

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 11085/2022

1. Harishankar Acharya S/o Late Shri Jetha Ram, Aged About 42 Years, Homeguard Sainik-602, R/o- Kili Khana Kile Ki Ghati Acharyon Ka Baas, Jodhpur, Rajasthan.
2. Prakash Chandra Acharya S/o Shri Jagdish Chandra Acharya, Aged About 37 Years, Homeguard Sainik No.-381, R/o- K-403 Chamuda Colony Chandna Bhakhar, Jodhpur, Rajasthan.
3. Avinash Sharma S/o Shri Ramvilas, Aged About 42 Years, Homeguard Sainik No.-634, R/o-Bramhpuri Navchaukiya, Jodhpur, Rajasthan.
4. Lal Singh Indra S/o Shri Veer Singh Indra, Aged About 35 Years, Homeguard Sainik No.-929, R/o-92 Bhagwan Mahavir Nagar Nanddi Road, Jodhpur, Rajasthan.
5. Mukesh Gharu S/o Shri Heeralal, Aged About 37 Years, Homeguard Sainik No.-1387, R/o- 10/122 D.d.p. Nagar Madhuvan Baasni, Jodhpur, Rajasthan.
6. Raju Chauhan S/o Shri Om Prakash, Aged About 30 Years, Homeguard Sainik No.-2095, R/o- Kheradiyon Ka Bas Bhopagarh, Jodhpur, Rajasthan.
7. Naresh Kumar S/o Shri Khemaram, Aged About 34 Years, Homeguard Sainik No.- 2254, R/o- H. No. 314 Singayat Ka Bas, Baalesar Durgavta, Jodhpur, Rajasthan.
8. Premprakash S/o Shri Omprakash, Aged About 33 Years, Homeguard Sainik No.-2083, R/o- Kheradiyon Ka Bas Bhopagarh, Jodhpur, Rajasthan.
9. Kuldeep Parashar S/o Shri Ram Niwas, Aged About 38 Years, Homeguard Sainik No.-11, R/o- Near Banshi Wale Mandir, Nagaur, Rajasthan.
10. Pankaj Rankawat S/o Shri Bhanwar Lal, Aged About 36 Years, Homeguard Sainik No.-245, R/o- Rathodi Kuwan, Nagaur, Rajasthan.
11. Gulaab Chand Tak S/o Shri Ramniawas Tak, Aged About 43 Years, Homeguard Sainik No.-283, R/o- Chenar, Nagaur, Rajasthan.
12. Nawab Singh S/o Shri Bhagwan Singh, Aged About 47



Years, Homeguard Sainik No.-202, R/o-1/81 Housing Board Colony, Tausar Road, Nagor, Rajasthan.

13. Durgalal Meena S/o Shri Fumaram Meena, Aged About 42 Years, Homeguard Sainik No.-388, R/o-E-70 Azad Nagar Bhilwara, Rajasthan.

14. Umrao Singh Rajput S/o Shri Ganpat Singh, Aged About 41 Years, Homeguard Sainik No.-221, R/o- Infront Of Chruch, Jawahar Nagar, Bhilwara, Rajasthan.

15. Dinesh Gawariya S/o Shri Avtaar Singh Gawariya, Aged About 29 Years, Homeguard Sainik No.- 229, R/o- 84 Mahila Ashram Road Ward No. 32 Bhopalganj Bhilwara, Rajasthan.

16. Sonu Payak S/o Shri Moduram Payak, Aged About 31 Years, Homeguard Sainik No.- 170, R/o- Near Session Court Bhilwara, Rajasthan.

17. Susheel Kumar Sharma S/o Shri Omprakash Sharma, Aged About 39 Years, Homeguard Sainik No.- 248, R/o- A-1356 Jhulelal Park Ke Paas Purana Bapu Nagar Bhilwara, Rajasthan.

18. Dinesh Sharma S/o Shri Laadu Lal Sharma, Aged About 33 Years, Homeguard Sainik No.- 143, R/o- F-391 Subash Nagar, Bhilwara, Rajasthan.

19. Mangu Singh S/o Shri Nathu Singh, Aged About 43 Years, Homeguard Sainik No.-127, R/o- Near Police Line Bhilwara, Rajasthan.

20. Baalu Singh Purawat S/o Shri Akhe Singh, Aged About 50 Years, Homeguard Sainik No.-469, R/o- Villaged Meja Tehsil- Maandal Bhilwara, Rajasthan.

21. Jamnalal Gurjar S/o Shri Nanuram, Aged About 39 Years, Homeguard Sainik No.-614, R/o- Bera Bhilwara, Rajasthan.

22. Mahendra Singh Rathod S/o Shri Devi Singh Rathod, Aged About 43 Years, Homeguard Sainik No.-653, R/o- 51 Baba Dham Ke Pass Laxmi Vihar Bhilwara, Rajasthan.

23. Nand Singh Rajput S/o Shri Kaan Singh Purawat, Aged About 37 Years, Homeguard Sainik No.-200, R/o- Dadidham Road Shivaji Nagar Bhilwara, Rajasthan.



24. Devkaran Sukhwal S/o Shri Madhulal Sukhlal, Aged About 46 Years, Homeguard Sainik No.- 51, R/o- Gayatri Nagar Bhilwara, Rajasthan.
25. Ravindra Kumar Athariya S/o Shri Radheshyam Athariya, Aged About 35 Years, Homeguard Sainik No.-162, R/o- Talaai Road Pur Bhilwara, Rajasthan.
26. Dinesh Chandaraon S/o Shri Heeralal Rao, Aged About 50 Years, Homeguard Sainik No.-721, R/o- 3 P 16 Prabhat Nagar Hiran Magri Sector 5 Girwa, Udaipur, Rajasthan.
27. Jamnashankar Menariya S/o Shri Tulsiram Menariya, Aged About 52 Years, Homeguard Sainik No.-871, R/o- 298, Paneriyon Ki Maaddi Tewta Chowk Udaipur, Rajasthan.
28. Sadik Khan S/o Shri Latif Khan, Aged About 47 Years, Homeguard Sainik No.-174, R/o- Mullatlaai, Sajjannagar Singh, Udaipur, Rajasthan.
29. Sambhu Singh S/o Shri Sajjan Singh, Aged About 51 Years, Homeguard Sainik No.-118, R/o- Mulgada Jodhpur Khurd, Udaipur, Rajasthan.
30. Fatehlal S/o Shri Maangilal, Aged About 50 Years, Homeguard Sainik No.-194, R/o- A-2/ A-3 Balaji Nagar, Sector 14 Govardhan Vilas Udaipur, Rajasthan.
31. Vikram Singh S/o Shri Nirbhay Singh, Aged About 45 Years, Homeguard Sainik No.-96, R/o- 8 Behind Central Jail Ward No. 28, Girwa Udaipur, Rajasthan.
32. Rajesh Kumar Sharma S/o Shri Gangaram Sharma, Aged About 47 Years, Homeguard Sainik No.-356, R/o- 1174, Punjawati Bhuwana Road Girwa Udaipur, Rajasthan.
33. Vijendra Kumar S/o Shri Prem Prakash, Aged About 31 Years, Homeguard Sainik No.-23, R/o- House No. 234, Gali No. 4, Shaktinagar, Purani Abadi, Shriganganagar, Rajasthan.
34. Jitendra Kumar S/o Shri Kishan Lal, Aged About 33 Years, Homeguard Sainik No.-337, R/o- Ward No. 14, Sanjay Vatika, Purani Abadi, Shriganganagar, Rajasthan.
35. Rajkumar S/o Shri Banwari Lal, Aged About 46 Years, Homeguard Sainik No.-28, R/o- Gali No. 10 Baigaram Marg, Setiya Colony, Shriganganagar, Rajasthan.

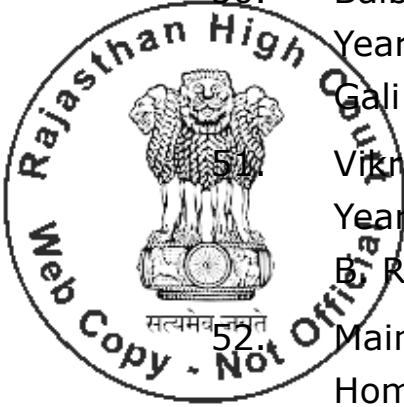


36. Dayaram S/o Shri Niranaram, Aged About 46 Years, Homeguard Sainik No.-242, R/o- Village 7 L.n.p. Kundalawala Shriganganagar, Rajasthan.
37. Sunita Rai D/o Shri Prahlad Rai, Aged About 32 Years, Homeguard Sainik No.- 699, R/o-House No. 68, Gali No. 7, Gurunanak Basti, Shriganganagar, Rajasthan.
38. Sandeep Kumar S/o Shri Bhagirath, Aged About 42 Years, Homeguard Sainik No.-284, R/o-House No. 32, 33, Shiv Colony, 7 I Chhoti, Shriganganagar, Rajasthan.
39. Rajendra Kumar S/o Shri Rudaram, Aged About 40 Years, Homeguard Sainik No.-206, R/o-House No. 8 Kumhar Mohalla, Infront Of Jawaharnagar Thana, Shriganganagar, Rajasthan.
40. Deepak Verma S/o Shri Ram Kumar, Aged About 30 Years, Homeguard Sainik No.-29, R/o- Gali No. 4 Ward No. 5 Shani Mandir, Shriganganagar, Rajasthan.
41. Vikram Singh S/o Shri Bihari Singh, Aged About 38 Years, Homeguard Sainik No.-344, R/o-132, Ramlal Colony Gali No. 012 3E Chhoti Shriganganagar, Rajasthan.
42. Kuldeep Swami S/o Shri Krishnalal Swami, Aged About 32 Years, Homeguard Sainik No.-114, R/o- 4E Chhoti, Shriganganagar, Rajasthan.
43. Umesh Kumar Sharma S/o Shri Mamchandra Sharma, Aged About 38 Years, Homeguard Sainik No.-453, R/o- Ward No. 20 Krishna Nagar Surat Garh, Shriganganagar, Rajasthan.
44. Baljeet Singh S/o Shri Harbhajan Singh, Aged About 37 Years, Homeguard Sainik No.-363, R/o-Ward 56 Behind Azad Cinema Karni Mar, Shriganganagar, Rajasthan.
45. Ravipal S/o Shri Ram Prakash, Aged About 39 Years, Homeguard Sainik No.-299, R/o-78 Ravidas Nagar Ward No. 58, Shriganganagar, Rajasthan.
46. Ram Kumar S/o Shri Fusaram, Aged About 47 Years, Homeguard Sainik No.-255, R/o-Shriganganagar, Rajasthan.
47. Prem Kumar S/o Shri Chetram, Aged About 27 Years, Homeguard Sainik No.-127, R/o-House No. 1, S-21



Sadbhavna Nagar, Shriganganagar, Rajasthan.

48. Balendra Kumar S/o Shri Ramlal, Aged About 43 Years, Homeguard Sainik No.-404, R/o-14 Shivam Enclave, Near Pawandham Mandir, Shriganganagar, Rajasthan.
49. Ram Kumar S/o Shri Nathuram, Aged About 28 Years, Homeguard Sainik No.-239, R/o-Ward No. 65, Bhagat Singh Colony, Shriganganagar, Rajasthan.
50. Balbir Singh S/o Shri Raghuvir Singh, Aged About 39 Years, Homeguard Sainik No.- 262, R/o- Ward No. 45, Gali No. 6, Gurunanak Basti, Shriganganagar, Rajasthan.
51. Vikram Goyal S/o Shri Narendra Goyal, Aged About 28 Years, Homeguard Sainik No.- 270, R/o- Ward No. 6 Near B. R. J. School, Ravi Chowk, Shriganganagar, Rajasthan.
52. Mainpal S/o Shri Tejpal Soni, Aged About 40 Years, Homeguard Sainik No.-262, R/o-Ward No. 10, Dhanaasar, Hanumangarh, Rajasthan.
53. Liyaqat Ali S/o Shri Mumtaj Khan, Aged About 39 Years, Homeguard Sainik No.-254, R/o-Ward No. Near Nayi Masjid, Rawatsar, Hanumangarh, Rajasthan.
54. Rajendra Prasad S/o Shri Mahavir Prasad, Aged About 52 Years, Homeguard Sainik No.- 264, R/o- Ward No. 6 Near Keshra Ji Mandir Rawatsar, Hanumangarh, Rajasthan.
55. Jagdeesh Kumar S/o Shri Indraaj, Aged About 44 Years, Homeguard Sainik No.-258, R/o-Ward No. 5 Kanwani, Hanumangarh, Rajasthan.
56. Ganpat Lal Vaisnav S/o Shri Shyam Sundar Vaishnav, Aged About 50 Years, Homeguard Sainik No.-53, R/o- Near Vishnu Talkies Chittorgarh, Rajasthan.
57. Omprakash S/o Shri Chaturbhuj, Aged About 55 Years, Homeguard Sainik No.-213, R/o- Ward No. 1 Sengwa Post- Saili, Chittorgarh, Rajasthan.
58. Dalpat Singh S/o Shri Ratan Singh, Aged About 40 Years, Homeguard Sainik No.-46, R/o- Behind Kats Vibhag, Saidhi, Chittorgarh, Rajasthan.
59. Nitesh Jain S/o Shri Jagdeesh Chandra, Aged About 35 Years, Homeguard Sainik No.-706, R/o- Bada Holi Thada Nimbaheda, Chittorgarh, Rajasthan.



60. Vijay Kumar Sharma S/o Shri Jagdish Kumar Sharma, Aged About 36 Years, Homeguard Sainik No.-855, R/o- Gali No. 1, Rampura Basti, Lalgarh, Bikaner, Rajasthan.
61. Rajkumar S/o Shri Sajjan Kumar, Aged About 39 Years, Homeguard Sainik No.-846, R/o-C- 73, Second Phase, Vridhhavan Enclave Bikaner, Rajasthan.
62. Shivraj Singh S/o Shri Laxman Singh, Aged About 41 Years, Homeguard Sainik No.-70, R/o- Gali No. 9 Rampura Basti, Lalgarh, Bikaner, Rajasthan.
63. Hansa Ram S/o Shri Hadmata Ram, Aged About 35 Years, Homeguard Sainik No.-122, R/o-Shanti Nagar Colony, Meghwalon Ka Bas, Kile Ki Ghaati, Jalore, Rajasthan.
64. Amjad Khan S/o Shri Liyaqat Khan, Aged About 37 Years, Homeguard Sainik No.- 37, R/o-Kile Ki Ghaati Jalore, Rajasthan.
65. Jitendra Kumar S/o Shri Habta Ram, Aged About 40 Years, Homeguard Sainik No.- 152, R/o- Rana Pratap Nagar New Ramdev Colony, Jalore, Rajasthan.
66. Heera Ram S/o Shri Bhanaram, Aged About 32 Years, Homeguard Sainik No.-228, R/o-Lotana Nandiya, Sirohi, Rajasthan.
67. Laxman Ram S/o Shri Joga Ram, Aged About 32 Years, Homeguard Sainik No.-246, R/o- Ward No. 4 Rewari Bas Shivgarh, Siroh, Rajasthan.
68. Prahlad Singh Rao S/o Shri Bhur Singh Rao, Aged About 35 Years, Homeguard Sainik No.-369, R/o-1 J 4 Shaktimarg, Gali No. 5, Housing Board, Banswara, Rajasthan.
69. Pragya Dayama S/o Shri Mohanlal Dayma, Aged About 49 Years, Homeguard Sainik No.- 226, R/o-25 Hari Nagar Vistar Colony, Jhalawar, Rajasthan.
70. Bardu Lal Khatik S/o Shri Kastur Lal Khatik, Aged About 46 Years, Homeguard Sainik No.- 272, R/o- Behind Chaarbhuja Mandir Malaan, Subhash Nagar, Bhilwara, Rajasthan.

