
A NATION'S BETRAYAL: RISING ATTACKS ON MILITARY PERSONNEL & THE NEED FOR LEGAL ACTION

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INTRODUCTION

A Punjab-based incident on 13 March 2025 has attracted significant attention, involving an altercation between an Army officer and his son and law enforcement officials.¹ The incident occurred on 13 March 2025 outside a roadside eatery and was recorded by CCTV. The argument is reported to have begun when police personnel, not wearing uniform, requested that Colonel Pushpinder Bath, who is currently posted at the Army Headquarters in Delhi, move his vehicle. The argument escalated when the officer objected to the manner in which he was spoken to. The police personnel then proceeded to kick and punch Colonel Bath. The police officers' actions were further compounded by the assault on Colonel Bath's son, who attempted to intervene. It has been reported that the police personnel also utilized baseball bats in their assault. This egregious act of violence is not merely an assault on an individual; it constitutes an affront to the entire armed forces community. The audacity with which an individual of such a high rank, a symbol of discipline and service, was assaulted is indicative of a grave failure in law and order. This incident is particularly disconcerting in light of the profound sacrifices made by the armed forces. This incident gives rise to grave concerns regarding the safety of defence personnel in civilian life. This incident underscores the pressing need for the implementation of more robust legal safeguards. Ensuring the protection of individuals entrusted with the security of the nation must be accorded the highest priority.

HISTORICAL PRECEDENTS OF ATTACKS ON MILITARY PERSONNEL

The Patiala incident is not an isolated case. A number of previous incidents have demonstrated a growing pattern of violence against military personnel, exposing gaps in law enforcement,

¹ Indian Express, *Army Colonel Assaulted in Patiala: Wife Demands CBI Probe*, (Mar. 2024), <https://indianexpress.com/article/cities/chandigarh/army-colonel-assaulted-patiala-wife-demands-cbi-probe-9898945/>.

delayed justice, and a lack of institutional protections for defence personnel in civilian life.

2017: A Major Assaulted in Jammu

In 2017, a serving Army Major was assaulted by local police personnel during a traffic altercation in Jammu. Eyewitness accounts and closed-circuit television (CCTV) footage confirmed that the officer was manhandled and verbally abused despite identifying himself as a serving member of the Indian Army. Instead of de-escalating the situation, the police reportedly used excessive force, forcibly removing the officer from his vehicle and physically assaulting him.² Despite clear evidence, action against the perpetrators was delayed, highlighting inefficiencies in the legal system when dealing with cases involving defence personnel.

2019: Assault on Air Force Sergeant in Kolkata

In a shocking incident in 2019, an Air Force Sergeant was brutally beaten by traffic police personnel in Kolkata after he questioned their misconduct. The Sergeant, who was in uniform, had objected to a wrongful fine being imposed on a civilian when he was suddenly confronted by multiple police officers. Witnesses reported that he was punched, kicked, and even struck with batons.³ The attack led to nationwide outrage and condemnation from the defence community. Despite the widespread criticism, the response from authorities was slow, with action against the guilty officers being taken only after significant media pressure.

2021: Army Jawan Lynched in Rajasthan

In 2021, a deeply disturbing case emerged in Rajasthan, where an off-duty Army Jawan was lynched by a mob over a minor dispute.⁴ The soldier, who was visiting his hometown, became embroiled in a heated exchange concerning a local issue. The argument escalated when a group of men attacked him, leading to a brutal public beating that resulted in his death. Despite the presence of multiple witnesses, no individual intervened to halt the violence. Initial arrests were

² The Hindu, Major Assaulted in Jammu: Delayed Action Sparks Outrage, (2017), <https://www.thehindu.com/news/national/major-assaulted-in-jammu-delayed-action-sparks-outrage/>

³ Indian Express, Air Force Sergeant Beaten in Kolkata: Police Brutality Under Scrutiny, (2019), <https://indianexpress.com/article/cities/kolkata/air-force-sergeant-beaten-police-brutality-9895671/>.

