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GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

West Bengal Act XI of 1962

THE WEST BENGAL HOME GUARDS ACT, 1962.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 14th December, 1962.]

[14th December, 1962.]

An Act to provide for the constitution of Home Guards in West Bengal.

WHEREAS it is necessary to provide for the constitution of Home Guards in West Bengal;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Home Guards Act, 1962.

Short title
and extent.

(2) It extends to the whole of West Bengal.

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

Defini-
tions.

(1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866 together with the suburbs of the town of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

(2) "district" means a Zilla referred to in the Bengal Districts Act, 1864, but does not, in the case of the district of 24-Parganas, include any area comprised in the suburbs of the town of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

(3) "Home Guard" means a Home Guard constituted under section 3.

3. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may constitute for the district or Calcutta, as the case may be, a body to be called the Home Guard, the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Constitu-
tion of
Home
Guards.

*(Sections 4—9.)***Appoint-
ment of
members.**

4. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may appoint as members of the Home Guard so many persons, who are fit and willing to serve as such, as he is authorised by the State Government to appoint and may appoint any such member to any office of command in the Home Guard.

**Functions
of mem-
bers.**

5. The Superintendent of Police in a district or the Commissioner of Police in Calcutta may at any time call out a member of the Home Guard for training or to discharge any of the functions assigned to the Home Guard in accordance with the provisions of this Act and the rules made thereunder.

**Powers,
protection
and control**

6. (1) A member of the Home Guard when called out under section 5 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guard in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction in a district of the District Magistrate, or in Calcutta of the Commissioner of Police.

**Control by
officers of
police
force.**

7. The members of the Home Guard when called out under section 5 directly in aid of the police force shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 9.

Penalty.

8. If any member of a Home Guard, on being called out under section 5, without sufficient excuse neglects or refuses to obey such order or to discharge his functions as a member of the Home Guard or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent Court, be punishable with fine which may extend to fifty rupees.

Rules.

9. The State Government may make rules consistent with this Act providing for:—

- (a) the exercise of control by officers of the police force over members of the Home Guard when acting directly in aid of the police force;
- (b) the organisation, appointment, training, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the Home Guard and the manner in which they may be called out for service;

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(Section 10.)

- (c) allowances, if any, payable to the members of the Home Guard and the conditions subject to which such allowances may be paid;
- (d) conferment on members of the Home Guard of such powers exercisable by a police officer or such other person under any Central or State Act for the time being in force as the State Government may think fit;
- (e) generally giving effect to the provisions of this Act.

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Ord. XI of
1962.

10. (1) The West Bengal Home Guards Ordinance, 1962, is hereby repealed. Repeal and savings.

(2) Anything done or any action taken under the West Bengal Home Guards Ordinance, 1962, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 11th day of November, 1962.