

# उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963

{उ०प्र० अधिनियम संख्या 29, 1963}

## THE UTTAR PRADESH HOME GUARDS ADHINIYAM, 1963

[U. P. Act No. XXIX of 1963]

उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963<sup>1</sup>

{उ०प्र० अधिनियम संख्या 29, 1963}

उ०प्र० अधिनियम संख्या 4, 1972 द्वारा संशोधित

उ०प्र० अधिनियम संख्या 4, 1972 द्वारा संशोधित  
 1963 bZ0 rFkk mRrj izns" k fo/kku lHkk us fnuakd 24 flrEcj] 1963 bZ0  
 1963 bZ0 rFkk mRrj izns" k fo/kku ifj'kn~ us la" kks/ku lfgr fnukad 18 fnlEcj]  
 1963 bZ0 rFkk mRrj izns" k fo/kku ifj'kn~ us la" kks/ku lfgr  
 fnukad 23 fnlEcj] 1963 bZ0 dh cSBd esa Lohd`r fd;k A

1963 bZ0 rFkk mRrj izns" k fo/kku ifj'kn~ us la" kks/ku lfgr  
 fnukad 23 fnlEcj] 1963 bZ0 dh cSBd esa Lohd`r fd;k A  
 1963 bZ0 rFkk mRrj izns" k fo/kku ifj'kn~ us la" kks/ku lfgr  
 fnukad 23 fnlEcj] 1963 bZ0 dh cSBd esa Lohd`r fd;k A

mRrj izns" k esa gkse&xkMZ~l ds la?kVu dh O;oLFkk djus ds fy;s

### अधिनियम

;g b'Vdj gS fd mRrj izns" k gkse&xkMZ~l ds uke ls ,d la?kVu dh O;oLFkk dh  
 izLrkouk

tk;s] fildh lsokvksa dk mi;ksx vkikrdky esa fofHkUu drZO;ksa ds fy;s  
 fd;k tk lds vkSj tks "kkfUr vkSj lqO;oLFkk cuk;s j[kus ds fy;s iqfyl  
 ny lgk;d ds :Ik eas dke dj ldsA

अतएव भारतीय गणराज्य के चौदहवें वर्ष में निम्नलिखित अधिनियम बनाया जाता

gS&&

1--(1) यह अधिनियम उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963

laf{kIr  
 "kh'kZuke l izlki

1/42 1/2 bldk izlkj lEiw.kZ mRrj izns" k esa gksxkA

1/43 1/2 ;g rqjUr izpfyr gksxk A

2--विषय या प्रसंग में कोई बात प्रतिकूल न होने पर, इस अधिनियम में--

ifjHkk'kk;sa

1/4d 1/2 ^ftyk dekUMsUV\*\* ls rkRi;Z fdlh ftys esa  
 gkse&xkMZ~l ds lekns" kf/kdkjh ls gS (A2

1/4[k 1/2 gkse&xkMZ~l ds :Ik eas ^drZO;\*\* vkSj  
 ^lsok\*\* ds vUrxZr bl :Ik eas izf'k{k.k ysuk Hkh gS (

1/4x 1/2 vlkoZtfud lsokvksa ds laca/k eas ^lsok;kstd\*\*  
 dk rkRi;Z fu;kstd ls है, और इसके अन्तर्गत उसका अधिकृत  
 एजेंट या प्रबंधक भी है, और निगम, फर्म या O;fDr;ksa ds vU; la?k  
 dh n"kk esa] blds vUrxZr mldk funs" k] Hkkxhknkj izca/kd]  
 lfpo ;k vU; O;fDr Hkh gS] tks fdlh fufnZ'V le; esa mlds  
 dkjksckj ds lapkyu ds fy;s izHkkjh gks ;k mlds izfr mRrjnk;h  
 gks (

$\frac{1}{4}k^{\frac{1}{2}} \wedge \wedge vR;ko";d$  lsokvksa\*\* dk rkRi;Z eksVj ifjogu] vxzxkeh ,oa अभियंत्रण दल, उपचार, प्राथमिक चिकित्सा, जल एवं विद्युत सम्भरण अधिष्ठान काifjpkYu vkSj ,slh vU; lsokvks ls gS] tks jkT; ljdkj }kjk lkeqnkf;d thou ds fy;s vko";d foKkfir dh tk;sa(

$\frac{1}{4}^{\frac{3}{2}} \wedge \wedge gkse\&xkMZ\sim l^{**}$  dk rkRi;Z ml O;fDr ls gS] tks bl :Ik eas HkrhZ fd;k गया हो और इसके अन्तर्गत इस अधिनियम के अधीन नियुक्त अधिकारी भी है ;

- 1- mn~ns";kas vkSj dkj.kksa ds fooj.k ds fy;s fnukad 9 flrEcj 1963 bZ0 dk ljdkjh vlk/kkj.k xtV nsf[k;s(
2. उत्तर प्रदेश अधिनियम सं0 4, 1972 ई0 की धारा 2(1) द्वारा रखे गये ।

{उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963}

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3&6A

$\frac{1}{4}p^{\frac{1}{2}} \wedge \wedge iqfyl^{**}$  dk ogh rkRi;Z gksxk] tks iqfyl ,sDV] 1861 eas "kCn  $\frac{1}{4}police^{\frac{1}{2}}$  ds fy;s fn;k x;k gks (

(छ) "नियत" का तात्पर्य इस अधिनियम के अधीन बनाये गये नियमों द्वारा ,sDV la0 5 1861

fu;r ls gS (

$\frac{1}{4}t^{\frac{1}{2}} \wedge \wedge vlkoZtfud$  lsokvksa\*\* dk rkRi;Z jkT; ds v/khu lsok ls fHkUu fdlh lsok ls gS (

$\frac{1}{4}>^{\frac{1}{2}} ;^{***}\hat{A}_1$

$\frac{1}{4}'^{\frac{1}{2}} \wedge \wedge jkT;$  ds v/khu lsok\*\* dk rkRi;Z ^Hkkjr dk lafo/kku\* ds vuqPNsn 12 eas ;FkkifjHkkf'kr ^jkT;\*\* ds v/khu lsok ls gS vkSj bls vfrfjDr ifjfu;r fuxeas ds v/khu lsok ls gS (

