

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 9 | Issue 3

2026

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Pension Rights for Veterans' Disability in India: A Legal Study

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ABSTRACT

India has long recognised the contribution of its armed forces through a comprehensive system of pension, disability, and welfare benefits designed to ensure post-service financial security and social protection. These benefits are grounded in the constitutional values of dignity and socio-economic justice and have been reinforced by judicial interpretation as a legal right rather than a discretionary benefit, with the State developing multiple regulatory instruments, including pension regulations, executive policies, and institutional mechanisms such as the Armed Forces Tribunal, to administer veterans' benefits over time. Despite this framework, significant legal problems persist due to regulatory fragmentation, policy inconsistency, and a heavy reliance on litigation to enforce rights. The absence of a unified statutory code governing veterans' benefits often leads to interpretational conflict between regulations, government circulars, and judicial decisions. This results in delays in the disbursement of benefits, unequal treatment of veterans in similar situations, and an increasing burden on judicial institutions. This paper critically examines the constitutional provisions, statutory regulations, judicial precedents, and administrative practices, through doctrinal research analysis and policy evaluation, to assess the effectiveness of India's existing legal framework for veterans' rights. It argues that, although India has a broad and wide-ranging welfare system for veterans supported by a large set of welfare laws and policies, those benefits are not maximised because they are inconsistently enforced. The paper recommends that the welfare system for veterans be revamped by consolidating veterans' pension and disability provisions into a single statute, with new mechanisms for governance and grievance redressal.

Keywords: Veterans' Rights, Military Pension, Disability Pension, Armed Forces Tribunal, Social Security Law, Ex-Servicemen Welfare, Pension Jurisprudence, India.

I. INTRODUCTION

In a constitutional democracy, providing for veterans demonstrates the State's commitment to justice, dignity, and social responsibility. Personnel in the armed forces face difficult

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circumstances, including risks to their lives, physical limitations, and early retirement; pensions and disability benefits are therefore crucial to securing their finances and future. In India, these benefits align with the values set out in Articles 14 and 21 of the Constitution.¹ The courts have consistently made it clear that pensions are not a favour handed out by the government, which means that veteran welfare extends well beyond paperwork: it concerns basic justice in society. Over the past few decades, disputes over pension and disability benefits have become increasingly common, involving complex issues such as disability evaluation, assessment percentages, specific pension rules, and policy interpretation. These challenges persist despite the establishment of the Armed Forces Tribunal (AFT), which was intended to provide specialised adjudication for military personnel. The continuing volume of litigation indicates a systemic, ongoing legal and administrative deficiency that results in lengthy court battles over benefits that are, in theory, already granted by law.²

The absence of a single statute governing veterans' benefits is a major structural challenge. The current framework rests on dispersed pension regulations, authority orders, policy circulars, and judicial interpretation; in contrast to jurisdictions with consolidated veterans' legislation, India's policy-driven approach creates vulnerability in entitlement and enforcement.³ This fragmented framework frequently results in inconsistent implementation, administrative confusion, and legal uncertainty.

This paper explores whether India's current system adequately safeguards veterans' rights, how frequent disputes and delays arise, and the role of the courts. It makes the case that, despite a comprehensive welfare structure, the absence of a cohesive legal framework leads to inconsistency and litigation, and that a rights-based legal system supported by more robust institutions is needed.

II. CONSTITUTIONAL AND LEGAL FRAMEWORK GOVERNING VETERANS' RIGHTS

A. Constitutional Protection

Although there is no express mention of veterans' rights in the Indian Constitution, several of its provisions protect the welfare and dignity of ex-servicemen. Article 14 guarantees equality before the law, and Article 21 protects the right to life and dignity, including a right to social and economic security. The Directive Principles of State Policy, including Articles 38 and 41, require the State to promote social welfare and to provide assistance in cases of disability and

¹ V.N. SHUKLA, CONSTITUTION OF INDIA 141 (14th ed. 2023).

² The Armed Forces Tribunal Act, 2007, No. 55, Acts of Parliament, 2007, § 14 (India).

