

An Overview of benefits and privileges available to servicemen and servicewomen

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- The govt bestows upon uniformed personnel many benefits and unique privileges about which some of us remain unaware. The following slides would attempt to throw light on some of such laws and schemes which provide us with a preferred footing in the society

Service Privileges under the Army Act

Section 29 : IMMUNITY FROM ARREST FOR DEBT

- ▣ Section 29 of the Army Act provides that a person subject to the Army Act shall not be arrested under a process issued by the orders of any civil or revenue court. Hence while a civilian can be arrested under a process issued by the above mentioned courts, the same does not apply to Army personnel. There are parallel provisions in the Air Force and Navy Act too

Section 32 : PRIORITY IN LITIGATION

- ❑ Section 32 provides a special privilege which is not usually practically availed of by persons under Military Law.
- ❑ Army personnel prosecuting or defending any suit or other proceeding in a Court of Law can present the leave of absence granted for the said purpose to the respective court and the court shall have to arrange for the hearing and final disposal of the case as far as possible within the period of leave. If this is not so done, the Court shall record the reasons in writing as to why the particular proceedings cannot be completed within the said time period. Though it is difficult to practically expect Courts of Law to dispose cases within period of leave because of the complexity of procedures involved, still the Section provides a guiding principle to Courts to atleast attempt to dispose cases speedily.

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- ▣ Sections 25 to 33 of the Army Act list out the service privileges available under the Act

TOLL TAX EXEMPTION

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- Defence personnel are entitled to toll tax exemption on all roads and bridges in India under the Indian Tolls (Army & Air Force) Act, 1901. The toll exemption is available on private vehicles too irrespective of the fact whether the concerned person is on duty or not. The said orders were passed by the Ministry of Road Transport and Highways in 2003 on a case taken up by then Capt Navdeep Singh (TA), Advocate, Punjab & Haryana High Court. The relevant Ministry letter is reproduced below :-

True copy
Government of India
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
Transport Bhawan
1, Parliament Street
New Delhi – 110 001

No. NH-12037/278/2003/PB/NH-1
12th Nov 2003

SUBJECT : COMPLAINT NO. 6017 / 2002 FILED BY SH. NAVDEEP SINGH R/O PANCHKULA
(HARYANA) REGARDING EXEMPTION FROM TOLL TAX TO ARMY PERSONNEL AND THEIR
FAMILIES IN PUNJAB STATE HUMAN RIGHTS COMMISSION, CHANDIGARH

Sir

1. *****

2. The matter was referred to Ministry of Law. Ministry of Law and Justice have indicated that Indian Tolls (Army and Air Force) Act 1901 is a special Act which over-rides general acts such as National Highways Act, 1956 **and private vehicles of the officers, soldiers and airmen of regular forces are exempted from paying toll irrespective of whether they are on duty or not.**

3. *****

Sd/-
(A K NAGPAL)
Superintending Engineer
For Director General (RD) and Spl Secy

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- Toll exemption granted to defence personnel was recently challenged in the Hon'ble Supreme Court by one Mr Sanjeev Kumar of Chandigarh. The Hon'ble Supreme Court however upheld the provisions of the Indian Tolls (Army & Air Force) Act, 1901, and dismissed the petition thereby endorsing toll exemption entitled to private vehicles of defence personnel. The said orders of dismissal of the said petition were passed on 22 Sept 2006.

ENTERTAINMENT TAX EXEMPTION

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- Defence personnel are entitled to entertainment tax exemption in cinemas in most of the States. For example, in Punjab & Haryana, entertainment tax is charged at 30% of the total ticket price. Hence, if a ticket is charged at Rs 100/- then defence personnel are supposed to pay only Rs 70/-. The manner of claiming this exemption however varies from state to state. In Punjab, Haryana, HP and Chandigarh, a form is prescribed under Rule 23 of the Entertainment Duty Rules which can be signed by a Naib Subedar and above and which is to be deposited at the ticket counter of cinemas to claim exemption. In Delhi, no form is to be filled and only the I-card is to be presented at the ticket counter. The flip side however is that in Delhi, the exemption is only allowed to personnel other than commissioned officers while in the northern states it is available to all ranks. Any violation of the said exemption should be reported to the Excise and Taxation Department of the said state.

BENEFITS UNDER THE ARMS ACT

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- Govt of India vide notification GSR 991 dated 13 July 1962, had excluded certain personnel of the armed forces from operation of certain provisions of the Arms Act.

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- ❑ Armed Forces personnel under the said notification are entitled to hold arms and ammunition provided by the govt or regimental funds for sporting purposes without license. Such personnel have to be issued a pass by their CO for the purpose.
 - ❑ Armed Forces personnel and ex-servicemen are also exempted from paying fee for an Arms license and also the renewal fee for the same.
 - ❑ All such exemptions are explicitly mentioned under the Arms Act & notifications issued under it and details are available with the authorities competent to issue Arms' licenses

PROVISIONS UNDER THE INDIAN SOLDIERS' LITIGATION ACT, 1925

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- The Act provides for postponement of proceedings under certain conditions and setting aside of ex-parte orders passed against soldiers serving in hard areas. Primarily the Act prevents miscarriage of law vis-à-vis unrepresented soldiers.
 - Detailed provisions of the Act alongwith the prescribed forms under the Act are available in MIML.