$\frac{1}{4}V^{\frac{1}{2}} \wedge \wedge jkT;$  ljdkj\*\* dk rkRi;Z mRrj izns" k ljdkj ls gS (

$\frac{1}{4}B^{\frac{1}{2}} ;^{***}\hat{A}_1$

3&& mRrj izns" k gkse&xkMZ~l ds uke ls ftls vkxs ^gkse&xkMZ~l^{\*\*} dgk x;k gS] gkse&xkMZ~l

dk la?kVu

,d Lo;a lsod ny dk fuekZ.k vkSj vuqj {k.k fd;k tk;sxk vkSj ,slh jhfr ls la?kfVr fd;k tk;sxk tks fu;r dh tk;sxh A

4&& gkse&xkMZ~l ds fuEufyf[kr d'R; gksxsa %&

d'R;

$\frac{1}{4}d^{\frac{1}{2}}$  os iqfyl ny ds lgk;d ds :Ik eas dke djsaxs vkSj vis{kk fd;s tkus ij lkoZtfud O;oLFkk rFkk vkUrfjd lqj {kk cuk;s j[kus eas lgk;rk djasxs (

$\frac{1}{4}[k^{\frac{1}{2}}$  os gokbZ geyksa] vkx yxus] ck<+ vkus] egkekjH QSyus vkSj vU; vkikrkas ds le; yksd&lekt dh lgk;rk djsxsa (

$\frac{1}{4}x^{\frac{1}{2}}$  os ,sls fof'k'V dk;ksZa ds fy;s] tks fu;r fd;s tk;sa] vkikrdkyhu ny ds :Ik eas dk;Z djsxsa (

$\frac{1}{4}k^{\frac{1}{2}}$  os vR;ko";d lsokvksa ds fy;s dk;kZRed bdkbZ;ksa dh O;oLFkk djsxsa (

$\frac{1}{4}^{\frac{3}{2}}$  os yksd dY;k.k ds fdlh dk;Z ls lEc} ,sls vU; drZO;kas dk ikyu djsxsa] tks fu;r fd;s tk;sxsaA

5&& jkT; ljdkj] gkse& xkMZ~l ds dekUMsaV tujy] ftls vkxs  
 ^^dekUMsaV tujy\*\* कहा गया है और अन्य अधिकारियों को ऐसी शर्तों पर  
 नियुक्त करेगी, जो नियत की जायें।

dekUMsaV tujy vkSj  
 vU; अधिकारियों की  
 नियुक्ति

6&& ¼1½ gkse& xkMZ~l dk v/kh {k.k jkT; ljdkj eas fufgr gksxk A  
 ¼2½ lEiw.kZ jkT; gkse& xkMZ~l dk iz"kklu dekUMsaV tujy  
 eas fufgr gksxk] flok; fdlh ,sls LFkkuh; {ks= ds laca/k eas] ftls jkT;  
 ljdkj ,rnFkZ foKfIr }kjk vioftZr dj ns] bl izdkj vioftZr fdlh LFkkuh;  
 {ks= ds gkse& xkMZ~l dk iz"kklu djus ds fy;s fu;qDr कोई अधिकारी  
 उस क्षेत्र के संबंध में उसी प्रकार के अधिकारों का प्रयोग करेगा,  
 जिसका dekUMsaV tujy jkT; ds "ks'k Hkkx esa djsa A

gkse& xkMZ~l dk  
 v/kh {k.k vkSj iz"kklu

1- उत्तर प्रदेश अधिनियम सं० 4 1977 ई० की धारा 2(2) द्वारा निकाले गये।

{उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963}

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7&9A

¼3½ ftyk eftLV³sV ds lkekU; fu;a=k rFkk funs"r ds v/khu  
 jgrs gq;s] fdlh ftys esa gkse& xkMZ~l dk iz"kklu ftyk dekUMsaV esa  
 fufgr gksxk vkSj mlds }kjk fd;k tk;sxkAA

7&& ¼1½ ,slh "krkZs ds v/khu jgrs gq, tks fu;r dh tk;s] dksbZ O;fDr tks HkrhZ  
 vkfn

होम-गार्ड्स के रूप में भर्ती होने का इच्छुक हो, नियम प्रपत्र में प्रार्थना पत्र  
 देगा। यदि ऐसा izkFkhZ vlkoZtfud lsok eas gks rks og mDr izkFkZuk  
 i= vius lsok;kstd ds ek;/e ls ;k ;fn og jkT; ds v/khu lsokvksa eas gks  
 rks mu izkf/kdkjh ds ek;/e ls nsxk] tks mls ny eas lfEefyr gksus dh  
 vuqefr nsus ds fy;s l {ke gks A

¼2½ gkse& xkMZ~l dks vkSipkfjd :lk ls HkrhZ fd;k tk;sxk  
 vkSj HkrhZ gks tkus ij og izFke vuqlwph ds izi= eas ?kks'k.kk djsxk  
 vkSj f}rh; vuqlwph esa fn;s x;s izi= eas fu;qfDr dk प्रमाण पत्र पावेगा,  
 जिस पर ऐसे अधिकारी की मुहर और हस्ताक्षर हों, जो नियत किया  
 जाये और जिसके आधार पर उसे होम-गार्ड्स के अधिकारों तथा  
 विशेषाधिकारों से निहित किया tk;sxk rFkk mls gkse& xkMZ~l ds  
 drZO;ksa dk ikyu djuk gksxk A

(3) होम-गार्ड्स के अधिकारी और अन्य सदस्य ऐसी वर्दी पहनेंगे, जो नियत की जाय।

8-- इस अधिनियम और तद्दीन बनाये गये नियमों के उपबंधों के अधीन रहते gkse& xkMZ~l  
 dks cqykuk

gq;s&&

¼d½ ftyk eftLV³sV ;k ftyk dekUMsaV² vkns"r  
 }kjk ftys esa rSukr fdlh bdkbZ ls lEc) fdlh gkse& xkMZ~l dks  
 ftys ds Hkhrj fdlh {ks= eas dke ds fy;s cqyk ldrk gS (