³ *D.S. Nakara v. Union of India*, (1983) 1 S.C.C. 305; *Dharamvir Singh v. Union of India*, (2013) 7 S.C.C. 316.

old age. Together, these provisions constitute the constitutional basis for disability pension rights and welfare benefits for veterans.

Article 14 – Equality and Non-Arbitrariness. Article 14 of the Constitution of India guarantees equality before the law and the equal protection of the laws.⁴ Although the Constitution does not recognise veterans as a separate constitutional category, Article 14 operates as a core safeguard, ensuring that service benefits and post-retirement entitlements are administered in a fair, reasonable, and non-arbitrary manner in the context of veteran welfare. This means that similarly placed personnel must receive similar treatment unless a reasonable classification exists, based on an intelligible differentia and a rational nexus.

In *D.S. Nakara v. Union of India* (1983), the Court held that Article 14 targets arbitrary State action and requires that similarly situated persons be treated alike. The Court emphasised that differential treatment among pensioners without a reasonable basis violates the principle of equality, and reaffirmed that pensions are a social welfare measure tied to constitutional justice. The Supreme Court has repeatedly used Article 14 to strike down arbitrary State action in pension matters.⁵

Article 14 shields veterans and pensioners from arbitrary administrative decisions. It serves as a safeguard against discrimination and irrational executive action by enabling courts to examine unfair disability assessments, inconsistent policy, and benefit denials. As a result, it serves as a cornerstone of accountability, uniformity, fairness, and veteran welfare.

Article 21 – Dignity and Livelihood. Article 21 of the Constitution of India guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.⁶ In the context of veterans' rights, Article 21 is especially pertinent because pension and disability benefits are crucial to guaranteeing a dignified post-service life, particularly given the physical risks, early retirement age, and service restrictions faced by armed forces personnel. Judicial interpretation has expanded the scope of Article 21 to include the right to live with dignity, the right to livelihood, and the right to social security.

The Supreme Court has interpreted the right to life to include the right to live with human dignity and a minimum of social and economic security. In *Olga Tellis v. Bombay Municipal Corporation* (1985), the Court held that the right to livelihood is an integral part of the right to

⁴ M.P. JAIN, INDIAN CONSTITUTIONAL LAW 905 (8th ed. 2018).

⁵ *D.S. Nakara v. Union of India*, *supra* note 3.

⁶ D.D. BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 245 (27th ed. 2024).

life under Article 21.⁷ This principle has been widely applied to acknowledge that the denial of livelihood-related benefits can affect the constitutional right to live in dignity, even though that case did not specifically address pensions.

Arbitrary denial or delay of pension and disability benefits has been held by the courts to harm a veteran's quality of life, potentially violating Article 21, which associates the right to life with dignity, livelihood, and social security, and which requires that benefits be distributed fairly so as to secure the right to live with dignity.

B. Regulatory and Policy Framework

Pension Regulations (Army, Navy, and Air Force). The primary regulatory framework for pension and disability benefits for armed forces personnel in India is contained in the service-specific pension regulations issued for the Army, Navy, and Air Force. These regulations form the operational backbone of the military pension system and lay down the eligibility conditions, calculation methods, and procedural requirements for the grant of different categories of pension. Although not enacted as a unified statute by Parliament, they function as binding subordinate legislation governing the service conditions and post-retirement entitlements of defence personnel.

The Pension Regulations for the Army, 1961 (Parts I and II), along with the corresponding regulations for the Navy and Air Force, provide detailed provisions relating to service pension, disability pension, invalid pension, family pension, and special pension categories. These regulations set minimum qualifying service and base disability assessment on the percentage and attributability of disability to military service. They also regulate procedural matters such as the assessment by the medical board, the documentation required, and the sanctioning authority. Government amendments and policy circulars have, over time, been added to these regulations in order to incorporate pay revisions, new pension schemes, and changing welfare policies.

The principal problem with the pension regulations is that they are service-specific and therefore inconsistent in interpretation and application. The complexity of the framework, owing to frequent alteration in the form of executive orders and Ministry of Defence circulars, makes it difficult for beneficiaries to understand and leads to more litigation, particularly in cases of disability assessment, pension parity, and revised pension schemes.

