the duty allowance to the Honorary Officers and members of the Home Guards;

(c) Out of Pocket Allowance:- 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/-;

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(d) Travelling Allowance:-

(1) Honorary Officers and the members of the Home Guards shall be entitled to travelling 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 Government 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 mensem provided they perform such duties during the month:-

1. Company Commander.	Rs. 40/-
2. Platoon Commander.	Rs. 30/-
3. Havildars i.e. Havildar Major.	} } } }
Q.M. Hav. Clerk & Platoon Havildar.	
4. Section Leader.	Rs. 15/-
	Rs. 10/-

(g) All members of the reserve force when called out under section B of the Act will be treated as Home Guards on duty and all provisions of the Act and these rules will apply to them.

(ii) ~~No~~ prosecution shall be instituted against any Home Guard in respect of anything done or purporting to be done by him in the discharge of his duties as a Home Guard 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) Coy. Commander	Inspector Police.
ii) Sr. Pl. Commander	Sub-Inspector Police.
iii) Platoon Commander	Asstt. Sub-Inspector.
iv) Havildar.	Head Constable.
v) Section Leader.	Constable.

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Compensation: If any member of the Home Guards suffers any damage to his person or property while undergoing training or on duty, and he does not cause it by his own negligence or wilful 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 allowance, disability pension, family pension and children allowances as the case may be, on the following terms and conditions:-

(i) Temporary Allowance:- If any Home Guard is incapacitated for work for a period of three days or more he shall be paid temporary disability allowance for the period of disablement @Rs.30/- per month payable at half monthly intervals as Rs. 15/-.

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

<u>Percentage of Disablement.</u>	<u>Disability pension per mensem.</u>
100	Rs. 30/-
90	Rs. 27/-
80	Rs. 24/-
70	Rs. 21/-
60	Rs. 18/-
50	Rs. 15/-
20to40	Rs. 12/-
10	Rs. 10/-

Provided that where the disablement is not more than 50% and the unjured Home Guard is not debarred from the means of his livelihood, the amount of disablement pension shall be substituted by a lumpsum payment calculated at 70 times of the monthly payments specified in the fore-going schedule.

(iii) In case of death of a Home Guard, as a result of injuries sustained while on duty or 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 allowance of Rs. 5/- P.M. 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.

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(ii) Provided further where a Home Guard entitled to the temporary or children allow. 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 other public funds falls short of the allowances to which he was entitled as a 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 authorised Medical Officer in this case means any Civil Doctor in the service of the Government not below the rank of Class-I.

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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 or 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 authorised 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 publicised.

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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.

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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 behaviour detrimental and pre-judicial to good order, welfare or discipline of Home Guards;
- (d) At his own request with due notice reneging over one month;
- (e) or found unsuitable;

Provided that a change of residence from one district to another shall not necessarily be a 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.

Provided further that no officer of the rank of Platoon Commander and above will be discharged without the permission of the Commandant General.

Every Home Guard discharged shall receive from the appointing authority a discharged certificate in the form, vide appendix 'D' attached to the rules.

19. Surrender of Certificate:-

- (i) A Home Guard on ceasing to be a member of the Home Guards 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 deliver in good condition all articles of uniforms equipment, arms and ammunition, accoutrements and other Home Guards property, if any, in his possession. If any Home Guard neglects or refuses to deliver his certificate or appointment or office or any other articles, he shall render himself liable to prosecution 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:

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- (a) the previous operation of the rules so repealed or anything done or suffered thereunder,
- (b) any right, privilege, obligation or liability, accrued or incurred under these rules;
- (c) Any penalty, forfeiture or punishment incurred in respect of any offence, committed against the rules so repealed;
- (d) any investigation, legal proceedings or remedy in respect of any such right privileges, obligation, liability or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if these rules had not been repealed.

(2) Subject to the provisions of sub-rule(1) anything 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 in force accordingly unless superseded by anything done or any action taken under these rules.

BY ORDER

(K.N. CHANNA)
CHIEF SECRETARY TO THE
GOVERNMENT OF HIMACHAL PRADESH.