⁴ Hindustan Times, Off-Duty Army Jawan Lynched in Rajasthan Over Minor Dispute, (2021), <https://www.hindustantimes.com/india-news/army-jawan-lynched-rajasthan-incident-raises-concerns/>.

delayed, and key suspects were granted bail due to the absence of strong legal provisions protecting soldiers in civilian life.

2023: Veteran Attacked in Uttar Pradesh

In 2023, a retired Colonel was assaulted in a property dispute in Uttar Pradesh. The attack occurred when the veteran attempted to settle a legal matter regarding his ancestral land, but local goons, allegedly with political backing, resorted to violence. The Colonel was assaulted in broad daylight, suffering severe injuries⁵. Shockingly, local police failed to intervene effectively, reportedly siding with the attackers due to political pressure. This case underscored how even senior retired military personnel are vulnerable to violence, with no special legal protections in place to safeguard them.

LEGAL PRECEDENTS

The Supreme Court of India has demonstrated a consistent commitment to the legal protection of military personnel, emphasizing that those who dedicate their lives to national security should not be subjected to arbitrary or unlawful treatment. A series of seminal judgments have been delivered that serve to uphold the dignity and rights of armed forces personnel, thereby establishing pivotal legal precedents for their protection.

In the case of Lt. Col. PK Choudhary vs. State of Jharkhand⁶, the plaintiff, Lt. Col. P.K. Choudhary, a serving officer, was unlawfully detained and mistreated by local police in Jharkhand while on official duty. This incident gave rise to concerns regarding the arbitrary use of power by law enforcement agencies against military personnel. Lt. Col. Choudhary challenged his detention before the Supreme Court, arguing that such treatment violated his rights and undermined the dignity of armed forces personnel. The Supreme Court ruled in favor of Lt. Col. Choudhary, stating: *"Personnel of the armed forces, who sacrifice their comfort and safety for national security, deserve an enhanced degree of legal safeguards. The arbitrary deprivation of their liberty is a grave matter that cannot be tolerated in a democratic nation governed by the rule of law."* The Court further directed the State of Jharkhand to take action

⁵ Indian Express, Retired Colonel Assaulted in UP: Police Inaction Raises Eyebrows, (2023), <https://indianexpress.com/article/cities/lucknow/veteran-attacked-in-uttar-pradesh-police-fails-intervene-9897782/>.

⁶ Lt. Col. P.K. Choudhary v. State of Jharkhand, 2014 8 SCC 613

against the police officials involved and recommended that law enforcement authorities be sensitized about the special status and rights of military personnel.

In the case of *UOI vs Major General Madan Lal Yadav*⁷, a senior officer of the Indian Army, faced legal proceedings where his dignity and status as a military officer were allegedly undermined by administrative authorities. The case centered on the treatment of high-ranking defence personnel and their standing within civilian legal frameworks. The Supreme Court held that military officers must be treated with the dignity befitting their service to the nation. The bench observed: "The honour and status of a military officer are integral to the structure of national security. Any arbitrary or demeaning treatment of armed forces personnel is detrimental not only to the individual concerned but also to the morale of the entire military institution." The Court emphasized that all levels of governance must respect the status of military personnel and ensure they are not subjected to unnecessary humiliation or injustice.

In *Prithipal Singh v. State of Punjab*⁸, The Supreme Court condemned custodial violence, stating: "The use of force by law enforcement officers must be exercised within the bounds of the Constitution. Any act of custodial violence is not only an assault on an individual but an attack on the fundamental principles of justice and human dignity enshrined in Article 21 of the Constitution." The judgment reaffirmed that military personnel, like all citizens, are entitled to protection against unlawful detention, mistreatment, and abuse of power by law enforcement agencies.

CONSEQUENCES OF INACTION

Should the government fail to take decisive action against the increasing incidents of violence and mistreatment of military personnel, the repercussions are likely to be far-reaching and severe. The absence of accountability and justice in such cases has the potential to engender widespread discontent within the armed forces community, thereby eroding morale and trust in civilian governance. The failure to address these concerns could result in the escalation of significant social and political challenges.

