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**THE ASSAM HOME GUARDS ACT
AND RULES, 1947**

(As Modified upto 8th December 1962)

(As Modified upto 8th December 1962)

ASSAM ACT XXIV OF 1947.

- **THE ASSAM HOME GUARDS ACT, 1947**

(Passed by the Assembly)

**(Received the assent of the Governor on the
20th December, 1947)**

(Published in the Assam Gazette of the 24th Dec./ 1947)

An Act to provide for the constitution of Home Guards.

Preamble. WHEREAS it is expedient to provide a volunteer body called the Home Guards to supplement the ordinary police force in certain parts of the Province;

It is hereby enacted as follows: -

- Short title**
extent and
1947.
1. (1) This Act may be called the Assam Home Guards act, 1947.
(2) It extends to the whole of Assam.
(3) It shall come into force
(i) In any revenue district or part thereof on

such date as the (State Government) may by notification appoint, and

(ii) at once in the districts of Goalpara, Kamrup, Silchar and Karimganj.

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

Definition (a) **“Home guards”** means a person who is appointed as such under this Act;

(b) **“Prescribed”** means prescribed by rules made under this Act.

1. Substituted by the adaptation of Laws Order, 1950 for “Provincial Government”.

* This act has been applied to the Garo Hills district, vide notification No. HPL 2/48/3, Dated the 7th January, 1948 subject to certain modifications the Act has also been applied to the former Khasi States including the Shillong administered Areas, vide Notification No. SK.57/48/18, Dated the 21st June 1949.

3.

(i) In any revenue district of part thereof in which Act is in force the (State Government) ¹ may raise in such manner as may be prescribed home guards who shall discharge such duties in relation to the protection of the Public safety or convenience as may assigned to them in accordance with the provisions of this Act and the rules made there under.

Raising of Home guards:

(ii) The Home Guards in the (state) ² shall, for the purpose of this Act, be deemed to be single force and the members thereof shall be formally appointed; and such force shall consist of such number of officers and as may be ordered by the (state Government) ¹.

Subordination and superintendence:

4.

(1) Subject to sub-Section (2) of section 3 there shall be a commandant-general of the Home Guards and for every revenue district, or part thereof, in which this Act is in force and or more Commandants subordinate to him and such other officers subordinate to them as may be necessary.

(2) The superintendence of the Home Guards throughout Assam shall vest in and shall be

exercise by the (State Government) through the Inspector General of Police of the (state) in such manner and to such extent as may be prescribed.

- (3) The administration of the Home Guards throughout Assam shall vest in the Commandant General and in every revenue district or part thereof as the (State Government) may decide, in one or more Commandants.

Appointment of officers:

5.

- (1) The Commandant General shall be appointed by the (State Government) ¹.
- (2) The appointment of any Home Guards to an office of command subordinate to that of the Commandant General shall be made in such manner as may be prescribed.

6.

Appointment of H. Gs.

- (1) Subject to the provisions of the Act and to the rules made there under any person willing to serve as a Home Guards and possessing such qualifications as may be prescribed may be appointed a Home Guard.

(2) The appointment of Home Guards shall be made in such manner and by such authority as may be prescribed.

(3) (a) Every Officer and every man of the Home Guard shall receive on his appointment a certificate in the form annexed to this Set under the seal of the Commandant in the case of men, by virtue of which the person holding such certificate shall be vested with the powers and privileges of a Home guard.

(b) Such certificate shall cease to have effect whenever the person named in it cease to be a Home guard and on his so ceasing shall within ten days be surrendered by him to the Commandant General if he is an Officer and to the Commandant in all other cases.

* 1. Substituted by the A.C. 1950 for "Provincial Government".

2. Substituted by the A.C. 1950 for "Provincial t".

Duties and 7.
Training of H.
Gs.

(1) Subject to any rule made in this behalf it shall be the duty of every Home Guard promptly to obey and execute all orders issued to him by any competent authority, to collect and communicate to his immediate superior intelligence affecting the public safety and to prevent the commission of offences against person or property.

(2) Subject to any rule made in this behalf it shall be the duty of every Home Guard may be required to undergo for a period of not more than two months such training as may be prescribed after which he shall serve as a Home Guards for period of six months which period may be extended by the (State Government) ¹ considers such extension necessary and shall thereafter servo in the reserve for a period of three YRS. And while in the reserve shall be liable to be called out for duty at any time.

Discharge: 8.

(1) Every Officer and man of the Home Guards shall be entitled to receive his discharge from the Home Guards on the expiration of his period of service in the reserve; but any such

person may before he becomes so entitled be discharged by such authority and subject to such conditions as may be prescribed.

(2) The prescribed authority may, subject to such conditions as may be prescribed, dismiss any officer or man from the Home Guards.

Uniform:

9. Officers and men of the Home Guards shall wear such uniform as may be prescribed.

* 1. Substituted by the A.C.1950 for "Provincial Government".

Calling out
H.Gs.

10. The district Magistrate having jurisdiction over any revenue district or part thereof in which Home Guards are raise may by an order made in such manner as may be as prescribed call-out any Home Guard for the discharge of any duty assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Control over
H. Gs.

11. The Home Guards shall at all times when undergoing training or when called out be under the control and subject to the orders of their officers, and shall when called out be further subject to the general control of the

district Magistrate in such manner and to such extent as may be prescribed.

Powers and
Protection of
H.Gs.

12.

