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RIGHT TO EQUALITY WITH SPECIAL REFERENCE TO RIGHT OF WOMEN OFFICERS IN ARMED FORCES

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Abstract

Equality word suggests that all are standing on the same pedestrian however, when it comes to women, it holds no significance. Women are still behind, marginalized part of the society. It has been 76 years of independence, but India is still lagging behind in giving their women officers permanent commission. The right to equality has guaranteed them to try their luck in the armed forces, however the right is not capable of making women officers to go to war and achieve permanent commissions in the armed forces. The researcher in this paper tries to delve into the question whether the women officers enjoy equal rights as men officers in armed forces? Research is based on doctrinal method where researcher has gone through legislations, statutes judicial decisions and other related books to arrive at conclusion. Since many women officers are yearning to serve armed forces as long as fellow men officers do, they must be given an opportunity to prove their mettle on battlefields and granting them permanent commission can be reward to their victory.

Keywords: Equality; women; armed forces; permanent commission.

Introduction:

For women there has always a sociological perspective attached to them. They are considered as “life givers” not “life takers”. They are considered vulnerable and fragile. This is the main obstacle which is standing in the way of women who are seeking equality of opportunities at their workplace. Also they try to find a satisfactory answer as to why wars and arms are only the man’s affair. These questions have gained much of spotlight in current time period and would remain as it is if the armed forces would not change with changing needs of the society.

However the question is not all about women officers in armed forces as combat warriors or as

permanent officers but also allow us to focus on constitutional aspect of women equality in armed forces. Our constitution guarantees women equal rights and prohibits discrimination on the basis on gender as well. India has attained its independence on 15th August, 1947. Since then India has been labelled as free country. The fight against British army was not at all cake walk, it has to sacrifice its greatest of sons/ daughters the motherland could ever have. The contribution given in for the independence was not at all gender specific. Be it man or a woman everyone fought for the independence with bravery, courage and zeal. It has earned the title of world's largest democracy thereafter. It has made itself self-sufficient if we talk about economically, politically and socially. It has not only fought with British army but with its own societal norms to step ahead of what it is before. It tried to bring every change possible for its development. However in its race to become developed nation one of the most difficult hurdles was to bring gender equality. For bringing women and men of the country on the equal pedestrian. Our constitution guarantees various fundamental rights.

Rights of Women in India:

Article 14:

This article states that no person shall be denied equality before the law and equal protection of the laws. As long ago as 1978, the Supreme Court of India, while deciding the case of Maneka Gandhi v. Union of India, observed that Article 14 enjoins the government not to take arbitrary action and to ensure justice and equality. The concept of discretion, which is essential in law and the general idea of equality or non-arbitration, is included in article 14, with absolute power. Barring female candidates from appearing in the NDA exam for several years on the grounds that women are not physically equal to men is against Article 14 of the Constitution of India. The interim order of the Supreme Court of India has stood alongside several female aspirants who have been facing discrimination in the name of gender for over several years now thereby putting an end to the same.

Article 15:

This article forbids any kind of discrimination the basis on gender, caste, creed, religion or place of birth. The legitimacy of an act under Article 15 is determined by the mode of operation and impact on fundamental rights, rather than the motivation or goal of the act. The act is unlawful if the effect of its operation is to discriminate against citizens on the grounds specified in the Article.

The Centre had told the Supreme Court in response to Kush Kalra's petition that women could not claim violation of any fundamental right for being denied entry to the National Defence Academy or the Indian Naval Academy because male cadets trained there have no automatic advantage in future career advancement prospects over women whose only route into the Army is through short service commission recruitment. According to the affidavit given by them, the NDA is the only one of the various recruitment methods in the Indian Armed Forces, where 1,470 officers have been commissioned into the army, including 670 officers from Indian Military Academy (IMA) and NDA, as well as officer training academy (OTA), where male and female officers are recruited through UPSC and non-UPSC mode. These claims were rejected by the Supreme Court before it passed an order on when women can take the NDA test.

Article 16:

This article guarantees equal opportunities for all citizens for employment. According to this article, "equality is the only means of equality of men." It is very obvious that people are unequal to the role of government, especially because of the gender they are born with. No argument can support such an unfair conclusion. Kush Kalra's petition clearly mentions that "gender" is the main reason for discrimination against women who want to join the Indian Army through NDA review.

Article 19:

Article 19 of the Constitution of India enumerates seven freedoms which are essential for the dignity of the individual and the functioning of the democratic system. According to the petition in question, the violation of Article 19 (a) and 19 (g) relates to freedom of speech and expression and the use of any profession or institution.

All these articles are not only right but also the spirit of Indian society and if any of the articles are violated then it may be a color of our society. Since the constitution guarantees equality for women, women have been able to exercise this right. They have come out of their comfort zones and have tested themselves in all areas. However, there is one area where acceptance of women is dubious, the military.

With the creation of the Indian Military Nursing Service in 1888, the role of women in the Indian Army began. The nurses of the Indian Army played an important role in the First World

War. The role of women in the Indian Army was further enhanced by the establishment of the Women's Auxiliary Corps, which enabled them to serve in most non-combat jobs such as communications, accounting, management, etc.

Member of Noor Inayat Khan served in the IRGC as a spy and rose to prominence during World War II. Although the British Indian Army was limited to women in most non-combat roles, this was not the case with the Free India Regiment founded by Subash Chandra Bose. An all-female regiment, the Rani Jhansi Regiment, saw heavy combat alongside the Imperial Japanese Army in Burma during the war. In 2015, India reopened its new air force to women as fighter pilots. Despite all these developments, women in the Indian Army, who constitute 3% of the Indian Army, are not allowed to participate in active combat. Only 0.56 percent of the 1.4 million soldiers in the Indian Army are women. They are slightly higher in the Air Force (1.08 percent) and Navy (6.5 percent).

Significance of the study:

This study tries to assess the various rights of women officers in the armed forces have and do not have. To enquire into the various socio-legal aspects which are rendering women officers as unequal? By comparing the rights of women officers of armed forces in other countries with that of Indian Armed forces the study will find lacunae in our current policies for women officers and suggesting corrective measures for overcoming such hurdles. Women and society goes hand in hand so is the the issue of equality for women. Our society have entered into the modern and technological era, however the society fails to provide women their right places. All through the stages of modernization and in ancient time as well they have fighting for their due rights in the society. If we here talks about the success rate they ae able to achieve it is very low as compared to efforts they put in roughly providing place to stand in is not equality it should reflected in the actions as well. Women in military have been fighting for this very space. They have been proving their mettle since world wars but still unable to spot a much deserved designation. With this background the study will create awareness about the rights of women officers in armed forces and its significance in the society like ours.