-----Petitioners

Versus



1. The State Of Rajasthan, Through The Principal Secretary, Department Of Home, (Home Guard And Civil Defence) Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director General And Commandant General Of Home Guard, Directorate Of Homeguards, Head Quarters, Government Of Rajasthan, Jalebi Chowk Jaipur Rajasthan.

-----Respondents



For Petitioner(s)	:	Mr. Vikas Mahawar Mr. Abhimanyu Singh
For Respondent(s)	:	Mr. Deepak Chandak, AAAG Mr. NS Rajpurohit, AAG along with Ms. Anita Rajpurohit Mr. Sanwar Lal, Dy.G.A. Mr. BL Bhati, AAG
Present-in-person	:	Mr. Anwar H. Khan, Commandant, Home Defence Training Centre, Jodhpur

HON'BLE MR. JUSTICE FARJAND ALI

Order

ORDER RESERVED ON	:::	14/07/2025
ORDER PRONOUNCED ON	:::	07/10/2025

Reportable

BY THE COURT: -

*Government is instituted for the common good; for the protection,
safety, prosperity and happiness of the people.*

-John Adams

GRIEVANCE/PRAYER:-

1. The present writ petition under Article 226 of the Constitution of India¹ has been preferred by the petitioners,

¹ Hereinafter to be referred as "COI".

who are seriously aggrieved by the prevailing rotation system of engagement, under which they are offered deployment on a rotational basis. This system effectively restricts their gainful deployment to a maximum period of merely six to eight months in a year, thereby causing severe economic hardship and depriving them of a stable means of livelihood.

FACTS AND BACKGROUND OF THE CASE:-

2. Briefly stating the facts of the case are that the petitioners are discharging their duties as Home Guards in various districts of Rajasthan. Their services, though valuable to the maintenance of public order and safety, are rendered purely on a voluntary basis and are regulated by the provisions of The Rajasthan Home Guards Act, 1963². The grievance of the petitioners stems from the prevailing "rotation system" adopted by the respondents, under which they are engaged for a meagre period of only six to eight months in a year, and in some instances, even for a shorter duration. For the remaining part of the year, they are left without any work, remuneration, or social security, thereby subjecting them to a state of perpetual economic uncertainty. It is urged that such a system, despite their continuous availability and willingness to serve, not only deprives them of a dignified livelihood but also fails to acknowledge their indispensable role in supplementing the regular police force during law and order exigencies, festivals, elections, and emergencies. The petitioners assert that this

² Hereinafter to be referred as "The Act".

precarious arrangement amounts to an infringement of their fundamental rights guaranteed under Part III of the COI, particularly Articles 14, 16 and 21, and is contrary to the Directive Principles of State Policy, which mandate the State, as a model employer, to ensure just and humane conditions of work and a secure means of livelihood. Aggrieved by the aforesaid rotation system and the perpetual state of uncertainty it entails, the petitioners have invoked the extraordinary writ jurisdiction of this Court by instituting the present petition.



CONTENTIONS OF THE PETITIONERS:-

3. Learned counsel for the petitioners submits that the State, being a welfare State, is bound to act as a model employer by ensuring healthy working conditions and providing year-round employment to enable its employees to sustain their families. Contrary to this obligation, the respondents have adopted an arbitrary "rotation system," whereby the petitioners are engaged only for 6 to 8 months in a year, leaving them unemployed without pay for the remaining period. It is urged that such a system finds no mention in the Act or the Rules of 1962, and is unconstitutional. The respondents, instead of first providing full-year work to existing members, are continuously advertising and making fresh appointments, thereby perpetuating inequality. Reliance is placed on Part IV of the Constitution, particularly Articles 38 and 38(2), which mandate minimization of income inequalities and equal opportunities.

3.1 It is alleged that full-year employment is given only to those members who offer illegal gratification to officials. The petitioners further contended that the voluntary character of the Home Guards has diminished over time, as recognized by the Hon'ble Supreme Court in **State of West Bengal v.**

Pantha Chatterjee³ and therefore, members deserve year-round deployment. Reference is made to the judgment of the Madhya Pradesh High Court in Home Guard **Sainik Evam Parivar Kalyan Sangh and Ors. Vs. State of Madhya Pradesh and Ors.**⁴, directing full-year employment to Home Guards.



3.2 It is further submitted that The State Human Rights Commission of Rajasthan has also recommended immediate abolition of the rotation system and provision of full-year engagement. Even this Court, in earlier proceedings, has recognized parity in treatment of Home Guards with constables and directed consideration of related recommendations. The practice of rotation, apart from fostering corruption, is a glaring example of inequality and violation of fundamental rights. In several other States, full-year employment is being provided to Home Guards, demonstrating that such a policy is feasible.

3.3 The petitioners thus contend that the respondent's actions are arbitrary, discriminatory, and violative of constitutional

³ AIR 2003 SC 3569.

⁴ Writ Petition No: 10000 of 2010, Writ Petition No: 18526 of 2010 (S) and Writ Petition No: 8281 of 2011(S) decided on 02.12.2011.

provisions, leaving no alternative but to invoke the writ jurisdiction of this Court under Article 226 of the COI.

PRELIMINARY REPLY BY THE RESPONDENTS:-

4. Learned counsels appearing on behalf of the respondents have filed a reply and have opposed the maintainability of the writ petition on several grounds. They contend that the petitioners have suppressed material facts and raised disputed questions of fact which cannot be adjudicated under Article 226 and 227 of the COI, but only before civil courts. The petitioners have not challenged the provisions of the Act, under which their grievances arise, and thus the relief sought is contrary to law. It is further argued that the Home Guards is a voluntary organization, not an avenue for permanent employment, and the rotation system ensures equitable distribution of duties among volunteers. Continuous year-round employment cannot be granted, as this would render the statutory provisions redundant. Moreover, judgments from other states cannot be applied in Rajasthan due to distinct statutory provisions. Therefore, the writ petition is misconceived, not maintainable, and deserves dismissal.

INTERIM ORDER OF THIS COURT:-

5. This Court, vide its interim order dated 27.01.2025, has taken note of the petitioner's grievances and, while adverting to the historical background as well as the provisions of the Act, has

constituted a Committee to deliberate upon the issues involved and to furnish appropriate suggestions. For ready reference, the interim order dated 27.01.2025 passed by this Court is reproduced hereinbelow:-



"1. After hearing the parties at length, it is evident that the controversy in this case pertains to providing year-round employment to home guards and discontinuing the rotation system. This change aims to ensure that every individual is eligible for consistent work and receives their salary accordingly.

2. During the course of hearing, this Court observed the primary grievance to be the rotational deployment of home guards, which results in uncertainty regarding their work schedule. They are left unaware of the days they will be assigned duties and the days they will remain idle.

3. The history and establishment of home guards date back to 1946 when they were introduced as a volunteer service to assist the police in managing civil disturbances and communal riots. Over time, they evolved to serve as an auxiliary force to the police, aiding in the maintenance of internal security and supporting the community during emergencies such as air raids, fires, cyclones, earthquakes, and epidemics. They are largely voluntary, hired on a part time or temporary basis and receive daily honorarium for the days they are on duty. Post-independence, the role of home guards expanded significantly based on the recommendations of the National Police Commission(1949) and was subsequently adopted by various states. Following the Chinese aggression in 1962, the Central Government advised the States and Union Territories to unify their existing voluntary organizations into a single, standardized voluntary force, now known as the home guards.

4. Regarding the categories, it has been observed that home guards are divided into two main groups i.e., urban and rural home guards, and border home guards. In Rajasthan, the total strength of home guards is 30,714, with approximately 28,050 serving as urban home guards and 2,664 as border home guards. Out of this total, around 16,893 home guards are currently deployed, while 1,009 positions have been sanctioned. The organization recruits eligible youth from the state and strives to instill in them a sense of national security,

discipline, and selfless service (निष्काम सेवा).

5. This Court has also reviewed the Home Guards Act, 1963, the Act for appointment, deployment and administration of home guards. The Act establishes home guards as a voluntary body dedicated to the protection of individuals, security of property, and public safety. The Act empowers the State Government to appoint a Commandant, Commandant General, and Deputy Commandant General to oversee the supervision and control of the home guards. The Act specifies that home guards are appointed on an as-needed basis and must be physically fit and willing to serve, as determined by the State Government. They may be called upon at any time by the Commandant for training or to carry out assigned functions or duties. During their service, home guards have the same powers, privileges, and protections as police officers for that period and operate under the supervision of police officers.



6. The primary concern revolves around the livelihood of home guards. In a country grappling with rising inflation, these individuals are paid a bare minimum, insufficient to ensure their survival. Upon reviewing the relevant legislation, it is evident that the post of home guards was created to ensure the protection, safety, and security of the nation. Furthermore, to encourage individuals to volunteer in maintaining law and order at the grassroots level, their remuneration must be sufficient to sustain a basic standard of living.

7. This Court is cognizant of the infringement of fundamental rights, particularly Article 21 of the Constitution of India, which guarantees the right to life—a life with dignity. The Court has expressed concern in this regard. It believes that if the Home Department undertakes necessary efforts, home guards could be effectively deployed alongside police constables. In the opinion of this Court, deploying two home guards in place of one permanent police constable would result in significant savings for the State. This implies that the cost of two home guards would be less than that of one permanent constable and also the police constables can be deployed to locations where their services are more urgently required.

8. The Court has also observed that several departments and institutions rely on private security agencies for their safety and security. However, many of these private security personnel lack adequate training for such

responsibilities. On the other hand, the State Counsel has asserted that home guards receive annual refresher training to enhance their skills for providing safety, security, and maintaining law and order. Additionally, home guards are specifically trained to handle disasters and emergency situations. Thus, increasing the number of deployed home guards or utilizing all registered home guards would provide the State, public, and administrative systems with a pool of trained personnel who can contribute not only to safety and security but also to disaster and emergency management.



9. This Court is also of the view that the rising number of vehicles has led to an alarming increase in accidents on highways, resulting in daily fatalities. Such incidents could be mitigated if 2-4 home guards were deployed for night traffic control on roads. Similarly, the escalating crime rate in Rajasthan could be curbed by deploying a greater number of trained personnel, such as home guards and police constables, to ensure public safety and security. Therefore, it is imperative to establish a structured deployment of trained home guards alongside police personnel in an appropriate ratio to effectively manage and maintain law and order.

10. The Court has also taken note of the fact that approximately 1 lakh home guards are regularly deployed in the State of Uttar Pradesh without any rotational system. These home guards are assigned duties throughout the year alongside police personnel and perform various tasks. They have also implemented a software system that maintains a database of home guards and assigns duties through an online mechanism. In Rajasthan, there are around 30,000 registered home guards, out of which only approximately 17,000 are deployed at a given time.

11. In light of the aforementioned discussion, the Chief Secretary of the State of Rajasthan is hereby directed to constitute an expert committee to examine the matter comprehensively and address all aspects, issues, and suggestions articulated by this Court in the subsequent paragraphs. The committee shall also take into consideration the deployment of all registered home guards or an increase in their numbers, as deemed necessary and shall make a report of the same. Needful shall be done within a period of 30 days after receiving a copy of this order.

12. The committee is directed to deliberate upon, inter

alia, the following issues and suggestions:-

(a) Planning and Feasibility: The Committee shall explore and evaluate the feasibility of providing 100% employment or deployment to the increased number of home guards.

(b) Study of the Uttar Pradesh Model: The Committee shall study the deployment model adopted by the State of Uttar Pradesh for home guards and assess its implementation in Rajasthan. For this purpose, the Committee may seek assistance from senior officials of the Home and Home Guard Departments of Uttar Pradesh.

(c) Digital Deployment System: Since deployment in Uttar Pradesh is managed through online computer programs, the Committee shall coordinate with the National Informatics Centre (NIC) to develop and implement a similar program for the State of Rajasthan.

(d) Permanent Financial Approval: The Committee shall ensure that permanent financial approvals are granted for the deployment and employment of home guards.

(e) Police Station Allocation: A fixed number of home guards should be allocated to each police station to assist with night patrolling, maintaining law and order, and tasks such as serving Court summons. Consequently, additional home guards must be sanctioned for each police station. The Committee shall recommend a fixed ratio of police personnel to home guards for every police station.

(f) Traffic Management: A designated number of home guards should be deployed alongside police personnel to assist with traffic management.

(g) Guard Duties at Public Places: Home guards should be utilized for guard duties at hospitals, banks, railway stations, bus stands, malls, and similar public places, alongside police officers. This would allow more trained police personnel to be available at police stations, thereby alleviating the workload arising from staff shortages.

(h) District-Level Sanctioning: Posts for home guards should be sanctioned in every district to ensure uniform deployment and availability.

(i) System for Regular Deployment: Without



prejudice to the above suggestions, the Committee shall devise a system ensuring that all registered home guards willing to serve are given deployment for a fixed number of days every month. This would facilitate year-round employment for home guards.

(j) Financial Cooperation: The Finance Department shall extend its cooperation and grant necessary sanctions in alignment with the intent expressed by this Court in the instant order.

13. Nothing would preclude the respondent to get register fresh volunteer/aspirants. The restraint imposed by this Court on previous occasion vide order dated 16.10.2024 is withdrawn for the present.

14. The Chief Secretary or the Expert Committee is further directed to appoint a Coordinator to assist this Court, should the need arise. The aforementioned Committee, through its appointed Coordinator, shall submit a comprehensive report to this Court on or before 1.04.2025. The report shall be furnished through Shri B.L. Bhati, Additional Advocate General (AAG), and Shri Deepak Chandak, Assistant Additional Advocate General (AAAG), who usually appears on behalf of the Home Department of the State of Rajasthan.

15. This Court heard the matter at length, therefore, the case is directed to be listed under the part heard category.

16. List the matter on 01.04.2025."



**COMPLIANCE OF ORDER DATED 27.01.2025 WITH
STATE'S REPLY AND REPORT**

6. Shri Deepak Chandak, learned Additional Advocate General, appearing on behalf of the State, has ensured compliance with the interim order and has placed on record the State's reply along with a report and certain suggestions for consideration and implementation. This Court, in its interim order, had also directed the constitution of a Committee to conduct research on the model adopted in the State of Uttar Pradesh with respect to

Home Guards, and in pursuance thereof, the report of the said Committee has been submitted before this Court.