(1) Subjected to the provisions of this or the rules made thereunder a Home Guard when called out under section 10 shall have the same powers, privileges and protection as an officer of Police appointed under any enactment for the time being in force.

(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 (State Government) ¹ or some officer empowered by the (State Government) ¹ in this behalf.

Penalty

13.

(1) Every Home Guards who is guilty of any violation of duty or willful breach or neglect of any provision of this Act or withdraws from the duties of his office without permission or who on being required to undergo training under section 7 or being called out under section 10 without sufficient cause neglects or refuses or refuses to obey the requirement or the order

calling him out, or who is guilty of cowardice or offers any unwarrantable personal violence to any person in his custody, or who fails within ten days to surrender his certificate under clause (b) of sub-section (3) of section 6, shall be punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred and fifty rupee or with both.

- (2) An offence punishable under sub-section (2) shall be cognizable.

**Power to make
rules**

14.

- (1) The (State Government) ¹ may make rules for carrying put the purposes of this Act.
- (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) All matters which are required by this Act to be prescribed;
- (b) The exercise by the Commandant General or the Commandant or other officer of the Home Guards of the powers conferred on

District Superintendents of Police in Assam;

- (c) the organization, appointment, conditions of service, functions, discipline, arms, accoutrements, clothing and uniform of the Home Guards and the manner in which they may be called out for service or required to undergo training; And
- (d) the exercise by a Home guard of any of the powers exercid only under section 12 of this Act.

Home Guard to be a public servant. 15. A Home Guard acting in the discharged of his functions under this Act shall be deemed to be a public servant within the meaning of section 21of the Indian penal Code.

Act XIV

Of 1860

ANNEXURE

FORM OF CERTIFICATE

(See Section 6 (3) (a))

Name

Son of

Caste

Resident of

has been appointed an officer/a member of the HOME GUARDS under section 6 (3) (a) of the Assam Home Guards Act, 1947 (Assam act XXIV of 1947). When lawfully on duty, he shall have the same powers, Privileges and protection as an officer of Police appointed under any enactment for the time being in force.

Date of appointment.....

Place

Date.....

(Seal)

Commandant general of the Home Guard
Commissioner

The 27th September 1948.

No-Ex./Misc./78/47/12-Ad. –

In exercise of the powers conferred by sub-section (1) of Section 92 of the Government of India Act, 1935, as adopted by the India (provisional Constitution) order, 1947, the Governor of Assam is pleased to direct that the Assam Home Guards Act, 1947 (Assam Act XXIV of 1947), shall apply to the portion of the Mishmi Hills District of the Sadiya Frontier Tract as constituted by regulation I of 1948 which falls within the boundaries in Schedule I subject to the modification mentioned in Schedule II below.

SCHEDULE – I

North - From a point in latitude 27° 52' 50", longitude 95° 31' 15" approximately on the junction of the GANGO and Dibang rivers along a straight line to a point 492 on the left bank of the Kundil river, thence due east to point 625 on the right bank of the Balijan river.

East - Thence down the Balijan River, following the right bank of the western channel of the Balijan river to its confluence of the Lohit river thence across and down the left bank of the Lohit river to Noa Dehingmukh thence up the right bank of the Noa Dehing river to a point opposite to the Dirak Hkamukh; thence across the Dirak Hka river and along its

left bank to where this river joins the Sadiya Frontier Tract and the Lakhimpur District boundary.

South – Thence in a westerly direction by the southern edge of the path leading from the village of Choto Dirak (Hkamti) to the Bormaithang to a point on the Hahkhati Jan about one mile west of the Choto Dirak near where the Hahkhati Jan turns west wards at height 450; thence by the Hahkhati Jan stream known also as the Dholla and thence the Dangari Nadi Lower down its course, vide survey of India sheet No. 83M/10 of 1920 to a point where a small channel or khal connects it with the Ajuka Nadi also known as the Laikajan Lower down its course to the point where the southern end of the western boundary of Saikhowa Reserve forest is reached.

West - Thence northwards along the western boundary of the Saikhowa Reserve Forest to Rongdoi Ghat of the left bank of the Brahmaputra river thence up along the left bank of this river across the mouth of the Lohit river to the left bank of the Dihang river and up the left bank of the Dihang River to the Sisseri at Sisserimukh; thence up the mid-stream of the Sisseri river to its junction of the Gango river thence across to the left bank of the Gango river; thence along the left bank of the Gango river to the starting point.

SCHEDUL II

1. Reference to “District Magistrate” shall be read as referring to the “political Officer”.

N.K. RUSTOMJI,

Adviser to the Governor of Assam

For excluded areas and State.

The 27th September 1948.

No. Ex./Misc./78/47/13/-Ad. –

In exercise of the powers conferred by sub-section 3 (1) of Section 1 of the Assam Home Guards Act, 1947 (Assam Act XXIV of 1947), the Governor of Assam is pleased to appoint the 2nd October, 1948, as the date on which the said Act shall come into force in the area the boundaries of which have been described in Schedule 1 to Notification NO.EX.Misc.78/47/12-Ad, Dated the 27th September, 1948.

N. K. RUSTOM JI,

Adviser to the Governor of Assam for Excluded

Areas and State.

AGP (p x s) 40/62(a) -5000-10-11-62

THE ASSAM HOME GUARDS RULES, 1947

1. **Short Title -**

These rules may be cited as the Assam Home Guards Rules, 1947.

2. **In these rules: -**

“Act” means the Assam Home Guards Act, 1947 (Act XXIV of 1947).

