

West Bengal Act I of 1949

THE WEST BENGAL NATIONAL VOLUNTEER FORCE ACT, 1949.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 24th February, 1949.]

An Act to provide for the constitution of a National Volunteer Force in West Bengal.

WHEREAS it is expedient and necessary to provide for the constitution of a National Volunteer Force in West Bengal by enrolment therein of the citizens of the Dominion of India or subjects of an Acceding State or persons having permanent domicile in West Bengal who may offer themselves for such enrolment, for service during a period of emergency and for such other purposes as the Provincial Government may think fit;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal National Volunteer Force Act, 1949. Short title, extent and commencement.

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

West Ben.
Ord. XII
of 1948.

(3) It shall come into force on the date on which the West Bengal National Volunteer Force Ordinance, 1948, ceases to operate.

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

(a) "Advisory Committee" means the Provincial Advisory Committee, the District Advisory Committee or the Unit Advisory Committee constituted under section 15;

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

(c) "Force" means the West Bengal National Volunteer Force;

(d) "Officer" means an officer appointed under this Act;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "subordinate other ranks" means subordinate other ranks appointed under this Act; and

(g) "volunteer" means a person enrolled as a member of the West Bengal National Volunteer Force.

3. The Provincial Government may raise and maintain a volunteer force to be called the West Bengal National Volunteer Force and for that purpose enrol persons as volunteers from Calcutta and elsewhere in West Bengal: Constitution of the National Volunteer Force.

Provided that the Provincial Government may establish all or any of the units of the Force as and when necessary.

Ben. Act
IV of 1866.

Ben. Act II
of 1866.

(Sections 4—8.)

Functions.

4. A volunteer, when called upon for duty, shall discharge such functions in relation to the protection of persons, the security of property and the preservation of the public peace in any area within West Bengal and such other functions as may be assigned to him by or under this Act.

Appointment of officers and subordinate other ranks.

5. The Provincial Government or any person empowered in this behalf by the Provincial Government may appoint a Provincial Commandant of the Force and such other officers and such subordinate other ranks for, and for any unit of, the Force as the Provincial Government may consider necessary and may prescribe the powers and duties of such officers and subordinate other ranks in addition to the powers and duties conferred by this Act. Every officer and subordinate other rank shall have the privileges and protection conferred on an officer or subordinate other rank by or under this Act.

Officers and subordinate other ranks in the Force.

6. There shall be the following classes of officers and subordinate other ranks in the Force, namely:—

Officers.

- (1) Provincial Commandant,
- (2) Deputy Provincial Commandant,
- (3) District or Unit Commandant,
- (4) Company Commander.

Subordinate other ranks.

- (1) Platoon Commander,
- (2) Section Commander.

Constitution of any separate unit of the Force.

7. Notwithstanding anything contained elsewhere in this Act, the Provincial Government may, by notification in the *Official Gazette*, direct that one or more corps or units of the Force be constituted or formed for any particular region within West Bengal or for any specified purpose.

Enrolment and removal of a member of the Force.

8. (1) Any citizen of the Dominion of India or any subject of an Acceding State or any person having a permanent domicile in West Bengal who may offer himself for enrolment in the Force and who satisfies the prescribed conditions may be eligible for enrolment therein by such authority, in such manner and for such period not exceeding five years as may be prescribed.

(2) Every volunteer shall receive a certificate of appointment in the prescribed form and such certificate shall be issued by such authority as may be prescribed and thereupon he shall have the powers, privileges and protection conferred, and shall discharge the duties imposed, on a volunteer by or under this Act.

(3) Every volunteer enrolled under this Act shall undergo such preliminary and periodical training as may be prescribed.

(Sections 9—13.)

(4) Every person enrolled as a volunteer under this Act shall be entitled to receive a certificate of discharge in the prescribed form on the expiration of the period for which he was enrolled and any such person may, prior to the expiration of that period, be discharged by such authority subject to such conditions as may be prescribed, and shall be so discharged on the recommendation of the Advisory Committee in this behalf.

(5) The prescribed authority may, subject to such conditions as may be prescribed,—

(a) suspend, discharge, dismiss or remove any volunteer from his office and thereupon the certificate referred to in sub-section (2) shall cease to have effect, or

(b) disband any unit constituted under this Act and thereupon every volunteer of such unit shall vacate office.

9. Every person enrolled as a volunteer under this Act may be posted for any period to any unit of the Force and thereupon he shall be bound to serve in the said unit for that period.

Posting of a volunteer to a Unit.

