

6. Power and protection of Home Guards- (I) Subject to the provisions of this Act and the rules made there under, a Home Guard when called out under section-4 in auxiliary to the police force shall have the same powers, privileges and protection as an officer of police appointed under any enactment while he is acting in force. No prosecution shall be instituted against a member of a Home Guard in respect of anything done or purporting to be done by him in the discharge of his duty as a member of a Home Guard.

(2) The sanction of the Deputy Commissioner/District Magistrate having jurisdiction over the area in which the Home Guard has been raised, shall be required before a member of a Home Guard can be arrested or detained without warrant by a police officer or other person empowered to arrest or detain without warrant a person suspected of being guilty of an offence.

(3) A member of a Home Guard shall not be liable to be punished for any offence committed by him while acting in force, if he shows that he acted in good faith and that he had reasonable grounds for believing that it was necessary so to do in the interests of public safety.

(4) A member of a Home Guard who is injured while acting in force shall be entitled to compensation from the Government in such manner as may be determined by the District Commandant Home Guards having jurisdiction over the area in which the Home Guard has been raised.

The District Commandant Home Guards will execute above responsibilities under the

supervision of prescribed authority for specific purpose under the general supervision of the Commandant General, Home guards of the State. Period of service and discharge-- 8. Subject to any rules made in this behalf, a Home Guard shall be required to serve the State Government for a period of four years (including the period spent in training) and shall be liable to be called out for duty at any time but not beyond the age of 54 (fifty four) years. (2) Every Home Guard shall be entitled to receive his discharge from the Home Guards on the expiration of the period specified in sub-section (1); but any such person may before he becomes so entitled be discharged by such authority and subject to such conditions as may be prescribed. (3) A Home Guard shall, within ten days of his discharge under sub-section (2), surrender the certificate of enrolment granted to him under sub-section (3) of section-3 to the office of the District Commandant of Home Guards

9. Penalties-- (1) If a Home Guard- (a) (b) (c) (d) (e) fails to report himself when called out for duty under section-4; or without sufficient excuse neglects or refuses to obey any lawful order or direction given to him for the performance of his duties or fails to discharge his functions as a member of the Home Guards while on duty, or deserts his duty, or is guilty of cowardice or offers any personal violence to any person in his custody. fails within ten days to surrender his certificate of enrolment granted under sub-section (3) of section-3, he shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. (2) An offence under sub-section (1) shall be cognizable. 10. Uniforms-- A Home Guard shall wear such uniform as may be prescribed. A Home Guard (other than a public servant-- A 1-101) the Guard acting in the discharge of his functions under this Act shall be deemed to be a public servant within the meaning of section-21 of the Indian Penal Code (XLV of 1860)

12. Power to make rules-- (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. (2) In pursuance of and without prejudice to the generality of the foregoing powers, such rules may provide for or regulate all or any of the following matters-- (a) all matters which are required by this Act to be prescribed, (a) (i) organization, appointment, qualification, conditions of service, functions, discipline, grounds for dismissal, and exercise by a Home Guard of any powers conferred on him; (b) orders, on subjects prevailing day to day administration of the Home Guards Act, 1947. Savings-- Name... 25 2006 Any action taken in exercise of the powers conferred by or under the "Bihar Home Guards Act, 1947" in the light of section 84 of the Bihar Reorganisation Act, 2000, shall be deemed, as if this Act were in force on the date on which such thing was done or action taken. THE GOVERNMENT OF BIHAR (Sec. 3) I, the undersigned, hereby solemnly declare and affirm that I will duly serve as a Home Guard for a period of twelve months from the date of enrolment including the period spent in training (which period may be extended at the discretion of the State Government), and that I will undertake to serve as a member of the Home Guards at any time or at any place during a further period of three years if I am called out for duty during such period. I will do to the best of my skill and knowledge and discharge the duties of a member of the Home guards, resident of... Signature. Address.. THE SECOND. SCHEDULE (Section 3(3)) Form Of certificate of enrolment... has been enrolled as a member of Home Guards under Section 3(3) of the Jharkhand Home Guards Act, 2005. When lawfully on duty, he shall have the same powers, privileges and protection as an officer of police appointed under the enactment for the time being in force. Date of appointment.... Place.. Signature and seal of the prescribed authority (in the margin)