6.1 The respondents have placed on record an additional affidavit along with Annexures A/1 to A/7. It is stated therein that in compliance of this Court's orders dated 27.01.2025 and

28.05.2025, a team of officers of the State of Rajasthan visited the State of Uttar Pradesh, collected data regarding the Home Guard Deployment Management System (HDMS), and thereafter prepared a comprehensive report which, upon communication, was duly confirmed as genuine by the Uttar

Pradesh Home Guard Headquarters vide communication dated 09.04.2025. The respondents have further placed on record communications dated 17.03.2025 and 25.03.2025 (Annexures A/1 and A/2), the confirmation of Uttar Pradesh Headquarters (Annexure A/3), the proposal regarding providing regular employment and data of total proposed and need of Home Guards dated 09.07.2025 sent to the Home Department, Rajasthan (Annexure A/4), the minutes of meeting of the expert committee dated 26.06.2025 (Annexure A/5), a note on HDMS software implementation (Annexure A/6), and a deployment chart of June 2025 (Annexure A/7). It has been submitted that the HDMS software, which was earlier functional in five districts only, has now been implemented in 30 districts of the State, leaving only Jaipur, Kota, and Udaipur. The respondents have also explained that 100% deployment of



home guards is not feasible nor desirable as 15% of the force has to be kept reserved for training and emergencies and about 3% remain unavailable at any given time, and that deployment is necessarily dependent upon the demand of various departments and agencies. It is lastly submitted that the percentage of deployment of home guards has steadily increased from 68% in November, 2024 to more than 75% in June-July, 2025.



DISCUSSION AND OBSERVATION

7. I have heard learned counsel for the petitioners as well as learned government counsel appearing on behalf of the respondents and have perused the material placed on record. After an anxious consideration of the submissions and the material available in the petition, the following observations are made by this Court.

8. This Court has gone through all the documents annexed with the writ petition and cannot remain oblivious to the plight of the Home Guards, who have been rendering their services in the State of Rajasthan for the last six decades. The harsh reality is that their condition remains the same as when they first commenced service, or perhaps has even worsened with the passage of time. Their service has always been commanded by the State, and it is a settled position that ours is a "welfare State", a State that came into existence for the betterment of

society, not to make the poor poorer and the rich richer. In the words of **Franklin D. Roosevelt** "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little". The constitutional promise of a welfare State is to uplift

those at the margins and to secure for them the basic dignity that is inherent in the right to life. Yet, those who toil under the mask of "volunteerism" appear to have been reduced to a mere tool, summoned whenever the State desires, and forgotten when not required.



8.1 To begin with, this Court is constrained to examine the statutory framework itself. The Rajasthan Home Guards Act, 1963 along with the Rules framed thereunder, governs the engagement of Home Guards in the State. The Act designates them as "volunteers" and, on that pretext, denies them the possibility of continuous employment or absorption as permanent members of government service. Thus, while their labour is extracted by the State, they are simultaneously distanced from its protections, all under the umbrella of a law drafted more for the convenience of the State than for the welfare of its people.

8.2 Section 2 of the Act empowers the State Government to constitute, by notification, a volunteer body known as Home Guards, to be deployed in times of emergency and for other purposes. The statutory language records their duties as

pertaining to ***"the protection of persons, the security of property, and the public safety as may be assigned to them"***. For a better understanding, Section 2 of the Act is being reproduced herein below:-



"2. Constitution of Home Guards and appointment of Commandant General, Deputy Commandant General and Commandant-

(1) The State Government shall, by notification for such areas of the **State as it may consider** expedient, a **volunteer body** called the Home Guards the members of which shall discharge such functions and duties in relation to the **protection of persons, the security of property** and the **public safety** as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(2) The State Government shall appoint a Commandant of each of the Home Guards constituted under subsection (1)

(3) The State Government shall also appoint a Commandant General of Home Guards in whom shall vest the general supervision and control of Home Guards throughout the State of Rajasthan.

(4) The State Government may also appoint a Deputy Commandant General of Home Guards, who shall, subject to the supervision and control of the Commandant General, exercise the powers conferred on the Commandant General in such circumstances as the Commandant General may specify."

8.3 This provision may, for the sake of clarity, be analysed in two distinct parts:-

(I) First, the emphasis on the expression "volunteer body" must be understood in its true import. While the nomenclature denotes voluntariness, the inherent vulnerability of such a body cannot be overlooked. A force constituted of individuals willing to serve at modest remuneration, yet lacking permanent

recognition or security of tenure, stands exposed to neglect and underutilisation.

(II) Secondly, the threefold mandate that flows from the clause namely, the protection of persons, the security of property, and the maintenance of public safety encapsulates the very essence of policing in a welfare state. These are not ancillary or peripheral tasks but core sovereign functions, indispensable to the preservation of order.



VOLUNTEER VIS-A-VIS VULNERABILITY

8.4 At this juncture, it is imperative to examine the meaning of the term "**volunteer**" as understood in common parlance. Reference to standard dictionaries would be instructive in this regard:

(i) *Cambridge Dictionary* defines a *volunteer* as "a person who does something, especially helping other people, willingly and without being forced or paid to do it."⁵

(ii) *Collins Dictionary* states that "a *volunteer* is someone who does work without being paid for it, because they want to do it."⁶

(iii) *Oxford Dictionary* explains the term as "one who offers to do something without being forced to do it or without getting paid for it."⁷

⁵ Definition of the word "volunteer" in Cambridge Dictionary.

⁶ Definition of the word "volunteer" in Collins Dictionary.

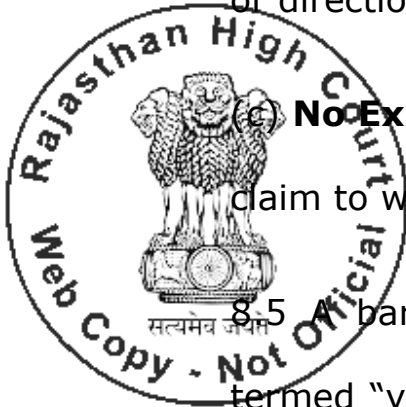
⁷ Definition of the word "volunteer" in Oxford Dictionary.

A careful reading of these definitions reveals three common elements:

(a) **Willingness**: the act must stem from free choice.

(b) **Absence of Compulsion**: it must not be done under force or direction.

(c) **No Expectation of Remuneration**: it is performed without claim to wages.



8.5 A bare reading of this section reveals that the body is termed "volunteer" and its work is to be performed not by free will but "as may be assigned to them." Thus, their functions are neither self-chosen nor discretionary; they are assigned under command, which stands at odds with the very essence of voluntariness. Thus, the core idea running through all these authoritative definitions is that volunteerism is an act of free will, not of command. When a person is directed to perform duties "as may be assigned," the element of voluntariness is extinguished, leaving only vulnerability disguised as service. When this Act was enacted in 1963, the socio-economic backdrop was of scarcity and struggle, where people yearned for stable employment. A job under the State meant an assurance of survival, a hope that basic needs of life would not remain unfulfilled. For the marginalized, it symbolized security and dignity. Today, after sixty long years, if their condition has not witnessed any substantial improvement, it is inevitable that

such prolonged neglect would generate resentment and disillusionment. The Home Guards, who stand in uniform shoulder to shoulder with regular forces in times of peril, are left to suffer in silence once the storm has passed. This Court cannot close its eyes to the paradox: the State, calling itself a welfare State, deploys the vulnerable as “volunteers”, only to command their service at will, while denying them the very welfare that is its constitutional obligation.



FUNCTIONS AND DUTIES: OBJECT OF THE ACT

8.6 Now, moving on to the object of the Act which provides three of the main functions and duties of home guards. It is an undeniable fact that India suffers from an acute shortage of personnel in the field of public protection, policing, and security. The data itself speaks, India’s police–population ratio stands at only 153 per 100,000⁸, far below the United Nations recommended norm of 222 per 100,000⁹, and also considerably lower than countries such as the United Kingdom (245 per 100,000)¹⁰ and the United States (237 per 100,000)¹¹. While India does have a vast private security workforce, estimated at nearly 5 million, it remains largely unregulated and fragmented, often lacking uniform training and accountability. In such a scenario, where scarcity is both structural and visible, the

⁸ Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs, Government of India.

⁹ United Nations Office on Drugs and Crime (UNODC).

¹⁰ UK Home Office – Police Workforce Statistics.

¹¹ U.S. Bureau of Justice Statistics (BJS) and Federal Bureau of Investigation (FBI) – Uniform Crime Reports.

presence of the Home Guards becomes not merely supplementary but essential.

8.7 Home Guards represent the single largest voluntary force available to the State, and yet, despite their willingness to serve at modest remuneration, they are often relegated to a

system of rotational duties where they remain idle for months, even though their services are essential on a daily basis. This

approach is not only wasteful but also inconsistent with the obligations of a welfare state. A welfare state does not keep

willing manpower confined to idleness; it mobilises and

integrates such forces for the larger public good. The scope for

meaningful deployment is immense because of need and dearth

of regular employees in force. Home Guards can be positioned

in private and government schools, malls, hospitals, shopping

centres, cinema halls, street junctions, tourist spots,

playgrounds, mortuaries, maternity homes, clinics, nursing

homes, and any place where the public gathers in large

numbers. In a country of India's size and density, the

requirement for maintaining security, ensuring protection of property, and guaranteeing public safety is virtually limitless.

Ideally, a much larger number of Home Guards could be

effectively deployed in major villages, towns, and other

vulnerable rural areas to strengthen the overall security

framework. Each additional hand deployed is not surplus but

rather a step toward bridging the gap between demand and



availability. Therefore, reforms in the utilisation of Home Guards are imperative. If structural reforms to the police force are slow to arrive, at the very least, this existing reservoir of manpower must be harnessed and provided with year-round deployment.

To pay them whenever using their services, or to call them into

service only occasionally, is neither rational nor consistent with the responsibilities of a State committed to the welfare of its people. The need is visible, the scarcity is undeniable, and the solution lies in recognising the Home Guards as an indispensable extension of India's security framework.



8.8 It is a matter of common observation that in the present times, private security services have become an indispensable feature of our social and commercial establishments. Uniformed guards, equipped with arms and wireless sets, are stationed at factories, mills, shopping malls, theatres, schools and business places. They are visibly on duty, engaged under regular remuneration, and reasonably assured of subsistence for themselves and their families. In sharp contrast, the condition of the Home Guards, whose services are requisitioned under the aegis of the State itself is abysmally poor. The irony cannot be overlooked that while even small private entities are able to provide their employees with a life of basic dignity, the State, whose fundamental role under the Constitution is to act as *parens patriae*, fails to extend the same to its own citizens. The situation of these Home Guards is such that they are left to

struggle for bare survival capable of feeding and clothing themselves for part of a month, but condemned to deprivation for the rest. Such a condition runs counter to the guarantee of equality before law under Article 14 and the right to life with dignity under Article 21 of the Constitution of India. The

Directive Principles of State Policy, particularly Articles 38 and 39, cast upon the State the duty to secure a social order promoting justice and to ensure that citizens are not forced into conditions of want and destitution. Regrettably, the treatment accorded to these registered Home Guards is not only inequitable but falls below even the standard extended to contract or part-time employees in the private sector, who at the very least are informed of their period of engagement and assured of wages for the work performed. When the State, as a model employer, lags behind private establishments in providing for the basic livelihood of its own enlisted citizens, it shakes the very conscience of a welfare democracy. This Court, therefore, cannot remain a mute spectator to such glaring disparity, for to do so would be to abdicate its constitutional responsibility of upholding the rights of those who, though not permanent employees, dedicate their labour in service of the State.

8.9 In **Prakash Singh and Others v. Union of India**¹², the Hon'ble Supreme Court, while dealing with the chronic

¹² Writ Petition (Civil) No. 310 of 1996 decided on 22.09.2006.

deficiencies in policing across the country, observed that the existing system had failed to keep pace with the requirements of a modern democratic society. The Court noted that police forces in India were overburdened, understaffed, subject to political interference, and often lacking in professionalism.

Recognising policing as a service essential to the constitutional promise of security and liberty, the Court underscored that the right to life under Article 21 cannot be effectively safeguarded unless an efficient, impartial, and accountable police system is in place. Accordingly, the Court issued a set of binding directions intended to restructure the police forces until proper legislation was enacted. These included:

(I) Establishment of a State Security Commission in every State to insulate the police from unwarranted political pressure and ensure policy-making in a transparent manner.

(II) Selection and minimum tenure of the DGP, with security of tenure for at least two years.

(III) Fixed tenure for key operational officers such as SPs and SHOs to prevent whimsical transfers.

(IV) Separation of investigation from law-and-order functions, so as to ensure professionalism in crime investigation.

(V) Creation of a Police Establishment Board to decide transfers, postings, promotions and other service-related matters.



(VI) Setting up of a Police Complaints Authority at the State and district levels to address allegations of police misconduct.

(VII) Establishment of a National Security Commission at the Union level to deal with central forces.

8.10 The Apex Court in its order made it clear that these directions were not optional but were to operate as law until suitable legislation was passed by Parliament or the State Legislatures. The observations reflect the Court's firm recognition that the rule of law cannot be realised without a police system that is free from extraneous pressures and sufficiently resourced to protect life, liberty, and property.

8.11 This Court is of the considered view that, as noted by the Hon'ble Apex Court, the functions of the police may broadly be classified into four categories: crime prevention, protocol, maintenance of law and order, and crime detection. Insofar as crime detection is concerned, the task undeniably requires trained and skilled police officers, and in that sphere the role of Home Guards may be limited. However, with respect to the remaining three domains, namely, prevention of crime, discharge of protocol duties, and maintenance of law and order, there is ample scope to utilise the services of Home Guards in close coordination with regular police personnel. Until such time as the State is able to make regular appointments to fill the acute shortage of police personnel, a pragmatic arrangement



can and ought to be made. There are a total of 41 districts in the State of Rajasthan. If in every district, a contingent of 1,000 Home Guards is engaged on a year-round basis, with a further discretionary provision of 200–300 additional personnel depending upon the size, population, sensitivity, incidence of violence, and crime rate of the district, then not only would the public interest be served, but the existing force would also be substantially strengthened. Some may be kept in reserve, while others may remain unavailable at certain times. It is further observed that the principal grievance raised by the Home Guards has never been with respect to the quantum of remuneration, but rather the uncertainty and irregularity of their engagement. If such personnel are assured of year-round employment, the financial aspect would naturally be resolved, as their service would then be accompanied by a stable/lessor and predictable remuneration structure.

Stagnation in Sanctioned Strength of Home Guards Since 1992

8.12 Now adverting to the problem of achieving the aforesaid object, learned Government Advocate Shri Deepak Chandak has placed on record a document which reveals that the last enhancement in the sanctioned strength of the Home Guards was effected as far back as in the year 1992, when the figure of 25,500 was marginally raised to 28,050. Ever since then, despite the passage of more than three decades, there has



been no further revision. It is a matter of common knowledge that, during this period, the State of Rajasthan has undergone drastic changes in terms of population growth, inflation, urbanisation, and the complexity of law and order challenges.