⁷ *Olga Tellis v. Bombay Municipal Corp.*, (1985) 3 S.C.C. 545.

Despite these challenges, the pension regulations remain the primary legal framework for veterans' pensions in India and are widely relied upon by the courts and tribunals. However, the lack of a unified statute creates uncertainty and underscores the need for legislative consolidation and clearer policy harmonisation.

Government Policies (OROP, Disability Guidelines, and Other Key Policies). In addition to the service-specific pension regulations, veterans' benefits in India are significantly shaped by executive policies, Ministry of Defence (MoD) circulars, and administrative guidelines. These instruments play a crucial role in determining the scope, calculation, and implementation of pension and disability benefits. However, because they are largely executive in nature, they often contribute to the policy-driven character of the veteran welfare system.

One of the most significant policy measures is One Rank One Pension (OROP), introduced to ensure a uniform pension for armed forces personnel retiring at the same rank with the same length of service, irrespective of the date of retirement.⁸ OROP was implemented to address long-standing disparities between past and present pensioners caused by periodic pay commission revisions. While it marked a major welfare reform, disputes continue regarding its interpretation, revision cycles, and calculation methodology, leading to continued litigation and administrative challenge.⁹

Disability pension and entitlement guidelines issued through MoD policies and service instructions regulate medical board procedures, disability assessment, the standards governing attributability and aggravation, and eligibility for compensation. The entitlement rules for casualty pensionary awards and related policies aim to standardise decisions, but disputes still arise due to differing medical opinions, varied interpretations of attributability, and procedural inconsistencies.

Apart from OROP and the disability guidelines, several other key policy frameworks influence veteran welfare.

Ex-Servicemen Contributory Health Scheme (ECHS): provides healthcare facilities to veterans and their dependents through a network of empanelled hospitals and polyclinics.¹⁰

⁸ Prakash Malankar, *One Rank One Pension: Implementation Instructions & Tables Issued*, GCONNECT (Feb. 4, 2016).

⁹ *Indian Ex-Servicemen Movement v. Union of India*, (2022) 8 S.C.C. 582.

¹⁰ COMPTROLLER AND AUDITOR GENERAL OF INDIA, REPORT NO. 18 OF 2012: PERFORMANCE AUDIT OF DEFENCE MEDICAL ESTABLISHMENTS ch. 7, https://cag.gov.in/uploads/download_audit_report/2012/Union_Performance_Defence_Medical_Establishments_Defence_Services_18_2012_Chapter_7.pdf (last visited Apr. 25, 2026).

War Injury Pension and Special Family Pension policies: provide enhanced benefits for personnel disabled or killed in operational or war-related circumstances.

Resettlement and Rehabilitation policies: implemented through the Directorate General Resettlement (DGR), these policies support the post-retirement employment, skill development, and rehabilitation of ex-servicemen.¹¹

III. INSTITUTIONAL AND JUDICIAL PROTECTION OF VETERANS' RIGHTS

A. The Armed Forces Tribunal

The Armed Forces Tribunal (AFT) was established in 2007 under the Armed Forces Tribunal Act, 2007,¹² as a specialised quasi-judicial body to adjudicate disputes relating to service matters, pensions, and other benefits of armed forces personnel, including veterans and their families. The creation of the AFT was aimed at providing a speedy, expert, and accessible forum for resolving military-related grievances that were previously handled exclusively by the civil courts, which often lacked specialised knowledge of military service conditions.

Jurisdiction. The AFT has jurisdiction over service-related disputes, including promotion, posting, and disciplinary matters; pension and retirement-related disputes, including service pension, disability pension, and family pension; and matters arising under the pension regulations for the Army, Navy, and Air Force, as well as the policies and circulars issued by the Ministry of Defence. The Tribunal has both original and appellate jurisdiction: it can hear disputes filed by serving personnel and veterans (original jurisdiction) and hear appeals against the orders of lower authorities or administrative tribunals (appellate jurisdiction).

Practical Limitations. Despite its importance, the AFT faces practical limitations.