PROVISIONS FOR PROPERTY PROTECTION

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- ❑ A major problem faced by serving soldiers having property in urban areas is that tenants do not accede to their requests for vacating their premises when required at the time of retirement.
 - ❑ To cater for such situations, most of the states have laws which provide a summary procedure for eviction of unwanted tenants from their premises. Each state has its own law, some examples are :-

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- ❑ East Punjab Urban Rent Restriction Act, 1949, (Section 13-A)
 - ❑ Haryana Urban (Control of Rent & Eviction) Act, 1973 (Section 13-A)
 - ❑ Note : The name of Acts and their provisions vary from state to state

MISCELLANEOUS BENEFITS AVAILABLE UNDER VARIOUS SCHEMES OF THE CENTRAL AND STATE GOVTS :-

It is not just important to know benefits and privileges of serving personnel but also to be enlightened about such provisions for ex-servicemen and other family members such as widows and war widows. The reason being that such individuals also derive their status from servicemen. To take an example, today's serving personnel are tomorrow's ex-servicemen.

Some of such privileges by the Central Govt :-

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- ❑ Disabled soldiers are exempted from Income Tax on their pensions and disability pensions vide Govt of India, Ministry of Finance Letter No 200/51/99-ITA.I dated 02 July 2001. IT is also exempted on the pension of gallantry awardees and their widows.

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- ❑ Complimentary passes for self and one companion on AC II travel in Indian Railways for Chakra Series awardees and widows
 - ❑ Adjutant General's Welfare Fund provides one-time grants or monthly grants to serving and retired personnel and also to dependants. Applications are to be sent through the respective Commands and details can be procured from the Ceremonial & Welfare Directorate (CW Dte) of Army HQ.

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- ❑ Disabled Army Personnel, Widows and Orphans funds also being maintained by the CW Dte at the Army HQ
 - ❑ 10% of jobs in Group C (Formerly known as Class-III) and 20% in Group D posts are reserved for our PBOR. Central PSUs and Nationalized Banks also provide job reservation for ex-servicemen

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- ❑ Age relaxation is granted to all ranks for securing jobs under the Central Govt. State Govts also provide age relaxation to ex-servicemen.
 - ❑ For reserved jobs under the Central Govts, all PBOR who are matriculate and have a total of 15 years of service are considered equivalent to Graduates

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- ❑ Central Govt has reserved 7.5% of oil product agencies (incl LPG) for widows of gallantry award winners, war disabled personnel, disabled personnel on account of disabilities attributable to military service and other like categories.
 - ❑ Training programmes for retiring personnel are held by Directorate General of Resettlement (DGR)

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- ❑ Army Placement agencies are operating in all Commands to cater to employment needs of retiring personnel
 - ❑ Rail travel concession of 75% is provided to War widows, the forms for which can be obtained from the respective Zila Sainik Board
 - ❑ AWWA provides scholarships for studies of children of service personnel who die in service

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- ❑ 50% concession as is available to serving personnel on Indian Airlines is also available to War Widows. Waiver also available to gallantry awardees.
 - ❑ 50% on telephone rental on BSNL phones is granted to War Widows
 - ❑ AG's accommodation relief fund is made available by the AG's branch to those widows who due to the death of the earning member have to unfortunately hire accommodation in the civil.

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- ❑ War widow hostels have been established in various Regimental Centres to cater for their needs and also of their wards
 - ❑ Ex-gratia grants on death in harness varying from 5 lakhs to 10 lakhs (now doubled after the 6th CPC)

Some benefits granted by **State Govts**
(however these vary from state to state
and more details can be obtained from the
Directorate of Sainik Welfare / Sainik
Welfare Board of the State) :-

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- ❑ Reservation of seats in state govt employment
 - ❑ Reservation in allotment of plots and flats
 - ❑ Reservation in Industrial plots

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- ❑ Free medical treatment in govt hospitals
 - ❑ Reservation of seats in professional colleges for wards
 - ❑ Financial assistance on death in harness

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- ❑ Loans for own business ventures by State Ex-servicemen corporations
 - ❑ Monthly grants to world war II veterans who are not in receipt of any form of pension from the govt

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- ❑ Financial assistance to blind ex-servicemen
 - ❑ Monthly assistance to paraplegic ex-servicemen
 - ❑ Occupation of rooms at concessional rates in Sainik Rest houses for serving personnel and ex-servicemen

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- ❑ Hiring of premises of Sainik rest houses for marriage / other functions
 - ❑ Ex-gratia grants from the state govts which are in addition to the grants already disbursed by the Central govt
 - ❑ Jobs to dependants on death in operations

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- ❑ Exemption from house tax in municipal corporations and urban estates
 - ❑ Cash grants (both one-time and annual) for gallantry and distinguished service awards
 - ❑ Exemption from fee of State Public Service Commissions

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- ❑ Financial aid to children of ex-servicemen receiving coaching for competitive examinations
 - ❑ Financial help to orphaned children of defence personnel
 - ❑ Fare concession in buses of State transport
 - ❑ Concession on registration fee for houses / plots of defence personnel in some states

THANK YOU

Thanks,

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