In the meanwhile, the population of Rajasthan has risen from

4.40 crores to approximately 8.00 crores, but no commensurate increase has been effected. The existing force is already over-utilised, with an average deployment exceeding 64% and in several districts crossing 75%, thereby causing serious difficulty

in fulfilling urgent assignments relating to law and order, elections, and public safety. Though a proposal for enhancement by 5,000 volunteers was submitted in 2023, the same has not culminated in any effective decision. The sanctioned strength of the Home Guards, however, has remained static, thereby creating a wide mismatch between the existing manpower and the contemporary requirements of public protection and safety. In these circumstances, it is but imperative that the strength of the Home Guards be revised and increased in proportion to the growth of the population and the evolving needs of society. For ready reference, the notification through which the sanctioned strength was last increased and proposal made in the year in 2023 to increase the number of posts by 5000 respectively are reproduced hereinbelow:—

NO.I-35011/1/1/87-DGCD (HG)
Government of India
Ministry of Home Affairs

the 1st May, 1992

To

The Secretary to the State Govt. of
Rajasthan, Home Dept.,
JAIPUR

Subject :- Restoration of 10% cut in the authorized
target strength of Home Guards.

Sir,



I am directed to refer to the State Government's letter No.DGHQ/Trg/A4-II/75/41750 dated 1.10.1991 on the subject noted above and to convey the approval of this ministry for raising and training of additional 2550 (Two thousand five hundred fifty) Home Guards in the State of ---- RAJASTHAN --- during the current financial year. Accordingly, the revised target strength of Home Guards for the State will be :

Existing target strength	Revised Target Strength
25500	28050

2. The expenditure involved for raising, training and equipping of this additional strength of Home Guards within the prescribed norms and scales will be shareable between the Central and State Govt. on 50 : 50 basis.

3. The break of this additional strength of Home Guards for the urban and rural wings, may be communicated to this Ministry.

4. The receipt of this letter may please be acknowledged.

Yours faithfully,

(AJAY CHOUDHARI)
DIRECTOR (GS)

॥ गृह रक्षा, राजस्थान, जयपुर ॥

सेक्टर-4 विद्याधर नगर जयपुर 302029

फोन :- 0141-2613755, फैक्स : 0141-2603407, ई-मेल :
trg.hghq.rj@rajasthan.gov.in

website: <http://home.rajasthan.gov.in/homeguards>

क्रमांक: DHG/TRG-2/Vols Proposal 8(3)/2023-00072 दिनांक :-

संयुक्त शासन सचिव,
गृह (ग्रुप-7) विभाग,
राजस्थान, जयपुर।

विषय:— गृह रक्षा स्वयंसेवकों की स्वीकृत नफरी में 5000 की वृद्धि किये जाने के प्रस्ताव भिजवाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि गृह रक्षा विभाग में स्वयंसेवकों की नफरी में 5000 की वृद्धि किये जाने हेतु निम्न बिन्दुओं को दृष्टिगत रखते हुए प्रस्ताव स्वीकृति हेतु सादर प्रेषित है:—

1. गृह मंत्रालय, भारत सरकार, नई दिल्ली के पत्र क्रमांक 1-35011/87-DGCD(HG) NEW DELHI दिनांक 01.05.1992 द्वारा शहरी होमगार्ड स्वयंसेवकों की नफरी 25500 से बढ़ाकर 28050 किया गया था। तदोपरान्त आज दिनांक तक शहरी स्वयंसेवकों में नफरी नहीं बढ़ाई गई है।
2. गृह रक्षा कम्पेन्डियम के तहत एवं भारत सरकार द्वारा प्रति 25000 की जनसंख्या पर एक गृह रक्षा कम्पनी (110 स्वयंसेवक) को स्थापित किये जाने के प्रावधान है। राजस्थान राज्य की जनसंख्या वर्ष 1992 में 04.40 करोड़ से बढ़कर वर्तमान में लगभग 08 करोड़ हो गई है, जिसमें 03.60 करोड़ की वृद्धि हुई है। लेकिन 1992 के बाद आदिनांक तक अधिकृत शहरी गृह रक्षा स्वयंसेवकों की नफरी 28050 में वृद्धि नहीं हुई है।
3. वर्ष 1992 के पश्चात स्वयंसेवकों के नियोजन में लगातार वृद्धि हो रही है। शहरी गृह रक्षा का वर्तमान औसत नियोजन, उपलब्ध नफरी का 64 प्रतिशत से अधिक है तथा कई जिलों में नियोजन 75 प्रतिशत से अधिक होने के कारण कानून-व्यवस्था, चुनाव जैसी अति आवश्यक ड्यूटियों में स्वयंसेवकों को उपलब्ध कराये जाने में कठिनाई उत्पन्न होती है। कई जिलों में ड्यूटी आधिक्य के कारण स्वयंसेवकों की नियोजन मांग प्राप्त होने के बावजूद ड्यूटियों के लिए स्वयंसेवक उपलब्ध नहीं कराये जा सके हैं तथा कई जिलों में अन्य जिलों से स्वयंसेवकों को नियोजित किया जा रहा है।
4. गृह रक्षा स्वयंसेवकों की मूल अवधारणा “आपात्कालीन स्थिति के लिए प्रशिक्षित स्वयंसेवक” के लिए प्रशिक्षण दिये जाने हेतु नियोजन के अतिरिक्त भी नफरी की आवश्यकता होती है। स्वयंसेवकों का ड्यूटी के दौरान उच्च टर्न-आउट, अनुशासन एवं गुणवत्तापूर्ण ड्यूटी के लिए प्रशिक्षण अति आवश्यक है तथा प्रशिक्षण के लिए निर्धारित किये गये लक्ष्यों, जोकि मुख्य प्रदर्शन संकेतक (Key Performance Indicators) के तहत है, जिनकी पूर्ति किया जाना आवश्यक है।
5. पूर्व में शहरी गृह रक्षा की अधिकृत नफरी में 5000 स्वयंसेवकों की वृद्धि किये जाने के प्रस्ताव निदेशालय के पत्रांक 4415 दिनांक 22.02.2023 द्वारा प्रेषित किया गया था। नियोजन को दृष्टिगत रखते हुए स्वयंसेवकों की वृद्धि किये जाने हेतु जिलेवार परिवर्तित प्रस्ताव सलग्न “परिशिष्ट-अ” के अनुसार प्रस्तुत है।
6. वर्तमान स्वीकृत नफरी 28050 से बढ़ाकर 33050 किये जाने (5000 स्वयंसेवकों की वृद्धि) हेतु निम्नानुसार व्यय होने की संभावना है—

क्रं. सं.	विवरण	बुनियादी प्रशिक्षण	प्रशिक्षण भत्ता प्रति	सदस्यों की संख्या	राशि की गणना	कुल राशि
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		दिवस	स्वयंसेवक			
1.	बुनियादी प्रशिक्षण	57	200	5000	57X200X5000	5,70,00,000 /—
2	वर्दी किट	वर्दी किट राशि रु. 3350 /— प्रति स्वयंसेवक		5000	3350x5000	1,67,50,000 /—
	कुल व्यय					7,37,50,000 /—

अतः सलग्न “परिशिष्ट-अ” के अनुसार शहरी गृह रक्षा स्वयंसेवकों की स्वीकृत नफरी 28050 से बढ़ाकर 33050 किये जाना (5000 स्वयंसेवकों की स्वीकृत नफरी में वृद्धि) जाना प्रस्तावित है।

सलग्न: उपराक्तानुसार

(राजेश निर्वाण, IPS)

महानिदेशक एवं महासमादेष्टा
निदेशालय गृह रक्षा, राजस्थान



8.13 At this stage, it must also be observed that the Government appears to have adopted, albeit unintentionally, an approach akin to *laissez faire*. However, one cannot lose sight of the fact that the State in our constitutional framework is conceived as a welfare State. A welfare State cannot afford to act with indifference or detachment. The very *raison d'être* of government lies in working for the good of society; if the State cannot ensure the welfare of its people, then the very purpose of its existence is called into question. In the Latin doctrine of *parens patriae*, the State is envisaged as the “parent of the nation” and is therefore duty-bound to act as the guardian of its people. In a welfare State, this doctrine attains greater significance, as the State is expected to treat its citizens with the solicitude of a parent, ensuring that their basic sustenance, care, and essential needs of daily life are adequately safeguarded. Governance must, therefore, always remain people-centric. This Court does not intend to enter into the

domain of employment policy or the intricacies of recruitment processes and is fully conscious that such matters fall exclusively within the realm of the legislature and the executive. The Court, therefore, while strictly adhering to its judicial limits, issues directions only to ensure the proper

implementation of existing legal provisions in their true spirit, in light of the pressing needs of the hour, and to remind the State authorities of their solemn duties. Yet, it cannot be ignored that

when substitutes and helping hands are available in the form of disciplined volunteers, the State ought to utilise them

meaningfully. Such engagement not only strengthens the cause of public safety but also gives these volunteers a sense of dignity, belonging, and recognition that they are serving the people and being maintained by the State for that very purpose. Conversely, a mechanism that leaves them in a condition of prolonged uncertainty is untenable. It is not acceptable for the State to devise a system that, in effect, tells them that in one month they may have sustenance and in another they may not; that in one season they may be clothed and in another left bare. Such arbitrariness neither accords with the ideals of a welfare State nor with the expectations of fairness and continuity in public service.

8.14 The Act, in its entirety, envisages that the general supervision and control of the Home Guards shall vest in an officer or Commandant, who, from time to time, is empowered



to appoint such number of persons as he deems fit and willing to serve, as the exigencies may demand. However, this very scheme is fraught with uncertainties. The nature of service is such that a person engaged in private employment is compelled to leave his vocation abruptly whenever called upon by the Commandant, failing which he is exposed to penalties and punishments. In effect, they remain in a perpetual dilemma of hanging upon a seesaw of unpredictability and caught betwixt and between.



8.15 The precariousness becomes more pronounced inasmuch as, in some months, they are engaged and in others, they are left without any work or remuneration. It has further been brought to the notice of this Court that the power of appointment, being concentrated in the hands of a single authority, often results in an unhealthy practice. It is alleged that those desirous of regular engagement are compelled to grease the palms of the appointing authority, thereby securing a position. Such a model, if it is so, wherever allowed to perpetuate, inevitably breeds corruption; indeed, the likelihood of bribery under such a regime is alarmingly high and no such unfettered or wide discretion, of unbridled amplitude, ought to be vested in a single authority. This systemic fault and infirmity, coupled with the daily uncertainty endured by the Home Guards, renders their plight all more distressing.

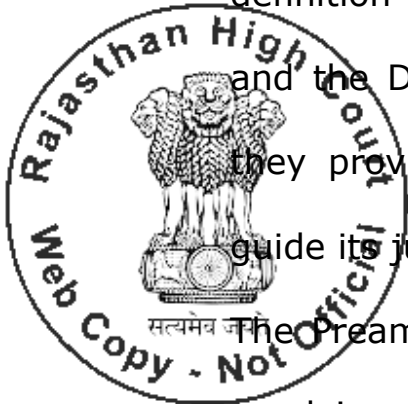
CONSTITUTIONAL ASPECT AND JURISPRUDENTIAL PERSPECTIVE

9. Coming to the constitutional canvas, the vision of India as a democratic republic is not confined to a singular provision of a statute but is woven intricately through the Preamble, the definition of "State" under Article 12, the Fundamental Rights, and the Directive Principles of State Policy (DPSPs). Together, they provide the architecture of our constitutional order and guide its jurisprudential development.

The Preamble, as the conscience of the Constitution, solemnly proclaims:-

"WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:
JUSTICE, social, economic, political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];
IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT,
ENACT AND GIVE TO OURSELVES THIS CONSTITUTION."

9.1 The idea of democracy embedded herein signifies, in the immortal words of **Abraham Lincoln**, "a government of the



people, by the people, and for the people". Yet democracy is not merely about casting a ballot; it is about the lived experience of the people. If citizens, in their daily existence, are deprived of security, livelihood, and dignity, the democratic promise stands eroded. So too with fraternity, a principle often less discussed, but no less vital. Fraternity connotes not only a spirit of brotherhood but a deeper assurance that each individual shall live with dignity, belonging, and mutual respect. It is not about mere co-existence but about co-existence as equals. Where an individual feels inferior, excluded, or treated as an instrument of convenience, the constitutional vision of fraternity is reduced to a hollow abstraction.

9.2 In the landmark pronouncement of **Kesavananda Bharati Sripadagalvaru Vs. State of Kerala**¹³, the Hon'ble Supreme Court lucidly observed that without fraternity, equality loses its real content; it remains a theoretical promise until people experience a sense of belonging and brotherhood. Thus, fraternity is indispensable to give substance to the guarantees of liberty and equality.

9.3 Turning to Article 12, the Constitution defines "State" in broad terms to include the Union and State Governments, their Legislatures, and all local and other authorities within the territory of India or under the control of the Government of India. This expansive definition ensures that the obligations of the Constitution bind not merely the primary organs of

13 AIR 1973 SC 1461.

government but also every instrumentality through which public power is exercised. Yet, the Indian State is not conceived as a mere political sovereign; it is envisaged as a Welfare State. It carries the constitutional duty to secure social, economic, and political justice for all citizens, particularly the marginalized.

9.4 Jurisprudence has consistently affirmed this conception. The conception of the State has engaged the finest minds of political philosophy.



(I) **Thomas Hobbes**, in the aftermath of chaos and fear, propound a social contract wherein men surrendered their natural liberty to an absolute sovereign, so that life, which in the state of nature was "solitary, poor, nasty, brutish and short," might be secured in peace.

(II) **Jean Jacques Rousseau**, more sanguine in spirit, perceived the contract not as a surrender but as a union whereby each individual, while giving up unfettered freedom, gained the moral liberty of belonging to the general will, and thus the State was born as an instrument of collective self-rule. Yet the mere existence of a State is not the end of the matter; its justification lies in the welfare of those whom it governs.

(III) **Jeremy Bentham**, in laying down the foundations of utilitarian philosophy, declared that the true measure of right and wrong rests in the promotion of happiness and the avoidance of pain. For him, every action could be tested on the anvil of the principle of utility, and happiness, being a sum of pleasure; was capable of calculation in terms of its intensity,

duration, and extent. His method, though precise, reduced human conduct to a mathematical exercise of gains and losses.

(IV) **John Stuart Mill**, while embracing the utilitarian creed, refined it with a higher moral sensitivity. He perceived that not all pleasures are alike, and that those which uplift the mind and

cultivate the faculties of reason and conscience must be esteemed above the fleeting gratifications of the senses. It is

thus that **Mill** placed quality above mere quantity, and in doing so, he preserved the dignity of human pursuit. **Bentham**, the

architect of the principle, gave the skeleton; **Mill**, the philosopher of liberty, infused it with a soul. Together, they

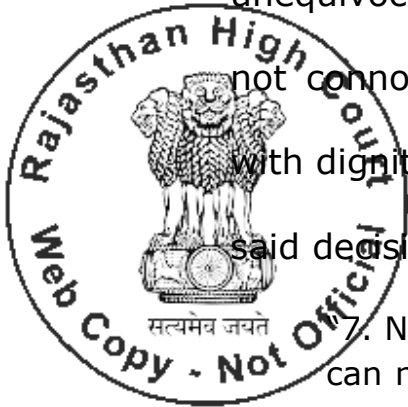
stand as twin pillars of the edifice of modern utilitarian thought.

9.5 Thus, the State, whether arising from fear as **Hobbes** maintained, or from common will as **Rousseau** proclaimed, bears the solemn charge of ensuring that governance is not an end in itself but a means to secure peace, dignity, and the highest happiness to its people.

