

The 1st August 1966

No.LJL.13/66/6.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT XXII OF 1966

[Received the assent of the Governor on the 29th July, 1966]

THE ASSAM VILLAGE DEFENCE ORGANISATION ACT, 1966

[Published in the *Assam Gazette* Extra-ordinary, dated the 2nd August, 1966]

An

Act

to provide for the constitution of an organisation for assisting the police in the maintenance of law and order and certain other matters ancillary thereto.

Preamble. Whereas it is expedient to provide for the constitution of an organisation to be known as the "Assam Village Defence Organisation" for assisting the police in the maintenance of law and order, peace and tranquillity in the State of Assam ;

It is hereby enacted in the Seventeenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Village Defence Organisation Act, 1966.

(2) It shall extend to the whole of the State of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

(a) "Adult" means a person who is not below the age of 18 years ;

(b) "Adviser" means the Honorary Chief Adviser or such other persons who may be appointed to act as advisers by the State Government ;

(c) "Advisory Committee" means a District Advisory Committee, a Sub-divisional Advisory Committee, or a Thana Advisory Committee constituted under the provisions of this Act ;

(d) "Chief Controller" means a Deputy Inspector General of Police appointed as a "Chief Controller" by the State Government ;

(e) "District Village Defence Officer" means the Superintendent of Police of the district concerned, or where there is no Superintendent of Police, the Deputy Commissioner of the District, as the case may be ;

- (f) "Member" means a person enrolled as a member of the Assam Village Defence Organisation in accordance with the provisions of this Act ;
- (g) "Organisation" means the Assam Village Defence organisation constituted under this Act ;
- (h) "Prescribed" means prescribed by rules made under this Act ;
- (i) "Subdivisional Village Defence Officer" means the Subdivisional Police Officer of the Subdivision concerned, or where there is no Subdivisional Police Officer, the Subdivisional Officer concerned, as the case may be ;
- (j) "Thana Village Defence Officer" means the Sub-Inspector of Police in-charge of a Thana.

Constitution of the Assam Village Defence Organisation.

3. The State Government may constitute an Organisation to be known as the "Assam Village Defence Organisation" and for that purpose enroll any adult citizen of India, who may offer himself to be so enrolled by taking oath as a member of the Organisation, in the manner prescribed.

Duties and functions of the Organisation.

4. The following shall be the functions of the Organisation, namely :—

- (a) to assist the police in the maintenance of law and order, peace and tranquillity in the State of Assam ;
- (b) to give information to the police about the particulars of all persons suspected or accused of any cognisable offence or other anti-State acts, and about the commission of such offences or acts, or about escaped convicts ;
- (c) to prevent the commission of any cognisable offence ;
- (d) to protect Government and other public properties ;
- (e) to do other social work

Constitu-
tion of Pri-
mary Com-
mittees,
Village De-
fence Par-
ties, Selec-
tion of Pre-
sident and
Secretary of
Primary
Committees
and Naiks
of Village
Defence
Parties.

5. (1) For every village or group of villages, as the District Village Defence Officer may determine, there shall be a Primary Committee of the Organisation consisting of such number of adult members of the village or group of villages, as may be prescribed.

(2) Every Primary Committee may constitute as many parties as it may deem necessary, to be called Village Defence Parties, consisting of such number of members of the Organisation and in such manner as may be prescribed.

(3) Every Primary Committee shall have one President and one Secretary for each such Committee, and every Village Defence Party shall have one Naik for each such Party, to be selected in the manner prescribed.

Powers,
Duties and
Functions of
Primary
Committees
and Village
Defence
Parties.

6. (1) The President or the Secretary of every Primary Committee or the Naik of every Village Defence Party shall—

- (a) forthwith communicate to the Officer-in-charge of the Police Station in which the village or group of villages is situated any information which he may possess or come to know in respect of:—
 - (i) the residence or place of stay or hiding, permanent or temporary, of any notorious receiver or vendor of stolen property and of any person who he knows or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender in the village or group of villages ;
 - (ii) the commission of, or intention to commit in or near such village or group of villages any non-bailable or cognisable offence including murder, culpable homicide, rape, dacoity, robbery, theft, gambling, mischief by fire, grievous hurt, rioting, house-breaking, counterfeiting coins and kidnapping, or any anti-State act ;

(iii) any matter likely to affect the maintenance of law and order, peace and tranquillity, or the prevention of crime or the safety of life and property ;

(iv) Unnatural deaths ;

(b) to the best of his ability prevent, and may for that purpose interpose, the commission of any offence or violation of lawful orders in force ; protect Government and other public properties whenever he is required to do so by the District Village Defence Officer and the Subdivisional Village Defence Officer, as the case may be.