NO. 6-G.Misc.6-16/66 Dt. Shimla-2, the 3-2-1972.
Copy with enclosures forwarded to:-

1. The Commandant General, Home Guards, HP: Shimla.(with 15 spare copies).
2. All the Commandants, Home Guards Bns., and the Commandant, BTC Junga (with 10 spare copies).
3. The Joint Secretary (Home) to the Govt. of H.P. Shimla(with spare copies.)
4. The Manager, Himachal Pradesh Government Press, Shimla for publication in the Rajpatra (Extra ordinary) and with the request that 250 spare copies of the Gazettee notification may kindly be sent to the Commandant General, Home Guards, Himachal Pradesh, Shimla for placing these rules on the table of the Vidhan Sabha.

Sd/-
Joint Secretary (Home) to the
Government of Himachal Pradesh.

*D.R.K.

N. K. S. S. S.

The Commandant Home Guards.

I declare that I am a citizen of India and that I desire to be enrolled as a member of the Home Guards 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 in 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 orders 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 & District) _____

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- 6. Occupation or profession _____
- 7. Education(Degree held or examination passed) _____
Special qualifications _____
- 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 places where the
applicant resided for more than
one years during the proceeding five years _____

I declare that the above particulars are correct.

Date _____

Signature _____

Notes(1) 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 _____

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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.
4.	Junior Staff Officer	Deputy Superintendent of Police.
5.	District Commandant.	Deputy Superintendent of Police.
6.	Company Commander.	Inspector of Police.

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DISCHARGE CERTIFICATE

This is to certify that No. _____

Rank _____ Name _____

was enrolled as a Home Guard in the _____

_____ on _____ 19 _____

He is discharged by order of _____

in consequence of Section _____

of the Himachal Pradesh Home Guards Act, 1968.

Charter Assessed

Periods of training attended

Particulars of embodied service

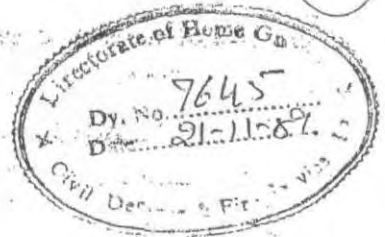
Signature of the
Prescribed Authority.

Place _____

Date _____

Attested

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क्रम संख्या 1 2

रजिस्टर नं. : कमलाह 1. 97 मंत्रा एम0 13.

Office of the Commandant
1. Home Guards
2. DCP, DCHG
17-11-89



Page 1584 - Amendment
Rule 15-7 of KP & Rules (1971)

राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 37]

शिमला, शनिवार, 11 नवम्बर, 1989/20 कार्तिक, 1911

[संख्या 45]

विषय सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1550-1581 तथा 1601-1602 1581
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1582-1593
भाग 3	व्यवस्थापक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेशियल कमिश्नर तथा कमिश्नर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि	1594-1601
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग	
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	

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नवम्बर, 1989, 20 कार्तिक, 1911 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञापितों 'समाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुई :-

विज्ञापित की संख्या	विभाग का नाम	विषय
संख्या 6-22/89-परि दिनांक 1 नवम्बर, 1989.	परिवहन विभाग	अधिसूचना संख्या 6-22/89-परि, दिनांक 27-10-1989 इसके अंग्रेजी रूपान्तर सहित, का शुद्धिपत्र।
संख्या 3-5/89-ई0 एन0 एन0, दिनांक 4 नवम्बर, 1989.	निर्वाचन विभाग	भारत निर्वाचन आयोग की अधिसूचना संख्या 56-89(1), दिनांक 1 नवम्बर, 1989, अंग्रेजी रूपान्तर सहित, का समाधारण की सूचनाएं पुनः प्रकाशन।
No. CS. 34-69/77-VII-7315-70, dated 30th October, 1989.	Office of the District Magistrate, Sirmour district, Nahan	Fixing the maximum retail sale rates inclusive of all taxes of certain essential commodities in whole of Sirmour district for a period of one month.
No. CS. 34-69/77-VI-7371-7426, dated 30th October, 1989.	-do-	Refusing the maximum wholesale and retail sale margins of profit which a dealer may change in respect of certain food/non-food articles in Sirmour district.