10. (1) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may at any time call upon, in such manner and through such officer as may be prescribed, any volunteer in their respective jurisdictions, for discharging any functions assigned to him by or under this Act.

Calling out of a member of the Force.

(2) Any authority specified in sub-section (1) may at any time call upon the District or Unit Commandant, in such manner as may be prescribed, to mobilise any unit or a detachment of a unit under its jurisdiction for the purpose of maintenance of law and order.

(3) Whenever the services of any volunteer or a unit or the detachment of a unit are requisitioned, the requisitioning authority shall communicate the action taken by it to such authority as may be prescribed.

11. (1) A volunteer, when called upon for duty under sub-section (1) of section 10, shall have the same powers, privileges and protection as a Police Officer appointed under any Act for the time being in force.

Powers, privileges and protection of the Force.

(2) No prosecution shall be instituted against an officer or a subordinate other rank or a volunteer in respect of anything done or purported to be done in exercise of his powers or in the discharge of his duties as such, except with the previous sanction of the Commissioner of Police in Calcutta or the District Magistrate elsewhere.

12. A volunteer, when called upon for duty under sub-section (1) of section 10 to aid the Police Force, shall work under the orders of or be under the control of such officers of the Police Force as may be prescribed.

Control by officers of the Police Force.

13. (1) If a volunteer, without sufficient cause, neglects or refuses to obey the orders of any superior authority or officer whom he is bound to obey, or fails to discharge any

Penalties.

(Sections 14—16.)

duty which he is bound to perform under this Act or any rule or regulation thereunder, or deserts his post, or is guilty of any wilful breach or disobedience of any provisions of this Act or of any rule or regulation thereunder, or lawful order made or issued thereunder by a competent authority, he shall be liable to be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution shall be instituted against a volunteer for any offence punishable under sub-section (1), without the previous sanction of the Commissioner of Police in Calcutta or the District Magistrate elsewhere.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) shall be cognizable. Act V of 1898.

(4) Without prejudice to the foregoing provisions of this section, it shall also be competent for any prescribed authority to deal with the said offences otherwise than under the said provisions and to award one or more of such punishments as may be prescribed.

Members
of the
Force to be
public ser-
vants.

14. An officer or a subordinate other rank or a volunteer acting in the exercise of his powers or in the discharge of his duties under this Act or rules or regulations thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Act XLV
of 1860.

Advisory
Commit-
tees.

15. (1) The Provincial Government may, for the purpose of advising it on all matters of policy connected with the constitution and administration of the Force, constitute a Provincial Advisory Committee, District Advisory Committee and Unit Advisory Committee.

(2) The Committees shall be constituted in such manner and shall perform such functions as may be prescribed.

Rules.

16. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the powers and duties of officers and subordinate other ranks referred to in section 5;
- (b) the manner and conditions of, and the period for, enrolment of a volunteer and the authority by which such enrolment shall be made referred to in sub-section (1) of section 8;
- (c) the period of preliminary and periodical training referred to in sub-section (3) of section 8;
- (d) the form of certificate of discharge referred to in sub-section (4) of section 8, and the authority and conditions referred to in that sub-section;
- (e) the manner in which and the officer through whom a volunteer may be called upon for discharging functions assigned to him by or under this Act;

(Sections 17, 18.)

- (f) the manner in which a District Commandant or a Unit Commandant may be called upon to mobilize a unit or a detachment of a unit referred to in sub-section (2) of section 10 and the authority to which intimation of such action referred to in the proviso to that sub-section shall be given;
- (g) the officer of the Police Force under whose order or control a volunteer shall work under section 12;
- (h) the authority by which and the manner in which offences may be dealt with under sub-section (4) of section 13;
- (i) the constitution and the functions of the Advisory Committees referred to in section 15;
- (j) the medical examination of persons offering themselves for enrolment, the organisation, discipline, training, arms, accoutrements and clothings, conditions of service, powers and duties of the volunteers; and
- (k) the remuneration, allowances, gratuities or compensation to be paid to a volunteer or his dependants.

17. Any appointment, enrolment or rules made or any Committee constituted or any notification issued or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal National Volunteer Force Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, constituted, issued, done, taken or commenced in exercise of the powers conferred by or under this Act as if this Act had commenced on the 27th day of November, 1948.

Continu-
ance of
action
taken
under West
Bengal
Ordinance
XII of
1948.

18. The Provincial Commandant may make regulations consistent with this Act and the rules made thereunder providing generally for all the details connected with the organisation and personnel of the Force and for the duties, training including courses of training, instructions, clothing, equipment, allowances and leave of persons enrolled.

Power to
make
regulations.