

HARYANA HOME GUARDS ACT, 1974 (31 OF 1974)

1914 : Haryana Act 31 | HOME GUARDS 341 1974 THE HARYANA HOME GUARDS ACT, (HARYANA Act No. 31 OF 1974) TABLE OF CONTENTS Sections Short title and extent

2. Definitions- 4.5. 6K 7. 8. 9. 11

12. Constitution of Haryana Home Guards. Enactment and appointment to offices of commando
Obligation of employer to permit members to join duty. Calling out of member. Power, protection and
controls Controlled by officers of police force, Penalty Delegation of powers. Power to make rules Repeal. 339
HOME GUARDS 1974, Year 1974 Repeal of the Haryana Home Guards Act, 1974
(HARYANA Act No. 31 OF 1974) (Received the assent of the Governor of Haryana on the 31st August,
1974, and first published for general information in the Haryana Government Gazette (Extraordinary)
Legislative Supplement Part I Of the 9th September, 1974.) 2 31 3 Short title s•The Haryana Home
Guards 1974 AN Act 4 Whether repealed or otherwise affected by Legislation to provide for the
constitution of Haryana Home Guards. Be it enacted by the Legislature of the State of Haryana in the
Twenty-fifth Year of the Republic of India as follows 1. (1) This Act may be called the Haryana Home
Guards Short title and Act, 1974. (2) It extends to the whole of the State of Haryana, 2, In this Act, unless
the context Otherwise requires— (a) "member" means a member of the Haryana Home Guards, (b)
"prescribed" means prescribed by rules made under this Act. extent Definitions

3. The State Government may, for any area, constitute a body to Constitution of
be called the Haryana Home Guards. the members of which shall discharge Haryana Home Guards. 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 or the rules made thereunder For Statement
of Objects and Reasons, see Haryana Government Gazette 1974, page 1191. 340 GUARDS [1974
Haryana Act 31 4. (1) The State Government may enrol such number of persons Enrolment and
appointment to who are fit and willing to serve as members as it may deem fit to enrol. offices of
command, (2) The State Government may appoint any person, whether a member or not, to any office of
command in the Haryana Home Guards- Obligation of 5. (1) Except as may be every employer shall
permit employer to a member who is for the time being employed by or under him to join his permit
members to join duty. duty as such, and, notwithstanding anything in any law or agreement between him
and such member, the period of his duty shall, subject to such conditions and restrictions as may be
prescribed, be deemed to be the period spent in such employment : Provided that the employer shall not be
liable to pay remuneration to such member for a period exceeding thirty days in any year. (2) No employer
shall dismiss or remove or suspend any employee, or take any other action which may prejudice such
employee, by reason of his being a member. (3) Nothing in this section shall apply to an employer unless
he had forwarded the application of the employee concerned for enrolment as member or been informed
by the employee of his being a member at the time of applying for employment: 6. The State Government
in any area may at any time call out a Calling out of member for training or to discharge any of the
functions assigned to the members, Haryana Home Guards in accordance with the provisions Of this Act
and the rules made thereunder. 7. (i) A member when called out Under section 6 shall have the Powers,
protection and same powers, privileges and protection as an officer of police appointed control. Control by
officers of police force. under any law for the time being in force, (2) No prosecution shall be instituted
against a member in respect of anything done or purporting to have been done by him in the discharge of
his functions as such member, except with the previous sanction of the State Government

**8. The members when called out under section 6 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.** 1974
Haryana Act 31 | HOME GUARDS 341 9, (1) If any member, On being called out under section 67
without Penalty. sufficient excuse, neglects or Refuses to obey such order, or to discharge his functions as
such member or to obey any lawful order or direction given to him for the performance of his duties, he
shall, on conviction by a court, be punishable with simple imprisonment for a term which may extend to
three months or with fine which may extend to one hundred rupees or with both, (2) Whoever contravenes
the provisions of sub-section (1) or sub-section (2) of section 5 shall be punishable with fine which may

extend to two hundred and fifty rupcesy and the coun by which an employer is convicted under this section nay further order him to pay to the employee a sum not exceeding Lhrve monthsl remuneration at thc rate at which his last remuneration was payabb to him by the employer, and any amount so ordered to be paid by the court shall be recoverable as if it were a fine imposed by such court : Provided that an emßoyer shall not be so liable unless he had forwarded the application of tye employee concerned for enrolment as member or been informed by the employee of his being a member at the time of applying for employment

(3) An offence under tkis Act shall be cognizable. 10, The State Government my, by notification, and subject to any DeleÅation of conditions which may be specified» delegate its functions under section 3 powers. or section 4 or setion 6 to any person or body Df persons, 11. (1) The State Government may make rules for carrying out Power 10 rnake the purpose of this Act. (2) In particular, and witbouuprejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :— (a) the exercise of control by officers of the police force over member when acting dlrectly in aid of the police force ; (b) regulating the organisation, appointment, conditons of service, duties, discipline, arms, accoutrements and clothing of members and the manner in which they may be called out for service ; 342 GUARDS [1974 : HaryanaAct 31 Repeal. (c) conferring on members according to their office any powers, other than the powers of an Executive or Judicial Magistrate, exercisable by any person under any law for the time being in force; and (d) any other matter which has to be, or may be, prescribed. (3) All rules made under this Act shall be laidt as soon as may be after lthey are so made, before the House of the State Legislature while it is in session for a period of not less than ten days, which may be comprised in one session orin two successive sessions, and if, before the expiry of the session in which they are so laid or the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be mad% such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however; that any such modification or mnulment shall be without prejudice to the validity of anything previously done thereunder

12. The Punjab Home GuardS Act, 1947 (Punjab Act 8 of 1947), in its application to the Slate of Haryana, is hereby repea}edo