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HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 2nd January, 1989

No. Home-II(B)15-10/77-II. Pt. File—In exercise of the powers conferred by section 14 of the Himachal Pradesh Home Guards Act, 1968 the Governor, Himachal Pradesh is pleased to further amend the existing Himachal Pradesh Home Guards Rules, 1971, as notified *vide* notification No. HG. Misc. 6-16/66, dated the 8th February, 1972, in the following manner:—

1. (1) These rules may be called the Himachal Pradesh Home Guards (First Amendment) Rules 1988.
- (2) They shall come into force with immediate effect.
2. The existing rule 15 shall be substituted by the following:
"15. If a Home Guard volunteer suffers disability or death in the course of duty or training he or his family shall be entitled to compensation or pensionary benefits in the following manner, provided such disability/ death is not,
(a) self-inflicted,
(b) caused by negligence,

(1) caused by omission to follow the lawful orders of a superior officer.

(1) **Temporary Disability Allowance.**—If a Home Guard is incapacitated for duty/work for a period of 3 days or more he shall be paid a temporary disability allowance for a period of such disablement at the same daily rate as paid to him when on duty/training within the State or outside the State, as the case may be, at the relevant time.

(2) **Invalid Pension.**—If a Home Guard Volunteer suffers permanent disablement during the course of duty/training within the State or outside the State, he shall be entitled to invalid pension as admissible, to a Government servant on production of a medical certificate from the Medical Authority prescribed in rule 38 of the C.C.S. (Pension) Rules, 1972.

(3) **Family Pension.**—In the case of death of a Home Guard Volunteer on duty/training within the State or outside the State, his family shall be entitled to family pension at the same rate and in the same manner admissible to a regular employee of Himachal Pradesh State Government provided,

- he had put in one year of continuous service;
- and in case the death occurs before the completion of one year continuous service the family pension will be admissible to the deceased Home Guard Volunteer concerned, immediately prior to his appointment as Home Guard, had been examined by the appropriate medical authority and declared fit by that authority for appointment as Home Guard Volunteer;
- the Family Pension will be payable to person(s) as detailed in sub-rules (14) (b) of rule 54 of the C.C.S. (Pension) Rules, 1972.

(4) **Extra-ordinary Family Pension.**—If a Home Guard Volunteer dies or suffers fatal injuries while engaged in operations connected with his duties such as are fighting, rescue, or encounter with anti-social elements, within the State or outside the State, his family shall be granted Extra-ordinary Pension equal to the remuneration last drawn upto the date of expiry of his term of six years and thereafter, his family shall be granted family pension as per family pension rules.

(5) **Ex-Gratia Grant.**—In case of death of a Home Guard Volunteer on duty or training within the State or outside the State his family will be entitled to the *ex-gratia* lump-sum grant amounting to 20 times the monthly remuneration he had been drawing at the time of death, subject to minimum amount of Rs. 10,000 or as may be revised by the State Government from time to time. The procedure for applying for *ex-gratia* grant and its payment will remain the same as prescribed for regular Government servants in Himachal Pradesh.

(6) **Calculation of Pension.**—For the purpose of calculation of pension the basic salary of a Home Guard shall be:—

- Duty allowance × 30 days.
- Where a Home Guard entitled to the disability pension/family pension or extra-ordinary family pension is in receipt of some other pension from public funds payable to him by reasons of some injury or death, he shall be allowed to draw only the amount of the difference by which the pension from other public funds falls short of the allowance to which he was entitled.
- The payment on account of death-cum-injury benefit to Home Guards shall be made by the Agency employing them at the time of death/injury.
- In the case of Home Guards personnel who are regular employees of State/Central Government working in other department and are involved in accidents while performing Home Guards duties leading to injury/death, they will be entitled to death-cum-injury benefits either under the rules applicable to their parent

department or under these rules as per the option exercised by them.

Note.—The phrase duty allowance, wherever occurring in the text of these rules, shall imply such daily payment as is admissible at the time of accident/death for which pension or other benefits are being claimed.

(7) **Medical Authority.**—The Medical authority means Civil Surgeon or a District Medical Officer or equivalent status. His opinion will be legal and final.

(8) **Pension Sanctioning Authority.**—The pension sanctioning authority for Home Guards shall be the Commandant, Home Guards in whose jurisdiction the concerned Home Guard was performing duty/training.

(9) **Mode of payment.**—The pension sanctioning authority shall complete Form I, II, III and forward the same to the Audit Officer of the Accountant General, Himachal Pradesh who shall be the competent authority to authorise the concerned treasury to make the payment to the pensioner or legal heir of the deceased as the case may be.