Research gap:

After reviewing the available literature, articles, acts and constitutional provisions as well as examining the various judicial pronouncements, authors have explained the concept of rights of women officers in a much limited and brief ways. They mainly focused their studies on entry

of the women officers in armed forces but none of the scholars focused on other rights which are also essential to uplift the status of women officers in the armed forces, thus leaving behind lacunae that is need to be filled. Therefore the researcher wants to bridge this gap by bringing about the various facets of rights of women officers which deserves the utmost concentration in order to improve their conditions.

Objectives of the study:

The objectives of the study are as followings:

- To discuss and analyze the concept of rights of women officers in the armed forces.
- To trace out the history of women in armed forces nationally and internationally.
- To compare and contrast women officers' predicament of our nation with that of other developed nations.
- To understand various laws, rules and regulation for the improvement of rights of women officers.
- To study and analyze various judicial pronouncement regarding status of women officers in the armed forces.

Hypothesis:

After observing the problem and reviewing of existing literature, the hypothesis of the study is that the rights granted to women officers in armed force are not equal. Besides the fact that Supreme Court has ordered to open gates of armed forces to potential women, it is the armed forces that is obstructing the way of women to be in mainstream. However the armed forces accepted the entry of women officers in some ways but not all the positions are opened for women officers. They are not providing equal rights to women officers as they are providing to all male officers. Along with this the medical grounds on which women are denied permanent commission stands faulty and have many loopholes.

Research Questions:

- What are the various rights of women in the armed forces?
- What are the various rights which women officers are not entitled to?
- Why the entry of women in the armed forces is so limited?
- What is judicial trend towards women's rights in armed forces?
- What are different lacunae to be filled for the betterment of women officers?

Research Methodology:

The present research uses doctrinal method of research. The researcher has gone through extensive study of the concept by using primary as well as secondary data. The primary data includes the legislation related to military or armed forces, laws relating to women and children, laws relating to sexual harassment of women at workplaces and judicial pronouncements. The secondary data includes books related to sociological aspect of women's status in the society, law journals, newspapers as well as e- newspapers, articles, research papers and websites etc.

Gender discrimination in the military

The evil of discrimination has taken its roots in almost every workplace including military. Military is considered as the largest recruiter in almost every country. India too, is a part of this notion. Military is considered to be men's place and making a place for women officers among them is a big challenge to patriarchal society. To be a part of this institution you have to undergo rigorous tests which would test your physical as well as mental strength. Be it men or women they all are subjected to these parameters. Considering the fact that women are weaker the standards which kept for qualifying are slightly on lower side. However this does not change the very nature of the rigorous tests that men as well as women have to pass to earn the uniform. Despite proving herself in the fields' women officers are taken to be weaker than male officers. They are often recruited to other services such as nurses, education fields, communication etc. they are being denied to be placed as equals to other male officers. They are not being promoted by the military as often as fellow male officers. it is unacceptable of male officer to take orders from female officers. Women officers are being overshadowed by the senior officers in the military.

Lack of Equal opportunity

As a rule of recruitment of officers in the armed forces all candidates have to undergo written examination, physical examination and interview process. After clearing all these stages the candidates are selected as officers in the armed forces. Women candidates undergo same examination as men candidates do. However even after clearing all such hurdles women officers are not given equal opportunities as male officers. They are considered weak as compared to male officers and troublesome for the reason that they cannot lead the unit. Women in armed forces are denied equal opportunity of being promoted and commissioned as permanent officers but these very rights are very positively vested in male officers. Women

officers are denied of her fundamental right of equality in opportunity which is guaranteed under article 16 of the constitution. What we mean by unequal opportunity? If we talk about unequal opportunity in employment it means lack of access to equal work opportunities. The reason for inaccessible equal opportunity could be gender based, class based, caste based or economical based. In armed forces unequal opportunity could be seen based on gender. The male officers are considered superior and worthy of being promoted to higher ranks, they are considered better leaders, they are allowed to serve the nation for longer time period. But these opportunities are distant dreams for women officers despite being recruited through same procedure. Major effect of lacking equal opportunity for women officers is their economic growth. Male and female officers with same qualifications and passion to serve the nation should be treated as equals. Not getting enough opportunity to try their hands in leading the unit is keeping them away from promotions to higher posts, therefore hampering their much deserved economic position. Secondly, women so far are recruited as officers that too on temporary basis but not as personnel below officer rank which lead to drastic shortage in manpower.

Judicial Perspective on status of women officer

The judiciary has played major role in bringing the women officers equal to male officers and breaking the chains of patriarchy in the armed forces. The judiciary has put forward various cases where it has stand in the support of women officers and aspiring young girls who wish to become officers in armed forces. Let us look into judicial instances.

To start with let us look into the most famous quests for gender parity in the armed forces.

1. Lt. Cdr. Annie Nagaraj v Union of India.

This case was raised in the Delhi High Court in the form of six writ petitions under Article 226 of the Constitution. Seventeen women started the case, and the first plaintiff in the case was Lieutenant Annie, hence the case was named Annie Nagaraj v. Union of India. Six writ petitions were filed in the Delhi High Court under Article 226 of the Constitution. The petitioners, seventeen in number, are female officers who joined the Indian Navy as temporary officers in the Air Traffic Control and Logistics Cadre and Training Branch. Six of them are officers in the logistics staff, nine in the training section, two in the ATC staff. Their grievance is that despite fourteen years of service as SSC officers, they were not considered for permanent commission and were dismissed. The second set of proceedings in appeal before this Court arose out of the