Backlog of cases: there is persistent delay in adjudication due to the large volume of pension and service-related disputes.¹³

Limited awareness: many veterans, especially in rural areas, lack knowledge about their rights and AFT procedure.¹⁴

¹¹ Directorate General Resettlement, Ministry of Defence, Government of India, *About DGR*, <https://dgrindia.gov.in/Content2/about-us/about-dgr> (last visited Apr. 25, 2026).

¹² The Armed Forces Tribunal Act, 2007, *supra* note 2.

¹³ Bhadra Sinha & Amrita Nayak Dutta, *Armed Forces Tribunal Has 19,000 Pending Cases, but Here's Why This Is the Least of Its Problems*, THEPRINT (Mar. 18, 2021).

¹⁴ NAVDEEP SINGH, *MAIMED BY THE SYSTEM* (2d ed. 2018).

Implementation gaps: even after a favourable judgment, delays in the actual disbursal of pension or enforcement of orders are common due to administrative bottlenecks.¹⁵

Resource constraints: some benches are understaffed, and the absence of uniform procedure across regional benches sometimes leads to inconsistent rulings.¹⁶

In conclusion, while the Armed Forces Tribunal is a cornerstone institution for safeguarding veterans' legal rights, practical challenges highlight the need for administrative strengthening, awareness initiatives, and systemic reforms to make adjudication more efficient and effective.

B. Judicial Pronouncements

The judicial system in India has played a pivotal role in shaping and protecting the rights of veterans, particularly in the domains of pension and disability benefits. The courts, especially the Supreme Court, have consistently reinforced the principle that pensions are not acts of grace or bounty but legally enforceable rights arising from past service and from the contractual obligations of the State.

Pension as a Legal Right. The landmark case of *D.S. Nakara v. Union of India* (1983) established that pension is a legal right and not a discretionary benefit. The Supreme Court held that arbitrary differentiation among pensioners based on retirement dates or other administrative factors violates Article 14 of the Constitution. The Court clarified that pension is a deferred wage for service rendered and forms an essential part of the social and economic security of ex-servicemen.¹⁷ Similarly, in *State of Jharkhand v. Jitendra Kumar Srivastava* (2013), the Court reaffirmed that pension is a statutory right that cannot be withheld through administrative orders without lawful authority.¹⁸

Disability Pension: Liberal Interpretation. Judicial interpretation of disability pension follows a protective approach, giving a liberal construction to the rules on attributability and aggravation. Any ambiguity in medical assessments or procedures is generally resolved in favour of the veteran, reflecting the State's duty of care. For instance, in *Union of India v. Ram Avtar* (2012), the Court emphasised that a disability incurred or aggravated during service must be assessed in a manner that upholds fairness, social justice, and the principle of non-arbitrariness.¹⁹

¹⁵ *Dharamvir Singh v. Union of India*, *supra* note 3; *State of Jharkhand v. Jitendra Kumar Srivastava*, (2013) 12 S.C.C. 210.

¹⁶ Maj. Gen. Nilendra Kumar, *Armed Forces Tribunal: Toothless and in Limbo*, INDIA LEGAL (Nov. 24, 2019).

¹⁷ *D.S. Nakara v. Union of India*, *supra* note 3.

¹⁸ *State of Jharkhand v. Jitendra Kumar Srivastava*, *supra* note 15.

¹⁹ *Union of India v. Ram Avtar*, (2012) 6 S.C.C. 585.

Role of the Supreme Court. The Supreme Court has upheld a welfare-oriented approach to veterans, ensuring that pension and disability laws align with Articles 14 and 21. It has also reinforced uniformity and parity in pension revisions, including policies such as OROP, to ensure equal treatment for similarly placed veterans regardless of their retirement date. Pension entitlements in India remain grounded in constitutional provisions as applied by the courts and tribunals; the absence of a common statute, however, continues to create uncertainty, and it is critical that the governing rules be consolidated and the policy framework harmonised more clearly.