(10) **Head of Account.**—The payment in question will be made under the following heads of account:—

Pension and Temporary Allowance.	2071 Pension and other retirement benefits.
Ex-gratia Grant.	2235—Social Security and Welfare, 02—Social Welfare 200—Other Programme, 11—Ex-gratia payment to the family of Government Servant".

KANWAR SHAMSHER SINGH,
Commissioner-cum-Secretary.

FORM-I

FORM OF APPLICATION FOR THE GRANT OF FAMILY PENSION AT THE DEATH OF A HOME GUARD

- Name of the applicant..
 - Widow/Widower
 - Guardian if the deceased person is survived by child or children.
- Name and age of surviving widow/widower and children of the deceased Home Guard/pensioner:—

Sr. No.	Name	Relationship with the deceased person	Date of birth by christian era
---------	------	---------------------------------------	--------------------------------

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

- Date of death of the Home Guard.
- Office/Department/Ministry in which the deceased Home Guard served last.
- If the applicant is guardian, his date of birth and relationship with the deceased Home Guard.
- Full address of the applicant.
- Name of the Treasury or Sub-Treasury at which payment is desired.

(19)

8. *Enclosures.*—(i) Two specimen signature of the applicant, duly attested (to be furnished in two separate sheets).

(ii) Two copies of passport size photograph of the applicant, duly attested.

(iii) Two slips each bearing left hand thumb and finger impressions of the applicant, duly attested.

(iv) Descriptive Roll of the Applicant, duly attested indicating (a) height and (b) personal marks, if any on the hand, face etc.

(To be furnished in duplicate)

(v) Certificate (a) of age (in original with two attested copies) showing the dates of birth of the children. The Certificate should be from the Municipal Authorities or from the local Panchayat or from the Head of recognised school if the child is studying in such school. (This information should be furnished in respect of such child or children the particulars of whose date of birth are not available with the Audit Officer/Head of Office.

9. Signature or left hand thumb impressions of the applicant.

10. Attested by

Name	Full address	Signature
------	--------------	-----------

1. Witnesses :

(i)

(ii)

Note.—Attestation should be done by two gazetted Government Servants or two or more persons of respectability in the town, village or pargana in which the applicant resides.

To be furnished in case the applicant is not literate enough to sign his name.

FORM—II

(FORM OF ORDER INTIMATING REDUCTION OR NO REDUCTION IN THE AMOUNT OF FAMILY PENSION)

- Name of the Home Guard
- Father's name (and also husband's name in case of female Home Guard)
- Present or last appointment including name of establishment:—
(i) Home Guard

4. Orders of the Pension sanctioning Authority:

The undersigned having satisfied himself the service of Shri/Shrimati/Kumari..... has been satisfactory, hereby orders that no reduction in the amount of pension/death-cum-retirement gratuity service which may be determined under the Himachal Pradesh Home Guards family pension Rules.

Signature and Designation of Appointing Authority.

“Delete whichever is not applicable”.

The undersigned having satisfied himself that the service of Shri/Shrimati/Kumari..... has not been satisfactory, hereby orders that the full pension/gratuity or both which may be determined under the Home Guards family pension Rules, 1988 shall be reduced by the specified amount or percentage indicated below:—

Amount of reduction in the Pension.....

Amount of reduction in the gratuity.....

Signature and Designation of the Appointing Authority.

FORM—III

FORM FOR ASSESSING AND SANCTIONING FAMILY PENSION AND DEATH-CUM-RETIREMENT GRATUITY WHEN A HOME GUARD DIES WHILE ON DUTY OR TRAINING

(To be sent in duplicate if the payment is desired in a different circle of audit).

PART—I

- Name of the deceased Home Guard
- Father's name (and also husband's name in the case of a female Home Guard..)
- Date of birth (by christian era)
- Date of death (by christian era)
- Religion and nationality
- Office/Department/Ministry in which last employed
- Appointment held last :
(i) Home Guard
- Date of call out
- date of ending of service
- (i) Total period of military service for which pension/gratuity was sanctioned
(ii) Amount and nature of any pension/gratuity received for the military service
- Amount and nature of any pension received for previous Civil Service, if any.
- Government under which service has been rendered in order of employment
- Interruption and non-qualifying service
- Length of qualifying service...
- Emoluments reckoning for gratuity
- Proposed death-cum-retirement gratuity
- Whether nomination made for :
(i) Death-cum-retirement gratuity
(ii) Non-contributory family pension if applicable
- If non-contributory family pension applied and the Home Guard had rendered more than ten years qualifying Service:—
(i) “Advance emoluments” for pension. If the Home Guard had retired on the date of following the date of his death
(ii) Proposed pension
(iii) Proposed non-contributory family pension
(iv) Period of tenability of non-contributory family pension
- If contributory family pension applies:
(i) Proposed contributory family pension
(ii) Period of tenability of contributory family pension