10. The judicial pronouncements, rendered from time to time, have consistently underscored the very object of the State and the manner in which it must discharge its functions. They remind us that governance is not to be exercised in a manner that diminishes the democratic rights of the people, but rather in a way that fortifies them. The State, in its truest conception, is ordained to act as a welfare entity protecting liberties, securing justice, and ensuring that the collective good is advanced without sacrificing the dignity of the individual.



10.1 Starting with the most foundational pronouncement of the Hon'ble Supreme Court wherein Article 21 was defined in its truest import, reference must be made to the celebrated case of **Francis Coralie Mullin v. Administrator, Union Territory of Delhi & Ors.**¹⁴. In this judgment, the Apex Court unequivocally held that the right to life under Article 21 does not connote a mere animal existence but encompasses a life with dignity. For ready reference, the relevant paragraphs of the said decision are extracted hereinbelow:—



7. Now obviously, the right to life enshrined in Article 21 can not be restricted to mere animal existence. It means something much more than just physical survival. In *Kharak Singh v. State of Uttar Pradesh* [1964] 1 S.C.R. 232 Subba Rao J. quoted with approval the following passage from the judgment of Field J. in *Munn v. Illinois* [1877] 94 U.S. 113 to emphasize the quality of life covered by Article 21 :

Sunil Batra v. Delhi Admn. p. 503 By the term "life" as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body or amputation of an arm or leg or the putting out of an eye or the destruction of any other organ of the body through which the soul communicates with the outer world.

and this passage was again accepted as laying down the correct law by the Constitution Bench of this Court in the first Sunil Batra case (supra). Every limb or faculty through which life is enjoyed is thus protected by Article 21 and a fortiori, this would include the faculties of thinking and feeling. Now deprivation which is inhibited by Article 21 may be total or partial, neither any limb or faculty can be totally destroyed nor can it be partially damaged. Moreover it is every kind of deprivation that is hit by Article 21, whether such deprivation be permanent or temporary and, furthermore, deprivation is not an act

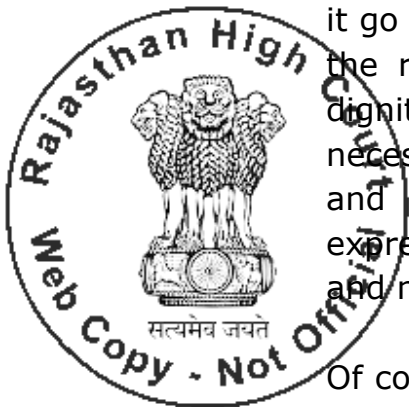
14 (1981) 1 SCC 608.

which is complete once and for all: it is a continuing act and so long as it lasts, it must be in accordance with procedure established by law. It is therefore clear that any act which damages or injures or interferes with the use of, any limb or faculty of a person, either permanently or even temporarily, would be within the inhibition of Article 21.

8. But the question which arises is whether the right to life is limited only to protection of limb or faculty or does it go further and embrace something more. We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing one-self in diverse forms, freely moving about and mixing and commingling with fellow human beings.

Of course, the magnitude and content of the components of this right would depend upon the extent of the economic development of the country, but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human-self.

Every act which offends against or impairs human dignity would constitute deprivation pro tanto of this right to live and it would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights. Now obviously, any form of torture or cruel, inhuman or degrading treatment would be offensive to human dignity and constitute an inroad into this right to live and it would, on this view, be prohibited by Article 21 unless it is in accordance with procedure prescribed by law, but no law which authorises and no procedure which leads to such torture or cruel, inhuman or degrading treatment can ever stand the test of reasonableness and non-arbitrariness: it would plainly be unconstitutional and void as being violative of Articles 14 and 21. It would thus be seen that there is implicit in Article 21 the right to protection against torture or cruel, inhuman or degrading treatment which is enunciated in Article 5 of the Universal Declaration of Human Rights and guaranteed by Article 7 of the International Covenant on Civil and Political Rights. This right to live which is comprehended within the broad connotation of the right to life can concededly be abridged according to



procedure established by law and therefore when a person is lawfully imprisoned, this right to live is bound to suffer attenuation to the extent to which it is incapable of enjoyment by reason of incarceration. The prisoner or detenu obviously cannot move about freely by going outside the prison walls nor can he socialise at his free will with persons outside the jail. But, as part of the right to live with human dignity and therefore as a necessary component of the right to life, he would be entitled to have interviews with the members of his family and friends and no prison regulation or procedure laid down by prison regulation regulating the right to have interviews with the members of the family and friends can be upheld as constitutionally valid under Articles 14 and 21, unless it is reasonable, fair and just.

9. The same consequence would follow even if this problem is considered from the point of view of the right to personal liberty enshrined in Article 21, for the right to have interviews with members of the family and friends is clearly part of personal liberty guaranteed under that Article. The expression 'personal liberty' occurring in Article 21 has been given a broad and liberal interpretation in Maneka Gandhi's case (supra) and it has been held in that case that the expression 'personal liberty' used in that Article is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of a man and it also includes rights which "have been raised to the status of distinct Fundamental Rights and given additional protection under Article 19". There can therefore be no doubt that 'personal liberty' would include the right to socialise with members of the family and friends subject, of course, to any valid prison regulations and under Articles 14 and 21, such prison regulations must be reasonable and non-arbitrary. If any prison regulation or procedure laid down by it regulating the right to have interviews with members of the family and friends is arbitrary or unreasonable, it would be liable to be struck down as invalid as being violative of Articles 14 and 21."

10.2 In **D.S. Nakara v. Union of India**¹⁵, the Court declared that pension is not a bounty but a right, and the Government, as a welfare state, must secure dignity in old age.

¹⁵ AIR 1983 SC 130.

10.3 In **Olga Tellis and Ors. Vs. Bombay Municipal Corporation and Ors.**¹⁶, the right to livelihood was read into the right to life under Article 21, recognizing that survival itself is central to democracy.

10.4 In **Paschim Banga Khet Mazdoor Samity and Ors. v. State of West Bengal and Ors.**¹⁷, the Court underscored the State's duty to provide adequate medical facilities, reiterating that public health is an essential obligation of a welfare state.

10.5 Thus, the constitutional vision of India is not merely to establish governance structure but to embody a living promise that justice, liberty, equality, and fraternity shall not remain lofty ideals, but shall animate the everyday lives of the people. A democratic republic that fails to secure these values ceases to reflect the very spirit of the Constitution.

THE RELATIONSHIP OF COMMAND AND OBEDIENCE: EMPLOYER-EMPLOYEE RELATIONSHIP

11. The concept of a Welfare State is not a hollow aspiration; it imposes a positive obligation upon the State to secure fair and equal opportunities for its people. While one may not reasonably expect private organizations to shoulder such constitutional duties, when an organ of the State itself is involved in maintaining a force or body of persons, the expectation is higher. It must function in the spirit of a welfare state and cannot indulge in discrimination or exploitation.

11.2 In the case of the Home Guards, however, the situation

¹⁶ AIR 1986 SC 180.

¹⁷ AIR 1996 SC 2426.

reveals a troubling reality. The ostensible claim that they serve as “volunteers” is, in truth, a camouflage. The State not only deploys them on specific dates and occasions but also directs, instructs, and supervises their functions. Their role is not left to their volition; rather, they perform duties determined by the State. In return, they are paid remuneration for the work performed. Such an arrangement unmistakably bears the incidents and character of an employer–employee relationship. The plight of these so-called “volunteers” is both helpless and hapless. They enter into service under the control of the State, obeying its commands and fulfilling its needs, yet are denied the dignity and security of continuous deployment. This duality cannot be countenanced in a constitutional democracy that claims and professes to be a welfare state. The State, which exists for the protection of its citizens, cannot turn into an agent of exploitation under the guise of voluntarism. A welfare state is measured not by the strength of its proclamations but by the fairness with which it treats its weakest functionaries. When the work is undertaken at the behest of the State, payment of only a paltry remuneration, or at times none at all, does not behove the dignity of a welfare State founded on constitutional values. To expect loyalty, service, and obedience, while simultaneously denying recognition of their true status, strikes at the heart of constitutional morality. The exploitation of the Home Guards in the name of volunteers is an anathema to the founding ideals of justice, equality, and fraternity.



12. Proceeding now to the Fundamental Rights enshrined in the Constitution of India, it becomes imperative to examine, one by one, the provisions that bear direct relevance to the present matter. To begin with, reference may be made to Article 14 of the COI, which embodies the principle of equality before the law. For the sake of clarity and convenience, the text of the

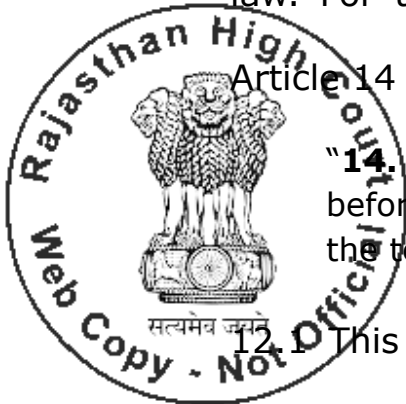
Article 14 is reproduced herein below:-

"14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

12.1 This Article strikes at the very root of arbitrariness and proclaims that all persons, irrespective of status, are entitled to the equal protection of laws and shall be treated alike in the eyes of the law. It forms the cornerstone of our constitutional edifice, ensuring that justice is dispensed not as a matter of grace, but as a matter of right.

12.2 Article 14 of the Constitution of India stands as a cardinal guarantee of equality. It admits of two distinct yet complementary facets: equality before the law, which is a negative concept denoting the absence of special privilege, and equal protection of the laws, which is a positive command requiring the State to act affirmatively in securing fairness. Justice Subba Rao, with characteristic clarity, described Article 14 as embracing both the negative and the positive content.

12.3 In the course of constitutional adjudication, the Supreme Court has steadily expanded the horizon of this provision.



Beginning with **S.G. Jaisinghani v. Union of India and Ors.**¹⁸, where the absence of arbitrary power was declared the first essential of the rule of law, the doctrine of anti-arbitrariness became the very soul of equality. In **E.P. Royappa v. State of Tamil Nadu and Ors.**¹⁹ and **Maneka**

Gandhi v. Union of India and Ors.²⁰, the Court carried this doctrine to its zenith, holding that arbitrariness and equality are sworn enemies, and that Articles 14, 19 and 21 together form a trinity that safeguards liberty against unjust State action.

Further, the principles of natural justice, embodied in **A.K.**

Kraipak and Ors. v. Union of India and Ors.²¹, were read

into Article 14 as an indispensable check upon arbitrary exercise of power. In **Ram Krishna Dalmia Vs. Justice S.R.**

Tendolkar and Ors.²², the Court permitted classification but

only when resting on intelligible differentia and rational nexus with the object sought. The decision in **Indra Sawhney and**

Ors. v. Union of India and Ors.²³ harmonized the promise of

equality with the need for affirmative action, declaring Article

16 as a facet of Article 14 itself. Thus, through the march of

judicial interpretation, Article 14 has evolved from a mere

guarantee of formal equality into a dynamic principle of

18 AIR 1967 SC 1427.

19 AIR 1974 SC 555.

20 AIR 1978 SC 597.

21 AIR 1970 SC 150.

22 AIR 1958 SC 538.

23 AIR 1993 SC 477.

substantive justice. It is a solemn reminder that the State, in all its manifestations, must govern with fairness, act without arbitrariness, and uphold the dignity of every individual in the republic.

13. Advancing to Articles 15 and 16 of the Constitution, which enshrine the principles of non-discrimination and equality of opportunity, this Court cannot overlook the plight of the Home Guards. A peculiar classification has been carved out between “uniformed” and “non-uniformed” categories, though the parent Act neither contemplated nor provided for such a division. Even today, no statutory foundation exists for this distinction. It has been created merely for administrative convenience. The consequence of this artificial classification is most distressing. Those deployed on rotation duties outside earn more than those attached to government departments, Courts, and allied offices, where they are engaged in Class-IV nature of work. The latter, though employed for the entire year, are paid on a lower scale, whereas the former, who depend on rotation, receive wages only when duty is assigned. Thus, destiny alone determines whether a Home Guard shall be placed in one category or the other. Such a fortuitous circumstance cannot be the basis of division, for it breeds discrimination and denies equal opportunity, striking at the very heart of Articles 14, 15, and 16 of the Constitution.

13.1 This Court is of the view that each Home Guard deserves



continuous deployment. All Home Guards must stand on an equal pedestal and receive uniform treatment, both in service conditions and remuneration. As regards the plea of the State that a certain percentage must be kept aside for emergencies and training, this concern can be addressed without sacrificing fairness. Those Home Guards may well be assigned to departments that inherently deal with emergencies, such as Fire and Rescue, Ambulance Services, Women and Child Welfare, and even the Police. In such placements, they would remain productively engaged on a daily basis, and in times of exigency, they would be the first responders. In the grand design of a welfare state, no citizen engaged in public service should be left at the mercy of chance or arbitrary classification. Equality before law and equality of opportunity in matters of employment must not remain empty rhetoric, but a living reality for the Home Guards as well.

14. Lastly, but most importantly, attention must be drawn to Article 21 of the Constitution, which guarantees protection of life and personal liberty. For ready reference, the same is reproduced herein below:

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

14.1 This provision is not merely a cold phrase in the constitutional text; it is the very heartbeat of our constitutional ethos. The framers of the Constitution intended that every



citizen must not only live, but live with dignity. This Court is mindful of the settled jurisprudence that Article 21 does not connote mere animal existence or a bare survival; rather, it embraces the right to live with dignity, honour, and all facets that make life meaningful.



14.2 In **M.C. Mehta v. Union of India**²⁴, the Supreme Court observed that the right to life includes the right to live in a clean and healthy environment. Similarly, in **Nandini Satpathy v. P.L. Dani**²⁵, it was underscored that personal liberty must be interpreted expansively, keeping in mind the dignity of the individual. The jurisprudence evolved around Article 21 makes it clear beyond cavil that life, in its constitutional sense, encompasses health, education, shelter, livelihood, and all those elements that enable a person to sustain himself with dignity. Thus, sustenance wages, fair remuneration, and a secure avenue of employment are not matters of charity, but constitutional entitlements where one is serving under the State or its instrumentalities. It cannot be said that every unemployed citizen may demand allowance from the State; yet, those who are engaged under the command of the State, discharging sovereign functions, cannot be left without means of sustenance.

14.3 Home Guards, though not the entirety of the police

24 (1987) 1 SCC 395.

25 (1978) 2 SCC 424.

establishment, form an integral part of the State's security apparatus. To exploit their labour under the nomenclature of "volunteers" is to do violence to the constitutional vision of a welfare state. Article 21 frowns upon such arbitrariness, for the right to life is not to be reduced to a life of want, uncertainty, or indignity. The State, as a model employer, is under an obligation to ensure that those who serve it are not relegated to conditions of penury or discrimination. To provide them with continuous employment and fair wages is not an act of benevolence, but a constitutional mandate flowing from Article 21 itself.