decision of the AFT New Delhi Division Bench in Writ Petition (C) No. 7336 of 2010 consisting of six main petitions . The original theme was created by Commander Priya Khurana. The pre-AFT candidates in this batch include seven SSC officers who were inducted into the Indian Navy in 2002 in the logistics and ATC cadre and training cadre. They sought the release of PCs and challenged the policy document on September 26, 2008 as it was illegal in law as it could be controlled and prohibited from releasing PCs to some cable/branch. Therefore, the circular dated December 12, 2017 from the headquarters of the Ministry of Defense was also criticized. The officers challenged their release from service on completion of SSC service. AFT believed that change should be based on the proper exercise of power. The subsequent decision to allocate PCs and restrict them to selected branches was not valid. The AFT relied heavily on the fact that the notification on the basis of which the SSC officers were selected indicated that the officers were being considered for the PC award. The AFT's decision follows the decision of the Delhi High Court in Annie Nagaraja, which is the subject of an appeal before this court. The AFT clarified that its direction to reconsider the case of the SSC women officers for the grant of PCs was subject to the decision of this Court in Annie Nagaraja. While directing the consideration of the claim of SSC women officers to the grant of PCs by the Indian Navy, the AFT stopped short of the direction which was issued by the Delhi High Court for the grant of PCs. The AFT was of the view that the appropriate relief was to direct that the applicants be considered by the authorities and to this extent it disagreed with the absolute relief granted by the Delhi High Court for the grant of PCs. The AFT accordingly directed the reconsideration of the request for the grant of PCs on the basis of Regulation 203 and the policy decision dated 25 February 1999 within six months. The decision of the AFT in this batch of cases has, in the course of the submissions, been adverted to as the decision in Priya Khurana v. Union of India, In the appeals arising out of the judgment of the AFT in Priya Khurana, an interim order was passed by this Court on 28 October 2016 directing the continuation in service of the SSC officers in that capacity until further orders. The present batch of Civil Appeals comes up for adjudication from two decisions, the first in point of time being that of the High Court of Delhi and the second, being that of the Armed Forces Tribunal. Issue presented before the court. Whether women officers in the Navy be eligible for Permanent Commission or not. The statutory bar on the engagement or enrolment of women in the Indian Navy has been lifted to the extent envisaged in the notifications issued by the Union Government on 9 October 1991 and

6 November 1998 under Section 9(2) of the 1957 Act. By and as a result of the policy decision of the Union Government in the Ministry of Defense dated 25 February 1999, the terms and conditions of service of SSC officers, Regulation 203, Chapter IX, The stipulation in the policy letter dated 26 September 2008 making it prospective shall not be enforced. The provisions of the implementation guidelines dated 3 December 2008, to the extent that they are made prospective and restricted to specified cadres are quashed and set aside All SSC officers in the Education, Law and Logistics cadres who are presently in service shall be considered for the grant of PCs. The period of service after which women SSC officers shall be entitled to submit applications for the grant of PCs shall be the same as their male counterparts. Women SSC officers of the ATC cadre in Annie Nagaraja's case are not entitled to consideration for the grant of PCs. In exercise of the power conferred by Article 142 of the Constitution, we direct that as a one-time measure, SSC officers in the ATC cadre in Annie Nagaraja's case shall be entitled to pensionary benefits. All SSC women officers have been debarred from getting PC grade pay by virtue of the certificate before the letter issued on 26th September 2008 is deemed to be pensionable for rendering meritorious service. As a single measure, all women SSC officers who have served in the Supreme Court and AFT who have not been awarded PC have completed their service and are eligible for pension and will receive all subsequent benefits. Respondents two to six in the civil petition arising out of Special Leave Petition (C) No. 96-30791 of 2014, in addition to granting pension benefits, as work, is entitled to compensation up to ₹. 25 million each.

2. **The Secretary, Ministry of Defence V. Babita Puniya & Ors.**

In the year 1992, a notification was issued by Central Government permitting females to be appointed in some cadres of the army such as in Short Service Commission (hereinafter SSC), Regiment of Artillery, Intelligence Corps, Corps of Signals, Army Service Corps, Education Corps, the Judge Advocate General's Department, and so on. Previously, before this notification, roles of female officers were limited only to medical, dental, and military nursing service. Female officers who were involved in these services sought equality with their counterpart-male-officers in obtaining Permanent Commissions (hereinafter PC). In the year 2003, Babita Puniya (an advocate), filed a writ petition in the nature of Public Interest Litigation (PIL) at Hon. High Court of Delhi, to seek PC for female officers who were recruited through SSC in the army, at par with their fellow male officers. Various other female officers (both in

Indian Air Force and Indian Army) separately filed petitions for the same matter, whose petitions were tagged with the petition of Babita Puniya. In 2005, a notification issued by the Ministry of Defence (MoD) to extend the validity for the appointment scheme of the Indian Army for the female officers. Following in 2006, further notification issued, allowing the SSC female officers to serve for maximum 14 years. On October 16th, 2006, Major Leena Gaurav filed a writ petition primarily challenging the conditions for service of maximum 14 years imposed by the notification issued in the same year and seeking for PC for female officers. Also in 2007 Lt. Col. Seema Singh moved to the court for the same matter of concern. In the year 2008, the Centre Government granted PC to SSC female officers in few departments such as in the Army Education Corps, Judge Advocate General, and the corresponding branches in the Indian Air Force and Indian Navy. Various other petitions were filed challenging the notifications issued in the year 2006 and 2008. Finally, in 2010, the Hon. High Court of Delhi pronounced to club together all the petitions and directed the Central Government and Ministry of Defence (MoD) to provide PC to SSC female officers of Indian Army and Indian Air Force who had opted for the same and not granted.

Indian Army challenged this order in the Hon. Supreme Court of India, where upheld the order given by Hon. High Court of Delhi and asked to implement the orders given by the Hon. Supreme Court as well. In 2018, the Central Government told the Supreme Court that it is considering granting permanent commission to women recruited through SSC in the army. On February 15th, 2019, notification was issued by Ministry of Defence (MoD) granting PC to SSC female officers in 8-arms or services in the Army. But it was also mentioned that on the grant of PC, female officers will be employed 'in various staff appointments only'. The Hon. Supreme Court bench led by Justice D.Y Chandrachud held the following:

- That it is a clear violation of Fundamental Rights guaranteed under article 14.
- He said that although article 33 did allow restrictions on Fundamental Rights in armed forces, it is also mentions that it could be restricted only to the extent that it was necessary to ensure the proper discharge of duties and maintenance of discipline.
- That the notification issued on February 15th, 2019, allowing the female officers in PCs through SSC are subject to following conditions. The order given by the High Court of Delhi is to be implemented.
- All female officers currently in SSC are eligible to PC irrespective of any of them crossed 14-year of service or, as the case may be, 20-year of service.

- Every options of specialization shall be available to the female officers at the time of opting for the grant in PC, on the same terms as their male counterparts.
- All the female officers who are eligible and granted PC through SSC should be entitled to all consequential perks including pension, promotion, and financial incentives.
- Some expressions such as ‘in various staff appointments only’, and ‘on staff appointments only’ in the notification should not be enforced with respect to the PC of female officers.
- Benefits of continuing in the service till the attainment of pensionable service shall be applicable to all the SSC female officers too.
- That necessary steps should be taken by the plaintiff for the compliance of the Supreme Court’s decision within 3-month of the pronouncement of this judgment.