Persons to whom family pension (Contributory or Non-contributory) is payable:—
Name ..
Relationship with the deceased ..
Home Guard ..
Full postal address ..

- (2) Explanation of any suspension or degradation.
- (3) Any other remarks
- (4) Special opinion of the Head of Office whether, the service claimed is established and should be admitted or not.

Persons to whom death-cum-retirement gratuity is payable:—

Name	Amount of the share of the death-cum-retirement gratuity	Relation-ship with the deceased	Full postal address
1.			
2.			
3.			
4.			
5.			
6.			

2. Orders of the Pension Sanctioning Authority:

The undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari..... was thoroughly satisfactory hereby orders the grant of the full death-cum-retirement gratuity and non-contributory family pension (if applicable) which may be accepted by the Audit Officer as admissible under the Home Guard (Pension) Rules, 1988 to the persons mentioned Part-I of this form.

OR

The undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari..... was thoroughly satisfactory hereby orders that the amount of gratuity and non-contributory family pension if applicable as may be accepted by the Audit Officer under the Home Guards family (Pension) Rules, 1988, shall be reduced by the amount specified below before any authority is issued to the person(s) mentioned in Part I of this form.

Amount of reduction in the gratuity,
Amount of reduction in Non-contributory family pension, if applicable.

The amount of gratuity or of family pension or both shall take effect from.....

Place.....
Dated the
Signature and designation of the pension sanctioning authority.

PART III

SECTION-I :

1. Name of the deceased Home Guard.
2. Date of death of the Home Guard.
3. Date of submission of claim by the family of the deceased Home Guard
4. Sanctioning authority
5. Amount of family pension sanctioned.
6. Amount of gratuity sanctioned.
7. Date of sanction.
8. Amount recoverable from gratuity.
9. The amount of gratuity held over for adjustment of un-assessed Government dues.

PART IV

INSTRUCTIONS :

1. Average Emoluments :

The calculation of average emoluments, mentioned in item 18 of Part-I of this Form should be based on the actual number of days contained in each month.

2. Details of service :

(a) Give date, month and appointments, promotions for the purpose of adding to periods a month is reckoned as:

(b) All periods not reckoned as service distinguished.

Signature of the Head of Office Audit Officer.

Place.....

Dated.....

SECTION-I :

(To be filled in, if non-contributory family pension is admissible) Emoluments drawn during the last ten-months:

Post held From To Pay Personal/Special Pay

Average Emolument

*In a case where the last ten months include some period not to be reckoned for calculating average emoluments an equal period backwards has to be taken for calculating the average emoluments.

SECTION II :

Details of non-qualifying service:

1. Interruption(s)
2. Extraordinary leave not qualifying for pension...
3. Period of suspension not treated as qualifying..
4. Any other service not treated as qualifying..

Total ..

SECTION III :

1. Remarks of the Head of Office :

- (1) As to the character, conduct and past service of the deceased Home Guard. Good/Fair/Indifferent/bad

3. Identification Marks :

Specify a few conspicuous marks, not less than two, if possible.

4. Name :

When initials or the name of the Home Guard(s) are or is incorrectly given in the various records consulted, mention this fact in the letter forwarding the pension papers.

5. Date of death :

Date of death to be indicated in the service book and the last pay Certificate, if any.

6. Alterations :

Alterations to be made in red ink under dated initials of a gazetted Government Servant.

PART-V

SECTION - I :

AUDIT ENFORCEMENT

1. Total period of qualifying service which has been accepted for :-

- (i) Death-cum-retirement gratuity.
- (ii) Family pension (contributory or non-contributory).

Note.—Service for the period commencing from and upto the date of death has not yet been verified: this should be done before pension payment order is issued.