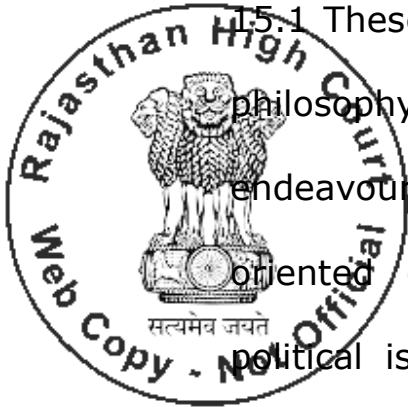
15. The final touch must be drawn from the Directive Principles of State Policy, which have been incorporated in the Constitution as guiding beacons for the governance of the nation. For ready reference, Article 39 of the COI is reproduced herein below:-

"39. The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- e) that the health and strength of workers, men and

women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

[(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.]”



15.1 These principles, though non-justiciable, embody the very philosophy of why the State exists and what policies it must endeavour to pursue. They lay down the roadmap for a welfare-oriented governance where justice, social, economic, and political is not a distant dream but a lived reality for every citizen. When viewed in the light of the present case, it becomes apparent that a particular class of citizens, namely the Home Guards, have been left to oscillate within the system, nurturing a perennial hope that one day their services shall be regularised. Their plight makes it evident that the Directive Principles are not being translated into action in their true spirit. The Directive Principles are not ornamental phrases, but solemn instructions to the State, requiring it to ensure that policies are shaped for the betterment of those who serve and for those who stand at the margins of society. To disregard them is to forget the very reason of the State.

16. This Court considers it expedient to take note of the authoritative pronouncements of Hon'ble the Supreme Court touching upon the issue of Home Guards and the regularisation of their services. A survey of the jurisprudence reveals a

consistent thread, though with nuanced variations depending on facts and contexts.

16.1 In **State of West Bengal & Ors. v. Pantha Chatterjee & Ors.**²⁶, the Hon'ble Supreme Court was seized of the question whether part-time Border Wing Home Guards (BWHGs), continuously deployed and performing duties akin to permanent staff, could be treated as such and conferred equal benefits. The Court upheld the Calcutta High Court's decision, holding that once the voluntary nature of such engagement was lost by continuous deployment, the BWHGs were entitled to parity of treatment. The State was directed to implement the High Court's order, with the Union to reimburse the State. The appeal stood dismissed with costs.

16.2 The principle, however, was revisited in the celebrated Constitution Bench judgment of **Secretary, State of Karnataka & Ors. v. Umadevi & Ors.**²⁷, where the Court dealt with the question whether irregular or temporary appointees could seek a right to be regularised in public employment. The Court, in unmistakable terms, held that public employment must strictly adhere to constitutional requirements of equality and fair process. Regularisation, it was ruled, cannot be invoked to sanctify irregularities or to confer permanence where appointments themselves were de hors the rules. The

²⁶ Ibid

²⁷ AIR 2006 SC 1806.

appeals were accordingly allowed, and the doctrine of equality in public employment was reaffirmed.

16.3 In **State of Manipur & Ors. v. Ksh. Moirangninthou Singh & Ors.**²⁸, the Court was called upon to decide whether

Home Guards could claim regularisation and benefits akin to government servants. Relying on Umadevi (supra), the Court emphatically ruled that Home Guards constitute a voluntary force, raised for emergencies, and cannot be equated with regular police service. The Guwahati High Court's orders to the contrary were set aside, and the appeals allowed. Significantly,

the Court went a step further and observed that the Union Government may consider withholding funds from States misusing the Home Guards Act to bypass constitutional mandates.

16.4 A similar refrain was echoed in **Grah Rakshak, Home Guards Welfare Association v. State of H.P. & Ors.**²⁹. The Home Guards sought regularisation and parity with police personnel in Himachal Pradesh, Punjab and NCT of Delhi. The Hon'ble Court, after referring to Pantha Chatterjee (supra) and Moirangninthou Singh (supra), held that Home Guards are not regular employees but volunteers. However, in the interest of fairness, the Court recommended that States ensure that duty allowances payable to Home Guards are equated with at least

28 Civil Appeal Nos. 1897–1901 of 2000, decided on 26.02.2007.

29 Civil Appeal No. 2759 of 2015, decided on 11.03.2015.

the minimum monthly pay of police personnel, to be implemented within three months.

16.5 In **Jiban Krishna Mondal & Ors. v. State of West Bengal & Ors.** reported in AIR 2015 SC 2417, the issue once again arose in the context of West Bengal. The appellants contended that the Home Guards were in a master-servant relationship with the State, thereby entitling them to regularisation and pay parity. The Hon'ble Supreme Court rejected the plea, affirming the voluntary character of the organisation and ruling out any master-servant relationship.

The appeals were dismissed, and the High Court's view was upheld.

16.6 Most recently, in **Prakash Kumar Jena & Ors. v. State of Odisha & Ors.**³⁰, the issue was confined to the entitlement of Home Guards in Odisha to a Duty Call-up Allowance (DCA) of ₹533 per day, in line with Grah Rakshak (supra). The Hon'ble Court upheld the High Court's grant of such allowance but, considering the financial implications, directed that arrears be paid from 01.06.2018 onwards. The State's appeals were dismissed, while those by the Home Guards were partly allowed, with a direction to release arrears within three months.

16.7 Thus, the law as laid down by Hon'ble the Supreme Court, after a careful traverse through Pantha Chatterjee (2003),

³⁰ Civil Appeal Nos. 8836–8838 of 2022, decided on 17.08.2023.

Umadevi (2006), Moirangninthou Singh (2007), Grah Rakshak (2015), Jiban Krishna Mondal (2015) and Prakash Kumar Jena (2023), is that Home Guards are essentially a voluntary force, not regular employees. They cannot, therefore, seek regularisation or parity in service conditions with government servants. However, recognising the dignity of labour and the principle of fairness, the Court has repeatedly stressed upon payment of fair duty allowances, commensurate with the minimum wages of police personnel. This represents a balanced approach between constitutional discipline in public employment and the legitimate expectations of those who render yeoman service to the State in times of need.

16.8 This Court is mindful of the distinction between regularisation of employment and the grant of continuous deployment. The two concepts are not synonymous. While regularisation places a person within the fold of permanent government service with all attendant rights and benefits, continuous deployment simply ensures that the person is not left dangling in uncertainty called upon at the whims of the administration and then rendered redundant without work. The statute, no doubt, employs the expression “volunteer” in describing the nature of Home Guards. Yet, practical realities belie such a simplistic categorisation. A person cannot be expected to indefinitely oscillate between different occupations, on one hand attempting to secure livelihood elsewhere, and on



the other being summoned at the beck and call of the State.

This makes him stand betwixt and between, creating an unworkable and inequitable situation. Therefore, while this Court is not inclined to hold that the Home Guards be absorbed as regular government servants, it does find merit in the plea

that they deserve continuous and assured engagement. By dismantling the arbitrary rotation system, the State can secure their services on a stable basis. Such a course would not only provide them with dignity and predictability in livelihood but

also augment the strength of the State machinery. Indeed, the potential of this force is vast. They can be effectively deployed as an auxiliary strength alongside the police, in traffic regulation, in disaster management, and in various other fields where public order and civic assistance are required. In this sense, they may operate as substitutes and supplements to the regular police establishment and allied departments, thereby serving both the needs of the State and the aspirations of the force.

17. The coordinate Bench of this Court presided over by my learned brother Judge, Arun Monga, J. in **Kuldeep Parasar v. State of Rajasthan & Ors.**³¹, had occasion to consider the grievance of certain Home Guards who had been rendering their services continuously for the last 10 to 20 years, albeit without being subjected to the rotational system that is otherwise

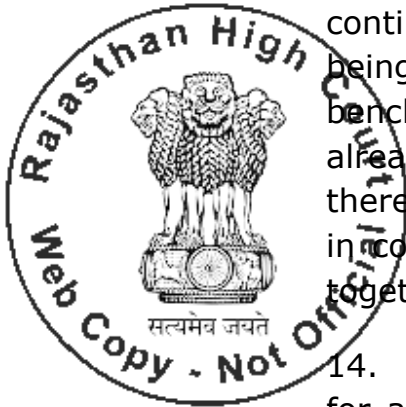
31 S.B. Civil Writ Petition No. 21500/2024.

prevalent. For ready reference, the relevant extract from the order of the coordinate Bench is reproduced herein below:—

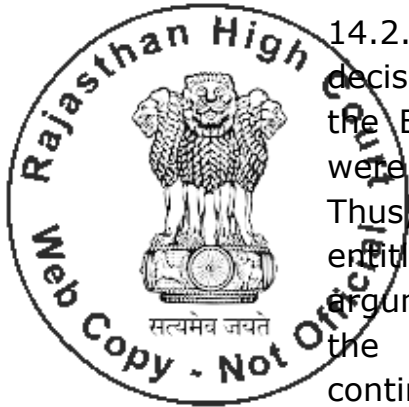
“13. Having seen the affidavits, it so transpires that there are two sets of home guards i.e. those whose duties are rotated and the others who are though, so to speak, render voluntary service, but actually they are on non-rotational duty ever since their deployment and continue to work uninterruptedly. Qua the grievance of being arbitrarily being rotated on duty, a coordinate bench of this court is already seized of the matter, as already noted vide SBCWP No.11085 of 2022. I shall, therefore, confine myself to the latter i.e. ones who are in continuous deployment, without any break, for years together on non-rotational duty.

14. In the context of those deployed without any break for a continuous period of 5 years or a decade or even more, as the case may be, reference may be had to Supreme court judgment in State of West Bengal v. Pantha Chatterjee¹ where in a similar matter concerning a group of part-time Border Wing Home Guards (BWHGs) who approached the Calcutta High Court claiming that despite performing duties identical to those of the permanent BWHGs and Border Security Force (BSF) personnel, they were subjected to discrimination in terms of service conditions, pay, and benefits. These part-time Home Guards, originally engaged under a voluntary scheme, argued that their long years of continuous deployment effectively removed the voluntary nature of their service. The High Court, after careful consideration of the facts and the relevant government orders, found favor with the BWHGs, concluding that the part-time guards were indeed functioning under a relationship of master and servant with the State of West Bengal. It was held that although the scheme initially envisaged short-term voluntary service with rotation every three months, in practice, the same individuals had been employed continuously for more than a decade without any rotation, contrary to the intended design of the scheme.

14.1. The Calcutta High Court also noted that the nature of duties performed by the part-time and permanent BWHGs was identical, that they were subjected to the same risks and working conditions, and that there was no substantial basis to differentiate between them. As a result, it held that the principle of



"equal pay for equal work," a constitutional mandate recognized under Articles 14 and 16 of the Constitution of India, was fully applicable. Accordingly, the High Court directed that the part-time BWHGs be granted the same pay scales, benefits, and service conditions as those extended to their permanent counterparts. This included arrears of salary, fixation of pay, eligibility for provident fund, gratuity, retirement benefits, allowances, and leave.



14.2. When the State of West Bengal challenged this decision before the Supreme Court, it was reiterated that the BWHGs were part of a voluntary organization and were engaged under the West Bengal Home Guards Act. Thus, their deployment did not create regular service entitlements. However, the Supreme Court rejected this argument, holding that once the voluntary character of the engagement had been lost due to years of continuous service without break, the petitioners were entitled to full employment benefits. The Supreme Court held that the circumstances under which the Home Guards worked made it impossible for them to resume any prior vocation, and to treat them as mere volunteers would be both arbitrary and unjust. Moreover, the Court stressed that despite the original scheme framed by the Central Government, it had failed to monitor its implementation effectively, and thus could not escape its ultimate responsibility for the financial burden associated with regularizing the service of the petitioners.

14.3. The Supreme Court agreed with Calcutta High Court that the deployment of BWHGs was no longer casual or voluntary in nature but had become a de facto permanent employment situation, and as such, they could not be treated differently from full-time BWHGs. The Court reiterated the principle that equal work under similar conditions mandates equal pay and service benefits.

14.4. While reaffirming its opinion, the Supreme Court in turn also referred to several earlier rulings where similar principles had been laid down, including the recognition of "equal pay for equal work" as a constitutional right and the rejection of attempts to treat long-serving employees as casual workers merely based on initial contractual terms. Decisions like *Jaipal v. State of Haryana*², *Dhirendra Chamoli v. State of Uttar Pradesh*³, and *Daily Rated Casual Labour v. Union of India*⁴. It was thus held that the substance of the work performed,

rather than the label attached to the employment of the home guards determined their rights.

15. Likewise, in another subsequent Supreme Court judgment i.e. Union of India v. Parul Debnath⁵ (once again arising out of Calcutta High Court) where the case involved Home Guards in the Andaman & Nicobar Islands who sought regularization of their services and equal pay for equal work, having served for 12 to 23 years under the A&N Islands. The Home guards filed applications before the Central Administrative Tribunal (CAT), Calcutta Bench, claiming regularization and pay parity with regular employees.

15.1 The CAT directed the Union of India to frame a scheme for regularization within six months, considering local conditions. The Union challenged this before the Calcutta High Court, which upheld the CAT's order, relying on the Supreme Court's decision in State of West Bengal v. Pantha Chatterjee, supra. Union of India then a scheme and reserved only 20% of vacancies for Home Guards, to be absorbed in phases. Aggrieved, the home guards challenged the said scheme. The Single Judge of the High Court upheld the scheme but the Division Bench quashed it, finding it non-compliant with the ratio enunciated in Pantha Chatterjee, ibid, and gave slew of directions in tune therewith.

15.2. The Union then appealed to the Supreme Court. The Supreme Court, in its judgment, upheld the Division Bench's decision. It ruled that all eligible Home Guards, not just 20%, should be absorbed uniformly at once, not in phases. Their regularization or absorption did not constitute new appointments. Thus it was not to be treated as any reservation.

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19. It is thus, in the above backdrop, that the Home guards in the State of Rajasthan, working on non rotational basis for years altogether without any break every three months, are challenging the very foundation of their designation as "volunteers." They pose a pertinent question: are they truly volunteers, or have they become mere conscripts, masked under a label that no longer reflects the reality of their service? They seek fair pay and other benefits, improved working conditions, and opportunities for regularization/absorption into regular government posts, given their indispensable

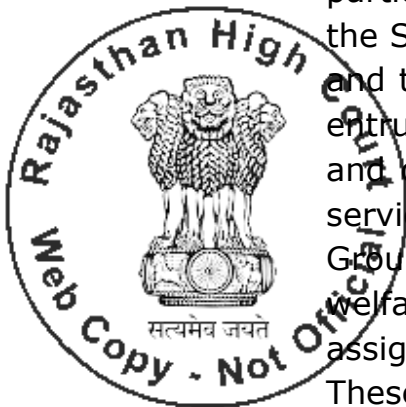


continuous length of service.

19.1. The essence of volunteerism lies in the voluntary offering of time and effort without any long-term obligation. Yet, this definition is being defied qua the non-rotational Home Guards in every conceivable way. Many home guards have served for decades without respite. This extraordinary longevity and continuity of service transform their role from one of voluntary participation into a de facto employment relationship with the State. Under the Rajasthan Home Guards Act of 1963 and the Rajasthan Home Guards Rules of 1962, they are entrusted with a wide array of duties—maintaining law and order, managing civil emergencies, providing rescue services, operating essential infrastructure/offices on Group-C and D posts, assisting in office work, social welfare schemes, and fulfilling any additional tasks assigned by the Director General or the government. These responsibilities are not peripheral; they form the backbone of State's public welfare and emergency response system. If the State relies so heavily on their labor, why does it fail to provide them with the security and dignity afforded to regular employees? Their service is not a choice exercised freely in short bursts; it is a sustained commitment that the State has come to depend upon, yet refuses to adequately compensate. The assertion that home guards are no longer volunteers but conscripts, compelled to serve under exploitative conditions, thus rings true.