“Standing Orders” mean the general orders issued as such by the Commandant General in respect of any matters in which he is authorised by the Act or the rules to make such orders.

“Area” means a Subdivision or a part of a District for the purpose of the Act and Rules.

3. The Home Guards shall be organised in sections consisting of a Section Commander and nine guards each. Two or more sections but not more than four may be united as a platoon under the command of a platoon commander, and two or more platoons but not more than four as a company under a company commander of an Area Commandant.

The guards may be known as Desh–Rakshi-Sena Section Commander as Nayak, Platoon Commander as Jatthedars, Company Commanders as Subedars and Area Commandants as Jila –Adhinayak.

The Commandant General may be known as Dalpati or Sarbadhinayak.

- 4.** A person shall be eligible for appointment as a guard if he: -
 - (a) is not less than 20 and not more than 55 years of age;
 - (b) is not less than 5 feet 2 inches in height and has chest measurement (Unexpanded) not less than 31 inches;
 - (c) can read and write in his own Vernacular;
 - (d) is of good character;
 - (e) is not engaged in any course of study in an educational institution; and
 - (f) takes an oath of allegiance to the Government of Assam as laid down in Appendix “Form of affirmation”.

- 5.** An applicant for appointment shall apply to the Commandant of the guards in his Area of residence in form A annexed, with two certificates of good character from

responsible persons and a certificate of his physical fitness from a registered medical practitioner. Every such application shall be scrutinised by the Area Commandant. Every person, whose appointment is approved by the Commandant General within the strength sanction in the standing Orders, shall be granted a certificate in the form annexed to the Act.

N.B.: - Notified Vide Home Department Notification No.HPL.345, Dated 2nd February, 1948.

6. Appointments to the rank of the Area Commandant shall be made by the Commandant General subject to the approval of the Provincial Government. All officers and ranks below the rank of an Area Commandant shall be appointed by the area Commandant subject to the approval of the Commandant General.
7. During his period of training which shall not exceed 2 months, and when called out on duty, every officer of Home Guard whether on the active or reserve establishments, shall receive pay or honorarium at the rate appropriate to his rank, as fixed from time to time by the Provincial Government. He shall also be entitled to receive free board at a cost not exceeding a maximum limit fixed by standing orders under the Act, or free rations, or a cash allowance in lieu, on the scale laid down for Government servants from time to time.

He shall receive also serviceable uniform and a set of equipment as may be prescribed in Standing Orders.

The rates of pay or honorarium while on action list unfiltered by order of provincial Government shall be

	Rs.		
Home guard -----	28	per	mensem
Nayak -----	32	"	"
Jatedar-----	45	"	"
Subedars -----	50	"	"
Jila Adhinayak -----	100	"	"

Provided that any officer or Guard who desires to serve in an honorary capacity may disclose his intention in writing to the address of his Commandant, and in that case shall not draw any pay.

- 8.** The Home Guards, or any part thereof may be called out on duty by an Order in the form appended, signed by the District Magistrate or sub-divisional officer when in his opinion their assistance is necessary for the prevention of commission of offences, for protection of life and property, for the maintenance of services and supplies essential for the life of the community, for the suppression of disturbances for

the control and regulation of traffic and assemblies, for the collection of information, or generally for the assistance of the police in the discharge of their duties.

Provided that any Home Guard officer of rank not lower than Subedar emergency and if there is insufficient time to obtain the order of the District Magistrate or Sub-divisional Officer.

8. (a) The District Magistrate or the Sub-divisional Officer as the case may be, will issue a command certificate to the Subedar for himself and others under him, in the following form while deputing them to a particular area of the district or subdivision :-

COMMAND CERTIFICATE TO BE CARRIED BY
HOME GUARDS ON DUTY

Whereas the Home Guards of..... area have been called out under section 10 of the Assam Home Guards Act, 1947, I, therefore depute the following Home Guards for the performance of the duties in the Area shown hereunder.
Locality

All concerned are hereby ordered to render them such assistance and co-operation as is due under the law to public servants on duty.

This certificate will remain in force upto..... (1)

Name of Home Guard	Locality/Area where deputed	Description of duty	Remarks

Deputy Commissioner.

Sub divisional officer.

(1) This will conform with the period for which the Home Guards have been called to duty.

9. The uniform and equipment of Home Guards shall be such as may be laid down in the Standing Order.

Uniform and equipment may be worn on duty only. These remain Government property; they will be renewed when worn out through fair wear and tear, and will be returned when the guard quits the service. The cost of any article

found deficient or damaged or worn out through unfair use shall be recovered from the guard concerned.

10. The following shall be deemed to be offences against the force -

- (a) disobedience of orders;
- (b) failure to appear when called upon to parade or for duty at the proper time;
- (c) use of violence to any member of the force;
- (d) misuse of any property.

11. The following punishments may be inflicted for any offence against the force -

- (a) reprimand;
- (b) extra duty;
- (c) deprivation of remuneration;
- (d) suspension;
- (e) reduction of rank;
- (f) dismissal.

Any of the said punishments may be inflicted by the Commandant of Area subject to the procedure laid down for disciplinary proceedings against a member of a subordinate service of Government, provided that an appeal against dismissal shall be to the Commandant General. Any Officer of the Home Guard of or above the rank of Platoon Commander may suspend a Home Guard under his command pending the framing of a charge.

- 12.** A discharge certificate shall be in form B.

