



# **‘WOMEN IN INDIAN ARMED FORCES**

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## **ABSTRACT**

*Even in today's modern and contemporary world there are some fields that are still male oriented, if not male dominated. Armed Forces is one such field, which for long has remained a male dominated field. Women are excluded from it on various grounds with physical strength being the prominent excuse.*

*Even Indian Armed Forces, was not left untouched by this discriminatory nature, and women for a long period, were considered only for a limited role in medical services. It was in the early 1990's that women were considered for officer rank in other corps, such as Education, Law, Signals, were considered. Although women were inducted in the forces but there was high discrimination between male and female officers.*

*Debate regarding providing of equal rights and its advocacy has been done for long and recently, a positive outlook in the structure of the forces can be seen with more inclusion of women. Recently, many initiatives were taken under the aegis of the Judiciary to pave way for permanent commission of women. Also women are now being considered for bigger military roles.*

*These steps are indeed significant but there is still more to achieve, so as to create a safe and healthy working environment for women in the defence services.*

## **CHAPTER 1 WOMEN IN CONTEMPORARY WORLD**

*“I raise up my voice- not so that I can shout, but so those without voice can be heard.. We cannot all succeed when half of us are held back”, stated by Malala Yousafzai. This is true to its core. Society as a whole comprises of individuals, undifferentiated by genders but differentiated by their skills, qualities and personality. Even women is as much part of the society as a man and has an equal and a significant role not only in the functioning but in the development of the society as well.*

Women have been restrained and controlled by the society for ages, they have been considered substitutes or the tailenders of the society and on the other side, men have been given prime importance and have been considered to be the vanguard of the society. But time to time, women have niched their position in the

society by their impeccable contribution towards the society. There has been immense contribution from women, while it be leading a country or a company, women have aced all the roles and responsibilities. But even after such success there are still some sections of the society which possess regressive thoughts about women, their contribution and most importantly about their abilities.

In the contemporary world, women have been achieving a lot in all the fields, be it in United Nations and other International forums, Sports, Political field, Corporate field or any other sector, women have broken all the glass ceilings.

Despite such achievements and success in almost all the fields, still there are some fields which are predominantly male dominated, if not male orientated. One such field is the armed forces.

Since time immemorial, words like battles, weapons, combat, defence, armed forces, have been associated with men and even today this field largely remains a male dominated profession despite being the role of women as soldiers being evident in the history of the world over the centuries.

Although women have been given roles in the defence forces but they are yet to receive any concrete role in the armed forces in many countries around the globe because just induction of women in these non-traditional roles cannot be considered to be a parameter of success, rather it is superficial.

India, is one such country where, although women have been inducted in the armed forces but they are yet to be inducted in the combat roles. It is the country where one of the world's first women regiment was formed by the name of '*Rani Jhansi*' regiment and even today, inspiring women like Lt. General Punita Arora, first woman to hold the second highest rank and India's first woman Air Marshal Dr. Padmavathy Bandopadhyay have been leading the front.<sup>1</sup>

Women in India have been inducted in non-combat roles and administrative oriented roles but this induction and opening of gates can never be considered as treating the women in equal way as their men counterparts, rather providing them with meaningful roles, conducive bias-free healthy environment is essential.<sup>2</sup>

In a scenario where, an Indian Army officer Major Suman Gowani, has been conferred '*United Nations Military Gender Advocate of the year award*' by the United Nations in the year 2020 and where numerous countries like Canada, Denmark, Finland and many more have deployed women in combat roles, there is a need for opening such opportunities to women in India as well.

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<sup>1</sup> Deccan Chronicle, <https://www.deccanchronicle.com/sunday-chronicle/cover-story/010420/woman-of-many-heights.html>, (last visited on Sept. 26, 2021)

<sup>2</sup> Akansha Sharma & Pradeep Gupta, *Representation of Women in Indian Armed Forces*, Research Gate, (March, 2021), [https://www.researchgate.net/publication/350344089\\_Representation\\_of\\_Women\\_in\\_Indian\\_Armed\\_Forces](https://www.researchgate.net/publication/350344089_Representation_of_Women_in_Indian_Armed_Forces)

Recently, the issue of Permanent Commission being not granted to women officers has also been discussed and debated extensively. These have substantially raised the voice of women, their concern over equality and equal opportunities over their male-counterparts.

This is really necessary, as women empowerment doesn't mean considering women superior to men but juxtaposing them to men and providing them equal opportunities that they deserve. Also, it is their legal right to be treated on par with other individuals. The aspect not only revolves around the legal right but it is also inter-twinned with social change and societal development as it has been rightly put that women are the dynamic advocates of social change rather than just being passive recipients.