2. Reduction ordered by pension sanctioning authority.

3. Net amount of death-cum-retirement gratuity after taking into account the reduction mentioned in item 2 and other Government dues.

4. Amount of contributory family pension:
- (i) If death took place before seven years of service.
 - (ii) If death took place after seven years of service, the period of tenability of the enhanced pension.

5. Amount of non-contributory family pension after taking into account the reduction mentioned in item 2 and the period for which it is tenable.

6. The date from which family pension is admissible.

7. Head of account to which death-cum-retirement gratuity and family pension are chargeable.

Accounts Officer,
Assistant Accountant General.

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7777
28/12/06

Government of Himachal Pradesh
Home Department

No. Home-B (A) 3-1/2006

Dated Shimla-2, the 26th Dec., 2006.

NOTIFICATION

27/12/06
C.S. m.
DCH
SAB

In exercise of the powers conferred by Section 14 of Himachal Pradesh Home Guards Act, 1968, the Governor, Himachal Pradesh is pleased to further amend the Himachal Pradesh Home Guards Rules, as amended by the Himachal Pradesh Home Guards (First Amendment) Rules, in the following manner:-

1. (1) These rules may be called the Himachal Pradesh Home Guards (Second Amendment) Rules, 2006.
- (2) These rules shall come into force from the date of publication in the Rajpatra.
2. The existing Rule 15(5) shall be substituted by the following:-

"Rule 15(5) Ex-Gratia Grant: - In case of a Home Guard Volunteer on duty or training within the State or out side the State, his family will be entitled to the exgratia lump-sum grant amounting to five times the monthly remuneration he had been drawing at the time of death, subject to minimum amount of Rs. 20,000/- and a maximum of Rs. 50,000/- or as may be revised by the State Government from time to time. The procedure of applying for ex-gratia grant and payment will remain the same as prescribed for regular Government servant in Himachal Pradesh."

By Order

S. Vijay Kumar
Principal Secretary (Home) to the
Government of Himachal Pradesh.

Cont. P/2

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-2

26-12-2006

Endst. No. Home-B (A) 3-1/2006 Dated Shimla-2; the 26th Dec., 2006.

Copy is forwarded to:-

1. The Accountant General (Audit), Himachal Pradesh, Shimla-3.
2. The Sr. Deputy Accountant General (A&E) Himachal Pradesh, Shimla-3.
3. The Addl. Director General of Police-cum-Commandant General, Home Guards, Civil Defence, Himachal Pradesh, Shimla-1 with reference to his letter No. Hom (HC) H (B) (2)14/75-5280 dated 25-8-2004.
4. The Controller, Printing & Stationery, Himachal Pradesh, Shimla-5 for publication in the Rajpatra.
5. The Finance Department (Regulation) H.P. Sectt. Shimla-2 with reference to their concurrence obtained vide Dy. No. 50306153 dated 21-11-2006.
6. Guard file

[Handwritten Signature]

Joint Secretary (Home) to the Government of Himachal Pradesh.

NO. HOM (HC) H (B) (2) 14/75- 288-1000 Dated Shimla-1, the 20th Feb, 2006
Copy forwarded for information and necessary action to:-

1. The Commandant (Training) Home Guards and Civil Defence, Central Training Institute, Jangal.
2. All the Commandants, Home Guards in Himachal Pradesh, &

[Handwritten Signature]

for Addl. Director General Police-cum-Commandant General, Home Guards and Civil Defence, Himachal Pradesh, Shimla-17 100 1.

(24)

(Authoritative English text of this department Notification No. Home-F(A)3-3/2013 dated.....as required under clause(3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Home

No. Home-F(A)1-3/2013 Dated Shimla-2, the 15th October, 2013

Notification

In exercise of the powers conferred by sub-section(1) of section-14 of the Himachal Pradesh Home Guards Act, 1968 (Act No. 20 of 1968), the Governor of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Home Guards Rules, 1971 notified vide this Department Notification No. HG. Misc.6-16/66 dated the 8th February, 1972,namely;

Short title 1. These rules may be called the Himachal Pradesh Home Guards(amendment) Rules, 2013.

