

PK ASSOCIATES  
ADVOCATE & LEGAL CONSULTANT  
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By Speed Post/Registered Post

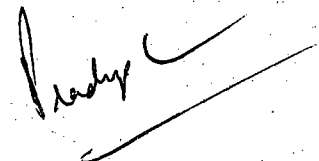
Ref. PK/LN/2019/136

Date: November 6<sup>th</sup>, 2019

Addressed to:  
Lt Gen Ashwani Kumar (Retired)  
Former Adjutant General  
Adjutant General's Office  
South Block  
New Delhi- 110 011  
Last Known Address)

**NOTICE FOR DEFAMATION OF DISABLED SOLDIERS, DISABLED  
MILITARY VETERANS AND OTHER MILITARY RETIREES INCLUDING  
MY CLIENT**

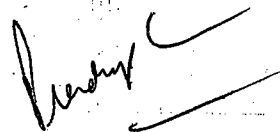
1. Take note that on behalf of my client, Lieutenant Colonel Niraj Bakshi, Retd., resident of Flat No. 301, Block 3-O, A.W.H.O. Township, Gurjinder Vihar, Greater Noida, Uttar Pradesh 201 310, an officer of the Indian Army who was granted disability pension on retiring with a disability by the Government of India, on his disability having been assessed at Composite 30% for Life, I hereby issue you the following legal notice.
2. That on 31<sup>st</sup> October 2019 at about 8.30 PM you had given an interview to Sh. Ashish Singh on the Channel NEWSX.
3. At the outset before coming the merits of the matter, it is stated that in the said interview you spoke in an irresponsible and abandoned manner about various service subjects and issues outside your purview, some of which are only under the exclusive domain of the Government of India, You irresponsibly expressed views which are also against the expressed statements of the Union Defence Minister, statutory provisions, and judgements of the Hon'ble High Courts and the Hon'ble Supreme Court.



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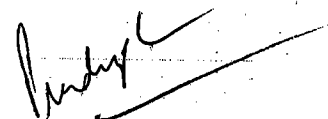
Under Rule 21 of the Army Rules, 1954, it is an offence for a serving Army Officer to speak to the media on any such service subject without the express sanction of the Government, and since the interview was conducted while you were in uniform and on date when you were in service, you have not only breached and contravened the abovesaid Army Rule but have also spoken in contravention of the statutory law, the law laid down by Courts and intentions of the Defence Minister.

4. In your interview, you disparagingly spoke about disability pensioners of the Army and persons with disabilities conveying as if many such pensioners do not deserve disability benefits. You even spoke disparagingly about 'Hypertension' as if it is not even a medical condition and also underlined that there should be incentive for those people who retire in a fit shape from the Army and not to those who retire in low medical category, as if any medical condition, disability, disease, disorder or injury is in a person's own hands. You also spoke disrespectfully against persons with hearing loss saying that they could get hearing aids. You also spoke about the tax exemption controversy for disability pensioners which is already being looked into by the Defence Minister and is also *sub judice* in the highest court of the land. In fact, while the Defence Minister has very wisely and sensitively rightly stated on the floor of the House that he will ensure that no benefit to disabled soldiers is withdrawn, you, merely being an officer of an Attached Office, had the temerity to make uncalled for comments which go against the statement of the Minister handling the entire Defence Ministry under the Union of India and also against disabilities that have been endorsed in Government Rules as 'attributable or aggravated by stress and strain of military service' and affirmed by the Supreme Court as such. You have clearly breached the bar by contravening and challenging the authority of the Defence Minister.