## CHAPTER 2 WOMEN AND INDIAN ARMED FORCES

### 2.1 Women in the Indian Armed Forces

The Indian Armed Forces comprises of the Indian Army, Indian Air Force and the Indian Navy. These are the mighty guardians of Land, Air and Water, second to none. It has the strength of over 1.4 million active personnel and has been conferred as the one of the largest military powers in the world yet the inclusion and contribution of women in such a mighty military power is almost negligible and that too in a country, where half of the population comprise of women. The percent of women in the Indian Armed Forces is miniscule, with 0.56%, 1.08% and 6.5% presence of the total in the Indian Army, Indian Air Force and the Indian Navy respectively.<sup>3</sup>

Indian women have manifested every time that they can be a part as well as lead the Armed Forces with their will power, grace, dedication and hardwork. They have proved that they are not mere glamorous hostess but can also pack commanding punches to the enemies.

But in this contemporary world, where women-empowerment and equal rights to women are being advocated, they have to render punches and fight against their own people, rather more against their regressive thoughts of not including them in the Indian Armed Forces in an equal way as their male-counterparts. They have to fight to prove that what they are asking is not for some charity but their own Constitutional rights which they have been deprived of for ages.

The women have been serving in the Indian Armed Forces(hereinafter referred to "Forces") for long, but their role and opportunities have been limited. Women have been an active part of the Forces through the Armed Forces Medical Services. The role of women was initially limited to Army Medical Corps, Army Dental Corps and the Military Nursing Service. They could choose Permanent Commission as well as Short

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<sup>3</sup>Ministry of Defence, Government of India, *Gender Ratio in the Armed Forces*, <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1696144>, (last visited on Sept.27,2021)

Service Commission (hereinafter referred to as “SSC”) at their will and liberty. They were entitled to benefits of pension upon

retirement and ex-serviceperson. The SCC officers could even practise as a civil doctor upon the termination of the said service period.<sup>4</sup>

Women were allowed in the Indian Army in the year 1992, following the approval of the Cabinet Committee on the Parliamentary Affairs, for the Short Service Cadre. Many doubt, had the gender ratio of India not been under the scrutiny of the U.N, this step would have been enacted later. However, the bar on women’s inclusion was removed and they were inducted into the Forces as SSC officers but only for a period of 5years.

Although women were being inducted into the Indian Army but the wings under which they could serve were limited. They could only serve in Legal, Education and Ordinance wing namely the Judge Advocate General(JAG), Army Education Corps and the Army Ordinance Corps. It was on 6<sup>th</sup> March,1993, that 25 women cadets were commissioned as SSC officers and were absorbed by the Army into the different mentioned wings. Later, various other wings such as Engineering, Intelligence, Signal and Air Traffic Control. The commendable achievements and role played by the SSC officers prompted the authorities to revise the term of service from five to seven and then upto fourteen years.

Thus, women have been serving in the Forces since the early,1990’s but on not equal terms that of their male-counterparts. All SSC officers were given extension of four years at the end of their ten year service period subject to medical and other tests and parameters as deemed appropriate to the Force but while men SCC officers were granted with permanent commission at the end of their tenure, women were terminated and were not granted with permanent commission upon the completion of their tenure.<sup>5</sup>

Thus, young, exuberant, articulate women were terminated from the Forces and that too at a time when they were at the peak of their career. They were neither entitled to pension nor medical facilities at par with their male-counterparts, who were granted permanent commission. This also burdened them with the thought of job-security and financial security throughout the period of their service. Also, throughout the period of their service, they could

achieve till the rank of a Major, at the highest efforts and destiny. This was highly discriminating and at the same time discouraging for women, who were paving their way towards success in their respective field in the yearly 1990’s, a period where women were slowly gaining the respect and status that they deserved.

Recently, women have been inducted into the Forces on permanent commission as well, after the intervention of the judiciary. But the debate is that in a country like India, where it is preached that women should be respected from the core and should be treated equally, what took so long for such a country to grant

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<sup>4</sup> Ms. Shivanjali Bhoite, *Women in Defence in India- a Critical Analysis with Special Reference to Gender Inequality*, Vol 4 Issue 1 Paridnya- The MIBM Research Journal, (September 2016), <http://www.mibmparidnya.in/index.php/PARIDNYA/article/view/102461>

<sup>5</sup> Id. At 4

permanent commission to women serving in the Forces, despite of the fact they have again and again proved their calibre.

