

The Orissa Home Guards Rules, 1962

Notification No. 694/C, dated 20-3-1962—In exercise of the powers conferred by Section 10 of the Orissa Home Guards Act, 1961 (Orissa Act 22 of 1961), the State Government to hereby make the following rules namely :

1. Short title—These rules may be called the Orissa Home Guards Rules, 1962.

2. Definitions—In these rules unless the context otherwise requires—

- (i) "Act" means the Orissa Home Guards Act, 1961 ;
- (ii) "Commandant-General", "Deputy Commandant-General" and "Commandant" respectively mean Commandant-General, Deputy Commandant-General and Commandant of Home Guards appointed under Section 2 ;
- (iii) "Form" means a form appended to these rules ;
- (iv) "Home Guards" means the Home Guards constituted under Section 2 ;
- (v) "member of the Home Guards" means a member appointed under Section 3 ;
- (vi) "section" means a section of the Act.

3. Appointment of members of Home Guards—No person shall be appointed as a member of the Home Guards—

- (a) unless he has attained the age of twenty and has not completed the age of sixty years ;
- (b) unless he has passed at least the lower primary examination in any language ; and
- (c) unless he has been medically examined and is in the opinion of the Commandant physically fit :

Provided that the Commandant-General or the Deputy Commandant-General, if so authorised by the Commandant-General, may in suitable cases relax the conditions prescribed in Clauses (a) and (b).

4. Application for appointment—A person desiring to be appointed as a member of the Home Guards shall make an application in Form 'A'.

5. Home Guards Advisory Committee—(1) The State Government may, after constitution of the Home Guards, appoint a Committee to be called the Home Guards Advisory Committee for the State.

(2) The Home Guards Advisory Committee shall consist of such members, as may be nominated by the State Government.

(3) It shall be the duty of the Home Guards Advisory Committee to review the working of the organisation from time to time and to advise the Commandant-General regarding the improvement in its working.

6. Pledge—Every person before his appointment as a member of the Home Guards shall sign a pledge in Form 'B' before the Commandant or an officer authorised by him for the purpose.

7. Certificate—Every person appointed as a member of the Home Guards shall receive a certificate of appointment in Form 'C'

8. Term of office—The term of office of a member of the Home Guards shall be three years :

Provided that if any such member is found to be medically unfit to continue as a member of Home Guards his appointment may be terminated before the expiry of the aforesaid term of office :

Provided further that a person appointed as a member of the Home Guards shall be eligible for re-appointment.

9. Limit of age for a member of the Home Guards—No member of the Home Guards shall continue to be such member after completion of the age of 60 years :

Provided that the Commandant-General or the Commandant may relax the age-limit in suitable cases.

10. Conditions subject to which power of discharge may be exercised—No member of the Home Guards shall be discharged under Sub-section (2) of Section 8 without being given one month's notice therefor.

11. Resignation—A member of the Home Guards may resign his office by an application in writing addressed to the Commandant :

Provided that such resignation shall not take effect unless the Commandant accepts the same after being satisfied that there are good and sufficient reasons for the same.

12. Organisation—The organisation shall comprise of the Commandant-General, the Deputy Commandant-General and such officers as the Commandant-General may appoint on his staff. The Home Guards constituted for each district shall consist of a Commandant, a Second-in-Command, Senior Divisional Commanders, Divisional Commanders, Company Commanders, Senior Platoon Commanders, Platoon Commanders, Sergeant-Majors, Quarter Master Sergeants, Platoon Sergeants, Section Leaders, Assistant Section Leaders and Sections consisting of twelve Home Guards. Three sections shall form a platoon, three platoons a company and at least three companies a division. A unit may have more than one Division. The Home Guards aforesaid shall also consist of such staff officers as the Commandant may, with the approval of the State Government, determine.

13. Powers of the Commandant—1) The Commandant shall exercise general supervision and control over the working of all the units and co-ordinate the work of the Home Guards within the district under his jurisdiction and shall be directly responsible to the Commandant-General for the efficient working, discipline, administration and training of the member of Home Guards.

(2) Subject to the supervision and control of the commandant any officer of the Home Guards authorised by the commandant in this behalf may exercise the powers conferred on the Commandant in such circumstances as the Commandant may specify.