C. Landmark Cases

In India, veterans' disability pension rights are increasingly litigated in the context of a welfare state. It is particularly challenging to prove that a disability is "attributable to or aggravated by military service" where service records are incomplete or unreliable. Although judicial decisions have often emphasised the welfare nature of pension and embraced an expansive interpretation, in practice many claims fall short of being sanctioned for want of sufficient evidence.²⁰ The burden of proof is eased for servicemen by the presumption that a disability is attributable to service; in practice, however, the claim remains difficult to establish, as service personnel face administrative hurdles and must document their claims with limited evidence.²¹ Varying percentages of disability and conflicting medical opinions can lead to reduced or denied benefits.²² The long waiting periods associated with processing claims and disbursing pensions are financially and emotionally costly, leading many veterans to appeal to tribunals and courts and to face continuing uncertainty in administrative practice.

In *Union of India v. Ram Avtar* (2014), the Supreme Court held that military personnel with disabilities attributable to or aggravated by their military service have a right to have their disability pension rounded off, or broad-banded, to the next higher percentage bracket. Even those who retired in the normal course, and not only those invalided out of service, were held entitled to this benefit.²³

D. Major Principles Evolved by the Judiciary

The right to a pension for disabled veterans in India has been shaped by a number of judicial decisions. The judiciary has consistently held that pension is not a bounty but a vested right

²⁰ *D.S. Nakara v. Union of India*, *supra* note 3.

²¹ *Dharamvir Singh v. Union of India*, *supra* note 3.

²² *Union of India v. Rajbir Singh*, (2015) 12 S.C.C. 264.

²³ *Union of India v. Ram Avtar*, (2014) 14 S.C.C. 689.

under the Constitution, as in *D.S. Nakara v. Union of India* (1983), and that these benefits are welfare in nature. The courts have also upheld the principle of liberal interpretation, whereby pension regulations are construed in favour of veterans rather than applied with technicality. A further principle is the presumption of attributability: where a disability was not noted at the time of entry into service, it is presumed to have arisen during service unless proved otherwise. The courts have also upheld consistency and fairness in medical assessments, cautioning against the arbitrary reduction of disability percentages by review boards. Above all, delays and formalities should not stand in the way of a legitimate claimant, and benefits should be awarded at the earliest possible opportunity.

IV. KEY LEGAL CHALLENGES IN INDIA

A central problem in administering veterans' rights in India is that the governing laws are not consolidated in one place. Benefits are controlled by different rules for each service, by government instructions, by guidelines from the Ministry of Defence, and by court decisions. Because there is no single law covering the field, problems arise across the system.

Interpretational conflicts: conflicts often arise between regulations, government circulars, and the judgments of tribunals or courts, requiring frequent judicial intervention to clarify entitlements.

Litigation burden: fragmentation has contributed to an increasing number of pension and disability cases before the Armed Forces Tribunal and the higher courts, highlighting the lack of efficiency and uniformity in benefit delivery.

Administrative delays: the multi-layered regulatory system complicates the processing of claims, leading to delays in pension disbursal, disability assessment, and the implementation of revised benefits.

A. Pension Parity and Implementation Issues

A major challenge in India's veteran welfare system is pension parity and inconsistent implementation. Despite policies such as OROP, disparities persist in pension calculation, revision, and disbursal, undermining equal treatment among similarly placed veterans.

Delayed and partial implementation of OROP: OROP is expected to provide equal pensions for identical rank and length of service, but the manner of implementation and calculation ambiguities have created delays and partial payments. Many veterans have had to pursue litigation to secure the full entitlement.

Inconsistent disability pension awards: the grant of disability pension is often hindered by procedural gaps, inconsistent medical board assessments, and differing interpretations of attributability and aggravation rules. Veterans with similar disabilities may receive different pension amounts, creating inequality and dispute.

Administrative bottlenecks: even after a favourable judicial or tribunal order, veterans often face delays in pension revision and enforcement due to bureaucratic inefficiency and poor coordination between units and the pay authorities.