The inclusion of women in the combat role is another highly debated issue, that also raises question on the equality being offered to women in this country. Countries like Canada, Hungary, Denmark, Finland , France and many more have been successful in inducting women in combat roles, despite of all the shortcomings, that are often taken as an excuse, through experimentation and policy making. As per reliable statistics, around 17% of the combat forces in Canada, in 2009, were women. The figures for other nations are highly encouraging as well, with France accounting to 19% women personnel in the French military in the year 2006.<sup>6</sup>

Thus, if the women of other countries can render national service in the combat forces, then the Indian women can also be a part of the combat forces.

## 2.2 Obstructions for Women in the Armed Forces

Women in the Forces have to put up a strong front, against the enemy as well the against their own male-counterparts and the society. The obstructions faced by women are many but they have proved that they can be a part of an organisation not as a liability but as an efficient working member. Women have been subjected to the behaviour that defence forces are not for them and training them is a waste of time as well as money. The society and people, who believe that women shouldn't be a part of the forces, have justified themselves and their thoughts on many parameters.

Firstly, it is believed that women are not physically fit as men. It is true and a biological fact that women doesn't have the same physical fitness level as of men. They face difficulty in lifting weights, road marching, throwing and running. Research finding also indicate that women involved in training, experience injuries amounting to 51% as compared to only 27% for men and they have low level of muscles and high levels of fat. Pregnancy and Pre-Menstrual syndrome is also a major issue. Also, women after pregnancy needs leaves and it often results in inefficiency at work.<sup>7</sup>

Secondly, it is believed that women are not fit psychologically as compared to men. It is believed that women often break down under stress and in the Forces it is believed that one wrong decision can cost the lives of the whole unit.

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<sup>6</sup> Paul Cawkill, Alison Rogers, Sarah Knight & Laura Spear, *Women in Ground Close Combat Roles: The Experiences of other Nations and a Review of the Academic Literature*, DSTL, September 29,2009, [http://esq.h-cdn.co/assets/cm/15/06/54d58f0226587\\_-\\_women\\_combat\\_experiences\\_literature.pdf](http://esq.h-cdn.co/assets/cm/15/06/54d58f0226587_-_women_combat_experiences_literature.pdf),

<sup>7</sup> Pooja Yadav & Dr. Pranay Kumar Tripathi, *Women in combat role: an issue of gender sensitization and gender equality- a psychological interpretation*, Vol 8, The International Journal of Indian Psychology (2020).

It is also asserted the Forces work on efficiency and the working of defence sector is very much different to the working of the civil sector. Forces needs to protect the nation and hence they believe in effectiveness rather than cohesiveness. It is believed that the concepts like fraternity, liberty and equality are ideal in nature and work in civil sector but the forces have to work on ground reality and hence equality of women is not a concern for them.

One of the most common obstruction is the factor of abuse by the enemies. It is very much known that the Forces personnel are at the risk of being captured by the enemies. It is believed that if a women soldier gets captured, she will be abused beyond mercy.

It is also argued that the design and structure of warships, tanks and other weapon related structures are designed in keeping the occupant as male in mind, for instance, warships are designed in such a way that maximum personnel can be accommodated with the equipment and this often lead to congested living. It is argued that in such instance, it will be difficult for women to survive considering her special and essential need of separate rooms. It is highly difficult and expensive for the Forces to re-design the existing structures.

Regressive thoughts of the society is also considered to be an obstruction. The Indian soldiers are not yet ready to take commands from a female officer. Factor like service of women among male members in a unit is still considered to be inappropriate for a woman. Male officers also believe that preferential treatment is given to female officers and this doesn't go well with the male officers.<sup>8</sup>

These all obstructions, rather the excuses may be justified. It is true that women are not as physically fit as men, it is true that it is a biological fact but what needs to be considered is the change in circumstances. In today's technologically driven world, the word combat has changed altogether, it has changed from a hand to hand combat situation to a technologically driven combat. Thus, what needs to be considered is the acumen and intelligence of the potential candidate and not the gender. Also, it is true that the Forces work on effectiveness, but selection of women can take place after proper medical examinations. If not all women, but the deserving, well-qualified women can be inducted.

It is now argued that women have a greater mental resilience than men and this has been recognised as well. Also, it is argued that only a limited period of women's life is taken up by pregnancy. It is also argued that on the contrary men are found to be more ineffective since a major portion of their time is spent in drunkenness and other infractions of disciplines.

It is true that the existing design of the structures of warships and tanks cannot be re-designed at the earliest but the process can be commenced so that the future female personnel can be accommodated.

It has been recognised that thoughts and customs that have been prevalent in the society for long takes time to reform, but in this respect, women soldiers can be inducted so that an all women unit can be formed.