14. Discipline—(1) A member of the Home Guards shall obey every order of his superior officer.

(2) For the purpose of administration and discipline a member of the Home Guards shall subject to the overall control of the Commandant-General, be under the control of the officer immediately superior to him :

Provided that if a contingent of Home Guards is acting in conjunction with the Police Force the senior officer of such contingent present shall be under the immediate control and subject to the directions of the senior officer of such Police Force who is not below the rank of an Inspector.

15. Uniform, accoutrements, etc.—A member of the Home Guards shall, while on duty wear the uniform supplied to him and may also carry such weapon as may be specified by the Commandant-General. An officer of the Home Guards may carry such weapon as may be specified by the State Government.

16. **Training**—The members of the Home Guards shall undergo such course of training and at such places as may be determined by the Commandant-General from time to time.

17. **Functions and duties**—¹[(1) The Home Guards shall discharge the following functions and duties namely :

- (i) to help the police in maintaining law and order and internal security during any emergency when called out for service in aid of the police ;
- (ii) to render assistance during natural and other calamities, such as, earthquake, floods, famine and fire for protection of persons and their property ;
- (iii) to operate transport, communications, electricity, water and other essential services when the normal services are not functioning ;
- (iv) to collect and communicate any information relating to the breach of public peace to the local police ;
- (v) to prevent the commission of offences and public nuisances ;
- (vi) to obtain and communicate the officer-in-charge of the police-station, correct information about criminals, criminal classes, vagrants and wandering gangs, persons residing in or passing through the police-station ;
- (vii) to assist the police in quelling communal disturbances, and industrial and internal disorders ;
- (viii) to assist the police in maintaining law and order in fairs, festivals and big gatherings ;
- (ix) to assist the civil defence organisation during the national emergency ;
- (x) to guard vulnerable points/areas, lines of communication bridges, embankments, etc., as and when necessary ;
- (xi) to watch and report forthwith to the local police the names of the persons who may be found engaged or taking part in activities which are anti-social in nature or prejudicial or subversive to the interest of the Union ; and
- (xii) such other functions and duties as may be assigned to them from time to time by the State Government in consultation with the Commandant-General.]

(2) A member of the Home Guards constituted for any area shall be liable to serve in any other area in which the Act is in force.

18. **Calling up of Home Guards**—While calling upon the District Commandant under Sub-section (2) of Section 4 the District Magistrate or the Superintendent of Police, as the case may be, shall give the Commandant order in writing for calling out the members of the Home Guards, stating therein the particulars of the unit or detachment of any unit of the Home Guards that has to be called out and the place or places where they should mobilise. The duties which the Home Guards shall have to perform shall be explained to the members of the unit or detachment of the unit by the District Magistrate or the Superintendent of Police either personally or through the officers of such unit or detachment, as the case may be.

19. **Remuneration**—Officers and other members of the Home Guards shall be entitled to receive such allowances and at such rates as the State Government may, from time to time, determine.

20. **Compensation**—If a member of the Home Guards suffers any damage to his person or property while under training or on duty, he shall be paid such compensation as may be determined by the State Government; provided that such damage is not caused by his own negligence or wilful act or omission in contravention of any of the provisions of the Act or rules made thereunder or orders or directions issued by his superior officer.

21. **Motorised unit**—A motorised unit of the Home Guards may be formed with members owning motor vehicles who desire to place their vehicles at the disposal of the Commandant, when called out under Section 4 of the Act. Only those members owning motor vehicles who hold a driving licence and whose motor vehicles are certified to be in fit condition or for use by the Motor Vehicles Inspector of the area shall be enrolled in this unit. The State Government shall bear the costs of petrol, incidental expenses and necessary repairs for the use of such motor vehicles by the Home Guards. The State Government shall also bear the difference between the riot and ordinary insurance in respect of such vehicles in cases in which such members have taken out riot insurance policies in respect of such vehicles.

FORM 'A'

[See Rule 4]

Form of application

(Each applicant is required to file this Form in duplicate)

To

The Commandant, Home Guards

I declare that I am citizen of India and that I desire to be enrolled as a member of the Home Guards for Orissa and have no intention of permanently leaving the limits of the Orissa State for at least three 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 Orissa ;
- (2) I shall be liable to undergo training and attend parades in accordance with the orders of my superior officers ;
- (3) I shall be required to take the following pledge, namely :

"I.....residing at.....do solemnly and sincerely declare and affirm that—I will well and truly serve the Government of Orissa as member of the Home Guards without favour or affection, malice or ill-will or communal or political bias ; and that I will, to the best of my powers, discharge the functions and duties assigned to me for meeting any emergency, and for serving the people in any calamity and for the protection of persons, the security of property and the public safety and that I will, to the best of my skill and knowledge, discharge all the duties as such member, faithfully according to law."

