

Permanent Commission for Women in the Armed Forces – Explained Pointwise

There has been a long history of struggle for ensuring the Permanent Commission for Women in the Armed Forces. There has been much progress in recent times, with women progressively getting more responsibilities in the armed forces. Yet, women officers continue to face multiple challenges and equality in true sense has still not been achieved. Further reforms in the implementation are necessary for overcoming these challenges.



What is the meaning of Permanent Commission?

- A Permanent Commission (PC) means **continuing a career in the armed forces until retirement**.
- Personnel selected in the Armed Forces through Permanent Commission have the option of serving in the Force till the age of retirement.
- For a long time, the option of Permanent Commission was offered only to the male officers. The Permanent Commission for Women was not allowed. **Female Officers were offered only the Short Service Commission (SSC) having a tenure of 10 + 4 years.**
- Under the SSC system, the officers are enrolled for 10 years then they can continue their service for 4 years. After this completion of 10+4 years, the women officers were compulsorily made to opt out, while male officers could continue and take up permanent commission or they can also opt-out. Permanent Commission is granted to SSC officers subject to **service requirement** and **availability of vacancies**.
- This pattern has now changed and has become liberal towards female officers. Now, Women officers also have the option of permanent commission, on par with the male officers. The Supreme Court has played a major role in this colossal change that leads society one step closer to equality.

How has the Permanent Commission for Women in the Armed Forces evolved over time?

- The **Indian Military Nursing Services** originated in 1888 and women were given an opportunity to serve in the Armed Forces. The nurses of the Indian Army first served with distinction in World War I. Formation of **Women's Auxiliary Corps** allowed them to serve in primarily **non-combatant roles** like communications, accounting, administration etc. The opportunities for women officers were little.
- After Independence, the participation of women in the Armed Forces remained limited. The Acts governing the Armed Forces restricted the role of women e.g., **Section 12 of the Army Act, 1950; Section 12 of the Air Force Act, 1950; and Section 9(2) of the Navy Act, 1957** explicitly **make women ineligible to participate in the respective services** except in such bodies/departments/corps as notified by the Union Government.
- In 1991-92, the Government issued notifications regarding the role of women in the Armed Forces. The roles were limited e.g., women were allowed to serve only in **Logistics, Law and Education** roles within the **Indian Navy**. Similarly the roles notified in the Indian Army were support roles (rather than core) like the **Army Postal Service, Army Education Corps**, Army Ordinance Corps and **Army Service Corps** (Food Scientists and Catering Officers) etc.
- Even in these limited roles, Women were limited only to the Short Service Commission (initially for 5 years only, later extended to 10+4 system). After completion of 14 years, women were asked to leave while eligible male officers were granted Permanent Commission.
- The discriminatory provision led to numerous litigations.
- In 2008, while litigations were sub judice, the Union Government granted a chance of obtaining a PC in the Armed Forces on a restricted basis. There were two major restrictions:
 - a. The policy was prospective (not retrospective) i.e., women will be offered Permanent Commission only after September 2008.
 - b. Permanent Commission will be offered only to **specific cadres and branches** (and not universal PC).
- The Judiciary played a proactive role in ensuring permanent commission. The **Indian Air Force was first among the three services to grant PC to SSC women officers** post the Delhi High Court Judgment in **Jasmine Kaur vs. Union of India WP (C) 8492/2009** in favour of granting PC to women officers.
- Similarly in the **Secretary, Ministry of Defence vs Babita Puniya (2020)** case, the Supreme Court granted equal rights to women with respect to the Permanent Commission. The SC held that all the women officers presently on SSC service are eligible to PCs. All the **choices of specialization shall be available to the women officers** at the time of opting for the grant in PCs, on the same terms as their male counterparts. All the women officers who are eligible and granted PCs through SSC **should be entitled to all consequential perks** including pension, promotion, and financial incentives.
- The SC also noted that although **Article 33** of the Indian Constitution did **allow for restrictions on Fundamental Rights in the Armed Forces**, it is also clearly mentioned that it could be restricted only to the extent that it was necessary to ensure the proper discharge of duty and maintenance of discipline. Hence, denial of PC to women is violative of their fundamental rights guaranteed under Article 14.

What are the benefits of the Permanent Commission for Women?

