

¹THE EAST PUNJAB HOME GUARDS ACT, 1947.

EAST PUNJAB ACT NO. VIII OF 1947.

[Received the assent of His Excellency the Governor of East Punjab on the 4th December, 1947, and was first published in the East Punjab Government Gazette (Extraordinary) of the 8th December 1947.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1947	VIII	The Punjab Home Guards Act, 1947	<p>Amended in part by East Punjab Act XXXI of 1949²</p> <p>Amended in part by the Adaptation of Laws Order, 1950</p> <p>Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab State Union, by Punjab Act No. 18 of 1958³.</p> <p>Amended by Punjab Act No. 42 of 1960⁴</p> <p>Amended by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968</p>

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1947, page 50 ; for proceedings in the Assembly, see the *East Punjab Legislative Assembly Debates*, Volume I, 1947, pages 178-79 and 195-200.

²For Statement of Objects and Reasons, see *East Punjab Government Gazette*, (Extraordinary), 1949, page 1098 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, 1949, Volume IV, pages (6)28-(6)29.

³For statement of objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 546K.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1960, page 1958.

An Act to provide for the constitution of ¹[Punjab Home Guards.]

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the ¹[Punjab Home Guards] Act, 1947.

(2) It extends to the whole of the ²[Union territory of Chandigarh.]

(3) It shall come into force at once.

Constitution of Union territory of Chandigarh Home Guards.

2. The ³[Central Government] may for any area constitute a body to be called the ⁴[Union territory of Chandigarh] ⁵[Home Guards] 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.

Appointment of members.

3. The ³[Central Government] may appoint as members of the ⁴[Union Territory of Chandigarh] ⁵[Home Guards] so many persons who are fit and willing to serve as such, as the ³[Central Government] may see fit to appoint and may appoint any such member to any office of command in the ⁴[Union territory of Chandigarh] ⁵[Home Guards].

Calling out of members.

4. The ³[Central Government] in any area may at any time call out a member of the ⁴[Union territory of Chandigarh] ⁵[Home Guards] for training or to discharge any of the functions assigned to the ⁴[Union territory of Chandigarh] ²[Home Guards] in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (1) A member of the ⁴[Union territory of Chandigarh] ⁵[Home Guards] when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force.

1. Substituted for the words "East Punjab Volunteer Corps" by Punjab Act No. 42 of 1960.

2. Substituted for the words "State of Punjab" by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

3. Substituted for the words "State Government" by *ibid*.

4. Substituted for the words "Punjab" by *ibid*.

5. Substituted for the words "Volunteer Corps" by Punjab Act No. 42 of 1960.

(2) No prosecution shall be instituted against a member of the ¹[Union territory of Chandigarh] ²[Home Guards] 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 of the ³[Central Government].

6. The members of the ¹[Union territory of Chandigarh] ²[Home Guards] when called out under section 4 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 8. Control by officers of Police force.

7. (1) If any member of a ¹[Union territory of Chandigarh] ²[Home Guards] being called out under section 4 without sufficient excuse neglects or refuses to obey such order or to discharge his functions as a member of the ¹[Union territory of Chandigarh] ²[Home Guards] 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 ⁴[simple imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees or with both]. Penalty.

⁵[(2) An offence under this Act shall be cognizable].

8. The ³[Central Government] may by notification and subject to any conditions which may be specified delegate its functions under sections 2, 3 or 4 to any person or body of persons. Delegation of Powers.

9. The ³[Central Government] may make ⁶rules Rules. consistent with this Act—

- (a) providing for the exercise of control by officers of the police force over members of the ¹[Union territory of Chandigarh] ²[Home Guards] when acting directly in aid of the police force ;
- (b) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the ¹[Union territory of Chandigarh] ²[Home Guards] and the manner in which they may be called out for service ;

¹ Substituted for the word "Punjab" by the Punjab Re organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

² Substituted for the words "Volunteer Corps" by Punjab Act No. 42 of 1960.

³ Substituted for the words "State Government" by the Punjab Re organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

⁴ Substituted for the words "fine which may be extended to fifty rupees" by Punjab Act No. 42 of 1960.

⁵ Added by *ibid*.

⁶ For Rules, see *East Punjab Government Gazette (Extraordinary)* of 17th December, 1947, pages 121—123, Notification No. 1012-H-47/10587, dated 15th December, 1947 ; and Notification No. 5884-H-50/1/3680, dated 26th July, 1950

- (c) conferring on members of the ¹[Union territory of Chandigarh] ²[Home Guards] according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any law for the time being in force ; and
- (d) generally for giving effect to the provisions this Act.

Repeal of Ordinance No. 10 of 1947.

10. The East Punjab National Volunteer Corps Ordinance, 1947, is hereby repealed.

¹ Substituted for the word "Punjab" by the Punjab Re organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

² Substituted for the words "Volunteer Corps" by Punjab Act No. 42 of 1960.