Before discharge a Home Guard shall deliver up in good condition his enrolment certificate and all articles of uniform, equipment, arms, accoutrements and other Home Guards property in his charge.

- 13.** Manner of exercising superintendence: -

The superintendence of Home Guards throughout Assam vested in the Provincial Government under sub-section (2) of section 4 of the Act shall be exercised by it through the Inspector General of Police and in the following manner -

- (a) the Inspector General of Police shall periodically inspect the Home Guards and submit a report of his inspection to the Provincial Government,

- (b) all standing orders shall be made by the Commandant General with the previous approval of the Provincial Government,
- (c) in such other manner as the Provincial Government may, by general or special order, require.

Standing Orders

1. (1) *Organization: -*
The nomenclature of the ranks of the Home Guards is—
 - (a) **Officers** – Dalapati, Jila Adhinayak, Subedar.
 - (b) **Other ranks** – Jatthedars, Nayak, Des Rakshi Sainik.
- (2) The Home Guards force shall be divided into units and commanded as follows –
 - (a) A section consisting of a Section Commander and nine men in his charge;
 - (b) a platoon consisting of two sections or more, but not more than four sections in charge of a Platoon Commander;

- (c) a company consisting of two platoons or more, but not more than four platoons in charge of a Company Commander;
- (d) a battalion consisting of two companies or more ***** in charge of an Area Commandant.

Shorts grey.....	1 Pair
Trousers grey.....	1 ”
Forage cap.....	2 ”
Putties, short khaki woolen	1 ”
Boots, ammunition black.....	1 ”
Belt, leather-black with brass buckle.....	1 ”
Socks grey woolen.....	1 ”
Hose top woolen khaki.....	1 ”
Lanyard whistle khaki	1 ”

The following additional items may be issued when on duty in inclement weather, when available: -

Great Coat grey 1

Water-proof 1

Vest woolen grey..... 1

2. The following pips and badges shall be worn by the officers and other ranks: -

(a) on shoulders -

(i) Commandant General Two Wheels (as in the National Flag) in the middle, and cross National Flags,

(ii) Area Commandant - Two Wheels,

(iii) Subedar or Company Commander - One Wheel.

Other ranks -

Jatthedars - Three white stripes on saffron coloured shoulder straps.

Nayaks - Two white stripes on saffron coloured shoulder straps.

N.B.: - All officers and men of the Home Guards force shall wear shoulder bronze badges engraved as Desh Rakshi, Bahini, Assam. All officers will be to wear some brown belts and Peak Caps in place of the Caps and belts provided for Home Guards, which will usually be worn by them.

Training

3. (1) Every Home Guard other than an officer shall, after his enrolment subject to an within the limits of training facilities undergo a course of training for a period of not more than two months in -
 - (a) Foot drill,
 - (b) Arms drill,
 - (c) Weapons training,
 - (d) map reading,
 - (e) Field craft
 - (f) musketry course as for officers and men of the Army,
 - (g) legal power of Home Guards,

(h) Fire-fighting,

(i) first-aid.

(2) The syllabus of the aforesaid course of training shall be laid down by a committee consisting of the Commandant General, Inspector General of Police and a non-official member to be nominated by the Provincial Government.

(3) Every Home Guards undergoing the course of training shall receive free board the cost not exceeding Rs.2 per day and lodging and an honorarium according to the scale to be laid down by the Commandant General under rule 7 which shall have to be approved.

4. The maintenance of discipline, time of regulating drills and the parades and the movement of officers and men of the Home Guard shall be within the competence of the Commandant General in his discretion.

5. Every Subdivision shall normally be expected to raise a corps of 216 Home-Guard and 33 officers immediately as follows: -

(24 Nayaks, 6 Jatthedars, 2 Subedars, 1 Adhinayak or Area Commandant.)

6. The Area shall raise a corps as per schedule annexed, of the present.

	H.G		N.		J.		S.		A.C.		
Dhubri	216	+	24	+	6	+	2	+	1	=	249
Tura	144	+	16	+	4	+	2	+	1	=	167
Karimganj	144	+	16	+	4	+	2	+	1	=	167
Silchar	288	+	32	+	8	+	4	+	2	=	334
Hailakandi											
Dibrugarh	108	+	12	+	3	+	2	+	1	=	126
Jorhat	108	+	12	+	3	+	2	+	1	=	126
Golaghat	108	+	12	+	3	+	2	+	1	=	126
Nowgong	108	+	12	+	3	+	2	+	1	=	126
Guwahati	108	+	12	+	3	+	2	+	1	=	126
Barpeta	108	+	12	+	3	+	2	+	1	=	126
Mangaldoi	108	+	12	+	3	+	2	+	1	=	126
Tezpur	108	+	12	+	3	+	2	+	1	=	126
Shillong	108	+	12	+	3	+	1	+	1	=	126
Goalpara	108	+	12	+	3	+	2	+	1	=	126
N. Lakhimpur	108	+	12	+	3	+	2	+	1	=	126
Sadiya	72	+	8	+	2	+	1			=	8

Under A.C. (Dibrugarh)

2160 + 240 + 60 + 34 + 17 = 2511

N.B.: -The additions and Amendments' made under the following orders have been incorporated in the above Rules.

- (1) No. HPL. 255/49/16, dated 22nd December, 1949.
- (2) No. HPL. 180/50/(Part)/8, dated 7th June 1950.
- (3) No. HPL. 345/47, dated 30th November 1948.
- (4) No. HPL. 345/47, dated 13th December 1948.
- (5) No. HPL. 183/48/7, dated 19th November 1948.
- (6) No. HPL. 183/48/2, dated 21st June 1948.
- (7) No. HPL. 92/48/7, dated 13th May 1948.

