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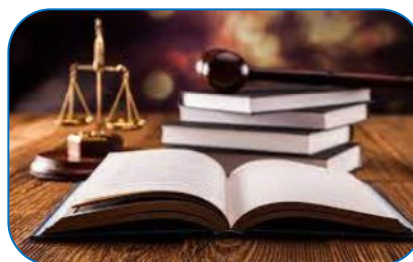
## AN ANALYTICAL STUDY ON CONSTITUTIONAL RIGHT OF WOMEN IN DEFENCE

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### ABSTRACT :

*With the formation of the "Indian Military Nursing Service" in 1888, the role of women in the Indian Armed Forces began to take shape. The nurses of the Indian Army served with distinction in World War I. The role of women in the Indian Armed Forces was further expanded with the formation of the Women's Auxiliary Corps, which allowed them to serve in primarily non-combatant roles like communications, accounting, administration etc.*



**KEYWORDS :** *Indian Armed Forces , communications, accounting, administration .*

### INTRODUCTION

One member of the corps, Noor Inayat Khan served with distinction as a spy, acquiring a legendary status for her service during World War II. Although the British Indian Army was limited to women towards what were mainly non-combatant roles, it was not the case with the Azad Hind Fauj founded by Subash Chandra Bose. There was a women's regiment named the Rani of Jhansi Regiment which saw active combat when it fought along the Imperial Japanese Army in Burma

Women have served in India's armed forces since British colonial rule. They were deployed as nurses during the two world wars. In 2007, Indian women officers served in post-war Liberia as the United Nations' first all-female peacekeeping force. The Indian Army, Air Force and Navy enlist only 0.56%, 1.08% and 6.5% of female candidates, respectively. However, the last six years have seen a rise in the number of women joining the armed forces, with around 9,118 actively serving in 2021. Combat role in the Indian Army has for long been an exclusive field of men. India will be among the few countries globally to have broken the gender barrier. The women have worked in the armed forces as doctors, nurses, engineers, signallers, administrators and lawyers. They have treated soldiers on battlefields, handled explosives, detected and removed mines, and laid communication lines Women have been serving in administrative and technical roles in various corps, but combat role for them, initially in the Military Police, is a new beginning.

### **The Hindustan Times, 9<sup>th</sup> February 2021 States:**

The headcount of women in the military has increased almost three-fold over the last six years, with more avenues being opened for them at a steady pace, latest government figures showed. There are 9,118 women currently serving the army, navy, and air force, with the services giving those more opportunities to boost career progression, the government told Parliament on Monday...

Since then, the government has taken a raft of measures to empower women, including allowing them to fly fighter planes, naval aircraft and giving them permanent commission in different branches.

Excluding the medical wing in which women have been serving for decades, the army accounts for 6,807 women officers, the air force 1,607 and the navy 704 women officers. In percentage terms, women still form a small part of the military—0.56% of the army, 1.08% of the air force and 6.5% of the navy.

In 2015, the Indian Air Force for the first time decided to induct women into the fighter wing. The Indian Navy followed suit, opening up multiple avenues for women in recent years and India's first naval women were commissioned as pilots of the Maritime Reconnaissance Aircraft in the year 2016.

### SUPREME COURT VERDICT ON WOMEN ENTRY

A writ petition was filed for seeking permission for women to sit for NDA entrance exams. The issue was raised that by denying the opportunity to join NDA is a violation of basic rights i.e., article 14, 15, 16 & 19 of the Indian constitution. "The armed forces play an important role... but need to do more for gender equality in the forces. We want them to take a positive move toward themselves in ensuring gender equality rather than waiting for courts to intervene," the Supreme Court said. In August, the court had criticized the government of having a "regressive attitude" for not allowing women to sit for NDA examinations. "It is a policy decision which is based on gender discrimination," the court had said.

"Women officers of the Indian army have brought laurels to the force.....their track record of service to the nation is beyond reproach. To cast aspersion on their abilities on the ground of gender is an affront not only to their dignity as women but to the dignity of the members of the Indian army- men & women – who serve as equal citizens in a common mission. The time has come for a realization that women officers in the army are not adjuncts to a male dominated establishment whose presence must be tolerated within narrow confines." Justice Chandrachud has observed in army case.

In **Ministry of Defense vs. Babita Puniya**, the Supreme Court upheld the claim of women Short Service Commission officers to be granted a permanent commission in the Indian army. The court held that the denial of a PC was premised on a set of unconstitutional stereotypes which were in violation of article 14 & 15 of the constitution.