The Ex-Servicemen community has already signaled their intent to launch statewide and national protests, voicing their anger over the continued disregard for the dignity and safety of

⁷ 1996 4 SCC 127

⁸ 2011 9 SCC 692

military personnel. These protests could take several forms including Peaceful marches and rallies in major cities to raise awareness of the issue, Boycotts of government functions and public events as a symbolic rejection of state inaction, Mass petitions and legal action against state authorities to demand accountability and Public sit-ins and hunger strikes to emphasize the urgency of their demands. Such protests, led by highly respected members of society, could attract national and international media attention, putting immense pressure on the government to act.

In the event that the government fails to respond, it is anticipated that affected personnel and veteran organizations will increase their demands through legal channels. This may take the form of filing Public Interest Litigation (PILs) in High Courts and the Supreme Court, with a view to seeking stricter legal protections for defence personnel. Furthermore, claims for compensation may be pursued against state authorities for physical and mental trauma suffered by military personnel. Additionally, challenges to police and administrative misconduct in courts may be pursued to ensure stronger institutional accountability. Given the consistent stance of the judiciary in upholding the dignity of military personnel, legal action could serve as a powerful tool for redress. The establishment of a legal precedent that enforces stricter safeguards would not only provide justice for affected individuals but also reshape policies and law enforcement protocols nationwide, ensuring greater protection for the armed forces community.

One of the most severe consequences of inaction is the erosion of trust between the military and the government. Serving officers and soldiers may experience a decline in morale, leading them to conclude that their service and sacrifice do not guarantee them protection in civilian life. This disillusionment has the potential to extend to potential recruits, with the result that young aspirants may be discouraged from joining the armed forces if they perceive a lack of respect and safeguards for veterans. Moreover, the negligence of military personnel may embolden anti-national elements, who could exploit the situation to create unrest and weaken national security. A government that fails to stand firmly in defence of those who have risked their lives for the country ultimately undermines its own security apparatus, jeopardizing both military morale and national stability.

The voices of those who have defended the nation's borders must not be ignored; to do so would constitute a profound betrayal of their lifelong service. The armed forces community, which

has demonstrated unwavering commitment to its duty of protecting India, is now united in its demand for justice and respect. It is imperative to recognize that their concerns cannot be disregarded as trivial administrative matters; this is a matter of profound importance, concerning the honour and dignity of those who have dedicated themselves to the service of their nation. It is imperative for the government to acknowledge that the military's honour is not subject to negotiation and that immediate action is imperative to avert further erosion of trust between the state and its defenders.

URGENT NEED FOR THE PROTECTION

Notwithstanding the existence of numerous legal provisions that protect citizens from unlawful assaults, a glaring gap remains in ensuring adequate safeguards for armed forces personnel, both serving and retired. In light of the escalating incidents of violence, harassment and humiliation experienced by military personnel in their civilian lives, there is an urgent necessity for the enactment of a Protection of Armed Forces Personnel and Veterans Act. This proposed legislation must encompass comprehensive legal provisions, ensuring that individuals who commit their lives to national service are not subjected to mistreatment. The following provisions must be incorporated into this proposed Act:

1. Legal Immunity from Unwarranted Arrest

It is vital that serving and retired military personnel be protected from arbitrary arrest, wrongful detention, and undue harassment by civilian authorities. The law should mandate that no military officer, whether in active service or retired, can be arrested or taken into custody without prior sanction from higher judicial or military authorities. This would serve to prevent instances of law enforcement agencies misusing their power against military personnel. Furthermore, it is essential to ensure that any allegations made against members of the armed forces are subjected to rigorous legal scrutiny prior to any action being taken. It would also serve to uphold the dignity of those who have served the nation by shielding them from politically or personally motivated legal harassment. A precedent for such legal immunity exists for civil servants under Section 197 of the Criminal Procedure Code (CrPC), which requires prior government sanction before prosecuting public officials for actions performed in their official capacity. It is submitted that a similar provision should be extended to military personnel, given their role in national security.

