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SIND ACT No. XXI OF 1948¹.

[THE SIND HOME GUARDS ACT, 1948.]

[23rd April, 1948.]

An Act to provide for the constitution of Home Guards.

WHEREAS it is expedient to provide a voluntary organisation for use in emergencies and for other purposes in ~~the Province of~~ Sind ; It is hereby enacted as follows :—

1. (1) This Act may be called the Sind Home Guards Act, 1948. Short title, extent and commencement.

(2) It shall extend to the whole of ~~the Province of~~ Sind.

(3) It shall come into force at once in the Municipal and Cantonment limits of ²***** Hyderabad and the Municipal limits of Sukkur and Shikarpur. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date ³as may be specified in such notification.

2. In this Act, unless there is anything repugnant in the subject or context, the word "prescribed" means prescribed by rules made under this Act. Definitions.

3. The Provincial Government shall constitute for each of the areas specified in sub-section (3) of section 1 and for each of the areas notified under the said sub-section (3) a volunteer body called the Home Guards. The Home Guards shall be a reserve police force and shall ⁴* * * * * be ⁵* * * * * under the control of the ⁶[Superintendent of Police]. Constitution of Home Guards.

4. (1) The District Magistrate of the District concerned may, subject to the provisions of the next succeeding section, appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government. Appointment of members.

¹ For Statement of Objects and Reasons, see S. G. G., 1948, Pt. IV, p. 62 ; and for proceedings in Assembly, see S. L. A. Debates, 1948, Vol. III, Book No. 3, pp. 39-40.

² The words "Karachi and" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

³ Came into force w. e. f. 1st July, 1950 in the Municipal limits of Mirpurkhas, Nawabshah, Jacobabad, Larkana, Dadu and Tatta, vide G. N., H. D. No. 4784-H/47-1, dated 17th June, 1950. see S. G. G., 1950, Pt. I, p. 326.

Came into force w. e. f. 1st August, 1951, in the Municipal limits of Rohri, District Sukkur, vide G. N., H. D. No. 4784-H/47-1, dated 2nd August, 1951, see S. G. G., 1951, Pt. I, p. 516.

⁴ The words "in the Municipal and Cantonment limits of Karachi," rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6 Sch. II.

⁵ The words "under the control of the Commissioner of Police and elsewhere" rep. *ibid*

⁶ Subs. *ibid*, s. 13, for "District Superintendent of Police".

7. Subs. by W. P. Laws (Adap.) order 1964.

(2) The District Magistrate may, for reasons to be recorded by him in writing, discharge a member of the Home Guards.

Training of
Home
Guard.

5. (1) A member of the Home Guards shall immediately on his appointment receive such training for a period of three months as may be prescribed.

(2) Without prejudice to the provisions of sub-section (1) a member of the Home Guards may be required to undergo such further training as may be prescribed.

Functions of
Home
Guards.

6. (1) Members of the Home Guards shall discharge such functions in relation to the protection of persons, security of property and public safety as may be assigned to them ^{1*} * * by the ²[Superintendent of Police].

(2) Without prejudice to the provisions of sub-section (1), the members of the Home Guards shall discharge such other functions as may be prescribed.

Powers,
duties, pro-
tection and
control.

7. (1) A member of the Home Guards while discharging any function assigned to him by or under this Act, shall have the same powers, privileges and protection and shall perform the same duties as are enjoyed by or, are imposed upon, an officer of police.

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under sub-section (1) of section 51, and section 52 to 57 of the ⁴[Sind] District Police Act, 1890, and ^{5*} * * * under sections 45, 150, 151 and 152 of the Code of Criminal Procedure, 1898.

(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of ^{6*} * * * the ²[Superintendent of Police.]

Control by
Officers of
Police force.

8. Subject to the provisions of section 3, members of the Home Guards while discharging their functions under this Act shall be under the control of officers of the police force in such manner and to such extent as may be prescribed.

¹ The words "in the City of Karachi by the Commissioner of Police and elsewhere" rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

² Subs. *ibid*, s. 13, for "District Superintendent of Police".

³ The words "(a) in the City of Karachi under section 34 to 41 of the City of Karachi Police Act, 1948, and (b) elsewhere" rep. *ibid*.

⁴ Subs. *ibid*, s. 3 (i) (w. e. f. 30th May 1951), for "Bombay".

⁵ The words "in either of the above cases" rep. *ibid*, s. 6, Sch. II.

⁶ The words "the Commissioner of Police in the City of Karachi and elsewhere", rep. *ibid*.

9. (1) If any member of the Home Guards without sufficient Penalty.
excuse, neglects or refuses to obey such order, or to discharge his
functions as a member of the Home Guards, or to obey any lawful
order or direction given to him for the performance of his duties,
he shall, on conviction, be punishable with simple imprisonment
for a term which may extend to three months or with fine which
may extend to two hundred and fifty rupees or with both.

(2) No proceedings shall be instituted under sub-section (1) Rules.
without the previous sanction of the District Magistrate concerned.

10. The Provincial Government may make rules¹ consistent
with this Act—

(a) prescribing the training which members of the Home
Guards shall receive after their appointment;

(b) prescribing the functions to be discharged by members
of the Home Guards;

(c) providing for the exercise of control by officers of
the police force over members of the Home Guards;

(d) regulating the organisation, appointment, conditions
of service, functions, discipline, arms, accoutrements and clothing
of members of the Home Guards, and the manner in which they
may be called out for service;

(e) regulating the exercise by members of the Home Guards
of any of the powers exercisable under section 7 of this Act;

(f) generally for giving effect to the provisions of this
Act.

11. Members of the Home Guards acting under this Act,
shall be deemed to be public servants within the meaning of section
21 of the ²[Pakistan] Penal Code, 1860. Members of
Home
Guards to be
public
servants.

12. *Rep. by the Sind Laws (Adaptation, Revision, Repeal
and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.*

¹ For Rules, see G. N., H. D., No. 4784-H.C./47 (iii), dated 2nd August, 1951, S. G. G.,
1951, Pt. IV-A, pp. 118-119.

² Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955
(Sind 5 of 1955), s. 4 (w. e. f. 30th May 1951), for "Indian".