We can conclude from this judgment that women in armed forces were denied right from very long time and this too on such petty issues.

3. Lt Col. Nitisha v. Union of India

In February 2020, the Hon'ble Supreme Court of India upheld the case of Ministry of Defense v. Babita Punia ("Babita Punia") is the claim of women officers of the Permanent Commission (SSC) for the grant of permanent commission. "PC") in the Indian Army. After a year, on March 25, 2021, in the case of Lt. Col. Nitisha v. Union of India, the SC upheld the criteria laid down in Babita Punia for granting permanent jobs to women officers in the army as not only arbitrary but discriminatory. managed The Central Govt. according to Babita Puniya, wherein the Court issued several directives concerning the evaluation of female officers set forth the three contentious criteria: firstly, women officers have to clear a certain percentage score, as well as score higher than the lowest-scoring male officer who had previously been awarded a PC; secondly, Annual Confidential Reports ('ACRs') were to be included in the grading; and lastly, certain medical requirements had to be met. These criteria's were contended as on the surface they appeared to be neutral and not discriminate between male and female officials but the women officers had been ineligible for PCs for all of these years. The SC in Lt Col. Nitisha observed that systemic discrimination is incompatible with substantive equality by probing into provisions, criteria, or practises that have a disproportionate and adverse impact on members of groups that are constitutionally protected from discrimination under Article 15(1) of the Constitution. Thus, the Court held that indirect discrimination, even without discriminatory intent, must be prohibited in order to achieve real equality.

The Medical Examiner's Tribunal recommended that it should not be assessed at the time of selection but after 10 or 14 years. The Army's refusal to delay enlistment does not mean women's medical exams are performed later than men's. Regarding the ACR, the SC ruled that it should be assessed based on the knowledge that it may not be carefully registered and women may not have the opportunity to compare with their male counterparts. As for the eligibility criteria for PC, the court said that the award given was arbitrary and inconsistent with the men's criteria, and there was no need to include a "competitive merit" component. PC should be given to all women with 60% cut off. The ruling said that, despite the seemingly arbitrary nature of these restrictions, they are used in a way that is harmful to women and perpetuates the effects of past deprivation.

4. Kush Kalra v. Union of India

Supreme Court as a good way to implement gender equality in Indian male society. Although the Indian Army and women are not equal to the appreciation of India, the judge has given a simple procedure by allowing women to appear in the NDA exam, thereby ending the discrimination against women. in maintenance work. The Centre's intervention to delay the process of recruiting women candidates on the grounds of insufficient infrastructure for one year was rejected by the high court even as the order was passed. This article is about a thorough assessment of the Supreme Court's modification order. UPSC conducts the NDA examination, a walkthrough for candidates who want to join the Army, Navy or Air Force. NDA I and NDA II are primary national examinations that are conducted twice a year to help people get a job in the military. The National Defense Academy and Naval Academy (NDA and NA) exam is a two-part process where candidates must clear the exam followed by a personality test or a Service Selection Board (SSB) interview. This exam has some entry criteria that you need to meet if you want to take the above exam. Officers in the Indian Army are recruited from the National Defense Academy (NDA), the Indian Military Academy (IMA) and the Officer Training Academy (OTA). Direct entry through UPSC should be through NDA and IMA applications. Females and males are recruited through OTA, respectively through UPSC and non-UPSC. Men and women are given temporary service commissions and then considered for permanent commissions. The petition was filed by Kush Kalra, seeking equal admissions for women to men for admission to the prestigious National Defense Academy (NDA) in Pune and the all-India Naval Academy in Kerala. INA), before the Supreme Court in Kush Kalera v. Union of India (2021). He said that in many ways, the women leaders of the SCC in the ten rivers are concerned about the situation set out in the Supreme Court's decision in the case of

the Minister of Defense to Babita Punia (2020). In the case of Kush Cholera v. Union of India (2021), the Apex Court changed into hearing a petition that highlighted that denying women the possibility to be a part of NDA was violative in their fundamental rights under Articles 14, 15, 16, and 19 of the Indian Constitution. In addition to Kalra's plea, the Court was reviewing Kailas Udhavrao More's petition, which requests that women have to be allowed for admission to the century-vintage Rashtriya Indian Military College in Dehradun, that is run with the aid of using the Ministry of Defence simplest for boys, starting this instructional year (2021-22). "It is suggested that the Rashtriya Indian Military College (RIMC) is a 99-year-vintage group so one can rejoice its 100th anniversary subsequent year. The question is whether or not it'll rejoice its 100th birthday in a gender-impartial way or not" regarded the Supreme Court of India on this regard. In light of the NDA test that was held on 5th September 2021 and after hearing skilled counsel for the parties, the Court decided to grant an interim order allowing women candidates to participate in the examination subject to subsequent instructions from the Court.

- According to the interim orders passed by the court, the court directed the UPSC to publish the amendment which should be made public to give effect to the purpose of the decision to country level.
- The second decision taken in the interim order reflects the Supreme Court's concern about the effectiveness of national enforcement measures. This order, even for a short period of time, is based on a program that promotes and empowers the courage and strength of women in the armed forces. It's really amazing. The interim order outlines the judiciary's checks and balances on governance in an Indian democracy.

Drilling is an important step in getting the men and women of the military on the same page. This can be seen through many legal decisions and legal observations. Strengthening gender equality by breaking the age-old shackles of patriarchy is a major step taken by the Indian judiciary with vigor. In this section, we will analyze the legal decisions to gain knowledge from this bold action. Is it worth the hype or just an empty promise? There is a wrong reason given by the government for not giving permanent jobs to women officers. These reasons are

1. Pregnancy
2. Doctors cannot promote themselves
3. Protect their child
4. Less experience in this field

5. It seems that some of the workers are not able to take orders from women. The impotence of rural men makes it impossible for women to rule over them.
6. Isolation and psychosis

These issues are just to name a few, although many issues have arisen over the years that make it difficult for women to work for the country. The SC has provided a comprehensive framework for prosecuting an indirect discrimination action. However, in establishing the indirect discrimination framework, 'intent' has been wrongly defined as the criterion that distinguishes between direct and indirect discrimination. In the process, a situation has arisen where courts in the future may interpret the decision in Nitisha to say that "consideration" is a necessary element of direct discrimination. This is problematic for three reasons.