- (4) I shall be required to serve for a period of three years in the Home Guards unless I am allowed to resign in pursuance of the Orissa Home Guards Rules, 1962.

1. Name in full.....

2. Address (Residence).....

Business.....

3. Telephone No. (if any) (Residence).....
Business.....
4. Date of birth.....
5. Place of birth (Town).....
(Country or district)
6. Occupation or profession.....
7. Education (Degree held or examination passed).....
(Special qualification such as knowledge of foreign languages or of stenography or typing, should be mentioned).....
8. Particulars of war service on military or naval 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 that dominion and the date of migration to Indian Union.....
12. Particulars of places where you have resided for more than one year during the preceding five years. (Residential address at each such place specifying the house number, lane, street, road, village or town and district and the period of residence at such place showing the dates thereof should be stated).

The answers to the following questions are as given against them.

1. Do you hold an arms licence ? If so, give description of the weapon.
2. Have you received any training in the use of fire-arms ?
3. Do you own a motor vehicle ? If so, give its description and whether you would join the motorised section ; if not, whether you would keep your vehicle at the disposal of the motorised unit.
4. Have you ever been convicted by a Court of any offences ? If so, give full particulars of the convictions and the sentences.

I declare that the above particulars are correct.

(Signature)

Certificate of character signed by two gentlemen of position who have known you personally for at least three years should be written in space below :

1.....

Signature of person who gives the certificate

Address.....

Telephone No. (if any).....

2

Signature of person who gives the certificate

Address

Telephone No. (if any).....

Note—(1) If you are a Government 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 Orissa.

(2) After completing the form you should post it or deliver it to the Commandant, Home Guards of the District. You will receive intimation in due course whether your services can be utilised.

(3) In requesting the employer or the superior officer to issue certificate mentioned in (1) above it may be pointed out that emergencies such as those that are referred to in paragraph (1) are not likely to arise very often. Prospective Home Guards should therefore not be scared away nor should their employers, or superior officers, hesitate to issue the above certificate for just this reason.

Certificate to be signed by the employer or the superior officer.

I certify that I have no objection to the employee.....attending the training on week days in the morning and that I shall release him for duty in any emergency at any time and for any period as laid down in paragraph (1).

(Signed).....

Employer or Superior Officer

Dated.....

Full address.....

Telephone No. (if any).....

FORM 'B'

[See Rule 6]

Form of pledge

I.....residing at do solemnly and sincerely declare and affirm that I will, well and truly serve the Government of Orissa as a member of the Home Guards without favour or affection, malice or ill-will or communal or political bias, and that I will to the best my powers discharge the functions and duties assigned to me for the protection of peace, the security of property and the public safety and that I will, to the best of my skill and knowledge, discharge all the duties as such member, faithfully according to law.

Signature

Dated.....

Token in presence of.....

FORM 'C'

[See Rule 7]

Certificate of appointment as a member of the Home Guards (which should be incorporated in the identification card).

Office of the.....

No.....

Dated.....

Shri.....has been appointed as a member of the Home Guards, under the Orissa Home Guards Act, 1961.

Signature

Designation

The Orissa Home Guards (Appeal) Rules, 1963

Notification No. 1888-CD-74/63, dated 28-3-1963—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Orissa Home Guards Act, 1961 (Orissa Act. 22 of 1961), the State Government do hereby make the following rules :

1. **Short title**—These rules may be called the Orissa Home Guards (Appeal) Rules, 1963.

2. A member of Home Guards may appeal against an order of suspension, reduction in rank, discharge or dismissal or imposition of any fines.

3. (a) Any member of Home Guards aggrieved by—

- (i) an order of Commandant may appeal to the Deputy Commandant-General ;
- (ii) an original order passed by the Deputy Commandant-General may appeal to the Commandant-General ;
- (iii) an original order passed by the Commandant-General may appeal to the State Government.

(b) An original order passed with the concurrence of any superior authority shall be deemed to be an original order of the superior authority.

4. (a) Every appeal petition shall be presented to the officer, against whose order the appeal is preferred, without court-fee stamp. The officer shall forward the appeal to the appellate authority without undue delay with his comments on each point raised in the appeal petition in separate sheets alongwith the proceedings of the enquiry his original order, other connected papers and the service records of the appellent.

(b) The order of the appellate authority in such appeal shall be final.