FORM A*

(See Rule 5)

Home Guards Enrolment Form

(Note. -Names should be) hand-printed.

Questions to be put before enrolment	Answers
1. What is your name?	1.
2. What is your father's name and address?	2.
3. Are you an Indian Subject?	3.
4. What is your Village, Thana and District?	4.
5. What is your Post Office?	5.
6. What is your Railway Station?	6.
7. What is your present trade, profession or occupation?	7.
8. What is your religion, caste and tribe?	8.

9. Where are you employed? 9.
10. What are your educational qualifications? 10.
11. What is your age? 11.
12. Have you ever been convicted by a criminal court, and if so. In what circumstances and what was the sentence? 12.
13. Do you now belong to the Indian or Pakistan army the Reserve or the Indian States Forces or the Nepal State Army or the Police Force? 13.
14. Have you ever served in the Indian or Pakistan army the Reserve, the Indian Defence Force or the Indian State Force or the Nepal State army? If so state in which the period of service and the cause of discharge? 14.

15. Are you willing to be enrolled under the Assam Home Guards Act, 1947? 15.

16. Are you willing to undergo training and to perform service as specified in the Act and to allow no caste usages to interfere with your duty? 16.

Note – Non – interference with caste usages will be observed exactly as in the case of the Regular Army.

17. Are you willing to serve until discharge as provided in the Act? 17.

*Substituted by Home Department notification No. H PL. 345/47

18. Have you ever previously applied for enrolment under the Act, and if so, with what result. 18.

19. Have you been dismissed from the armed Forces or the Police? 19.

20. Are you willing to be vaccinated or revaccinated? 20.

Signature of applicant.....

Signed in the presence of.....

Commandant.....

Note. : - All entries above this line to be completed on application to enroll vide rule 5.

Declaration on acceptance for enrolment

I solemnly declare that the answers I have given to the questions in this form are true and that no part of them is false, and that I am willing to fulfill the engagement made.

Signature.....

Certified that the applicant understands and agrees to the conditions of enrolment.

Signature of enrolling officer

Date of enrolment.....

Form of Affirmation

I.....solemnly affirm that I will be faithful and bear true allegiance to the Government of Assam and that I will as in duty bound honestly and faithfully serve in the Home Guards and go wherever I may be ordered and I will observe all lawful commands of any officer set over me even to the peril of my life.

.....

Duly affirmed before me.

Signature of Attesting officer

Dated.....19

Designation.....

Medical Certificate

	Feet	Inches
Height.....
Chest, normal.....
Chest, expanded.....
Identification marks.....

I consider this man fit / unfit for service in the H.Gs.

Signature of Medical officer.....

Place.....

Date

Designation.....

FORM B*

(See rule 12)

Discharge Certificate

This is to certify that No. Rank.....
Name.....was enrolled in the...19, and was discharged
on..... He is discharged by order of..... in
consequence of..... under rule 12 of the rules framed under the
Assam Home Guards Act, 1947.

Character.....

Periods of training attended.....

Particulars of embodied service, if any.....

Father's name..... Village.....

Post Office.....Thana.....District

Address

Verified or not

Station.....

Date..... 19...

(Commandant General)

FORM C*

(See rule 8)

Command Certificate

Whereas an emergency has arisen, I.....District
Magistrate of.....in exercise of the powers vested in me by
section 10 of the Assam Home Guards Act, 1947 hereby all out the
Home Guards of..... Area.

(Seal).

District Magistrate

-
- Substituted by Home Department notification No. HPL.
345/47 dated 11th February, 1948

17 - 06 - 1991.

K CH DAS

ORDERS BY THE GOVERNOR

GOVERNMENT OF ASSAM

HOME (B) DEPARTMENT

NOTIFICATION

Dated Dispur, the 24th October 1991.

No. HMB. 665/83/81 –

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following Rules regulating the recruitment and conditions of service of the persons appointed to the Assam Civil Defence (Non Gazetted) Service; namely: - THE SERVICE RULES OF THE ASSAM CIVIL DEFENCE (NON-GAZETTED) SERVICE RULES, 1991.

1. (1) These rules shall be called the Assam Civil Defense (Non-Gazette) Service Rules, 1991.

SHORT

TITLE AND

COMMENC

EMENT

- (2) They shall come into force from the date of its notification in the official gazette

DEFINITION 2. In these Rules, unless there is anything repugnant in the subject or context: -

- (1) **'Appointing Authority'** means the Director of Civil Defence, Assam and Deputy Director of Civil Defence, Assam. Director of Civil Defence, Assam shall be the appointing authority for all the posts in the cadre of Civil Defence Instructor Class -I, Store Superintendent, Store Officer, Civil Defence Instructor Class-II and Deputy Store Officer. Deputy Director of Civil Defence, Assam shall be the appointing authority in case of Civil Defence Demonstrator and Wireless Operator.
- (2) **'Board'** means the Selection Board constituted for promotion and direct recruitment under Rule-33.
- (3) **'Constitution'** means the constitution of India.
- (4) **'Government'** means the State Government of Assam.
- (5) **'Member'** means a member of the Assam Civil Defence (Non-Gazetted) Service;

- (6) **'Select list'** means the list as referred to in Clause (d) of Rule 6 (1) and the lists finally approved by the Board under Rule 12 (6).
- (7) **'Service'** means the Assam Civil Defence (Non-Gazetted) service.
- (8) **'Year'** means calendar year.
- (9) **'Commission'** means the Assam Public Service Commission.