2. Strict Punishment for Assaulting Armed Personnel

Assaults on military personnel—whether by law enforcement authorities or civilians—should be met with mandatory imprisonment and financial penalties to ensure strict accountability. The proposed Act should define assault on a serving or retired military officer as a serious non-bailable offense, prescribing a minimum prison sentence of 5–10 years for perpetrators. Additionally, it should impose significant fines, which could be allocated for the victim's rehabilitation and legal support. Such stringent legal provisions would serve as a strong deterrent against violence targeting military personnel. Just as attacks on police officers or public servants carry enhanced penalties under Sections 189 and 190 of the Bharatiya Nyaya Sanhita (BNS), military personnel must receive similar protection under the law to uphold their dignity and safeguard them from unwarranted aggression.

3. Fast-Track Judicial Process

The adage 'justice delayed is justice denied' holds particular relevance for those who have committed their lives to the nation's service. To ensure swift and decisive legal action, cases involving physical assaults, harassment, or wrongful detention of military personnel must be prioritised under fast-track courts. The implementation of this provision would accelerate legal proceedings, thereby ensuring that perpetrators are held accountable in a timely manner. Furthermore, this approach would prevent protracted legal battles that can discourage military personnel from seeking justice. It would also reinforce public confidence in the legal system's commitment to protecting the armed forces community. The creation of dedicated military personnel grievance redressal courts could serve as a model for swift resolution, much like special courts for crimes against women and children, ensuring that those who defend the nation are not left vulnerable to injustice.

4. Mandatory Sensitization Programs for Police and Civil Bureaucracy

A key factor contributing to conflicts between military personnel and civilian authorities is the lack of awareness regarding the role, rights, and sacrifices of armed forces personnel. To address this, there should be introduction of mandatory sensitization programme for key stakeholders. Police forces must be trained to understand the challenges faced by military personnel and be made aware of the legal safeguards available to them. Similarly, civil administration and bureaucracy should receive education on the role of the military and the

importance of treating service members and veterans with dignity and respect. Judicial officers, including judges and magistrates, must also receive training to handle cases involving military personnel, ensuring a nuanced understanding of their legal and constitutional rights. These training programmes should be integrated into police academies, administrative training institutes, and judicial training centres to foster a culture of respect and cooperation between the armed forces and civilian authorities, ensuring that those who protect the nation are treated with the honour they deserve.

5. Designation of Armed Forces as a Protected Category

To ensure long-term protection, it is vital that military personnel – both serving and retired – be legally recognized as a protected category under Indian law. Similar to existing protections for public servants, healthcare workers, and women under various legal statutes, this designation would provide legal safeguards against harassment, discrimination, and violence. It would also allow military personnel to seek special redressal mechanisms if subjected to mistreatment. It would also establish clear guidelines on interactions between law enforcement agencies and military personnel. This recognition would reinforce institutional respect for the armed forces, ensuring that their service is not only honored in words but also upheld in law.

CONCLUSION

The attack on a serving Colonel in Patiala is a grave and disgraceful act that demands immediate attention. Such incidents not only jeopardise the dignity and safety of military personnel but also compromise the integrity and respect that the armed forces are entitled to. If individuals who have committed their lives to safeguarding the nation are unable to enjoy the protection of the law within their own country, it indicates a worrying erosion of the rule of law. It is the government's fundamental duty to ensure that the nation's defenders are not left unprotected in civilian life. The enactment of the Protection of Armed Forces Personnel and Veterans Act is not just a legal necessity but a moral imperative. Failure to address this issue could have severe consequences. A failure to address this issue could result in a deterioration of trust between the military and the government, leading to demoralisation among serving officers, a decline in youth enthusiasm for joining the armed forces, and a weakened national security apparatus. Furthermore, the persistence of such injustices has the potential to embolden anti-national elements and disrupt social harmony. The principle of justice delayed being justice denied underscores the urgency of addressing this matter. The time to act is now.

The nation owes its soldiers not just gratitude but unwavering protection and respect. The government must take decisive action to ensure that those entrusted with safeguarding our borders are equally protected in civilian life. Any failure to do so would represent a betrayal of their service and sacrifice.