19.2. The working conditions endured by Rajasthan's home guards further illuminates the aforesaid position. While regular government employees enjoy a standard workday from 10 AM to 5 PM, with two days off per week, home guards are subjected to 10-12 hour shifts with no holidays or vacations. Such disparities highlight a troubling reality: the State is exploiting the home guards as a cost-effective labor force, reaping the benefits of their dedication without offering commensurate protections or remuneration or security of job or post retiral benefits. For individuals who dedicate their lives to serving the public—often at great personal sacrifice—this treatment is not only unfair but also unsustainable.

20. The prayer in the petition doesn't, therefore, seem extravagant; rather it is a reasonable measure to honor years of service. Age relaxation is particularly critical, as many home guards may now have exceeded the standard age limits for government jobs due to their



prolonged tenure. Granting them this concession would level the playing field, allowing them to compete based on their experience rather than being penalized for their dedication. Similarly, bonus points or weightage would reward their expertise, giving them a fair shot at securing regular employment. Reserving posts for home guards or in the alternative absorbing them on regular basis would further offer a pathway to stability and social security.



20.1. Beyond the aforesaid immediate remedy in the current selection process pursuant to the advertisement dated 03.08.2013, the petitioners also urge the State to frame rules, policies, or guidelines for the betterment of home guards viz. regularization/absorption i.e. converting their positions into permanent government jobs with proper salaries, health insurance, pensions, and other benefits. Other States in India have already set examples by providing reservations, age relaxations, or bonus marks for home guards in competitive exams.

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24. Pursuant to this Court's aforesaid order, an Expert Committee has been constituted vide an office order dated 12.02.2025 issued by the Home Department of Rajasthan Government as under :

- (i) Mahanideshak Evam Mahasamadeshta, Grah Raksha (Director General and Commandant-General, Home Guards) Chairman.
- (ii) Mahanirikshak, Grah Raksha (Inspector General, Home Guards), Member
- (iii) Shasan Up-Sachiv Grah (Aa. Pr.) [Deputy Secretary to Government, Home Guards], Member
- (iv) Vitteeya Salahakar, Grah Raksha (Financial Adviser, Home Guards) Member
- (v) Senior Staff Officer-II, Grah Raksha (Home Guards), Member Secretary

25. It is understood that the report of Expert Committee, which was required to be submitted on or before 01.04.202, has not yet been submitted in the Court.

26. Taking into consideration the relief claimed in SBCWP NO. 11085/2022 vis-à-vis that claimed in the

instant petition, it is obvious that the claim in the present petition qua rotational Home Guards is either covered by and included in or otherwise is more or less the same or substantially the same as the relief claimed in SBCWP NO. 11085/2022 except the peculiar claim in present petition specifically to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards while filling up 52,453 posts of class IV (Group D) employees notified vide Annexure-4. In the premise, for reasons of judicial discipline and propriety, therefore, it would not be appropriate for this Bench simultaneously to go into merits of the claim in present petition and express any opinion about the same.



27. In this view of the matter, it would be appropriate, if the aforesaid Expert Committee is asked to take into consideration the claim in the instant petition qua the non-rotational Home Guards (including the specific claim relating to filling up 52,453 posts of Class-IV/Group-D employees notified vide Annexure-4) by preparing and submitting another report to the State Government. The proposed report be submitted at-least one month prior to date of written examination to be conducted as part of the selection process (proposed date of written examinations are 18.09.2025 to 21.09.2025 as per advertisement).

28. I may like to add here that as regards the specific claim herein to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards while filling up 52,453 posts of Class-IV/Group-D notified vide Annexure-4, it appears the same cannot even otherwise be adjudicated by this Court without necessarily verifying the individual case of each Home Guard so as to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards in the recruitment to the posts under the Government. The same is accordingly best left open to the expertise of the committee, *ibid*.

Conclusion:

29. To conclude, the non-rotational Home Guards working on Group-C and D posts, have been trapped and masked under the false label of "volunteers." In reality, they are workers exploited for years without proper recognition or rights. Some have served continuously for up to 20 years, a span that shatters any illusion of voluntary service, deemingly making them employees,

not disposable volunteers.

30. Even the State's dependence on these home guards is total. They maintain law and order, work in offices on Group-C and D posts, manage disasters, assist with welfare schemes, and fulfill countless critical duties — all while enduring 12-hour shifts without a single guaranteed holiday, a stark harsh reality that even regular government staff are spared. Their so-called honorarium is a pittance in exchange for a lifetime of service. Calling them "volunteers" merely hides their systemic exploitation, allowing the State to profit from their labor without providing the rights, protections, or security they deserve.

31. It is rather disheartening that Home Guards are treated worse than casual laborers. Other states have recognized and uplifted their home guards; Rajasthan's continued neglect is indefensible. Immediate reforms are a matter of policy to be framed by the State and are a legal imperative. Until State ends this charade, these home guards will remain not volunteers but mere victims!

32. Advertisement (Annexure-4) shows that 19.04.2025 is the last date for submission of applications for recruitment to 52,453 posts of Class-IV/Group-D, thereby notified. Very short time is now left for that. Given the urgency involved, it is left to the wisdom and administrative discretion of the respondents to examine the feasibility of taking such interim measures as they consider fair and reasonable, in exercise of their discretion and address the claim of Home Guards qua the filling up 52,453 posts of Class-IV/Group-D.

33. As a result of aforesaid discussion, the writ petition is disposed as under:

a) It is directed that the respondents shall forthwith take appropriate steps requiring them to place the matter before the Expert Committee (constituted pursuant to the order dated 27.01.2025 passed by the co-ordinate bench) which shall frame an appropriate scheme to be approved by the competent authority of the State for framing a policy.

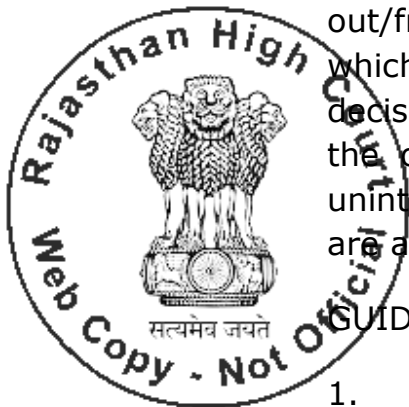
b) It is further directed that the committee shall also take into consideration the claim in the instant petition while preparing and submitting its scheme/report qua age relaxation/bonus/other kind of weightage or by



reserving certain number of posts for the Home Guards while filling-up 52,453 posts of Class-IV (Group-D) employees notified vide Annexure-4.

34. Pending applications, if any, shall also stand disposed of.

35. Before parting, it is deemed appropriate that in light of Supreme Court judgments (cited *ibid*) and discussion contained here in above, certain guidelines are culled out/framed for the benefit of the Expert Committee, which shall be borne in mind while taking a whole some decision on the claim of the home guards, particularly the ones working continuously on non-rotational basis uninterruptedly, without any break, for long years. Same are as below :-



GUIDELINES :

1. Continuous Deployment Changes Nature of Employment: If the Home Guards initially engaged on a voluntary are deployed continuously over an extended period (years), their status ought to be regularized. Authorities cannot continue to treat them as volunteers once the nature of engagement becomes permanent through practice. Home Guards who have served continuously for extended periods (10 to 20 years in this case) performing duties of a regular nature must either be absorbed into the regular establishment or be accorded the benefit of bonus marks with age relaxation depending upon length of service rendered by them. The regularization in such cases does not constitute new appointments thus negating the need for fresh selection or reservation policy.

2. Equal Pay for Equal Work Must Be Ensured: Home Guards performing the same duties as their regular counter-parts in Group-C and D service and performing duty under similar conditions must be provided equal pay and benefits, irrespective of their initial designation as part-time, temporary, or voluntary workers.

3. Duty of Government to Monitor Implementation of Scheme as envisaged : When Home Guard scheme is/was framed as voluntary, it is/was the responsibility of the concerned government to ensure its proper implementation in the manner envisaged. Failure to monitor or making it non voluntary cannot be used later as defense to deny the rights of home guards.

4. Technical Defenses Cannot Defeat Substantive Rights: Governments must not use procedural or technical defenses (like the initial voluntary nature of employment) to deny legitimate benefits to Home Guards whose factual conditions of work establish regular employment relationships.

5. Recognition of Fundamental Rights in Service Matters: Constitutional protections under Articles 14 and 16 (Equality and Equal Opportunity) apply fully to the Home Guards also. Any discrimination between similarly situated employees is thus unconstitutional, even in non-regular or voluntary scheme-based appointments.

6. Accountability of Deployment Authorities: Operational authorities exercising control over deployed Home guards must also bear responsibility for the consequences of continuous deployment, including recognizing resulting employment rights. Long-term, continuous service under the control of state is effectively to be treated as permanent employment.

36. Aforesaid guidelines would go a long way to ensure fairness, equality, and in tune with what the Supreme Court has mandated in *State of West Bengal v. Pantha Chatterjee* followed by *Union of India v. Parul Debnath* so as to carry out one time regularization of long-serving Home Guards on parity with long serving contractual employees who are accorded the similar benefit of absorption/ regularization.

37. Disposed of with above observations."

17.1 I have carefully perused the order passed by the Coordinate Bench of this Court. It is evident from the said order that the issue which was under consideration before this Court, in respect of which an interim order had been passed, has been left to the discretion of this Court to carry forward and deal with the matter as deemed appropriate in accordance with law. It is also pertinent to note that, in the interim order, a Committee was constituted to conduct a survey, and the Coordinate Bench in its order has further suggested that certain related issues be



examined and dealt with by the said Committee.

17.2 At the very outset, it must be clarified that no such distinct category of Home Guards formally exists under the statutory framework. All Home Guards fall within one umbrella and are governed by the same statutory regime. The

differentiation noticed in practice between those deputed in departments and the High Court, often discharging duties akin to Class IV employees, and those engaged in outside postings on a rotational basis is merely a matter of administrative convenience. To illustrate, if recruitment for Class IV posts were

to take place in different departments or in the High Court, those presently engaged as Home Guards in such establishments would equally revert to the rotational pool of workers. Hence, the so-called distinction is neither legally recognised nor structurally embedded in the system.

18. This Court deems it necessary to briefly advert to the facilities, allowances and benefits which the Government of Uttar Pradesh presently extends to members of the Home Guards Organisation. The material particulars, as culled out from the record, are set forth herein below:-

(I) Sanctioned Strength & Deployment- The sanctioned strength of Home Guards in the State is 1,18,348, whereas the present available strength is about 73,072 (as on March, 2025). Owing to the shortage of manpower, Home Guards are being engaged throughout the year for twelve months continuously.



(II) Age & Service Period- The prescribed service period of a Home Guard volunteer extends from the age of 18 years up to 60 years.

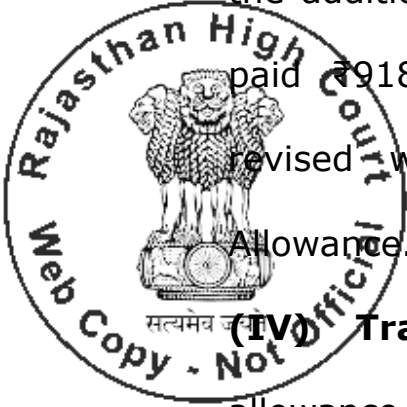
(III) Duty Allowance / Honorarium- Initially fixed at ₹600/- per day (linked to police constable's basic pay). At present, with the addition of 53% Dearness Allowance, each Home Guard is paid ₹918/- per day. Duty allowance stands automatically revised with every half-yearly enhancement of Dearness Allowance.

(IV) Training Allowance- Since 01.07.2022, training allowance has been brought at par with duty allowance.

(V) Ex-gratia Benefits- By Government Order dated 06.12.2020, an ex-gratia sum of ₹5,00,000/- is payable to the dependents of every deceased Home Guard, whether death occurred on duty or otherwise. Till date, an amount of ₹124.70 crore has been disbursed to families of 2,494 deceased Home Guards.

(VI) Insurance Cover- Pursuant to tie-ups with banks, accidental insurance ranging from ₹30 to 40 lakhs is available without any additional premium. Families of about 70 deceased and 2 disabled Home Guards have already availed this facility.

(VII) Allowances for Special Duties- Inter-district deployment allowance: Enhanced to ₹120/- per day. Maha Kumbh Mela, 2025 special allowance: ₹130/- per day. Commercial duty allowance: ₹10/- per day (in home district), ₹30/- per day (for inter-district duties). Driver allowance (Dial-



112, PEMS duties): ₹150/- per day.

(VIII) Honorary Ranks & Additional Payments- Company

Commander: ₹1,490/- per month. Assistant Company

Commander: ₹1,160/- per month. Platoon Commander: ₹990/-

per month. Adalat allowance: ₹3,000/- once every three years.

(IX) Training Regimen- Basic training: 90 days (earlier 42

days). Repetition training: 21 days. Leadership training: 21-30

days. Advanced training: 30 days. Disaster Friend Training

imparted in collaboration with SDRF and State Disaster

Authority; already 3,812 Home Guards trained.

(X) Digitisation & Transparency- Deployment, attendance,

muster roll preparation and payment of allowances are

executed online through NIC software. Homeguard Mitra App

enables volunteers to track duty postings, muster roll,

attendance and payments. Duty schedules are notified every

month via SMS/online portal, ensuring transparency and

timeliness in disbursement.

(XI) Recruitment Status- Notably, no fresh enrolment has

taken place since the year 2012, resulting in rising vacancies as

many members superannuate or pass away. Presently, a

significant number of Home Guards are being utilised to fill the

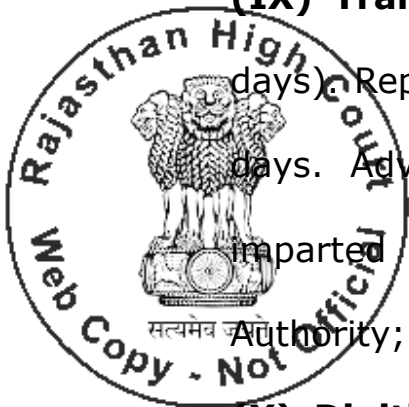
vacant constable posts in the Police Department. Thus, the

record reflects that while the State has taken several steps to

provide monetary benefits, allowances and digital transparency,

the long-pending issue of fresh enrolment, service security and

structural stability in the organisation continues to remain



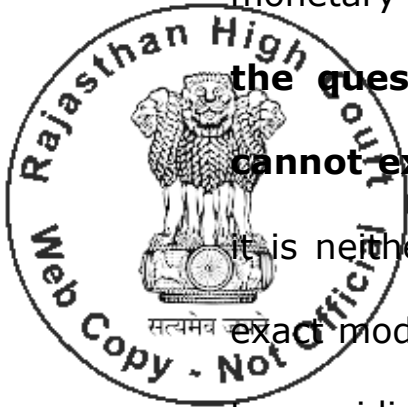
unaddressed.

