

PATRIARCHY AND PERMANENT COMMISSION IN INDIAN ARMY

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Abstract

Overwhelmingly, patriarchy has affected the structural fabric of India that has left women out of the political-social-professional ecology. One of the glaring signs of gender discrimination was seen at The Permanent Commission in the Indian Army. While women were allowed as Short Service commissions into the Armed Forces, they could not continue in service till pensionable retirement and there remained exclusion from various combat and leadership roles. During the time, this policy helped to further enshrine patriarchal ideas that women were ill-suited for long-term military service based on myths around motherhood, physical prowess and emotional toughness. Through persistent legal battles, women officers challenged these discriminatory norms, culminating in the landmark 2020 Supreme Court judgment in *Secretary, Ministry of Defence v. Babita Puniya & Ors*. The Court held that denial of Permanent Commission violated Articles 14 and 15 of the Constitution, rejecting arguments grounded in stereotypes. The decision significantly advanced gender equality in the armed forces, opening nearly all streams to women officers. This paper examines the evolution of women's roles in the Indian Army, the judicial reasoning in granting Permanent Commission, and the broader implications for dismantling patriarchal structures in state institutions. The ruling represents a pivotal step towards substantive equality, although challenges in implementation persist.

Keywords: *Patriarchy, Permanent Commission, Indian Army, Gender Equality, Supreme Court Judgment*

Introduction

Women's historical exclusion from positions of power and authority in India reflects deep-rooted patriarchal attitudes. In the ancient and medieval periods, societal norms

dictated that a woman's primary role was that of a caregiver, confined to domestic responsibilities and subordinate to male authority. Religious texts, customary practices, and colonial policies reinforced these norms, leaving little scope for women to participate meaningfully in governance, armed defence, or public decision-making. The modern Indian state, despite its constitutional commitment to equality, inherited these biases in subtle and overt forms.

Even after Independence, women's participation in the workforce faced systemic hurdles, including wage disparities, underrepresentation in leadership roles, and occupational segregation. Stereotypes perpetuated the belief that certain professions, especially those demanding physical endurance, strategic command, and combat readiness—such as the armed forces—were inherently male domains. The Indian Army, while opening limited opportunities for women in 1992, maintained structural restrictions through the Short Service Commission system, denying them long-term career progression and pensionary benefits available to their male counterparts.

This exclusion was not just a matter of career discrimination; it reinforced the societal belief that women were supplementary contributors to national defence, rather than equal stakeholders. The fight for Permanent Commission became both a legal battle and a symbolic struggle against institutional patriarchy, challenging the state to uphold its constitutional obligations and dismantle stereotypes rooted in centuries of gendered thinking.

Women are often underestimated in our society. In ancient times, their role was often confined to household chores, giving birth to children and caretakers of their family. Their presence in political and social sphere was not appreciated. Working women were often looked down upon by the society. The patriarchal society believed that the presence of women in political and social arena would lead to the dissolution of the institution of marriage and would often lead to the breaking of familial ties. Women were encouraged to stay at home and take care of their families. This made a woman dependent on a man for his needs which often lead to violence against women and marital rapes.

Gender Inequality in Work Arenas:

The modern era is witnessing many changes. Women are stepping out of their houses and breaking the age- old stereotypes. The wave of feminism across the globe is encouraging women to become independent and to raise their voices against discrimination faced by them. Despite an increase in the number of working women in India, there is inequality prevailing between men and women. Women are often paid fewer wages than men for the same amount of work. Women are often discouraged to take up higher positions as these positions are often considered to be fit for a man. A woman who manages to secure a higher position in the work sector is not given the respect that she deserves.

Patriarchy and Indian Army- Permanent Commission In Indian Army:

Gender inequality is present in all the fields in even today's time. One such example where women were considered inferior to men is the Indian Army. Permanent Commission in the Indian Army refers to the service in the Indian Army till the age of retirement, that is, sixty years of age either as a soldier or as an officer. However, earlier, Permanent Commission in the Indian Army was not available to women and was only restricted to men. Women were allowed to serve in the Indian Army only for a term of five year which was later changed to ten years and could be extended for a term of fourteen years. The extension was made only in certain streams and infantry and armored corps was excluded. Several cases were filed before the courts against this unjust practice in the court. Several women officers demanded permanent commission in the Indian Army through various PILs. However, the Government challenged the claims on various grounds before the Supreme Court of India. The Government argued that women should not be given permanent commission in the Indian Army because of several reasons- absence from the duty due to pregnancy, familial separation, motherhood, difficult working conditions for women and so on. These arguments were rejected by the Supreme Court because they were considered discriminatory in nature and violated the right to equality guaranteed in the Constitution of India. The Court rejected all the claims made by the Government against the Permanent Commission of women in the Indian Army and allowed the Permanent Commission of Women in the Indian Army in almost ten streams of the Indian Army in order to establish equality between men and women in the Indian Army.

The Supreme Court's decision to grant Permanent Commission to women officers in the Indian Army is a landmark in the struggle for gender justice in India. By affirming that the denial of such commission amounted to unconstitutional discrimination, the Court sent a clear message that the armed forces, as an organ of the state, cannot perpetuate stereotypes or structural inequalities. The judgment not only addressed the immediate career rights of women officers but also redefined the contours of equality in service law, holding that capability must be judged on individual merit rather than assumed gender limitations.

This verdict has far-reaching implications beyond the military. It challenges all state institutions to reassess policies and practices that implicitly disadvantage women, particularly in leadership roles. The recognition of women as equal contributors to national security dismantles a symbolic barrier that had long justified broader societal restrictions on women's participation in decision-making arenas.

However, the path ahead involves rigorous implementation, ensuring that administrative and cultural obstacles within the military do not dilute the spirit of the judgment. Infrastructure adjustments, gender-sensitive training, and equal access to command roles are essential to make the reform meaningful. The struggle for equality in the armed forces, thus, becomes part of a larger societal project—eradicating patriarchal mindsets and embedding equality as a lived reality, not just a constitutional promise. The Permanent Commission victory is a milestone, but the journey towards complete gender parity in all walks of life continues. While the judgment is a legal victory, its true impact will depend on its robust implementation, cultural change within the forces, and continued advocacy for gender parity in all spheres of national service.

Conclusion

A historic ruling by the Supreme Court of India that finally gives Indian women these same rights to a Permanent Commission in the Indian Army signals major progress in breaking down one of most entrenched bases of patriarchal-riddled militarism. The Court explicitly rejected the government's stereotypical arguments about women being less physically able, and more responsible for raising a family or adhering to societally

imposed gender roles — reaffirming instead that (for all its infidelity elsewhere) the Constitution did not turn a blind eye to equality under Articles 14 and 15. It is a decision that not only grants professional equality to women officers but also a strong message against gender discrimination in all spheres of life. It represents the growing operational diversity and institutional credibility within the Indian Army — with more women serving in long term leadership positions — which dovetails into emerging norms of gender representation within militaries at large.

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