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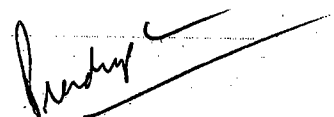
5. In the past, an unsigned note by the Army Headquarters was tweeted by the official Indian Army handle in which it was conveyed that officers have misused disability pensions and the provision of 'broad-banding' of disability pension. The disability pension is granted after various layers of medical boards held from time to time which consist of multiple doctors and the proceedings of which are reviewed by many authorities and then the said pension is given by the Government itself as per rules or as per Court orders. The said note coupled with surreptitiously planted figures and data, which would have not been issued without your endorsement since you were handling the subject being the Adjutant General, has not only put disabled veterans to ridicule but has also shamed the Government of India which gives disability pension on its own as per rules to various retirees and has also been contemptuous to Court orders. In fact, "broad-banding" was granted by the Hon'ble Supreme Court of India in the Three Judges Bench decision of Union of India Versus Ram Avtar (Civil Appeal 418 of 2012) and by talking of it disrespectfully, you and/or the branch functioning under you have shown utmost disregard to the highest Court of the land. By your utterances you have also shown utter disregard to all the past Adjutant Generals and Chiefs of Army Staff who steadfastly stood behind disabled veterans and tried to ensure a better quality of life for their troops and to bring the rising disabilities to a lower level but at the same time guaranteeing disability pensions to disabled troops. You have attempted to undo what the senior military predecessors have attempted since independence. You have also given an impression as if disabled soldiers 'beg' or 'ask' for disabilities when the real position is that the Government itself rightly grants disability pension to disabled personnel and those whose claims are rejected are given a right to file two administrative appeals and if still not satisfied, approach judicial forums for relief as per existing judgements. The same system is followed in other Armies as is known to my client. Rising disabilities in all Armies of the



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world is a challenge but nowhere have disabled soldiers been shamed as it has been done in the instance case.

6. In the interview, you also spoke of bringing about a "Code of Conduct" for veterans which is an illegal supposition since retirees are not bound by service rules and those who run foul of the law or are convicted under the IPC for offences involving moral turpitude are already covered under the pension regulations for requisite action. By talking of such an illegal theory you have maligned the image of all military retirees as if they are meant to follow your dictates or that they are not indulging in respectable behaviour in civil life. Rather than speaking of the problems of soldiers, military veterans and their families and the burgeoning deficiencies by the system, including pay and pension anomalies, lack of medical care and medicines in the Ex-Servicemen Contributory Health Scheme etc, you opted to denigrate your own military comrades by your uncalled for utterances.
7. Your interview has caused great damage to my client's reputation as a retired soldier and disability pensioner, in his family and friends and known circles and has brought down his prestige whereby persons have started saying that disabled soldiers are known to have 'fake disabilities' as per the utterances of their own senior military leadership. Various people are also doubting the very DNA of soldiering on your comment on "Code of Conduct". Multiple messages on social media and personal jibes have left my client with no other option but to reclaim his lost reputation and prestige by suing the person who is directly responsible for the same.
8. In view of the above, I hereby serve you a notice for defamation and demand a compensation of Rs 100,00,000/- (Rupees One Crore Only) for the irreparable damage caused to my client's reputation as a disabled soldier, a disability pensioner and an upright military veteran and model citizen. Take note that in case you issue an unconditional apology duly



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circulated in public within a period of FIFTEEN DAYS from the receipt of this communication, this notice shall stand withdrawn, otherwise litigation shall be instituted in the competent Court of Law, the costs and consequences of which you would be personally liable to bear in toto.

  
(Pradeep Kumar)  
Advocate

**Copies-**

1.

**Defence Secretary**  
Ministry of Defence  
South Block

New Delhi- 110 011 – Please inform whether permission of the Central Government as required under Rule 21 of Army Rules, 1954, was taken by the above mentioned officer and was the Hon'ble Raksha Mantri informed about the contents/subject of his interview which cast an aspersion on the character of disabled and other military veterans and which also go against the issues being personally looked into by the Minister himself. Also please ensure that in case the officer had not been granted sanction for the interview, efforts to procure the same by back-dating documents is not undertaken and requisite action under service rules is initiated.

2.

**Sh Rajnath Singh**  
Hon'ble Raksha Mantri  
Ministry of Defence  
South Block

New Delhi- 110 011 - For Information Only.