In March 2020, Supreme Court passed a milestone judgment.

Induct women officers in all types of warships in the Indian Navy, as a natural process of societal evolution, the possible induction of women into combat arms is going to be the next challenge, which Indian Military will be confronted with. The leadership in combat arms at each level, from detachment to highest formation, is laid on a bedrock principle of 'Leading from the front' which must not be compromised.

The Government of India's July 23<sup>rd</sup>, 2020 order that grant of permanent commission to women officers be given in 10 streams

— Army Air Defence (AAD), Signals, Engineers, Army Aviation, Electronics and Mechanical Engineers (EME), Army Service Corps (ASC), Army Ordnance Corps (AOC), and Intelligence Corps in addition to the existing streams of Judge and Advocate General (JAG) and Army Educational Corps (AEC). The court has directed that SSC women officers found suitable for the grant of permanent commission shall be entitled to all consequential benefits, including arrears of pay, promotions & retirement benefits. The grant of permanent commissions will be subject to:

1. Availability of vacancies in the stabilized cadre,
2. Suitability of the candidate,
3. Recommendation by the chief of naval staffs.

### DEPLOYMENT IN THE ARMED FORCES:

The Army, Air Force and Navy began inducting women as short-service commission (SSC) officers in 1992. This was the first time when women were allowed to join the military outside the medical stream. One of the turning points for women in the military came in 2015 when Indian Air Force (IAF) decided to induct them into the fighter stream. The SC had rejected the government's stand of women officers' physiological limitations as being based on "sex stereotypes" and "gender discrimination against women". Women are now eligible to occupy all the command appointments, at par with male officers,

which would open avenues for further promotions to higher ranks for them. In early 2021, the Indian Navy deployed four women officers on warships after a gap of almost 25 years.

India's only aircraft carrier INS Vikramaditya and fleet tanker INS Shakti are the warships that have been assigned their first women crews since the late 1990s. Women at the moment are inducted into the army through the Short Service Commission (SSC) and don't qualify for a permanent commission - which allows an officer to serve a full tenure.

In 2019 the government agreed to give permanent commissions to women but said this would only apply to those officers who had served less than 14 years, citing physical limitations of older women officers.

In May 2021, the Army inducted the first batch of women into the Corps of Military Police, the first time that women joined the military in the non-officer cadre. However, Women are still not allowed in combat arms like Infantry and Armored Corps. There has been a substantial increase in enrolment & representation of girl cadets in NCC to 33.72 % in 2019 from 25.4 % in 2014. The total enrolment of girl's cadet in the NCC is around 4.54 lakh (2019).

The United States, Israel, North Korea, France, Germany, Netherlands, Australia and Canada are among the global militaries that employ women in front-line combat positions.

Advantages of women in armed forces :

1. Both the genders in army will help in making the military strong and sensible.
2. Best capable person irrespective of gender will get the chance to lead the battalion.
3. Many countries were allowing women in combat positions.
4. It is a step towards women empowerment and sends a message to all that women are equal to men in every field.
5. Opening up more opportunities in employment for women.

#### **DISADVANTAGES OF WOMEN IN ARMED FORCES:**

1. Armed forces are normally male dominated fields, so mostly male personnel are still not ready for women entry into combat roles. The concept of equality of sexes is unquestionable. Its application should, however, never affect the fighting potential of the Armed Forces
2. Combat operations are very tough and sometimes jawans spend an entire one month in bunkers so there might be issues of comfort ability between men and women.
3. the Armed Forces are constituted for National defence and there can be no compromise on that issue on basis of gender equality
4. Many times terrorists take women soldiers as hostages and try to bargain with the government on humanitarian grounds.
5. Senior officers cite culture, norms and values to restrict women entry in combat roles.
6. women should be inducted in the Services only if they add value or at least not affect it adversely

#### **CONCLUSION:**

Women in our armed forces are marching ahead to conquer new frontiers."In these modern times, young women should not be denied career choices based on their gender," With women officers flying fighter jets, commanding units and women jawans [soldiers] being recruited to the regular army, it is only a matter of time before women play a much larger and significant role in the Indian armed forces. The first women were commissioned in the Indian Navy in 1992. Until 2020, women were only given short service commissions, but a Supreme Court ruling has made permanent service available to these are all positive changes, but we still have a long way to go."

"This has opened some new avenues, but there are many ranks, especially the lower ones, which only men can join. The patriarchal mindset of our home and family units has to be changed first. Only then will we have better working conditions for women in the military."

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