(ख) होम-गार्ड्स का कमान्डेंट जनरल या ऐसा अन्य अधिकारी, जो उसके  
 }kjk ,rnFkZ izkf/kd'r fd;k tk;s] fdlh gkse& xkMZ~l dks jkT; ds fdlh Hkkx eas  
 vFkok jkT; ds ckj dke ds fy;s cqyk ldrk gSA

9-- (1) इस अधिनियम और तद्दीन बनाये गये नियमों के उपबंधों के  
 अधीन रहते

होम-गार्ड्स के  
 अधिकार sDV la051

;k vkUrfjd lqj {kk cuk;s j[kus eas lgk;rk djus ds fy;s cqyk;k tk;s] rks mls ogh अधिकार, अविशेषाधिकार और संरक्षण प्राप्त होगा, जो तत्समय प्रचलित किसी अधिनियम के अधीन नियुक्त किसी पुलिस अधिकारी को प्राप्त हो और ऐसे अनुमेलना तथा परिष्कारों के v/khu jgrs gq,] tks xtV esa foKfIr }kjk jkT; ljdkj mleas djas] ml ij iqfyl ,sDV] 1861 और उसके अन्तर्गत बनाये गये नियमों और विनियमों के उपबंध उसी रीति से और उसी lhek rd ykxw gksasxs ekuks ,slk gkse&xxkMZ~l iqfyl ny eas rn~uq:lk in /kkj.k fd;k Fkk] tks og rRle; gkse&xxkMZ~l eas fd;s gq;s gSa A

$\frac{1}{2}\frac{1}{2}$  gkse&xxkMZ~l ds :lk eas vius drZO; dk ikyu djus eas mlds }kjk fd;s x;s ;k fd;s tkus ds fy;s vfHkizsr fdllh dk;Z ds laca/k eas fdllh gkse&xxkMZ ds fo:) dksbZ vfHk;kstu rc rd] u pyk;k tk;sxk tc rd fd ml {ks= ij tgka gkse&xxkMZ HkhrZ fd;k x;k gks ;k tgka mDr dk;Z fd;k x;k gks] {ks=kf/kdkj j[kus okys ftyk eftLV<sup>a</sup>sV dh iwoZ vuqefr u ys yh tk;sA

1. उत्तर प्रदेश अधिनियम सं० 4, 1972 ई० की धारा 3 द्वारा प्रतिस्थापित ।

2- mi;qZDr dh /kkjk 4 }kjk j[kk x;k A

{उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963}

10-- इस अधिनियम के अधीन कृत्या का निर्वहन करने वाला होम-गार्ड इण्डियन

ihuy dksM dh /kkjk 21 ds vFkZ eas yksd lsod le>k tk;sxk A

Li'Vhdj.k&& gkse&xxkMZ~l ds :lk eas viuh HkhrZ gksus ds dkj.k in /kkj.k djus okyk u le>k tk;sxk A

11-- (1) होम-गार्ड, एतदर्थ बनाये किन्हीं नियमों के अधीन रहते हुये, प्रत्येक अधिकार

gkse&xxkMZ~l dh fdllh ,slh bdkbZ eas lsok djus ds fy;s ck;/ gksxk] ftlls og rRle; lEc) gks A

$\frac{1}{2}\frac{1}{2}$  vkjfEHkd vof/k] ftleas gkse&xxkMZ ls lsok djus dh vis{kk dh tk ldrh gS] mldh HkhrZ ds fnukad ls rhu o'kZ gksxhA ;g vof/k mldh fu;r jhfr ls ys[kc) lgefz ls c<+k;h tk ldrh gSA

$\frac{1}{4}\frac{3}{2}$  izR;sd gkse&xxkMZ~l esa fu;r jhfr ls dke ds fy;s cqyk;k tk;s] jkT; ds fdllh Hkkx eas lsok djus ds fy;s ck;/ gksxkA fdllh Hkh gkse&xxkMZ ls jkT; ds ckgj lsok djus dh tc rd vis{kk u dh tk;s fd rc rd fd mlesa ,slh lsok ds fy;s fu;r jhfr ls viuh lgefz u ns nh gks A

$\frac{1}{4}\frac{1}{2}$  dke ds fy;s cqyk;s x;s gkse&xxkMksZa dks ,slk nSfud HkRrk fn;k tk;sxk] tks fu;r fd;k tk;s A

$\frac{1}{4}\frac{5}{2}$  gkse&xxkMZ~l dk lk/kkj.k;k mu {ks= esa] tgka os HkhrZ fd;s x;s gksa] lsok djus ds fy;s vkSj dsoy va"kd kfyd dke ds fy;s cqyk;k tk;sxk A

12-- (1) कमान्डेंट जनरल या एतदर्थ नियत कोई अन्य अधिकारी को इस अधिनियम के अधीन बनाये गये नियमों के अनुसार होम-गार्ड्स के किसी सदस्य को या निलम्बित करने का अधिकार होगा। कोई होम-गार्ड ऐसे अधिकारी को, जो नियत किया tk;s] ,d ekl dk ukxfVl nsdj ny ls R;kx&i= ns ldrk gS A

/kkjk 10&12A

gkse&xxkMZ~l yksd lsod

gksxsa] fdUrq vlsfud lsod

ugah gksxsa

sDV] 1861 1963

सेवा करने का

lsokUeqfDr] fuyEcu vkSj

$\frac{1}{4}2\frac{1}{2}$  vfUre iwoZxr mi/kkjk ds mica/kksa ds v/khu jgrs gq;s izR;sd gkse&xkMZ /kkjk  
11

dh mi/kkjk  $\frac{1}{4}2\frac{1}{2}$  esa fufnZ'V vof/k dh lekflr ij gkse&xkMZ ls viuh lsoksUeqfDr ikus dk  
gdnkj gksxk A

