

28. Immunity from attachment.— Neither the arms, clothes, equipment, accoutrements or necessities of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

NOTES

1. The words "civil or revenue court" in this section do not include a criminal court. The section does not afford protection against a distress warrant issued under s.421 of Cr PC: but the amount in respect of which the distress warrant is issued should be paid by the competent authority ordering deductions from the individual's pay and allowances under [AA.ss.90\(f\)](#) or [91\(h\)](#) as the case may be.

2. As to action to have an order of attachment set aside; see [Regs Army para 532](#).

29. Immunity from arrest for debt.— (1) No person subject to this Act shall, so long as he belongs to the Forces, be liable to be arrested for debt under any process issued by, or by authority of, any civil or revenue court or revenue officer.

(2) The judge of any such court or the said officer may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no court-fee shall be payable by the complainant.

NOTE

The privilege is from arrest on civil or revenue process. There is no privilege from arrest on any criminal process except as provided in ss.45 and 475 of the Cr.PC. The remedy for an improper arrest is to apply to the court on whose process the arrest took place or to apply for a writ of habeas corpus.