(2) Every Member of a Village Defence Party shall—

(i) do social work such as construction of roads, clearing of tanks and ponds and other similar welfare activities as may be directed by the Primary Committee ;

(ii) carry out such patrol and watch in the area as may be directed by the Primary Committee.

(3) Every member shall have the power to arrest any proclaimed offender or any person who in his view commits a non-bailable and cognisable offence. Any person so arrested shall without unnecessary delay be made over to a Police Officer, or in the absence of a Police Officer he shall be taken or caused to be taken in custody to the nearest Police Station.

(4) The Primary Committees, the Village Defence Parties, the Presidents and Secretaries of the Primary Committees, the Naiks of Village Defence Parties and of the members shall have such other powers, duties and functions as may be prescribed.

Officers of the Organisation. 7. (1) The following shall be the officers of the organisation, namely :—

- (i) The Chief Controller,
- (ii) The District Village Defence Officer,
- (iii) The Subdivisional Village Defence Officer,
- (iv) The Thana Village Defence Officer.

(2) In addition to the powers and duties of the Officers as conferred by this Act, they shall have such other powers and duties as may be prescribed.

Administration and control. 8. (1) The administration and control of the Village Defence Organisation in the State shall be vested in Chief Controller. He may be advised by an Honorary Chief Adviser appointed by the Government.

(2) The Thana Village Defence Officer, the Subdivisional Village Defence Officer and the District Village Defence Officer shall be under the control of the Subdivisional Village Defence Officer, the District Village Defence Officer or the Chief Controller respectively, as the case may be. They may be assisted by such advisers and by such Advisory Committees, if any, as may be appointed by the State Government.

(3) The Primary Committees shall be under the control and administration of the Thana Village Defence Officer concerned.

Advisory Committees. 9. (1) The State Government may appoint a District Advisory Committee, a Subdivisional Advisory Committee and a Thana Advisory Committee or any of them to advise the District Village Defence Officer, the Subdivisional Village Defence Officer or the Thana Village Defence Officer respectively.

(2) The duties of the Advisory Committees appointed under the preceding sub-section shall be such as may be prescribed.

Bar to Remuneration. 10. No member of the organisation shall be entitled to any remuneration but commendable services including welfare work done by any member may be suitably rewarded as may be prescribed.

Allowances or honoraria of Adviser. 11. The Adviser may be paid such allowances or honoraria as may be determined by State Government from time to time.

Arms and equipments. 12. A Village Defence Party may be provided with such arms and equipments as may be supplied by the State Government from time to time.

Uniform and badge. 13. Every member of a Village Defence Party shall while on patrol or watch duty, wear such uniform or badge as may be prescribed.

Members and Officers to be public servants. 14. A member or an officer of the Organisation acting in the discharge of his functions and duties or in the exercise of his powers under this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XIV of 1850.

Discharge
and removal.

15. The Chief Controller or the District Village Defence Officer may remove any member from the Organisation or from the Village Defence Party, as the case may be, if the officer removing the member is of opinion that the member is remiss or negligent in the discharge of his duties or otherwise unfit for continuing as such member.

Penalty.

16. Any member of a Village Defence Party who is guilty of any violation, wilful breach or neglect of any of the duties imposed by or under this Act, or refuses to obey or comply with any lawful order made by any competent authority under this Act or the rules made thereunder, shall on conviction in a court of law be punishable with a fine which may extend to rupees fifty.

Bar to Prosecution, etc.

17. No prosecution, suit or other legal proceeding shall lie against any member or officer of the Organisation in respect of anything done or purported to be done by him in exercise of the powers, duties and functions, or in carrying out any lawful order made under this Act or the rules made thereunder except with the previous sanction of the District Village Defence Officer or the Chief Controller.

Power to make rules.

18. (1) The State Government may make rules for carrying out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) formation and constitution of the Village Defence Parties, Primary Committees and Advisory Committees ;
- (b) selection of President and Secretary of Primary Committees and the Naiks of Village Defence Parties ;
- (c) demarcation of jurisdiction of every Village Defence Party and Primary Committee ;
- (d) enrolment of members of the Organisation ;
- (e) duties and functions of the Officers, Advisory Committees, Primary Committees and Village Defence Parties ;
- (f) maintenance of registers, reports and accounts of the Village Defence Parties, Primary Committees and other Offices of the Organisation ;

- (g) allotment of funds and other equipments for each Village Defence Party or Primary Committee ;
- (h) supply of badges, signals and uniforms ;
- (i) prescribe the forms of oath for the members of the Village Defence Parties and other members ; and
- (j) any other matter.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

B. SARMA,
Secy. to the Government of Assam,
Law Department.