$\frac{1}{4}3\frac{1}{2}$  izR;sd O;fDr] tks fdllh dkj.k ls gkse&xkMZ~l dk lnL; u  
jg tk;s] dekUMsaV जनरल को या ऐसे अधिकारी को ऐसे स्थान पर जो  
नियत किया जाये या जिन्हें कमान्डेंटtuyj funsf"kr djas] viuh fu;qfDr dk  
izek.k i= vkSj "kL=kL=] lkt&lTtk] oL= vkSj vU; oLrq;sa] tks mls  
,sls lnL; ds :i eas fn;s x;s gks] rqjUr ykSVk nsxk A

$\frac{1}{4}4\frac{1}{2}$  dksbZ eftLV<sup>a</sup>sV] bl izdkj ykSVk;s x;s fdllh izek.k&i= vkSj "kL=kL=] ,sDV la0  
5] 1898

lkt&lTtk] oL= vkSj vU; oLrqvksa dh] tgka&tgka Hkh os ik;s tk;s]  
ryk"kh ysus vkSj mUgsa अधिगृहित करने के लिये वारंट जारी कर  
सकता है। इस प्रकार जारी किया गया प्रत्येक वारंटकोड आफ किरमिनल  
प्रोसीजर, 1898 के उपबंधों के अनुसार पुलिस अधिकारी द्वारा, अथवा  
यदिokjaV tkjh djus okyk eftLV<sup>a</sup>sV bl izdkj funs"k ns rks] fdllh vU;  
O;fDr }kjk] fu'ikfnr fd;k tk;sxk A

$\frac{1}{4}5\frac{1}{2}$  bl /kkjk dh dksbZ ckr fdllh ,slh oLrq ij ykxw u le>h  
tk;]xh] tks dekUMsaV tuyj ds fdllh lkekU; ;k fo"ks'k vkns"k ds v/khu  
ml O;fDr dh lEifRr gks x;h gks] ftls og nh x;h Fkh A

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13&14A

;/kkjk

13&&  $\frac{1}{4}1\frac{1}{2}$  ;fn dksbZ gkse&xkMZ &&

"kkfLr;k;

$\frac{1}{4}d\frac{1}{2}$  /kkjk 8 ds v/khu dke ij cqyk;s tkus ij mifLFkr u gks( ;k

(ख) अपने वरिष्ठ प्राधिकारी या अन्य सक्षम अधिकारी के  
लिये किसी वैधvkns"k ;k funs"k dk fcuk lk;kZIr dkj.k djus eas  
mis{kk djsa ;k badkj djsa ;k tc og dke ij gks rks  
gkse&xkMZ~l ds :lk eas vius drZO;ksa dk fuoZgu u djsa( ;k

$\frac{1}{4}x\frac{1}{2}$  viuk in vfHkR;Dr dj nsa ( ;k

$\frac{1}{4}k\frac{1}{2}$  dk;jrk dk nks'kh gks ( ;k

$\frac{1}{4}3\frac{1}{2}$  viuh vfHkj {kk esa fdllh O;fDr ds lkFk vueqDr  
"kkjhfd cy iz;ksx djas (

Rkks og izFke Js.kh ds eftLV<sup>a</sup>sV }kjk fl)nks'k Bgjk;s  
tkus ij fdllh Hkh izdkj ds dkjokl ds n.M ls nf.Mr gksxk] tks  
rhu ekl rd dh vof/k dk gks ldrk gS ;k vFkZ n.M ls nf.Mr  
gksxk] tks nks LkkS :lk;s rd gks ldrk gS vFkok nksuksa ls  
nf.Mr gksxkA

$\frac{1}{4}2\frac{1}{2}$  ;fn dksbZ O;fDr tkucw> dj /kkjk 12 dh mi/kkjk  $\frac{1}{4}3\frac{1}{2}$  dk  
ikyu djus esa mis{kk djas ;k mldk ikyu u djsa rks og fl)nks'k Bgjk;s  
tkus ij fdllh Hkh izdkj ds] dkjokl ds n.M ls nf.Mr gksxk] tks rhu ekl  
dh vof/k rd gks ldrk gS ;k vFkZ n.M ls nf.Mr gksxk tks nks LkkS  
:lk;s rd gks ldrk gS vFkok nksuksa ls nf.Mr gksxk A

(3) कमान्डेंट जनरल या ऐसे अन्य अधिकारी की, जो एतदर्थ नियत किया जाय, पूर्व Lohd`fr ds fcuk mi/kkj ¼1½ ;k ¼2½ ds v/khu dksbZ vfHk;kstu u pyk;k tk;sxk A

¼4½ ;ftyk dekUMsaVÀ<sub>1</sub> के प्रतिवेदन पर पुलिस अधिकारी किसी वारंट के बिना किसी,sls O;fDr dks fxj;rkj dj ldrk gS tks mi/kkj ¼1½ ;k ¼2½ ds v/khu n.Muh; vijk/k dk vfHk;qDr gks A

(5) जब अधिकारी के भिन्न होम-गार्ड्स का सदस्य उपधारा (1) के अधीन दण्डनीय vijk/k djrk gS rks ;ftyk dekUMsaVÀ<sub>2</sub> या ऐसा अन्य अधिकारी जो नियत किया जाय, जिसके v/khu LFk mDr lnL; rRle; dke dj jgk gks] ;g funs"n ns ldrk gS fd nks'kkjksi.k ij vkSipkfjd lquokbZ ds fcuk dk;Zokgh dh tk;sxh vkSj rnqijkUr mDr dekUMsaV ;k vU; mls निम्नलिखित में से कोई एक या एक से अधिक दण्ड दे सकता है, अत्रात्--

¼d½ nks fnu ls vuf/kd vof/k ds fy;s ,sls LFkku ij vojks/k] tks mi;qDr le>k tk; (

¼[k½ lkr fnu ls vuf/kd vof/k ds fy;s DokVZjkas esa vojks/k lfgr ;k vojks/k jfgr n.MLo:lk dok;n ¼fM<sup>a</sup>y½] vfrfjDr dk;Z] dBksj ifjJe ¼QsVhx½ ;k vU; dke ( vkSj