**CLASS &
CADRE:**

- 3. (1) The Service shall consist of the following Class and Cadres: -
 - (a) Civil Defense Instructor, Class- I The posts of
 - (i) Civil Defense Instructor Class-I
 - (ii) Store Superintendent and (iii) Store Officer are included in this cadre and the incumbents of these posts shall be interchangeable.

(b) Civil Defense Instructor, Class-II The post of

(1) Civil Defense Instructor – II.

(ii) Deputy Store Officer are included in this cadre and the incumbents to these posts shall be interchangeable.

(c) Civil Defense Demonstrator and

(d) Civil Defense Wireless operator.

(2) The service may also include: -

(a) any post equivalent to a post in any of the cadres mentioned in sub-rule (1); and

(b) any cadre or post laid down by Government to be included in a cadre or the service.

(3) The posts equivalent to the posts in the cadres of the service and the incumbents interchangeable as on the date of commencement of these rules are mentioned in Schedule- I.

**STRENGTH
OF SERVICE**

4. The strength of each cadre in a class of the services shall be such as determined by the Governor from time to time. The strength of the cadres of the service on the date of commencement of these rules shall be as shown in schedule-II.

**METHOD
OF
RECRUIT
MENT**

5. Recruitment to the Service shall be made in the manner prescribed hereinafter: -

(1)

- (a) Recruitment to the cadre of Wireless Operators shall be made by direct recruitment;
- (b) Recruitment to the cadre of Civil Defence Demonstrators shall be made on the basis of 50% direct recruitment from the Civil Defence Volunteers and the balance 50% by promotion from the cadre of Wireless Operators;
- (c) Recruitment to the cadre of Civil Defence Instructor Class - II be made on the basis of 50% direct recruitment and balance 50% by promotion from the cadre of Civil Defence Demonstrators.

(d) Recruitment to the cadre of Civil Defence Instructor, Class-I shall be made by promotion only.

(2) (Notwithstanding anything contained hereinbefore under sub rule (b) of this rule, persons appointed Civil Defence Deptt. before commencement of these rules shall be treated to have been encadred in Civil Defence Demonstrator.

DIRECT
RECRUIT
MENT

6. (1) Direct recruitment shall be made on the basis of recommendations made by the Board in accordance with the procedure hereinafter provided :-

(a) Before the end of each year the Appointing Authority shall make an assessment regarding the likely number of vacancies to be filled by direct recruitment during the next year and shall intimate the same to the Board together with the details about reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other categories laid down by the Government as provided under Rule 15

and about carry forward of such reservation.

- (b) The Appointing Authority shall simultaneously request the Board to recommend a list of Candidates for direct recruitment in order of preference.
- (c) The Board shall make a selection in accordance with the scheme of selection prescribed by the appointing authority in consultation with the Board. The Board may hold such test or interview and undertake scrutiny of certificates and other documents as may be considered necessary.
- (d) The Board shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment. The number of candidates in such a list may be such as may be found suitable by the Board. The appointing Authority shall approve the list so furnished by the Board with such modifications as it deem

necessary after taking into consideration, the views of the Board, if any, for such modification.

- (2) The list mentioned in clauses (d) of sub – rule (1) of this rule shall remain valid for 12 calendar Authority.
- (3) In the event of the Board being unable to recommend sufficient number of candidates to fill all the vacancies in a year, it shall in consultation with the Appointing Authority, repeat the procedure as mentioned herein before under sub-rule (1) of this rule, for recommending a subsequent list in Authority shall not make appointment of any candidate from the subsequent list until all the candidates of the earlier list of the same year, eligible for appointment, have been offered appointment.

QUALIFICATION FOR DIRECT RECRUITMENT

- AGE** **7.** A candidate for direct recruitment to the service shall be within the age limits of 18 years to 36 years on the first January of the year of advertisement, with relaxation in case of candidates belonging to special categories like scheduled Castes, Scheduled Tribes and any other category as laid down by Government, in accordance with the orders of the Government in force for the time being.
- QUALIFICATION** **8.** The qualifications of a candidate for direct recruitment shall be as prescribed by the Governor from time to time. The qualifications and experience prescribed, as on the date of commencement of these rules are given in Schedule III.
- PHYSICAL FITNESS** **9.** A candidate for direct recruitment shall be -
- (1) of sound health, both mentally and physically and free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duties; and
- (2) required to undergo medical examination before appointment to the service.
- 10.** A candidate for direct recruitment shall produce to the Board certificates of good character from -

- (1) the Principal Academic Officer of the University, College or School in which he studied last; and
- (2) two respectable persons, who are well acquainted with (but not related to) the candidate.

PROMOTION 11. (1) Subject to suitability as may be decided by the Board and passing of the cadre training course as prescribed an officer shall be eligible for promotion in the manner provided below:

- (a) From Civil Defence Wireless Operator to Civil Defence Demonstrator;
 - (b) From Civil Defence Demonstrator to Civil Defence Instructor, Class-II and Deputy Store Officer;
 - (c) From Civil Defence Instructor, Class-II, and Deputy Stores Officer to Civil Defence Instructor, Class-I, Stores Superintendent and Store Officer.
- (2) Subject to suitability, an officer shall be eligible for promotion if he possesses the qualifications and experience as set forth below: -

- (a) For the purpose of promotion as Civil Defence Demonstrator, a Civil Defence Wireless Operator must have completed 3 years continuous service as such on the 1st January of the year of selection.

