

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 3743

TO BE ANSWERED ON THE MARCH 28TH, 2018/CHAITRA 7, 1940 (SAKA)

DUTY ALLOWANCE OF HOME GUARDS

3743. SHRI K.C. RAMAMURTHY:

Will the Minister of HOME AFFAIRS be pleased to state :

(a) details of directive given by Supreme Court to increase duty allowance of Home Guards;

(b) the reasons for Government washing off its hand by simply saying that Home Guards is a State Subject;

(c) why can Government not extend some financial help to States as matching grants so that States can give the same to Home Guards which will boost their morale in working; and

(d) how Government thinks that reimbursing 25 per cent to normal States for raising, training and equipping of Home Guards which comes to just ₹ 11 of daily allowance fixed way back in the year 2000 is sufficient?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJJU)

(a): The following directives have been given by the Hon'ble Supreme Court to increase duty allowance of Home Guards:

i) In the Civil Appeal No. 2759 of 2015, the Hon'ble Supreme Court of India vide order dated March 11, 2015 directed that the State Government should pay Home Guards at such rates, total of which 30 days (a month) come to minimum of pay to which the police personnel of States are entitled. It is expected that the State Government shall pass appropriate orders in terms of aforesaid observation on an early date preferably within three months.

ii) In the Contempt Petition No. 133 of 2016 in Civil Appeal No. 2768 of 2015, the Hon'ble Supreme Court of India vide order that May 24, 2016 directed that

the state Government should pay to the Home Guards personnel duty allowance at such rates, the total of which 30 days (a month) comes to pay (sum of basic pay, grade pay, DA and washing allowance) to which the police personnel are entitled.

(b): Home Guards are State subject. Pay and allowance of home guards are governed by the Home Guards Acts and Rules of respective States/UTs. There is no Central Act governing the Home Guards in the country.

Directorate General (Fire Services, Civil Defence and Home Guards), Ministry of Home Affairs vide letters in June 2015 and September 2016 requested all States to implement the above decisions of the Hon'ble Supreme Court. Accordingly, States of Punjab, Himachal Pradesh, Nagaland, Delhi and Madhya Pradesh have implemented the above decision of the Hon'ble Supreme Court.

(c): The Central Government is already sharing part of the expenditure incurred by States for raising, training and equipping of Home Guards including payment of duty allowance (at a rate decided by the Central Government). The sharing between Central and State Government is 50:50 for North Eastern States excluding Assam and 25:75 for all other states including Assam.

The expenditure on duty allowance and training allowance for State of Jammu and Kashmir is borne by Central Government fully (100%) for two months and for another three months period by the Central and State Government on 80:20 ratio. Expenditure on any additional call out of Home Guards during the year will be entirely borne by the State Government.

(d): Home Guards are primarily engaged as auxiliary to the police force of the State for tasks like guard duty, traffic control, patrolling etc including helping the community in any kind of natural calamity. Therefore, it is the primary responsibility of the State to pay their Home Guards at a rate compliant with prevailing policies and directives.

However, revision in the existing reimbursement policy of the Central Government for Home Guards is a continuous process and is considered as per established procedure.