- First, intent is not part of a direct discrimination argument. They can cause harm, and must be compensated, whether the perpetrator intended to mislead or not.
- Second, insistence on presumption increases the burden of proof on the plaintiff.
- Third, how discriminatory intent is defined in practice, establishing intent as a necessary element of direct discrimination limits the scope of protection afforded by law. In this note, I have shown two ways to avoid these problems. One is to understand the decision in Nitisha that, while intention is sufficient to show direct discrimination, it is not necessary. Another is to interpret the term "prejudice" as broadly as possible. In any case, after Nitisha, it is important to start a debate about "discrimination" in India. However, it is also important to note that the General Security Council has shown the need to move beyond the pigeonholes of direct and indirect discrimination and understand the nature of the problem. It also recognized the need to investigate discrimination along "multiple axes."

Among its main visions for the future, the Court stated that the role of the constitutional courts is to "create a structure of relief and appropriate remedies to promote social distribution by providing positive rights that aim to eliminate the The frontier of the future is to organize damages". Therefore, if the concept of 'systematic discrimination' given by the SC is followed, the benefits of direct and indirect discrimination may not limit us. At present, however, the definition of "systematic criminality" is a matter of convenience for the courts. The lines of this concept are still blurred, so defendants can frame their actions as accusations of direct or indirect discrimination. It is therefore important that these terms are defined in a way that is consistent with the purposes of the Discrimination Act.

The medical examination and indirect discrimination

Pursuant to the directions issued in Babita Puniya, the Central Government had issued a Governmental Sanction on July 16, 2020, and a set of General Instructions on August 1, 2020.⁶ The General Instructions were issued to govern the proceedings of a “Special No. 5 Selection Board 2020”, which was tasked with screening women SSC officers for the grant of a PC.⁷ Furthermore, the General Instructions also stated that every officer opting for a PC would have to “undergo a medical board at the nearest Military hospital”. Only those officers who were “SHAPE-1 or Permanent Low Medical Category” would be permitted to undergo the medical examination. The SHAPE classification, in turn, was explained by an Army Order No. 9 of 2011 as being a classification made after a medical assessment of five factors, namely, psychological, hearing, appendages, physical capacity and eyesight.¹⁰ The functional capacity of each officer was denoted by descending order of fitness, denoted from the numbers one to five. Out of the 615 women officers considered by the Special Board, 422 women SSC officers were recommended for PC. Additionally, the SC also noted that out of the remaining 193 officers, 164 continued to satisfy the SHAPE-1 criterion. The petitioners argued that the medical criterion stipulated as a pre-condition under the General Instructions was arbitrary and unjust since women officers in the age group of forty-five to fifty years were required to comply with the medical standards generally applicable to male officers falling in the twenty-five to thirty years age bracket.¹⁴ Furthermore, many women officers before the SC who were being offered a PC belatedly had already undergone medical scrutiny on the completion of their 5th, 10th and 14th year in service. It was also argued that the medical criterion stipulated did not account for the physiological changes that may have occurred with the passage of time.¹⁶ On the other hand, male officers who were granted a PC on the completion of their 5th or 10th year in service continued to occupy different ranks in the army regardless of the fact that their bodies too would have undergone a physiological change. In response, the Additional Solicitor General (‘ASG’) contended that women officers could not, on the one hand, seek parity with their male counterparts, and on the other, seek special and unjustified treatment in the eligibility criteria.¹⁸ He also submitted that SSC. officers had never been denied an extension of service on medical grounds.¹⁹ Therefore, a comparison with fitness levels at the 5th and 10th years of service would be entirely baseless. Moreover, the SHAPE-1 assessment was done as per the age and height of the candidate concerned, and therefore, changes occurring with age would anyway be factored in. When the SC examined the medical criteria, it did not find the criteria itself to be arbitrary. However, it did observe that it could not shy away from the fact that 615 women officers had been subjected to a rigorous medical standard at an advanced stage of their

careers only because they had not been considered for a PC earlier, i.e., on expiry of their 5th or 10th year in service. Thus, the SC found that by insisting on an application of medical criteria in the present day, the army was guilty of indirect discrimination.

External benching marking and comparison of women officer with men officers

In addition to the medical criteria and the requirement of ACRs, the petitioners also assailed the criteria of benchmarking, whereby a woman officer was compared against the benchmark of the last selected male officer with the lowest merit in a particular year. Male officers had not been required to meet any external benchmark. Moreover, unlike women officers, they were required to compete inter se only when the number of qualifying candidates exceeded the number of vacancies. The SC dealt with the aspect of benchmarking the marks obtained by women. SSC officers against the lowest competitive merit of a male counterpart by observing that this argument was fallacious because a total of 615 women officers across thirty-two batches were considered for the grant of PCs in the present instance. Not only that, a need for competitive merit amongst male cadres in any given year arose only when the candidates satisfying the cutoff threshold exceeded the vacancies available. If the ceiling limit itself had not been crossed, a question of benchmarking women against male counterparts was only a red-herring.

Comparison of status of women officers in India with that of other countries

The armed forces or the military has been a very important part of any nation. Without military one nation could not be measured on the scale of strength. Thus it plays vital role in establishing a strong influence over other countries. It can also not denied that military could not have been possible without women officer, be it their limited roles in the past time they have contributed much to the military of every nation to greater extent. Secondly induction of women into military expresses the democratic aspect of any nation, how men and women of that nation have equal rights and equality of employment opportunities. It is therefore very prominent that we compare status of women officer of India with that of other countries to know how the women predicament has changed over these years. Is the growth of women officers has been stagnant or it is ever growing.

We would take several aspects on which we tend to compare status of women officers.

Permanent Commissioning of Women officers

A Permanent Commission (PC) method continuing a profession in the armed pressure till one retires. If a person receives decided on through PC, he/she has the choice of serving the as much as the entire age of retirement. The purpose why I have highlighted he/she is due to the fact now no longer very lengthy ago, this selection of Permanent Commission became handiest supplied to the male officials in the forces. Previously, the girl officials had been supplied handiest the Short Service Commission (SSC). SSC or Short Service Commission in the forces is the tenure of officials. The Short Service Commission officers tenure is 10+4 years. After the entirety of this tenure, the male officials can both choose a Permanent Commission or can decide out of the Indian Army. Initially, the officials are enrolled for 10 years then they are able to similarly retain for four years after this of entirety of 10+four years the women officials could ought to decide-out and the men should retain and absorb Permanent Commission or they also can decide-out. This sample has now modified and has come to be liberal toward female officials. They now additionally have the choice of Permanent Commission, being on a par with the male officials. Supreme Court have to take delivery of credit score for this gigantic change that leads society one step in the direction of equality. This article specializes in how the function of female officials have developed and the way the judiciary has contributed to equalizing the jobs of male and female officials in the armed forces.