¼x½ HkÜkksa dh tCrh A

14&& ¼1½ ml fLFkfr ds v/khu jgrs gq;s tks fu;r dh tk;] izR;sd lsok;kstd ,sls gkse&xkMZ dks tks rRle; mlds }kjk ;k mlds v/khu ,sls vuqca/k eas] tks mlds vkSj ,sls gkse&xkMZ~l ds chp gks] fdlh ckr ds gksrs gq;s Hkh mldh dk;Z vof/k ,slh "krksZa vkSj izfrea/kksa ds v/khu jgrs gq;s] tks fu;r fd;s tk;s] ,sls lsok;kstu eas O;rhr dh x;h vof/k le>h tk;sxh A

gkse&xkMZ dks  
dk;Z xzg.k djus dh  
vuqefr nsus ij

1 उत्तर प्रदेश अधिनियम सं० 4, 1972 ई० की धारा 5 (1)

द्वारा रखे गये ।

2 उत्तर प्रदेश अधिनियम सं० उपर्युक्त की धारा 5 (2) द्वारा रखे गये ।

{उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963}

;kkjk 15À

¼2½ dksbZ Hkh lsok;kstd fdll deZpkjh dks mlds gkse&xkMZ~l dk lnL; gksus ds dkj.k u rks inP;qR djsxk] u gVk;sxk] u mls fuyfEcr djsxk vkSj u dksbZ ,slh vU; dk;Zokgh djsxk tks ,sls deZpkjh ij izfrdwy izHkko Mkys A

¼3½ tks dksbZ /kkjk ¼1½ ;k ¼2½ ds mica/kkas dk mYya?ku djsxk og vFkZn.M ls nf.Mr fd;k tk;sxk] tks nks lkS ipkl :I;s rd gks ldrk gS vkSj ftl U;k;ky; }kjk lsok;kstd bl /kkjk ds v/khu nks'kf) Bgjk;k tk;s og lsok;kstd dks ;g Hkh vkns"n ns ldrk gS fd og mDr deZpkjh dk ml nj ij ftl ij mldk vfUre ikfjJfed lsok;kstd }kjk mls ns; Fkk ;k rhu ekl ls vuf/kd ds ikfjJfed dk Hkqxrku djsa vkSj Hkqxrku fd;s tkus ds fy;s U;k;ky; }kjk bl izdkj fn;s x;s vkns"n dh dksbZ /kujkf"n mlh izdkj olwyh dh tk ldsxh ekuks og ,sls U;k;ky; }kjk vkjksfir vFkZn.M gksA

¼4½ bl /kkjk dh dksbZ ckr fdll lsok;kstd ij rc rd ykxw u gksxh tc rd fd mlus lEc} deZpkjh dk gkse&xkMZ~l ds lnL; ds :lk ls

HkrhZ gksus ds fy;s izkFkZuk i= nsrs le; gkse&xkMZ~l dk lnL;  
gksus dh lwpuk u ns nh gks A

15-- (1) राज्य सरकार, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के  
लिये उसके प्रावधानों को प्राप्ताप्त पध्दती बनाने के लिये निम्न बना सकती है ।

नियम और विनियम  
बनानेका अधिकार

(2) विशेषतः तथा पूर्वोक्त अधिकारों की व्यापकता पर प्रतिकूल  
प्रभाव डाले बिना ऐसे नियमों में निम्नलिखित विषयों में से सभी या किसी  
विषय की व्यवस्था की जा सकती है याImUgsa fofu;fer fd;k tk ldrk gS]  
vFkkZr~&&

$\frac{1}{4}$  d  $\frac{1}{2}$  gkse&xkMksZ dk la?kVu] mudh vgZrk;sa]  
HkrhZ dh jhfr] LokLF; ijh{kk} d'R;] vuq"kklu] "kkL=kL=]  
lkt&lTtk] oL= vkSj onhZ vkSj jhfr] ftds vuqlkj os lsok ds  
fy;s cqyk;s tk;sa ;k muls izf"k{k.k ysus dh vis{kk dh tk;s (

$\frac{1}{4}$  [k  $\frac{1}{2}$  /kkjk 9 dh mi/kkjk  $\frac{1}{4}$   $\frac{1}{2}$  ds iz;kstuksa ds fy;s  
gkse&xkMksZ }kjk iqfyl अधिकारी के अधिकारों का प्रयोग  
करना और होम-गार्डों तथा पुलिस कर्मचारियों के chp inksa dh  
vuq:irk (

(ग) शर्तें, जिसके अधीन कोई व्यक्ति अधिनियम या उसके  
किसी विशेष mica/kksa ds v/khu fdlh vkHkkj ;k nkf;Roksa ls  
eqDr fd;k tk ldrk gS (

(घ) इस अधिनियम द्वारा राज्य सरकार को प्राप्त अधिकारों  
और कृत्यों का dekUMasV tujy vkSj vU; izkf/kdkfj;ksa dks  
izfrfu/kku ( vkSj

(ङ) कोई अन्य विषय, जो इस अधिनियम के अधीन नियत  
किया जाना हो या tks fu;r fd;k tk;s A

(3) इस अधिनियम के अधीन बनाये गये सभी नियम, बनाये जाने के  
पश्चात् यथाशक्य"kh?kz] jkT; fo/kku eaMy ds izR;sd lnu ds le{k} tc  
mldk l= gks jgk gks] mlds ,d l= ;k ,dkf/kd vkuqdzfed l=ksa esa de ls  
de dqy pkSng fnu dh vof/k i;ZUr j[kk tk;sa vkSj tc rd fd dksbZ ckn dk  
fnukad fu/kkZfjr u fd;k tk;s] xtV eas muds izdk"ku ds fnukad ls] ,sls  
ifj'dkjksa ;k vfHk"kwU;ksa  $\frac{1}{4}$  aAnnulments  $\frac{1}{2}$  ds v/khu jgrs gq;s  
izHkkoh gksxsa] tks fo/kku eaMy ds lnu djus ds fy;s lger gksa] fdUrq  
bl izdkj dk dksbZ ifj'dkj ;k अभिशून्यन सम्बद्ध नियमों के अधीन पहले  
की गयी किसी बात की वैधता पर प्रतिकूल प्रभाव न MkysxkA

{उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963}

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izFke vuqlwph

Hkkx 7  $\frac{1}{4}$   $\frac{1}{2}$  À

?kks'k.kk dk izi=

eSa----- vkRet-----  
fuoklh----- ,rn~}kjk lR;fu'Bk ls ?kks'k.kk  
vkSj izfrKku djrk gw; fd eSa mRrj izns"k gkse&xkMZ~l ds  
lnL; ds :lk eas ftds drZO;kas rFkk mRrjnkf;Roksa dks eSUs

iwjh tkudkjH ls xzg.k fd;k gSA HkrhZ fd;s tkus ds fnukad ls rhu o'kZ dh vof/k ds fy;s] filds vUrxZr izf'k{k.k esa O;rhr dh x;h vof/k Hkh gS ¼;g vof/k esjh lgefzr ls jkT; ljdkj }kjk c<+k;h tk ldrh gS½] oLrq% lsok d; ;xk vkSj eSa ;g Hkh opu nsrk gw; fd eSa c<+kbZ x;h vof/k eas mRrj izns'k gkse&xkMZ~l ds lnL; ds :lk eas fdlh Hkh le; ;k fdlh Hkh LFkku ij lsok d:Wxk] ;fn eq>s ,slh vof/k esa dke ij cqyk;k x;k A eSa gkse&xkMZ ds lnL; ds drZO;ksa dk ikyu iwjh n{krk vkSj tkudkjH ls d:Waxk vkSj vius thou dk tksf[ke gksrs gq;s Hkh lnSo Hkkjrh; lafo/kku rFkk jk'Vª/ot ds lEeku dh j{k;k ds fy;s m|r jgwWxk A

gLRk{kj A

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eSa----- vkRet-----

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उत्तर प्रदेश होम-गार्ड्स अधिनियम, 1963 की धारा 7 (2) के अधीन उत्तर प्रदेशgkse&xkMZ~l dk lnL; fu;qDr fd;k x;k gSA tc og oS/krk dke ij gks rks iqfyl ds lgk;d ds :lk eas lsok djus ;k vkUrfjd lqj{k;k cuk;s j[kus esa lgk;rk djus के लिये बुलाये जाने पर, उसे वही अधिकार, विशेषाधिकार और संरक्षण प्राप्त होंगे, जो तत्समय प्रचलित किसी अधिनियम के अधीन नियुक्त पुलिस के तदनुरूप पद के किसी अधिकारी को प्राप्त हो और ऐसे अनुकूलन तथा परिष्कारों के अधीन रहते हुये हो राज्यसरकार उसमें करें उस पर पुलिस ऐक्ट, 1861 और उसके अन्तर्गत बनाये गये नियमों और विनियमों के उपबंध लागू होंगे ।

fu;qfDr dk fnukad-----

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fnukad-----

नियत अधिकारी के हस्ताक्षर और मुहर।

THE UTTAR PRADESH HOME GUARDS ADHINIYAM, 1963

[U. P. Act No. XXIX of 1963]

Amended by U. P. Act No. 4 of 1972

[Passed in Hindi by the Uttar Pradesh Legislative Council on September 24, 1963, by the Uttar Pradesh Legislative Assembly on December 18, 1963 with the amendments and again passed by the Uttar Pradesh Legislative Council on December 23, 1963 with the amendments made by the Legislative Assembly.

Received the assent of the Governor on December 30, 1963 under Article 200 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary dated December 31, 1963]

AN

ACT

*to provide for the constitution of the Home Guards in Uttar Pradesh.*

WHEREAS it is expedient to provide for the constitution of a force known as the Uttar Pradesh Home Guards for utilizing its services for duties in times of emergency and serving as an auxiliary to the police for the maintenance of law and order;

IT IS HEREBY enacted in the Fourteenth Year of the Republic of India as follows:

Short title,  
extent and  
commencement

1. (1) This Act may be called the Uttar Pradesh Home Guards Adhiniyam, 1963.
- (2) It shall extend to the whole of Uttar Pradesh.
- (3) It shall come into force at once.

Definition

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

[(a) "District Commandant" means the Officer commanding the Home Guards in a district;]<sup>2</sup>

(b) "duty" or "service" as home guard shall include the undergoing of training as such ;

(c) "employer" means an employer in relation to private service, and includes his authorized agent or manager and in the case of a corporation, firm or other association of individuals, includes its director, partner, manager, secretary or other persons in charge of or responsible to it for the conduct of its business at any given time;

(d) "essential services" means motor transport, pioneer and engineering corps, fire brigades, nursing, first-aid, operation of water and power supply installations, and such other services as may be notified by the State Government as being essential to the life of the community;

(e) "Home guard" means a person who is enrolled as such, and includes an officer appointed under this Act;

2. Subs. by section 2(i) of U. P. Act No. IV of 1972.

[The Uttar Pradesh Home Guards Adhiniyam, 1963]  
6]

[Section 3-

(f) "police" shall have the same meaning as assigned to the word in the Police Act, 1861 ;

(g) "Prescribed" means prescribed by rules framed under this Act ;

(h) "private service" means any service other than service under the State;

