

Letters to the Editor

I

India and the Great War

Dear Editor,

This has reference to the article 'India and the Great War' published in the USI Journal of Apr-Jun 2013. On pages 312-313 there is a mention of Maharaja of Tikari Estate.

The name of Maharaja of Tikari as mentioned therein is 'SHYAM SARAN SINGH of TIKARI'. I am from Tikari and am aware of all the Maharajas of Tikari. I have written a book too titled "Tikari Estate, A Saga of Origin, Growth and Decadence." No Maharaja named Shyam Saran Singh was ever born in Tikari estate. However, Maharaja GOPAL SARAN SINGH was born in the Tikari family who served in the British Army in the Corps of Signals as a Captain during the First World War and was a Special Dispatch Officer to Field Marshal Haig. He was a very keen *Shikari*. It certainly could be him.

Yours sincerely,

Lieutenant Colonel Vidya Sharma (Retd)

II

1962 – War in the Western Sector (Ladakh)

Dear Editor,

Compliments to Major General PJS Sandhu for revealing the facts in his article '1962– War in the Western Sector (Ladakh)' (A View from the Other Side of the Hill) in Jul-Sep 2013 issue of the USI Journal. A must read article for all senior serving Infantry officers, especially those deployed in Ladakh; and formations must conduct presentations to bring out the lessons learnt and facts not known so far. Having served in Chushul in mid 1970s as a young Lieutenant, I only knew about the Battle of Rezangla and Gurung Hill. There was no one who fell back to narrate the events as most battalions fought to the last man and last round; and the rest, mostly wounded were taken prisoners of war. Battle of Rezangla has possibly been in the limelight because the company belonged to 114 Brigade Commander's Regiment (KUMAON) and that was the only post which had a company plus strength deployed in Ladakh. All the battalions fought extremely well with no disorderly withdrawals of any kind to tell the stories. The narrative highlights

the well fought battles by 1/8 GR while inflicting maximum casualties to the Chinese.

Another amazing fact is that the Chinese attack instructions or Operational orders appear not to be in line with the Mongol ruthlessness and brutal campaigns of Chenghis Khan. The instructions surprisingly are quite clear and humane in nature, which is different from the existing popular perceptions.

A major reason of the limited Chinese offensive in Ladakh was possibly because of Nehru's 'Forward Policy' deployment. They initially dealt with posts which had been deployed in their claimed area. Their limited offensive was aimed upto their claim line.

Yours sincerely,

Colonel RC Patial, SM (Retd)

III

Dear Editor,

With reference to the following three articles published in the Jul-Sep 2013 Issue of the Journal, I have a few suggestions for expansion of their scope and effect on the serving and retired Armed Forces personnel :-

- (a) 'Revitalising the Image of the Indian Armed Forces' by Lieutenant General Vijay Oberoi, PVSM, AVSM, VSM (Retd)
- (b) 'Service Jurisprudence in the Defence Forces : A Conceptual Approach – An Overview' by Lieutenant Colonel Arun Kumar Vashistha
- (c) 'Ex-Servicemen Contributory Health Scheme (ECHS) Needs Re-structuring' by Brigadier Amarjit Singh Randwal (Retd)

The above articles are no doubt informative but in my opinion more needs to be done as suggested in the succeeding paragraphs.

For (a) and (b) – Image and Jurisprudence

The Army legal system requires more perceptible justice, transparency and elimination of possibility of bias (personal and class) especially, where the cases are between officers and personnel below officer rank (PBOR). For this the following are recommended :-

- (a) The system of Summary Courts Martial (SCM) be abolished; at least, for offences committed or tried in peace area. Presently, the principles of natural justice stand compromised. Legal aid by counsel of choice, with the right of audience, is another aspect before any tribunal.

- (b) Separate trials should not be held where joint trials are warranted; especially, where the allegations, date, place and witnesses are common or similar.
- (c) Harsh punishments like reduction in rank and dismissal from service should not be promulgated without prior approval of higher authority.
- (d) The Court Martial orders should be published like civil cases for general information.
- (e) Research on orders of Courts Martial should be conducted for growth of military law.

For (b) only – Armed Forces Tribunal (AFT)

- (a) Geographical jurisdiction of the AFT should be like other tribunals, i.e. on High Court basis.
- (b) Parallel jurisdiction of High Court and AFT be allowed. The High Court should decide whether the case of serious illegalities and irregularities are retained or sent to the AFT.
- (c) Appeal forum should not be split on the basis of quantum of punishment. The provisions of Section 3(0)(iv) (iv) of Chapter 1 of the AFT Act, 2007 should be harmonised to retain only one forum.
- (d) Retired military officers should not be on the AFT benches as the principle of appearance of justice stands compromised. Instead, eminent advocates should be selected as members of the AFT like other tribunals.
- (e) Appeals to High Courts should be unrestricted i.e. leave of AFT be not necessary.

For (c) – ECHS Services

- (a) Mobile units for periodical visits to distant places be added.
- (b) As far as possible, Ex-service personnel be employed because of their familiarity and for building greater confidence in the scheme.
- (c) Attending to emergencies should be made more effective and patient friendly.
- (d) Refund of money spent by patients should be made quicker.
- (e) Authorised consultation fee and testing charges etc. for empanelled agencies should be realistic, i.e. closer to the prevailing charges on the civil side.

Yours sincerely,

Wing Commander ZH Khan (Retd)
M.Com., MIBM, LL.M