The permanent commissioning of women is not a age old phenomenon the women officers are being inducted to the armed forces but only for short services which extend to ten or fourteen years only. The women officers usually not considered for four years of extension as well.

It is only after Babita Puniya's case the court has ordered to commission women officers permanently. They court has also ordered that standards on which the capacity of women officers is measured are faulty and not a true measure to judge women officers capacities. Thus in India the women officers are facing gender discrimination despite winning the petition filed by women officers in front of the court only 39 women officers were granted the status of permanent commission. However if we have to draw parallel with militaries of U.S.A, Canada and U.K the status of women officers is much more concrete than in India. Women officers are induced on permanent basis not on specified terms. Once they are induced gets retire on the specified age of retirement not based on the number of years pre decided.

Right to Combat to women officers

Combatting means allow women officers to get into the war field and have direct battle in the war torn areas or in the event of armed conflicts. This right is long debatable matter for militaries since time immemorial. The right to combat includes sending women officers to the battlefield however it is a matter of grave concern for the nation as well. Sending women to battlefields would mean heinous offences to take place against them which would violate their human rights too.

If we have to take into consideration this right has been given to women officers in U.S, Canada etc. But this right is not granted to women officers in India.

This right is considered as vital for the reason that in case of militaries the war experiences are very important to have raise in the ranks of officers is it male officers or female officers. It adds value to the military career of the officers. Usually this right is denied to women officers before on the following ground:

- a. Lower stamina
- b. Physically as well as psychologically
- c. Not properly trained to handle war situation
- d. Grave offences against women such as sexual assaults, rapes etc
- e. It would deem to be direct violation of human rights of guaranteed under international conventions.

In U.S.A

Out these countries U.S extend right to combat in 2013, whereby a women's right to combat has been expanded, but it is not a stable right, and the right is not complete. The new rule provides broad discretion for the military to exclude women from combat upon a sufficient factual basis, which is not defined. Given the hidebound culture of the military, tradition often prevails over law because with its vast discretion the military will define law to permit a preordained result. In effect, the military qualifies every rule with "depending on mission needs," which converts law, if military rules can be called that, into the discretionary decisions of military commanders.

In Canada

Canada is one in all just a few nations in the international that permit women to serve at the the

front traces in fight. But it changed into now no longer constantly so. While women have served in Canada's navy because 1885, they have been avoided from appearing fight roles for over 100 years. Four contributors of the Canadian Forces got down to alternate this. They believed it changed into incorrect that women have been avoided from having roles in fight positions or fight-associated jobs, simply due to the fact they have been ladies. Isabelle Gauthier, Marie-Claude Gauthier, Georgina Anne Brown and Joseph Houlden, all contributors of the Canadian Forces, filed a grievance below the Canadian Human Rights Act claiming discrimination primarily based totally on sex. In 1989, following a Canadian Human Rights Tribunal ruling, the Canadian Forces opened all occupations, together with fight roles, to ladies. In 1989, Private Heather R. Erxleben has become Canada's first woman Regular Force infantry soldier. Since then, loads of Canadian women have served in fight roles, and all women have the possibility to pursue any role in the Canadian Forces.

In India

In India it is still a distant dream for women to be sent for direct combat roles in war areas. According to the observation and statement made by the government the women officers are not fully ready for combatting roles. The women officers are not considered as strong as men officers. The rational given behind this discrimination is age old and is not complying with current scenario. It is not only the combatting roles but also the Special forces are devoid of women officers. There is no direct recruitment of women officers in special forces in the armed forces.

Recruitment other than officer ranks

The female candidates are recruited by military through direct examination and interview process commonly known as SSB process. These direct examination are meant for recruiting women officers not for lower ranks. Women are usually recruited for non-technical enteries and for the technical and other enteries. The main concern here is that women have denied their right of free competition when it comes to armed forces. The armed forces tend to recruit large number of male officers to the armed forces as soldiers, and other lower ranks but women are not recruited as soldiers. In world the scenario is bit different women are recruited for roles lower than officers. These women enjoy equal rights when it comes to recruitment as lower ranks. In India the females are not allowed to undergo NDA examinations but after the verdict comes in Kush Kalra's case the court has allowed women to sit in the exam not only this but the Sainik Schools which are meant for male candidates only are opened for females as well.

Along with this IMA academy, Dehradun which is for training of army personnel is also opened for female candidates.

Late promotions and differential retirement benefits

The women officers all over the world face this in her lifetime that they have been denied their promotions and have observed that there are differential retirement benefits. This is not concerned to particular nation but women all over the world is concerned about this fact. Promotions in armed forces or the military is generally based on the performance of the candidate, medical fitness and experiences. Unfortunately all these factors are against women officers. Firstly, the performance women officers excels in whatever task is given to the women officers however these tasks are limited based on gender parity. Secondly the medical fitness standards, these standards are set according to male fitness tests which are near to impossible for women officers to achieve, for they are shorter than male candidates, their bone strength is less than male officers, upper body strength is also lower in women officers, stamina wise also the women officers lags behind. But all these standards are faulty and could not be considered the best standards to measure women officer's medical fitness Thirdly war experiences are crucial for promotions but women officers are not sent for combatting roles which directly lowers their score to attain promotions. They have been placed on lower sides for not having war experiences.

Women officers grooming

Women officers grooming is considered as debatable material. All over the world grooming plays an important role in military. As military have tough standards for discipline, grooming is an essential part of that discipline. There are set standard for grooming in the military which a candidates have to follow but these differ when it comes to women officers. In other countries women are not told to chop their long hair and have crew cuts as men do. Its their discretion whether women have to chop their hair or not. In India the situation is different for different armed forces. If we talk about the air force and navy women officers are under no obligation to cut their hair however they are advised to tie their hair in tight and neat hair bun. This case is different in Indian Army, here the women officer are asked to chop their hair as male officers. Cutting hair in my opinion is a personal choice and cannot be forced on a person. This shows the patriarchal mentality. Just by looking like a man would not automatically make women officers equal to that of male officers this need to rethink that cutting hair is a personal right

and forcing female candidates to cut their hair is not a solution to bring gender equality.