- (b) For the purpose of promotion as Civil Defence Instructor, Class-II and Deputy Stores Officer a Civil Defence Demonstrator must have completed 3 years continuous service as such on the first January of the year of selection.

- (c) For the purpose of promotion as Civil Defence Instructors, Class-I, Stores Superintendent and Stores Officer, a Civil Defence Instructor, Class-II and or a Deputy Store Officer must have completed 5 years continuous service as Civil Defence Instructor, Class-II and or Deputy Stores Officer inclusive of the service rendered in an equivalent post in the service prior to his encadrement under rule 3 (2) in Civil Defence Organization on the first January of the year of selection.

**GENERAL
PROCEDURE
OF PROMO-
TION**

- 12.** (1) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled by promotion/selection in the next year in each cadre and from each source.
- (2) Appointing Authority shall then furnish to the Board the following documents eligible for promotion/appointment by selection.
- (a) Information about the number of vacancies;
 - (b) list of officers in order of seniority eligible for promotion (separate lists for promotion to different cadres shall be furnished) indicating the cadre to which the case of promoting to is to be considered;
 - (c) Character rolls and personal files of the officers listed;
 - (d) Details about reservation in case of promotion to the service and about carry forward of vacancies;
 - (e) any other documents and information as

may be considered necessary by the Appointing Authority or required by the Board.

- (3) The Appointing Authority shall simultaneously request the Board to recommend within one month a list of officers found suitable for promotion in order of preference in respect of promotion to each of the cadres in which recruitment is to be made by promotion.
- (4) The selection shall be made on the basis of seniority-cum-merit with due weight age to merit.
- (5) The Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of Officers about double the probable number of vacancies, in order of preference, found suitable for promotion.
- (6) The list recommended by the Board under Sub-rule (5) of this rule shall finally be approved by the Appointing Authority with such modification, as it deems necessary after taking into consideration the views of the Board, if any, for such modification and shall

be notified within 15 days of approval;

Provided that in the cases of promotion of to the cadre of Civil Defence Instructor Class-I, Store Officer and Store Superintendent the commission shall be consulted before the list is approved by the Appointing Authority.

- (7) The inclusion of a candidate's name in a select list shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that
- (8) The select lists shall remain valid for 12 calendar months from the date of approval by the Appointing Authority.
- (9) The promotions/appointment shall be in accordance with the lists finally approved.

SELECTION
BOARD

13. The Board, as referred to in rules 11 and 12 shall consist of the following: -

for considering promotion and direct recruitment to the posts.

- I. Deputy Director of Civil Defence, - Chairman
Assam, Gujarat – 3.

II. Senior Staff Officer (CD) – Member Secretary

III. Principal, Central Training – Member.
Institute.

DISQUALIFI
CATION

14. (1) No person shall be eligible for appointment to the service.

(a) Unless he is a citizen of India; and

(b) If he has more than one wife living or in case of a female candidate who was married a person who has one wife living; provided that the governor may, if he is satisfied that there are special

(c) grounds for doing so exempt any person from the operation of this clause.

(2) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation, either written or oral or by any other means, shall be appointed to the service.

RESERVATI
ON.

15. In all cases of appointment by direct recruitment or by promotion to the service, There shall be reservation in favour of candidates belonging to the

Scheduled Casts, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) in accordance with the provisions of the Assam Scheduled Castes and Scheduled Tribes (reservation of vacancies in services and posts) Act, 1978 and the rules made there under. There shall also be reservation in favour of the Ex-servicemen and other categories of candidates as may be determined by the Government from time to time.

APPOINTME
NT

- 16.** (1) Subject to the provision of rule 15 and sub-rule (2) of this rule, appointment under rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of Sub-Rule (1) of rule 6.
- (2) The inclusion of a candidate's name in the list mentioned in clause (d) of Sub-rule (1) of rule 6 shall confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as prescribed by the Government from time to time and also, as may be considered necessary, that a candidate is suitable in all respects for appointment the service.

**JOINING
TIME**

17. A person shall join within 15 days from the date of receipt of the order of appointment or of promotion, failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not in all, exceed three months.

TRAINING

18. A member of the service shall be required to undergo such training and pass such departmental examination as the Government may prescribe from time to time.

**DISCHARGE
OR
REVERSION**

19. A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original service, if-

- (1) he fails to make sufficient use of the opportunities given during any training as may be prescribed by the Government from time to time or fails to render satisfactory service during his tenure of service in the cadre; and/or
- (2) it is found on a subsequent verification that he was initially not qualified for the appointment or that he had furnished any incorrect information with regard to his appointment.

SENIORITY

- 20.** (1) The seniority of a member in a cadre, appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective list approved by the Appointing Authority under rule 6 and rule 12, if he joins the appointment within 14 days from the date of receipt of the order or within the extended period as mentioned in rule 17.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within the extended period, a mentioned in rule 17, but joins later, his seniority shall be determined in accordance with the date of Joining.
- (3) A member appointed by promotion in a year shall be senior to a member appointed by direct recruitment in the same cadre in that year.
- (4) Notwithstanding anything contained here in before in this rule, the inter-se-seniority of the Officers encadred in the respective service under rule 3 shall be determined on the following basis.

