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Air Headquarters  
Vayu Bhavan  
New Delhi – 110  
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Air HQ/23401/187/PS

27 Mar 2000

HQ WAC IAF  
HQ EAC IAF  
HQ CAC IAF  
HQ SWAC IAF **For CPSOs/SPSOs)**  
HQ SAC IAF  
HQ TC IAF  
HQ MC IAF

**RIGHTS AND PRIVILEGES OF AIR FORCE PERSONNEL**  
**STATUTORY PROVISIONS**

1. The Air Force personnel are posted to various stations away from their home town and generally remain unaware of certain statutory provisions providing them protection and privileges in civil departments. In order to reduce the problems faced by the service personnel due to lack of knowledge, an effort has been made at this HQ to compile these provisions for guidance of AF personnel in seeking legal remedies and expeditious disposal of their cases in the civil, revenue and criminal courts of India.
2. Extracts of the provisions contained in the general enactments like Pensions Act, Stamps Act, Arms Act, Indian Tolls Act, AF Act etc are placed as Appendix for dissemination of the information of Units under your jurisdiction. The information has also been communicated through Ministry of Home Affairs to State and District authorities including Kendriya Sainik Board and Zila Sainik Board.
3. Sufficient copies of the Appendix to this letter may be distributed to Stations/Units under your Command for information of all concerned. A copy may be placed in Station Reference Library and Station/Unit Information Room.

Sd/-  
(RN Mehra)  
Gp Capt  
DPS

Encl : As Stated For AOA

**Appendix 'A' to Air**  
**HQ/C 23401/187/PS**  
**Dated 27 Mar 2000**

**RIGHTS AND PRIVILEGES OF AIR FORCE PERSONNEL**  
**STATUTORY PROVISIONS**

### **Pension Act 1871**

1. Section 11. Under Section 11, all government pensions (including military pensions) are immune from attachment in the execution of the decrees of civil courts.

### **Indian Stamp Act 1899**

2. Article 53 of Schedule-I of Indian Stamp Act. As per schedule I of the Indian Stamp Act receipts for pay and allowances of Non-Commissioned Officers and below when serving in such capacity need not be stamped.

### **Indian Tolls (Army & Air Force) Act 1901**

3. Section 3- Exemption from tolls tax. All officers, airmen and NCs(E) of the regular Air Force on duty or on the march as well as their authorised followers, families, horses, baggage and transport are exempt from all tolls, except certain tolls for the transit of barges etc, along canals.

### **Code of Civil Procedure, 1908**

4. (a) Rule 1 of Order XXVIII-Officers, Airmen or NC(E), who cannot obtain leave may authorise any person to sue or defend for them:

(i) Where any officer, airmen or NC(E) actually serving under the government in such capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorise any person to sue or defend in his instead.

(ii) The authority shall be in writing and shall be signed by the officer, airman or NC(E) in the presence of (aa) his Commanding Officer or the next subordinate officer, if the party is himself the Commanding Officer, or (ab) where the officer, soldier, sailor or airman is serving in military, naval or air force staff employment, the head or other superior officer of the office in which he is employed. Such commanding officer or other officer shall countersign the authority, which shall be filed in Court.

(iii) When so filed the countersignature shall be sufficient proof that the authority was duly executed and the officer, airman or NC(E) by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

(b) **Rule 28 of Order V-Service of Summons-** Where the defendant is an airman or NC(E), the court shall send the summons for service to his Commanding Officer together with a copy to be retained by the defendant.

### **Indian Soldier Litigation Act, 1925**

5. The Provisions of this Act give special protection in respect of civil and revenue litigation, to Indian soldiers serving under special conditions. The Act confers four important privileges in matters of civil litigation on the members of Armed Forces viz:

(a) Section 5- Power of Collector to intervene in case of unrepresented Indian Soldier- If any Collector has, reasons to believe that any Indian soldier, who ordinarily resides or has property in his district and who is a party to any proceeding pending before any Court, is unable to appear therein, the Collector may certify the facts in the prescribed manner to the Court.

(b) Section 6- Notice to be given in case of unrepresented Indian Soldier.

(i) If a collector has certified under section 5, or if the court has reason to believe, that an