Conclusions

The present study is significant in clearing out smoke of over- masculine control in the armed forces. It would help us to understand the structural and sociological discrimination faced by women officers in their day to day life and how the deep penetrative control of males works in the armed forces. Women officers who are considered to be less in the eyes of their counterparts have been fighting against this odd since time immemorial. To understand such struggles this study would prove to be helpful. It also caters us to have extensive knowledge on how different military or armed forces resolve this ongoing matter all over the world and also how their resolution are affecting the lives of women officers in the armed forces and in society as well. After passing of the various judicial orders the status of women officers has been changed but to what extent, is covered in this study. It brings out the gender biasness in the hegemonic male governed armed forces and tries to provide ways to grant women officer's equal opportunities and benefits as given to their male counterparts such as, ranks, promotions, permanent commissions and pensions etc. The study aimed to find answers on gender parity in armed forces, faulty standard of measuring women officers capacity to hold permanent commissions in the armed forces, tracking down the history of women officers in armed forces, various legislation that are helping women officers getting equal rights, the status of women officers in armed forces in India and other countries, analyzing judicial trends towards achieving gender parity in the armed forces.

Following are the key findings of the study:

1. Rights of women officers in armed forces, to which the study shows that rights of the women officer in the armed forces are not equal as male officers. They have been granted certain rights but these rights are lip service to the notions of gender parity. To such inequality against women officers, the reasons that were keeping in front were vague and erroneous. Common reasons why women were not granted equal rights are pregnancy, they medical incapable of getting promotions, taking care of their child, less experience in the field, orthodox mindset of some personnel and not being able to take orders from women, incapacity rural background men for not being able to imagine women as their commander, living in solitude and emotional mindset, etc. the women officers in the armed forces although inducted but that induction is based on short service which extend from ten to fourteen years, women officers usually denied of their

right to be commissioned as permanent officer because of lack physical as well as mental strength. For commissioning permanently in armed forces women officers lacks experiences of war and combatting as well. This poses a major hindrance in the way of women officers.

2. The study also finds that history stand as testimony to the fact that women officers are not new to the armed forces. In India particularly women are being inducted as soldiers and fighters since ancient times, as time passes by roles of women in the armed forces started getting restricted to first aids, non- technical roles. This phenomena was not just limited to India only but if we talk about the history of women officers in U.S, Canada and U.K, a common outcome could be seen, which women's role in the military. During world wars as well women were only employed to serve as medical staff, non-technical staff, in a way they were sent to battle fields but to act behind the curtains not in front fighting against other soldiers.
3. The study also points out that women although in the armed forces have face gender based discrimination and sexual harassment and other related offences. The evil of discrimination has taken its roots in almost every workplace including military. Military is considered as the largest recruiter in almost every country. India too, is a part of this notion. Military is considered to be men's place and making a place for women officers among them is a big challenge to patriarchal society. To be a part of this institution you have to undergo rigorous tests which would test your physical as well as mental strength. Be it men or women they all are subjected to these parameters. Considering the fact that women are weaker the standards which kept for qualifying are slightly on lower side. However this does not change the very nature of the rigorous tests that men as well as women have to pass to earn the uniform. Despite proving herself in the fields' women officers are taken to be weaker than male officers. They are often recruited to other services such as nurses, education fields, communication etc. they are being denied to be placed as equals to other male officers. They are not being promoted by the military as often as fellow male officers. it is unacceptable of male officer to take orders from female officers. Women officers are being overshadowed by the senior officers in the military. For every sexual offence happening in the armed forces or military women officers refrain themselves from reporting the matter to the higher officials. This is because the burden of being judged by fellow mates is much painful than the abuse they face. Another prominent reason is that the higher officials do not pay much attention to such matters as this will scar the reputation of the unit. To keep

their mouth shut is the only way of dealing sexual misconducts. Sexual misconducts have been seen in the militaries from quite long. One such remarkable case in the history of military has been seen when Capt. Neha Rawat raised her voice against Maj. A.K Lal in consequence of indecent behavior by Maj. Lal. This was the very first success story of Me Too Movement in 2007. For the allegation made against Maj. Lal, he has been court martialed. This could not be seen as complete victory of women officers in the armed forces as this was just a beginning of the cult. The evil of sexual offences spurs to double or triple in numbers in coming years. According to one Rajya Sabha discussion, at the least a dozen women had complained of sexual harassment and discrimination. Of these, six have been from the army, 3 from the army and from the air force. There are various laws present to help women speaking out about the terrible things they are facing such as Universal Declaration of Human Rights (UDHR) is a milestone report in the history of human rights, Declaration on Elimination of Discrimination Against Women, 1967, Convention on the Elimination of All forms of Discrimination Against Women, 1979,(CEDAW), Declaration on the Elimination of Violence against women, 1993, various sections of Indian Penal Code, Vishaka Guidelines, POSH Act, POCSO Act and constitutional provisions.

4. The study finds out that the judiciary played major role in bringing men and women in the armed forces on one single platform. This can be seen through series of judicial decisions and court's observation. Boosting gender equality by breaking age old patriarchal chains is a huge step that Indian judiciary has taken so stringently. The honorable court starting from Babita Puniya's case, Lt. Col. Nitisha's case to Kush Kalra's case, has tried to root out gender disparity. However court fails to bring complete equality. The court has said that the parameters upon which the women officers are judged are faulty and discriminatory against women, but it fails to correct these parameters or provide any other alternate parameters or ways that could be adopted to stop further discrimination. Secondly in NDA case, women candidates are now allowed to undertake the examination and their right to get admission in Sainik Schools and in IMA as well, however the court could not guide government to provide basic infrastructure in these institutions and making it fit for women friendly. Thirdly, the court could not enunciate measures to be adopted count the experience of women officers for promotions other than combatting roles. Thus it can be said that court passes the test of achieving granting permanent commission and take first step towards gender

parity however it could not curtail indirect discrimination and systematic discrimination.