- (a) Position in the respective merit list where such merit lists exist, otherwise-
- (b) Length of continuous service in the organisation in the respective posts equivalent to those of the service.
- (c) All officers of the category mentioned above shall be senior to those appointed after commencement of these rules.

PROBATION **21. (1)**
AND
CONFIRMAT
ION

Subject to availability of a permanent vacancy in the respective cadre, a member shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he is confirmed against the permanent vacancy.

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority for any specified period, not exceeding two years.

Provided further that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.

- (2) A member of the service placed on probation under sub-rule (1) shall be confirmed against the permanent vacancy subject to the following conditions: -
- (a) He has completed the period of probation to the satisfaction of the Appointing Authority in accordance with sub-rule (1).
 - (b) He has successfully undergone the training and passed the departmental examination, if any, prescribed by Government under rule 18.
- (3) If confirmation of a member is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority vis-à-vis such of his juniors as might be confirmed earlier than he.

(His seniority shall, however, be restored on his confirmation subsequently.

GRADATION LIST 22. There shall be prepared and published every year a gradation list containing the names of all members of the service cadre wise in order of seniority and such other particulars as date of birth, date of

appointment etc.

PAY

- 23.** All appointment in the service shall be made in the time scale of pay as may be prescribed by the Government from time to time. The scales of pay of the posts in the cadres of the service, on the date of commencement of these rules, are as shown in schedule-II.

**MODE OF
EMPLOME-
NT**

- 24.** (1) Members of the service shall be employed in such manner as the Appointing Authority may decide.
- (2) A member of the service shall be liable to be posted anywhere within the State of Assam or outside Assam or to any other department of the Government a body corporate, in the affairs which of the Government. May be substantially interested, or an autonomous district council, if so required in the interest of public service and in such case the member shall not have any option against such posting or transfer.

**OTHER
CONDITION
OF SERVICE**

- 25.** (1) Except as provided in these rules all matters relating to pay and allowances, leave, pension discipline and other conditions of service shall be regulated by the General Rules and/or

orders of the Government for the time being in force.

- (2) The conditions of service of the members, in respect of matters, for which no provision has been made in these rules, shall be the same as are, for the time being, applicable to other Officers of the Government, of the corresponding status and having similar functions.

**RELAXATI-
ON**

- 26.** Where the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, dispense with or relax the requirement of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that the case of any person shall not be dealt with in any manner less favourable to him than provided in these rules.

**INTERPRE-
TATION**

- 27.** If any question arises relating to the interpretation of these rules the decision of the Government shall be final.

REPEAL
AND
SAVINGS

- 28.** The rules corresponding to these rules and in force immediately before commencement of these rules are hereby repealed.

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken on under the corresponding provisions of these rules.

SCHEDULE-I

Rule 3 (3)

**List of posts equivalent to an included post in the cadres of
the service**

Sl. No.	Name of the Cadres.	Name of posts equivalent to and included in the cadre.	Remarks
1.	Civil Defence Instructor, Class – I	1. Civil Defence Instructor, Class-I 2. Stores Superintendent, 3. Stores Officer.	
2.	Civil defence Instructor, Class-II.	1. Civil Defence Instructor, Class-II. 2. Deputy Stores Officer.	
3.	Civil Defence Demonstrator	1. Civil Defence Demonstrator.	
4.	Civil Defence Wireless Operator	1. Civil Defence Wireless Operator.	

SCHEDULE – II

(Rule 4)

STRENGTH OF EACH CADRE OF THE SERVICE AND THE TIME
SCALE OF PAY

Categories of Posts	Time Scale of Pay	Number of Posts		
		Permanent	Temporary	Total
1. Civil Defence Instructor, Class-I	2095/-to 3950/-	4	10	14
2. Store officer	-do-	1	-	1
3. Store Superintendent	-do-	3	5	8
4. Administrative Officer	-do-	1	-	1
5. Civil Defence Instructor Class – II	1375/-to 3375/-	2	8	10
6. Deputy Store Officer	Should be in the scale of CDI-II But the scale shown in the ROP, 1990 as 1285/- to 3075/-	-	1	1

7. Civil Defence Demonstrator.	-do-	-	1	1
7. Civil Defence Demonstrator	1065/- to 2095/-	3	1	4
8. Civil Defence Wireless Operator.	975/- to 1995/-	2	3	5
9. Radio Mechanic	1255/- to 2635/-	-	1	1
10. PBX Operator.	1125/- to 2215/-	-	1	1

SCHEDULE – III

(Rule – 8)

Qualifications and experience prescribed for direct recruitment.

1. A candidate for direct recruitment to the cadre of Civil Defence Instructor, Class-II shall possess the following minimum academic qualification: -
 - (a) A Bachelor Degree in Arts/Science/Commerce of a University recognized by the Government.
 - (b) Passed certificate of Elementary Fire Service Training course from National Fire Service College, Nagpur.

2. A candidate for direct recruitment to the cadre of Civil Defence Demonstrator shall passes the following minimum academic qualification: :-
 - (a) H.S.L.C. or equivalent of a University or Board recognised by the Government.
 - (i) A candidate must have the following additional qualification: -
 - (a) Passed certificate of Instructor's course from National Civil Defence College, Nagpur.

(b) Passed certificate of Elementary Fire Service Training course from National Fire Service College, Nagpur.

3) A candidate for direct recruitment to the cadre of Wireless Operator shall possess the following minimum academic qualification: -

(a) H.S.L.C. or equivalent of a University or Board recognized by the Government.