(i) [\*\*\*]<sup>1</sup>

(j) "service under the State" means service under the State as defined in Article 12 of 'the Constitution of India' and includes service under any statutory corporation ;

|                                                        |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        |    | (k) "State Government" means the Government of Uttar Pradesh ; and<br>(l) [* * *] <sub>1</sub>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Constitution of Home Guards                            | 3. | There shall be raised and maintained a volunteer force to be designated the Uttar Pradesh Home Guards, hereinafter called the Home Guards and it shall be constituted in the manner prescribed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Functions                                              | 4. | The Home Guards will have the following functions :--<br>(a) they will serve as auxiliary to the police, and when required help in maintaining public order and internal security ;<br>(b) they will help the community in air' raids, fires, floods, epidemics and other emergencies ;<br>(c) they will function as an emergency force for such special tasks as may be prescribed;<br>(d) they will provide functional units for essential services; and<br>(e) they will perform such other duties relating to any measure of public welfare as may be prescribed.                                                                                                                                                                                                                                                                                                         |
| Appointment of commandant - General and other officers | 5. | The State Government shall appoint a Commandant-General of Home Guards, hereinafter called the Commandant-General, and other officers of such terms and conditions as it any be prescribed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Superintendence and administration of Home Guards      | 6. | (1) The superintendence of the Home Guards shall vest in and be exercised by the State Government.<br>(2) The administration of the Home Guards throughout the State shall vest in and be exercised by the Commandant-General except in relation to any local area that may be excluded by notification by the State Government in this behalf, and any officer appointed to administer the Home Guards of any local area so excluded shall exercise in relation to that area the like powers as the Commandant-General exercises in the rest of the State.                                                                                                                                                                                                                                                                                                                   |
|                                                        |    | 1. Omitted by section 2(ii) of U.P. Act No. 4 of 1972.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| [The Uttar Pradesh Home Guards Adhiniyam, 1963]        |    | [Section 7-9]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                                                        |    | [(3) Subject to the general control and direction of the District Magistrate, the administration of the Home Guards in a district shall vest in and be exercised by the District Commandant.] <sub>1</sub>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Enrolment etc.                                         | 7. | (1) Subject to such conditions as may be prescribed, any person desiring to be enrolled as home guard shall make in application in the prescribed form. If such applicant is in private service he shall make such application through his employer, or if in services under the State, through the authority competent to grant him permission to join the force.<br>(2) A home guard shall be formally enrolled and on enrolment make a declaration in the form set out in the First, Schedule and receive a certificate of appointment in the form set out in the Second Schedule under the seal and signature of such officer as may be prescribed, by virtue of which he shall be vested with the powers and privileges and be subject to the duties of a home guard.<br>(3) Officer and other members of the Home Guards shall wear such uniforms as may be prescribed. |
| Calling out of Home Guards                             | 8. | Subject to the provisions of this Act and the rules made there under ---<br>(a) [the District Magistrate or the District Commandant] <sub>2</sub> may by order                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

call out any home guard attached to a unit posted in the district for duty in any area within that district;

(b) the Commandant-General or such officer of the Home Guards as may be authorized by him in this behalf may call out any home guard for duty in any part of the State or outside the State.

Powers,  
privileges and  
protection of  
Home Guards

9. (1) Subject to the provisions of this Act and the rules made thereunder, a home guard when called out under section 8 to serve as auxiliary to the police or to help in maintaining public order or internal security, shall have the same powers, privileges and protection as a member of the police force appointed under any enactment for the time being in force, and shall subject to such adaptations and modifications, as may be made therein by the State Government by notification in the Gazette, be subject to the provisions of the Police Act, 1861, and the rules or regulations made thereunder in the same manner and to the same extent as he would, if such home guard held a corresponding rank in the police force to the one he holds for the time being in the Home Guards.
- (2) No prosecution shall be instituted against a home guard in respect of anything done or purporting to be done by him in the discharge of his duty as a home guard, except with the previous sanction of the District Magistrate having jurisdiction over the area in which the home guard was enrolled or in which the act was committed.

1. Substituted by section 3 of U.P. Act No. 4 of 1972.

2. Substituted by section 4 *ibid*.

[The Uttar Pradesh Home Guards Adhiniyam, 1963]  
12]

[Section 10-

Home Guards 10. A home guard acting in the discharge of his functions under this Act shall be to be public deemed to be a public servant within the meaning of section 21 of the Indian servants but Penal Code.

not civil

servants

Act 45 of 1860

Explanation -- A home guard shall not be deemed to be a holder of a civil post merely by reasons of his enrolment as home guard.

Liability for 11.  
services

- (1) Subject to any rules made in this behalf, a home guard shall be bound to serve in any unit of the Home Guards to which he is, for the time being attached.
- (2) The initial period during which a home guard may be required to serve shall be three years from the date of his enrolment. This period may be extended with his consent recorded in the prescribed manner.
- (3) Every home guard shall be liable to serve, when called out in the prescribed manner, for duty in any part of the State. No home guard shall be required to render service outside the State unless he has given his consent in the prescribed manner for such service.
- (4) The home guards called out for duty may be paid such allowances as may be prescribed.
- (5) The home guards will ordinarily be called out to serve in the areas of their enrolment and only for part-time duty.

Discharge,  
suspension and  
resignation

12. (1) The Commandant-General or any other officer prescribed in this behalf shall have the authority to discharge or suspend any member of the Home Guards in accordance with the rules made in this behalf. A home guard may resign from the force after giving one month's notice delivered to such officer as may be prescribed.

- (2) Subject to the provisions of the last preceding sub-section, every Home guard shall be entitled to receive his discharge from the Home Guards on the expiration of the period specified in sub-section (2) of section 11.
- (3) Every person who for any reason ceases to be a member of the Home Guards, shall forthwith deliver up to the Commandant-General or to such officer and at such place as may be prescribed or as the Commandant-General may direct, his certificate of appointment and the arms, accoutrements, clothing and other articles which may have been received by him as such member.
- (4) Any magistrate may issue a warrant to search for and seize wherever they may be found any certificate, arms, accoutrements, clothing or other articles not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a police officer, or, if the magistrate issuing the warrant so directs, by any other person.
- (5) Nothing in this section shall be deemed to apply to any article which under any general or special order of the Commandant-General has become the property of the person to whom the same was furnished,

[The Uttar Pradesh Home Guards Adhiniyam, 1963]  
14]