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<sup>8</sup> Id. at 2

Thus, there can be thousands of reasons to obstruct the way of women in the Forces but there is need of only one reason to pave the way towards their success in the Forces. What is required is a change in perception and an initiative. This has been done by the Government under the aegis of Judiciary in the recent years. Recently, it was announced that women will be entitled to enter the Forces through the prestigious National Defence Academy(NDA), Pune. Recently, women soldiers were also employed along the line of Pakistan, paving way for inclusion of women as soldiers. This is a great initiative for girls and women, as this will prepare them and help them to be a part of the Forces right after school and at early stages.<sup>9</sup>

### CHAPTER 3 CONSTITUTIONAL ANALYSIS OF WOMEN IN ARMED FORCES

‘DO YOU HAVE IT IN YOU’ says the site of the Indian Army, this is the line that instils energy with a sense of belongingness to the forces, in the minds of the aspirants. This sense of belongingness, that energy to be a part of the Forces doesn’t discriminate between the genders, it belongs to women as well. The women are also entitled to be a part of the Forces as much as men deserve and are entitled to it. The exclusion of women, besides being ethically and morally incorrect, is against the Constitutional Provisions as well.

The exclusion of women from the Forces, in initial years, not granting them Permanent Commission and denial to serve in the combat roles is against the Fundamental Rights as well as the Directive Principles of the State Policy.

The Indian Constitution under Article 14 mentions that ‘The State shall not deny to any person equality before the law or equal protection of laws within the territory of India’.<sup>10</sup> This fundamental right is even available to the non-citizens but as a matter of fact we couldn’t even grant this right to our own people, the women citizens of this country, in respect to their inclusion in the Forces on permanent commission cadre.

In the case of *St. Stephens v University of Delhi*<sup>11</sup>, it was held by the court identical treatment to all should be there and treating unequal’s equally is also discrimination. Further it was stated that existing inequalities must not be enforced and that equal protection of laws is a positive obligation on the state.

Thus, Article 14 of the Constitution enforces equal treatment to all the people but this wasn’t the scenario while excluding women from the Forces initially, from non-medical fields, and later on while granting Permanent Commission to the SSC officers.

It is also violative of Article 15(1) of the Indian Constitution which expressly mentions that the state shall not discriminate against any citizen only on the grounds of religion, race, caste, sex or place of birth.<sup>12</sup>

<sup>9</sup> The Economics Times, <https://economictimes.indiatimes.com>, (last visited on Sept.29,2021)

<sup>10</sup> INDIA CONST. art.14

<sup>11</sup> *St. Stephens College v University of Delhi*, (1992) 1 SCC 558: AIR 1992 SC 1630: 1991 Supp (3) SCR 121

<sup>12</sup> INDIA CONST. art. 15(1)

In the case of *UOI & Ors v K.P. Prabhakaran*<sup>13</sup>, it was held by the Supreme Court of India that Article 15 deals with every action of state in relation to the citizens of India and every sphere of the activity controlled by the state is governed by Article 15(1). It is also violative of Article 16(2), which affirms that no discrimination shall be done to any person based on religion, caste, sex, race, descent, residence or place of birth.<sup>14</sup>

It is also violative of the Directive Principles of State Policy as mentioned under Article 39(a), which states that both men and women have right to adequate means of livelihood.<sup>15</sup> Although the directive principles are not enforceable in any court of law but they are not to be considered inferior to that of fundamental rights and the socio-economic rights mentioned in the directive principles are as much part of the rights of citizens as are fundamental rights as stated by P.N Bhagwati in the case of *Minerva Mills Ltd. v UOI*.<sup>16</sup> It was further stated that directive principles do create obligations or duties binding on the state.

The women were commissioned only as SSC officers, since 1992, for a considerable long time. Also, although women were serving in the Indian Air Force but the inclusion was on experimental basis for five years.

It was in the year 2008, when the Indian Army granted permanent commission to women under Army Education Corps and Judge Advocate General. Following this, various judgements and cases have ensured that women are granted permanent commission in all the three wings of the Forces. Indian Air Force has granted Permanent Commission to women in the year 2010 and Indian Navy has also granted it in the year 2016.

The Indian Army have expressly mentioned in Section 12 of the Army Act of 1950 that no female shall be eligible for employment in the regular army and will only be considered for certain corps as deemed right by the authorities.<sup>17</sup>

The Indian Army has been inducting women since 1992, under the Women Special Entry Scheme, but due to presence of discriminatory nature and treatment towards women, more inclusion of women in the Indian Army was being advocated. In the year 2003, plea regarding granting of permanent commission to the women was initiated in the Delhi High Court by Babita Puniya, an advocate. After many changes in the policy during the years of 2005 -06, it was finally held by the court in the year 2008, that women SSC officers were to be granted permanent commission prospectively in Army Educational and Judge Advocates General corps.