18.1 It is observed that the State of Uttar Pradesh, being one of the provinces of the Union of India, has taken steps to extend certain benefits and facilities to its Home Guards, including year-round engagement, duty allowances, training, and other monetary and non-monetary entitlements. **In this context,**

the question arises as to why the State of Rajasthan cannot extend similar benefits to its Home Guards. While

it is neither feasible nor required that the States replicate the exact model of Uttar Pradesh, there is no apparent impediment to providing such benefits as are reasonably possible within the administrative and financial framework of the State.

Furthermore, when there exists a demonstrable need for personnel to assist in policing, traffic management, disaster response, and other duties, the services of Home Guards should be considered as a ready and trained resource. There appears to be no justification for engaging private individuals on a contractual basis when a competent and willing cadre of Home Guards is already in place and capable of rendering such services. Utilisation of such a cadre would not only ensure efficiency but would also substantially reduce the financial burden, as their remuneration is comparatively less than that of the regular police force and private individuals which are engaged on contractual basis. It is, therefore, both prudent and administratively efficient that the Home Guards of Rajasthan be provided benefits and engagement to the extent feasible,



thereby utilising them as an auxiliary force to meet the exigencies of public service.

19. After a detailed consideration of the matter, this Court is of the considered view that a clear distinction exists between employment and deployment. While it is apparent that Home

Guards cannot be absorbed as regular employees of the State,

given that the statute itself designates them as volunteers,

there is nevertheless ample scope for their continuous

deployment on a daily basis, rather than the presently practised

rotational system. The adoption of such a deployment model

would address multiple issues confronting the State of

Rajasthan, including curbing corruption and bribery, alleviating

shortages in times of exigency, ensuring efficient law and order

maintenance, facilitating traffic management, and optimising

deployment at public places and events. It is also observed that

the current system, which necessitates breaks and intermittent

engagement, is discriminatory and unfair to the Home Guards,

who are compelled to oscillate between duties and periods of

inactivity.

19.1 Accordingly, this Court is of the view that all Home Guards

be deployed on a continuous basis, and it directs the State to

take all necessary steps to implement this system forthwith, so

as to safeguard both the interests of the Home Guards and the

effective functioning of the State machinery.

20. This Court, while recognising the importance of optimising



the utility of the Home Guard force, deems it appropriate to place on record certain suggestions regarding their deployment so as to ensure effective assistance to the State machinery and better service to the public at large.

(I) Firstly, their deployment with the Police Department is of paramount importance. Time and again, this Court has noticed that the production of accused persons before the Courts is hampered on the ground of paucity of police personnel. Such a situation can be effectively addressed if Home Guards are engaged alongside the Police Force to render necessary assistance in such matters.

(II) Secondly, their services may be utilised at public places of high footfall such as private and government schools, hospitals, malls, shopping centres, cinema halls, tourist spots, playgrounds, mortuaries, maternity homes, clinics, nursing homes, street junctions, and other places where the public congregates in large numbers.

(III) Thirdly, their deployment can also be extended to departments such as the Rajasthan Excise Department, the Rajasthan Forest Department, and the Regional Transport Office (RTO) and this list is illustrative not exhaustive. This Court has also been informed that the State Government is conscious of the shortage of personnel in various departments such as the Police, Traffic, Revenue, Forest, and Transport (RTO)



Departments. In several of these areas, private individuals are often engaged to perform duties or assist officials for vehicle checking at the RTO, sometimes leading to misuse or disorder. It is, therefore, directed that instead of employing such private persons, Home Guards may be deployed in these departments

alongside Inspectors to perform these duties and to meet the existing manpower deficit and ensure lawful and disciplined functioning. Similarly, in municipal bodies, Home Guards can be engaged in processes relating to enforcement and encroachment removal under the Municipal Corporation and Municipal Councils. Their services may also be effectively utilised in the Railways Department to provide necessary assistance to departmental officers and employees.

(IV) In the domain of traffic management, an issue of significant concern in the State of Rajasthan, it has been noticed that, owing to dearth of traffic police, private individuals are often compelled to manage or divert traffic. Such an arrangement is neither desirable nor sustainable. The situation can be remedied if Home Guards are systematically deployed to assist the traffic police in discharge of their duties.

(V) During rallies, dharnas, protests, VIP movements, religious processions, and public agitations, deployment of Home Guards can play a vital role in maintaining public safety, ensuring the security of property, and safeguarding the lives of citizens.



(VI) Lastly, it has been observed that many departments continue to engage private individuals or agencies for various services. There appears to be no justification for doing so when regulated, trained, and registered personnel such as Home Guards, who are disciplined and willing to serve at modest remuneration are readily available for deployment.



20.1 These are only illustrative suggestions. There exist numerous other departments and institutions of the Government where acute shortage of personnel can be supplemented by engaging Home Guards, thereby enhancing efficiency and public service delivery.

20.2 This Court is, therefore, of the view that the aforesaid suggestions deserve serious consideration. The Chief Secretary of the State shall ensure that appropriate steps are taken in this regard and that necessary directions are issued to all concerned departments to explore and effectuate such deployments in a meaningful and structured manner.

CONCLUSION:-

21. The conclusion of this Court is that the judiciary cannot step into the shoes of a policy-maker. The task before this Court is confined to examining the justness and fairness of the scheme in operation. If the State has chosen to maintain the system of Home Guards and continues to run the scheme in practice, it must ensure that such practice is not arbitrary, but fair,

reasonable and non-discriminatory. The foremost function of a constitutional court is to safeguard the values of justness, reasonableness, fair play, and equality.

21.1 In the absence of any statutory provision creating a distinction between uniformed and non-uniformed Home Guards, no such discrimination can be carved out by executive action. Once the State itself engages their services and deploys them at its discretion, it cannot discriminate in the matter of allowances or benefits. To treat uniformed Home Guards differently from their non-uniformed counterparts in matters of pay would amount to arbitrary exercise of discretion, which is impermissible in law. Till such time as the statute provides otherwise, all Home Guards whether in uniform or not are to be treated alike as volunteers.

22. In the considered view of this Court, the work discharged by the Home Guards is akin to employment. Therefore, they are entitled to Dearness Allowance and to its revision annually, so as to keep pace with rising costs of living. They perform similar functions, render similar services; hence, equity demands that they must receive equal treatment. Furthermore, this Court is of the view that fairness in deployment is an essential element of equality.

22.1 Every Home Guard working outside the Department shall be assigned at least 22 days of deployment in a month. Each



and every Home Guard must be given a minimum of 22 days of work with uniform pay. If exigencies of service so require, additional days of deployment may certainly be assigned, but under no circumstance should any Home Guard receive less than 22 days of work. This ensures not only equal pay, but also equal opportunity to every volunteer serving under the command of public office.



22.2 At the same time, it is clarified that this Court cannot interfere in the administrative functioning of the Home Guards Department, which lies within the domain of the executive.

However, where discrimination between uniformed and non-uniformed Home Guards is sought to be introduced in deployment or in service conditions, the same cannot be countenanced. Equal deployment and equal treatment, without discrimination, is the constitutional mandate.

23. In view of the foregoing discussion, the writ petition is disposed of in the following terms and this Court also issues the following directions to the Chief Secretary and the Home Secretary, State of Rajasthan:-

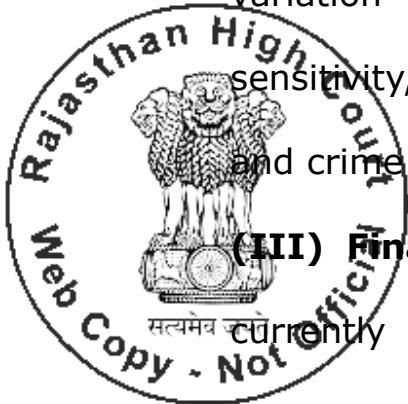
(I) Continuous Engagement: Every Home Guard volunteer, whether deployed within a department or assigned to field duties, shall be engaged for a minimum of 22 days in a month. As per administrative and operational requirements, they may be called upon for additional days of service, including by various departments or the High Court, whenever the situation

so demands. However, under no circumstances shall the engagement of any Home Guard fall below the minimum threshold of 22 days per month.

(II) Deployment Strength: Approximately 1,000 Home Guards per district shall be attached with the police, subject to variation depending on the size of the district, population, sensitivity, local law and order conditions, incidence of violence, and crime rates.

(III) Financial and Administrative Rights: Home Guards currently do not receive pay slips, nor do they have a permanent source of income, which prevents them from accessing loans or other financial facilities. The State shall examine and implement measures to address this deficiency, recognising it as a matter pertaining to the right and dignity of the individual volunteer.

(IV) Deployment Authority: The discretion presently vested in the Commandant for deployment of Home Guards shall stand regulated so as to eliminate any scope of arbitrariness, discrimination, or favoritism in the allocation of duties. A fair and transparent mechanism shall be evolved to ensure uniformity and objectivity in such deployment. It has been brought to the notice of this Court by the learned counsel for the State that the HDMS (Home Guard Deployment Management System) has already been installed in several districts. The said application/software shall be effectively utilised as the primary tool for deployment, thereby minimising



human intervention and preventing any possibility of arbitrariness or perversity in the process.

(V) Model of Uttar Pradesh: The State of Rajasthan shall endeavour to adopt, as far as feasible, the model of Home Guard deployment and benefits implemented in Uttar Pradesh, adapting it to local conditions and requirements.

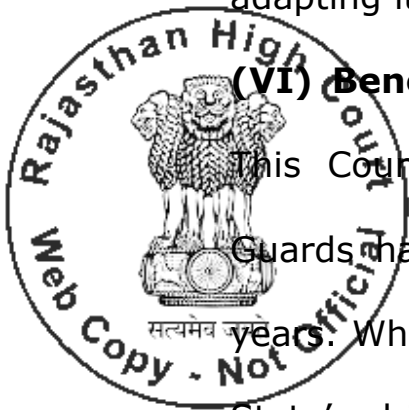
(VI) Benefits and Allowances Payable to Home Guards:

This Court cannot remain oblivious to the fact that Home Guards have been rendering service to the State for several years. While they continue to be engaged in furtherance of the State's objectives, they are still deprived of basic benefits which even private organisations extend to their employees. At the very least, such personnel deserve to be accorded certain allowances as a measure of fairness and dignity in service. Accordingly, it is directed that Dearness Allowance shall be extended to them, particularly in view of the ever-rising inflationary trends in the country, for it is unconscionable that they continue to subsist on bare minimum emoluments.

(VII) Deployment of Uniform and Non-Uniform Home

Guards: A clear distinction shall be maintained between uniformed and non-uniformed Home Guards but no discrimination shall be done between uniform and non-uniform.

This Court takes note that although the governing enactment does not expressly draw any distinction between uniformed and non-uniformed Home Guards, yet, for the sake of effective administration and orderly functioning, such a distinction is



both necessary and inevitable. Non-uniformed personnel may be adjusted against the duties analogous to Class-IV employees, including work in offices and other ancillary tasks of domestic or supportive nature. Uniformed personnel shall be trained under the supervision of senior police officers and deployed for field duties requiring discipline and coordination.

There shall be no discrimination in the remuneration of Home Guards, as the governing law does not create any distinction between different categories of personnel. Accordingly, non-uniformed Home Guards shall be entitled to the same remuneration as their uniformed counterparts, and any future revision or enhancement in pay shall apply uniformly to all. Furthermore, while departments may engage Home Guards beyond 22 days in a month as per their requirements, it shall be ensured that every Home Guard, including those deployed outside departmental premises, is provided with a minimum of 22 days of work each month.

(VIII) Enhancement of Female Representation: In the present era of gender equality, where women are excelling in every field, there is no reason why their representation should remain minimal in the Home Guards. The strength of female Home Guards must, therefore, be suitably increased to ensure greater participation and to achieve a fair gender balance.

(IX) Augmentation of Strength through New Registrations: Fresh registration drives shall be conducted to increase the overall strength of Home Guards, keeping in view



the sanctioned strength was last increased in the year 1992. Now, after more than three decades, i.e., in the year 2025, the strength requires a proportionate enhancement corresponding to the rise in population and the existing deficit in the police force. A total of 50,000 registrations must be ensured so that each district has at least 1,000 Home Guards deployed, and each member of the Home Guards is provided with a minimum of 22 days of work per month. In larger districts, the number may be proportionately increased based on population and local requirements, but such variation should ordinarily not exceed 200–300 personnel either way. Accordingly, in districts with greater need or larger geographical areas, the strength may be around 1,200–1,300, whereas in smaller districts, it may range between 700–800. The remaining Home Guards may be kept in reserve for emergencies; however, they shall also be engaged for a minimum of 22 days per month in duties alongside the police force. This will ensure their effective utilization on a regular basis and enable them to remain prepared to be the first responders in times of emergency, serving the people on the ground when their services are most needed.

(X) Mechanism of Deployment: A Committee shall be constituted at the district level to supervise the deployment of uniformed Home Guards. Such personnel shall be deputed to the office of the Superintendent of Police of the concerned district, who shall, in consultation with subordinate officers, determine their positioning and duties. Non-uniformed Home



Guards shall be placed at the disposal of the concerned office Superintendent/Chief/Head, who shall allocate them appropriate work consistent with their role.

24. Directions to the Finance Department, Government of Rajasthan:-

(XI) Budgetary Allocation: Adequate and timely budgetary allocation shall be ensured for the functioning, training, allowances, and infrastructural needs of the Home Guards organisation. Provision shall also be made to meet the financial requirements arising from the augmentation of strength, enhancement of allowances, and expansion of training facilities.

25. Directions to the Department of Information Technology and Home Guards Department, Government of Rajasthan:-

(XII) Statewide Implementation of HDMS: The Department of Information Technology (DOIT) and the Home Guard Department are hereby directed to ensure that the HDMS is fully operational across the State encompassing all urban, rural, and border battalion units by January 2025. The Departments shall further ensure that the remaining modules of the HDMS, namely Duty Demand, Attendance & Payment, and Biometric Integration, are developed and implemented in close coordination with the DOIT within the stipulated period. A comprehensive mechanism for long-term maintenance, periodic upgradation, and technical support of the HDMS shall also be established so as to secure the sustainability, transparency, and efficiency of the system in the times to come. Additionally, the



Departments concerned shall undertake capacity-building and training programmes for all relevant staff and volunteers to facilitate a seamless transition to a digitally managed deployment and monitoring framework.

(XIII) Compliance Reporting: Accordingly, the respondents are directed to comply with the directions contained herein and shall file a compliance report within a period of three months.

The Registrar General is directed to forward a copy of this order forthwith to the Chief Secretary as well as the Principal Secretary, Home Department, Government of Rajasthan, for necessary action at their end. The compliance report shall be placed before this Court through the learned Additional Advocate General and Mr. Deepak Chandak, learned Government Advocate.

(XIV) Responsibility for Implementation: The Chief Secretary shall ensure that all the above suggestions and directions are effectively implemented.

25. Accordingly, the instant writ petition is disposed of along with stay petitions and any miscellaneous applications, if pending.

(FARJAND ALI),J