1. The Permanent Commission is central to **removing structural gender discrimination** in the armed forces.

2. It will provide **increased job security** and extended tenure for women officers. It will help **improve the economic opportunities** and improve social conditions and dignity of women. It will also ensure that women officers are not left unemployed after serving many years in the armed forces.
3. The Supreme Court Judgment ensures that women officers also get **equal entitlements as men** and **boost their morale** to serve in the services. Traditionally, women officers received no pension as they were contractually mandated to retire within 14 years of service, while defence personnel are entitled to benefits after 20 years in service.
4. Equality in opportunity and entitlements will ensure that **more women are attracted to serve** in the Armed Forces. It will **enlarge the talent pool** of officers available for the Armed Forces. As of 2020, women officers in the Indian army (excluding the medical corps) numbered just about 3% compared to 16% in the US, 15% in France and 10% in both Russia and the UK.
5. In response to a question in Rajya Sabha in December 2021, the Minister of State for Defence said the Army has a shortage of 7,476 officers. Permanent Commission to women can help bridge the gap.

What are the challenges faced by Women in the Armed Forces?

1. **Skewed Gender Ratio:** Low number of women in the Armed Forces (3%) acts as a deterrent for many aspiring women to join the forces.
2. **Work-Life Balance:** A career in the armed forces is very challenging and demanding with odd work-locations and work hours. Women have dual responsibility of professional duties as well as **domestic care work**. The responsibility of childcare disproportionately falls on women. It is difficult to balance professional obligations with domestic responsibilities.
3. **Limited Roles:** The roles offered to women officers are still limited. Women are still not allowed for combat roles in the Infantry/Mechanised Infantry/Armoured Corps/Artillery or in the Ships/Submarines. (*The Indian Navy has, in-principle, accepted the proposal, subject to gender-specific facilities being created*).
4. **Gender Stereotypes:** The Supreme Court in its Judgment in the *Babita Puniya* case had criticized the observation made by the Government in the affidavit submitted before the Court. The SC order castigated the Government for portraying women as **physiologically unfit for answering the "call beyond duty" of the Army**. The note had observed that "*isolation and hardships would eat into their resolve and that they would have to heed to the call of pregnancy, childbirth and family*". The SC had criticized this patriarchal notion that domestic obligations rested only with women.
5. **Discrimination:** After the 2020 SC Judgment, the Army established additional conditions for female officers to be eligible for permanent commission. Most of them related to physical fitness, which many officers contended that the new criteria would inevitably keep women from gaining permanent tenures.
6. **Biological limitations:** According to studies carried out by the **Centre for Military Readiness in the United States**, female soldiers, on an average, are shorter and smaller than men, with **45-50% less upper body strength** and **25-30% less aerobic capacity**, which is **essential for endurance**. There is an argument that the **physical standards for women must be equivalent to the minimum/satisfactory standards for men** in supporting arms/services. For **fighting arms and Special Forces**, these should be at par with males to withstand the rigours of combat. Thus, on physical standards alone, the employment of women in armed forces gets restricted to specific roles.

What should be the way forward?

1. **Equality:** Equal rights and opportunities imply equal physical fitness standards, which must be based on the role and not gender. There are no separate battlefields for women.
2. **Accept Gender-specific Rights:** The Forces will have to accept physiological and gender-specific rights like maternity and child care leave.
3. **No Preference/Discrimination:** The armed forces are **merit-driven organisations** and the women should compete on equal grounds to rise in ranks in a pyramidal set-up. There is no scope for reservations for promotion.
4. **Frame a Pragmatic Policy:** The forces need to **shed their patriarchal attitude** and frame a pragmatic policy for **gradual induction of women in all ranks and disciplines. Necessary infrastructure must be created for women soldiers.**
5. **Codify Rules and Regulations:** The terms and conditions of service for women must be codified, keeping in view the organisational interests. Military law, rules and regulations to **address gender crimes** and related problems must be laid down. Only volunteer women officers/soldiers should be allowed to join fighting arms, subject to meeting the psychological and physical fitness standards. This is necessary as in the US military, **gender-related offences** are by far the **most common type of discipline problem.**

Conclusion: Permanent Commission is not just a matter of welfare or right to equal entitlements like pension. It is the idea to “give women an equal chance at nation-building”. The Supreme Court’s Judgment in 2020 was only the first step in a long journey towards ensuring equal opportunity to women in the armed forces. The debate and legal battles, so far, have been based on gender parity and not on ethical evaluation of the performance of women. The Supreme Court judgments were more driven by Articles 14, 15 and 16 of the Constitution than by merit per se. Women aspirants and serving officers should also step up their resolve to meet the exacting physical, psychological and performance standards, and the conditions of service. The Armed Forces should also reform their policies to select the best talent for the role irrespective of gender.

UPSC GS-3: Internal Security

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