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<sup>13</sup> *UOI v K.P. Prabhakaran*, (1997) 11 SCC 638

<sup>14</sup> INDIA CONST. art. 16(2)

<sup>15</sup> INDIA CONST. art. 39(a) (d)

<sup>16</sup> *Minerva Mills Ltd. v UOI*, (1980) 3 SCC 625: AIR 1980 SC 1789

<sup>17</sup> Army Act 1950, §12, No.46, Acts of Parliament, 1950(India)

This was challenged on the basis that it has only been applied prospectively and not retrospectively. In 2010, Delhi High Court held that all women SSC officer should be considered for permanent commission with all the benefits. This was even challenged by the Army but they were denied. Finally in the year, 2019, women were granted Permanent Commission in all the ten corps of the Indian Army in the case of **Babita Puniya v State of Defence**.<sup>18</sup>

In the year 2020, the issue regarding the effect of the order was raised and in the case of **Secretary, Ministry of Defence v Babita Puniya**<sup>19</sup> that all women irrespective of service period shall be considered for Permanent Commission along with benefits.

The Indian Navy also started induction of women in the 1990's but it was limited to some cadres only like Law, Naval Constructors and Education and some other cadres. The debate regarding granting of Permanent Commission to women in Indian Navy was through the case of **Union of India & Ors. v Lt. Cdr. Annie Nagaraja & Ors**<sup>20</sup>. In the year 2008, the Delhi Court had directed all the branches of the Forces to grant Permanent Commission to women but this was challenged by some female naval SSC officers on the ground that it not only restricted the cadres but also applied it prospectively through the case of **Priya Khurana v UOI & Ors.**<sup>21</sup>

Finally, in the year 2016 it was held that all naval women are entitled to Permanent Commission. This also paved the way for women to serve on selected warships, post completion of seven years of service and it also opened the gates for eight additional branches of the Navy.

The Indian Air Force also grants permanent commission to women. Air Force is the only wing of the Forces that allows women to serve in the combat role as well. In the year 2016, three women jet fighter pilots were inducted into the Indian Air Force.

Women, have indeed come a long way in the Indian Forces, from being considered to limited roles to being considered for permanent commission, they have been considerable improvement in their contribution and inclusion in the Forces. A logical step towards this progressive movement should be the inclusion of women in the combat roles.

It is true that the Forces are responsible for the protection of the whole country and rather than ideals, it works on ground reality and there should be inclusion only of the best of best women upon meeting up of

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<sup>18</sup> **Babita Puniya v State of Defence**, 2010 SCC Online Del 1116: (2010) 168 DLT 115

<sup>19</sup> **Secretary, Ministry of Defence v. Babita Puniya**, (2020) 7 SCC 469 : 2020 SCC OnLine SC 200 : (2020) 2 SCC (L&) 801 : AIR 2020 SC 1000

<sup>20</sup> **Union of India v. Lt. Cdr. Annie Nagaraja**, 2020 SCC OnLine SC 326

<sup>21</sup> **Priya Khurana v UOI & Ors**, 2016 SCC OnLine AFT 798

the parameters, but not considering them for the role would be injustice and blatant violation of their legal rights.

## CONCLUSION AND SUGGESTIONS

It has been rightly stated by Swami Vivekanand that “*It is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing*”. Our society also needs the contribution of women in every field for its effective and efficient working. Armed Forces is not an exception and needs the participation of women as well.

Women have been assigned limited roles in the Indian Armed Forces for long. But with passage of time and change in circumstances, there has been greater inclusion of women into the Indian Armed Forces. Women were inducted as SSC officers in the early 1990's and have also been granted permanent commission in the Forces recently. The role of judiciary in bringing this massive and essential change is inescapable in nature. They have highlighted the fact that induction in the Forces and grant of permanent commission is their Constitutional right and it is no charity being done to them by the society.

In this technologically driven world, parameters for officers need to be re-defined, as presence of mental strength and intelligence has become the need of the hour with such hi-tech and sophisticated warfare technology. This can pave the way for women in combat role of the Forces. Not only this, inclusion of more women soldiers can also be initiated so as to create an all women unit.

Regular tests and medical examinations should be done for officers, and those found un-fit can be rested and in such a scenario, women officers can fill the void and in this way the efficiency of the Forces can increase.

Thus, what is needed is a changed perception and belief of including women in every possible way in the Forces.

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