Lack of transparency and awareness: many veterans are unaware of revised benefits, disbursal methods, or grievance mechanisms, which exacerbates implementation challenges and fuels unnecessary litigation. The Department of Ex-Servicemen Welfare (DESW) reportedly receives an average of 600 to 1,000 representations from ex-servicemen each month, which indicates the scale of unresolved informational and administrative gaps in the system.²⁴

V. REFORM RECOMMENDATIONS

India's veteran welfare system has been increasingly developed through regulations, policies, and court judgments. Yet issues relating to the accessibility, consistency, and timeliness of benefits remain to be addressed. In light of the legal and administrative challenges identified above, the following reforms would make veterans' entitlements more predictable and properly enforceable.

A. A Comprehensive Veterans Law

The most important reform is the enactment of a comprehensive veterans law that brings pension, disability compensation, and welfare programmes within a single statute. At present, the entitlements of veterans are governed by pension regulations and rules issued by the Ministry of Defence, together with the policies and executive orders made under them. A consolidated veterans law would clarify what veterans can expect. It should recognise pension and disability entitlements as legal rights with effective means of enforcement, set time limits for filing claims, and prescribe how a complaint may be made. By bringing these elements within one statute, it would reduce litigation.

B. A Uniform Disability Assessment System

The second reform is the creation of a uniform disability assessment system for the Army, Navy, and Air Force. Differences between medical boards currently produce differences in disability

²⁴ Col. Dinesh Kumar (Retd.), *SPARSH: A System That Touches Veterans' Nerves, Not Lives*, INDIA SENTINELS (Aug. 16, 2025).

ratings and disputes about their causes. A standard assessment system would ensure that uniform procedures are followed when medical examinations are carried out for veterans applying for pension.

C. A Stronger AFT Enforcement Mechanism

The AFT has made it easier for parties to use a specialised forum for the adjudication of cases, but the issue of enforcement remains unresolved. The Tribunal must be enabled to implement its decisions effectively. Proposed amendments to the law may assist in this regard, by imposing stricter penalties for breach of its orders and establishing a monitoring mechanism for government agencies to ensure that orders are enforced. In the longer run, it is necessary to improve the efficiency of the AFT benches through better infrastructure and technology in order to clear the existing backlog. The AFT, the Ministry of Defence, and other agencies such as the pensions department should work together to streamline the whole process.

D. A Digital Grievance Redress System

An online system would assist greatly in the smooth and efficient resolution of the issues facing veterans. Such a system should enable veterans to file a grievance online and to check the status of their application at any time.

VI. CONCLUSION

The Indian Constitution and the Supreme Court's analysis of these issues have ensured that soldiers enjoy a range of rights, including the right to live with dignity and to be free from unreasonable discrimination. Their service pension, disability compensation, and welfare benefits must therefore be treated not as something the State grants as a courtesy, but as entitlements to which they have a right and which the courts have affirmed. Veterans are special citizens of India's constitutional democracy because they have served the State under extraordinary circumstances, including risks to their lives, their liberty, and their livelihood. Decisions such as *D.S. Nakara v. Union of India* affirm that pension is a fundamental post-service benefit bound up with dignity and status, as guaranteed by Articles 14 and 21 of the Constitution. Veterans should accordingly be protected by predictable, transparent, and enforceable welfare protections.

The veteran benefit system in India is policy-based and spread across several government agencies. There is considerable confusion over the rules relating to pensions, how to interpret them, and how to implement them. The large number of veterans who continue to approach the

tribunals or courts simply to obtain the support they are due indicates that the intention to provide welfare is not being fully realised in practice.

A rights-based regime is needed to replace the policy-based one, comprising a complete pension and disability law, a uniform assessment of disability, a better-functioning Armed Forces Tribunal, and the swift resolution of complaints. Reforms along these lines would reduce uncertainty, ensure accountability, and secure uniformity of benefits across the three services. Legislative consolidation, organisational reform, and the adoption of digital governance would all be beneficial, as in jurisdictions that have well-developed systems of benefits for veterans. Legislative backing improves administrative efficiency and builds public trust in the system. A constitutional, rights-based approach to veteran welfare would not only allow the administration to fulfil the responsibilities laid down by the Constitution, but would also strengthen the moral bond between the country and those who have served it.

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