Amendment of rule 7. 2. In rule 7 of the Himachal Pradesh Home Guards, rules,1971, in sub rule(i), after clause(c), the following new clause (cc) shall be inserted, namely:-

“(cc) Deployment of Home Guards for security of property, including Industrial Units on such terms and conditions as per annexure-“E” appended to these rules, and”

By order,

P. Mitra

Addl. Chief Secretary (Home) to the,
Government of Himachal Pradesh


Endst. No. Home-F(A)1-3/2013 Dated Shimla-2, the 15th October, 2013
Copy forwarded for information and necessary action to:-

- 1. All the Addl. Chief Secretaries/Pr. Secretaries/Secretaries to the Govt. of H.P, Shimla-171002.
- 2. The Accountant General, Himachal Pradesh, Shimla-171003.

Contd.....2/-

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3. The Accountant General (H.P.) Himachal Pradesh, Shimla-3.
4. The Secretary to Governor, Himachal Pradesh.
5. The Director General (Police) and Commandant General, Home Guards, Himachal Pradesh, Shimla-171001.
6. The Controller, Printing and Stationery Department, Himachal Pradesh, Shimla-171005 for immediate publication in Rajpatra. He is also requested to provide 10 copies to this department.
7. All Commandants in Home Guards Department, Himachal Pradesh.
8. The ALR-cum-Under Secretary (Home) to the Govt of H.P. Shimla-2.
9. Guard File.


(Prevedinder Saraswati),
Deputy Secretary (Home) to the
Government of Himachal Pradesh
Ph. No. 0177-2635450

Annexure-E

The terms & conditions for deployment of Home Guards Volunteers in Industrial Units in Himachal Pradesh for security of Property.

1. The deployment of Home Guard Volunteers in industrial units shall be completely at the cost of the management of the industrial unit(hereinafter referred to as the industrial unit) which includes wages, TA/DA, Rank allowance, cost of uniform and equipments at the rates fixed by the State Government from time to time.
2. The office and barrack accommodation with toilet and bath facilities to the Home Guards Volunteer be provided free of cost at the places of the duty alongwith water and electricity facilities. However, no family residential accommodation shall be provided. In addition the industrial unit shall bear the cost of furniture, stationary and such other items as are required for day to day functioning.
3. Adequate necessary means of transport shall be provided alongwith the cost of Petrol, Oil and Lubricants charges, maintenance etc. Minimum communication facilities like telephone, CCTV cameras and wireless equipments, as per requirement, shall be provided by the industrial unit.
4. The industrial unit shall extend the medical, educational, recreational and canteen facilities to the Home Guards Volunteers deployed as provided to the other staff of the Industrial unit.
5. The industrial unit concerned shall be liable to pay wages and rank allowance to the Home Guards, at the rates fixed by the State Government from time to time.
6. Payments of wages and rank allowances to the Home Guard volunteers deployed shall be made on or before 7th day of the every month positively at the place of duty by the industrial unit.

ant

7. The Home Guards Volunteers deployed to an Industrial unit shall be rotated as per the rotation policy of the department of Home Guards and Civil Defence, Himachal Pradesh (hereinafter to as the department.
8. The Home Guard volunteers shall be entitled for four days paid holidays every month.
9. The Home Guard volunteers shall not, under any circumstances, be deployed directly by the department to an industrial unit, but the requirement of deployment of Home Guards volunteers shall always be projected to the local Civil Administration i.e. District Magistrate and Superintendent of Police of the concerned district.
10. The District Magistrate in consultation with Superintendent of Police shall approve the requirement of Home Guard Volunteers, and the requisition, accordingly shall be placed by Deputy Magistrate or Superintendent of Police to the Commandant concerned.
11. Commandant upon the receipt of the requisition shall seek the sanction of the Commandant General and upon getting sanction the Commandant shall provide the required strength of Home Guard Volunteers to the Superintendent of Police for further deployment in the Industrial Unit.
12. The local Station House Officer shall get a charter of duties prepared in consultation with the industrial units seeking deployment of Home Guard Volunteers, clearly mentioning the duties and responsibilities of the Home Guard Volunteers to be deployed. The charter of duties finalized shall be scrutinized by the Commandant concerned and finally approved by the Superintendent of Police of the concerned Districts.
13. If a Home Guard Volunteers is incapacitated for duty/ work for a period of 3 days or more shall be paid a temporary disability allowance for a period of such disablement at the same daily rate as is admissible to him when he is on duty/training within the State or outside the State, as the case may be.