[Section 13-

Penalties 13. (1) If a home guard- -----

- (a) fails to report himself when called out for duty under section 8 ;or
- (b) without sufficient excuse neglects or refuses to obey any lawful order or direction of his superior officer or other competent authority or fails to discharge his function as a member of Home Guards while on duty ;
- (c) deserts his post ; or
- (d) is guilty of cowardice ; or
- (e) offers any unwarranted personal violence to any person in his custody;

he shall, on conviction by a magistrate of the first class, be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

- (2) If any person willfully neglects or fails to comply with sub-section (3) of section 12, he shall on conviction, be punished with imprisonment of either description for a term in which may extend to three months or with fine which may extend to two hundred rupees or with both.
- (3) No prosecution shall be instituted under sub-section (1) or (2) without the previous sanction of the Commandant-General or such other officer as may be prescribed in this behalf.
- (4) On a report of [the District Commandant]<sup>1</sup> a police officer may arrest without a warrant any person accused of an offence punishable under sub-section (1) or (2).
- (5) When a member of the Home Guards other than an officer commits an offence punishable under sub-section (1) [the District Commandant]<sup>2</sup> or such other officer as may be prescribed, under whom the member is for

the time being serving may direct that the charge shall be dealt with without formal trial and thereupon the said Commandant or other officer may in the prescribed manner award to him anyone or more of the following punishments; namely : --

(a) confinement in such place as may be considered suitable for a period not exceeding two days;

(b) punishment drill, extra work, fatigue or other duty not exceeding seven days in duration, with or without confinement to quarters ; and

(c) forfeiture of allowances.

Obligation of employer to permit Home Guards to join duty

14. (1) Except as may be prescribed, every employer shall permit a home guard who is for the time being employed by or under him to join his duty as such, and notwithstanding anything any law or agreement between him and such home guard in force, 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.

1. Substituted by section 5 (i) of U.P. Act No.4 of 1972.

2. Subs. by section 5 (ii) ibid.

[The Uttar Pradesh Home Guards Adhiniyam, 1963]

[Section 15]

(2) No employer shall dismiss, remove or suspend any employee, or take any other action which may prejudice such employee, by reason of his being a member of the Home Guards.

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall be punished with fine which may extend to two hundred and fifty rupees, and the court by which an employer is convicted under this section may further order him to pay to the employee a sum not exceeding three months remuneration at the rate at which his last remuneration was payable 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.

(4) Nothing in this section shall apply to an employer unless he had forwarded the application of the employee concerned for enrolment as Home Guard or been informed by the employee of his being a Home Guard at the time of applying for employment.

Power to make rules and regulation

15. (1) The State Government may make rules for carrying out the purposes of this Act and for giving effect to its provisions generally.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate all or any of the following matters; namely :--

(a) the organization, qualifications, manner of enrolment, medical examination, functions, discipline, accoutrements, clothing and uniform of home guards and the manner in which they may be called out for service or required to undergo training;

(b) exercise by home guards of the powers of a police officer and the correspondence of ranks between home guard and police personnel for purposes of sub-section (1) of section 9 ;

(c) the conditions subject to which any person may be, exempted from any obligation or liability under this Act or any particular provision thereof;

(d) the delegation of the powers and functions conferred by his Act on the State Government to the Commandant-General and other authorities; and

(e) any other matter which under this Act is to be or may be prescribed.

- (3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the Houses of the Legislature may agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

[The Uttar Pradesh Home Guards Adhiniyam, 1963]

[Schedule]



## FIRST SCHEDULE

### [Section 7(2)]

#### Form of Declaration

I, .....son  
of....., resident of  
..... do hereby solemnly declare and affirm  
that I will truly serve as a member of the Uttar Pradesh Home Guards, the duties and  
responsibilities whereof I have assumed with full understanding, for a period of three  
years from the date of enrolment (including the period spent over training), which  
period may be extended by the State Government with my consent. I further under-  
take to serve as a member of the Uttar Pradesh Home Guards at any time or at any  
place during such period if I am called for duty. I will to the best of my skill and  
knowledge discharge the duties of the Home Guards and will, even at the peril of my  
life, ever be ready to protect the Constitution of India and the honour of the National  
Flag.

.....

**Signature.**

**ADDRESS** .....



**SECOND  
SCHEDULE  
[Section 7(2)]**

**Form of Certificate of Appointment**

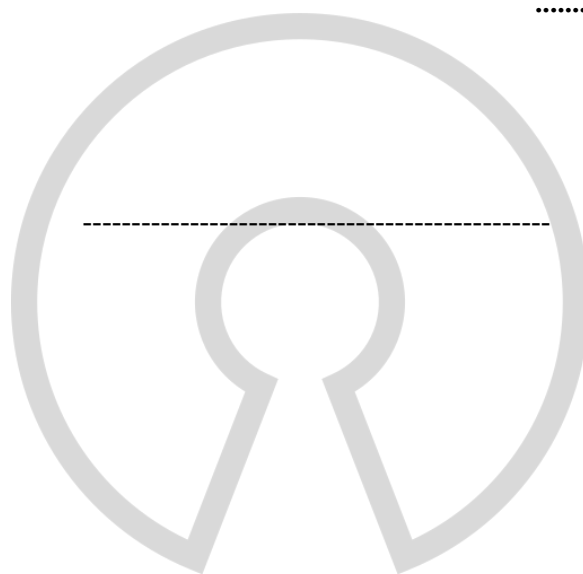
Name ..... son of  
....., resident of .....

has been appointed a member of the Uttar Pradesh Home Guards under section 7(2) of the Uttar Pradesh Home Guards Act, 1963. When lawfully on duty on being called! out to serve as auxiliary to the police or to help in maintaining public order or internal security, he shall have the same powers, privileges and protection as an officer of corresponding rank of the police force appointed under any enactment for the time being in force and shall, subject to such adaptations and modifications as may be made there in by the State Government, be subject to the provisions of the Police Act, 1861 and the rules or regulations made thereunder.

Date of appointment .....

PLACE .....

DATE .....



.....

**Signature and seal of  
the  
Prescribed  
Officer**