5. If we have to draw parallel between women in armed forces in India with that of other countries, the study finds that there is still deep rooted patriarchy in Indian armed forces, whereas in other developed nations. A Permanent Commission (PC) method continuing a profession in the armed pressure till one retires. If a person receives decided on through PC, he/she has the choice of serving the as much as the entire age of retirement. The purpose why I have highlighted he/she is due to the fact now no longer very lengthy ago, this selection of Permanent Commission became handiest supplied to the male officials in the forces. Previously, the girl officials had been supplied handiest the Short Service Commission (SSC). SSC or Short Service Commission in the forces is the tenure of officials. The Short Service Commission officers tenure is 10+4 years. After the entirety of this tenure, the male officials can both choose a Permanent Commission or can decide out of the Indian Army. Initially, the officials are enrolled for 10 years then they are able to similarly retain for four years after this of entirety of 10+four years the women officials could ought to decide-out and the men should retain and absorb Permanent Commission or they also can decide-out. This sample has now modified and has come to be liberal toward female officials. They now additionally have the choice of Permanent Commission, being on a par with the male officials. Supreme Court have to take delivery of credit score for this gigantic change that leads society one step in the direction of equality. This article specializes in how the function of female officials have developed and the way the judiciary has contributed to equalizing the jobs of male and female officials in the armed forces. The permanent commissioning of women is not a age old phenomenon the women officers are being inducted to the armed forces but only for short services which extend to ten or fourteen years only. The women officers usually not considered for four years of extension as well. It is only after Babita Puniya's case the court has ordered to commission women officers permanently. They court has also ordered that standards on which the capacity of women officers is measured are faulty and not a true measure to judge women officers capacities. Thus in India the women officers are facing gender discrimination despite winning the petition filed by women officers in front of the court only 39 women officers were granted the status of permanent commission. Combatting means allow women officers to get into the war field and have direct battle in the war torn areas or in the event of armed conflicts. This right is long debatable matter for militaries since time immemorial. The

right to combat includes sending women officers to the battlefield however it is a matter of grave concern for the nation as well. Sending women to battlefields would mean heinous offences to take place against them which would violate their human rights too. If we have to take into consideration this right has been given to women officers in U.S, Canada and U.K as well. But this right is not granted to women officers in India. The female candidates are recruited by military through direct examination and interview process commonly known as SSB process. These direct examination are meant for recruiting women officers not for lower ranks. Women are usually recruited for non-technical enteries and for the technical and other enteries. The main concern here is that women have denied their right of free competition when it comes to armed forces. The armed forces tend to recruit large number of male officers to the armed forces as soldiers, and other lower ranks but women are not recruited as soldiers. In world the scenario is bit different women are recruited for roles lower than officers. These women enjoy equal rights when it comes to recruitment as lower ranks. In India the females are not allowed to undergo NDA examinations but after the verdict comes in Kush Kalra's case the court has allowed women to sit in the exam not only this but the Sainik Schools which are meant for male candidates only are opened for females as well. Along with this IMA academy, Dehradun which is for training of army personnel is also opened for female candidates.

Suggestions

The problem of gender disparity, equal rights and sexual harassment is not limited to any country but its pan world issue, which is in dire need of attention. Also such issues cannot be solved just by legal rules, regulations etc. but these issues must be addressed with social and psychological tools as well.

Following the suggestions for improving the status of women officers in armed forces:

1. Paving for gender sensitivity:

Gender sensitivity process is very important when it comes to armed forces. Male officers perceives female officers as less capable, weaker in comparison to them, not only male officers, males on other than officer rank could not take orders from female officers as they have this notion that a woman cannot command them. In such scenarios, workshops on gender sensitivity plays key role in bringing about the gender parity

2. Nurturing young school boys :

After the judgement came out on Kush Kalra, one thing is very clear that young girls and boys from schools needs to get educated on gender parity in schools itself. They need to be taught that the other gender is well capable and equals them in mental as well as physical strength. This could be done by introducing subjects on gender parity, school seminars on equality, sexual harassments and other related offences, teaching provisions of constitutional provisions, criminal law provisions, and other related legal rules.

3. Providing Basic Amenities:

Absence of basic infrastructure and amenities which are necessary for female hygiene, makes it even more difficult for women to survive in armed forces. Providing such infrastructure would make women feel more secure in such areas, improvisation especially in the field of sanitation is priority when it comes to equality.

4. Shared Burden of Family:

Many women have to end their dreams because of their families. Women tend to attach more to the family than men do. And the age old notion that women are supposed to be at home while their husbands go and earn bread for them, has socially engineered male psychology as over responsible, taking care of home and children are girly things etc, further paves of gender disparity. The only solution is the shared responsibility of male and females both towards their families. Males should also be given long paid paternity leaves to connect with their children and family. Females should be encouraged to get out and look for their own career growth and development.

5. Improving work cultures in armed forces:

The work culture should be such that it builds foundation on mutual understanding and respect. This would in turn raise the standards of productivity and organizational competitiveness among males and females.

6. Educating young girls their rights:

Bringing gender parity is not a one way process it needs to a two way process. It should be social agenda that young girls need to be educated about their rights and duties through school studies, seminars, workshops etc.

7. Stop confusing women with young girls:

If we ever want to bring change in the society and wants to make discrimination free then one need to understand the difference between women and young girls. These terms may prima facie look same or used interchangeably but one should know that there is difference between two and policies and treatments for gender parity is different for young girls and women.

8. Providing combat roles:

Many countries choose to lift the ban of direct combatting for their women officers this includes developed as well as developing countries. But India has not lifted this ban upon women officers. Also there is need to curate proper and systematic way promotions for women officers if they could not be sent for direct combat roles.

9. Other compensatory measures for sexual harassment:

In the event of sexual harassment the proceedings against it are heard in the armed forces courts only, which further leads to silencing of such cases, compromises between accused and victim, mere warning to the harasser or the ultimate solution is the court martial done by the armed forces. There is no in between relief given to the harassed person. It would prove helpful if any kind of relief or compensation provided to harassed person to cope up with situation mentally and physically as well.

10. Recruitment other than officers rank:

The recruitment of women in armed forces is only limited to officer ranks not lower than that. Women till now cannot be recruited as soldiers in the armed forces. Those areas are till now are male dominated.

11. Different status in same countries:

In the armed forces women officers are recruited for short service and barely get commissioned for permanent services. However this is not the scenario in the para-military forces. Women officers in the paramilitary forces get recruited on permanent basis and gets retired at retirement age like other male officers. Women in paramilitary forces are also recruited on lower ranks and are also posted to the border areas. Infact, CRPF, becomes the first ever paramilitary force which has its own Mahila Battalion, the force has also woman commander in its anti- naxal special group known as CoBRA unit. On the other hand in the armed forces women are not recruited in the special forces considering women as weak and ineligible on physical standards.

Thus, in the attempt of achieving gender parity in the armed forces can be achieved by taking into consideration these suggestions.

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