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# GENDER EQUALITY IN INDIAN ARMED FORCES: A CRITICAL STUDY

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## ABSTRACT

This research paper provides an in-depth analysis of gender equality within the Indian Armed Forces in terms of historical evolution, current persisting problems, and opportunities for women entry into the military. Employing doctrinal, historical and comparative analysis, the research explores the legal environment, policy changes, judicial interventions, and systemic barriers that shaped women's representation in the Indian military. The paper identifies significant advances after seminal Supreme Court decisions, in particular *Secretary, Ministry of Defence v. Babita Puniya*<sup>1</sup> and *Lt Col Nitisha v. Union of India*<sup>2</sup>, upholding women officers' right to permanent commissions. However, recurring challenges like gender stereotypes, schematically discriminatory structures, and limited access to combat roles remain to obstruct full gender equality. The paper concludes by making recommendations for wide-ranging policy changes, institutional changes, and cultural transformations needed to achieve genuine gender parity in the Indian Armed Forces.

**Keywords:** Gender equality, Indian Armed Forces, women officers, military integration, permanent commission, discrimination, judicial intervention, policy reform.

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<sup>1</sup> *The Secretary, Ministry of Defence v. Babita Puniya & Ors.*, (2020) 7 S.C.C. 469 (India).

<sup>2</sup> *Lt. Col. Nitisha v. Union of India*, 2021 SCC OnLine SC 261 (India).

## 1. Introduction

Seeking gender equality in military establishments is among the critical issues confronting armed forces of the world today. Including women in the forces has ceased to be a sidelines issue and now is at the center of policy issues that weigh heavily on the success of operations, organizational culture, and national security potential. Over the last three decades, the Indian Armed Forces, including the Indian Army, Navy, and Indian Air Force, witnessed dramatic changes in policies toward gender interaction. Nonetheless, even after decades of faithful service, their careers were mostly confined to auxiliary roles, to limited exposure to leadership activities and war postings.

Traditionally, women's participation in the Indian military has been limited to auxiliary roles, primarily in medical and administrative capacities. However, the changing environment of war, changing social values, and constitutional directives toward gender equality have necessitated a fundamental reappraisal of the role played by women in the military context. At the same time, it can be seen that women in the military are changing the usual way of life and establishing gender norms in Indian society. Although women have begun to actively serve in the Indian army in recent years, the experience of ongoing gender inequality continues to flourish.<sup>3</sup> The progress toward ensuring gender equality in the Indian Armed Forces has been marked by incremental improvements, judicial intervention, and resistance to changes in structure.

At stake is something more fundamental than simple representation by numbers. Gender equality in the military is a reflection of broader societal attitudes toward women's capabilities and rights, yet at the same time addresses practical concerns of human resource optimisation and the efficacy of operations. At the constitutional level, Articles 14<sup>4</sup>, 15<sup>5</sup>, and 16<sup>6</sup> ensure equality and prohibit discriminations based on sex. However, statutory sections like Section 12<sup>7</sup> of the Army Act and exclusionary recruitment policies maintained women's representation restricted in the past. As military forces everywhere recognize the strategic value of diversity and inclusion, the Indian Armed Forces face increasing pressure to change their policies to

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<sup>3</sup> M. Bremmer, *The Place of Women in the Armed Forces: Legislation and State Compliance with Gender Equality Policies* (Lectito Publ'g 2024).

<sup>4</sup> INDIA CONST. art. 14.

<sup>5</sup> INDIA CONST. art. 15.

<sup>6</sup> INDIA CONST. art. 16.

<sup>7</sup> The Army Act, No. 46, Acts of Parliament, 1950, § 12 (India).

meet up with contemporaneous standards of gender equity. There are still some positions like cabinet secretary, chief of air, naval and army staff, governor of Reserve bank of India, Chairman of Securities and Exchange Board of India, etc. Women have still not been able to break the glass ceilings.<sup>8</sup>

### 1.1 Statement of Problem

Despite the constitutional guarantees of non-discrimination and equality, gender-based hurdles persist in the Indian Armed Forces, as witnessed from restrictions on access, discriminatory career profiles, deferred or denied permanent commissions, and limited women's leadership opportunities. Legislative requirements instituted through the Army Act, Air Force Act, and Navy Act still give arbitrary notification powers that by tradition have kept women outside important roles like combat-support and specialists branches. Though judicial intervention has steadily eliminated flagrant exclusions, the problem of indirect exclusion by way of service regulations and administrative orders has been dealt with insufficiently. Some standards – such as the benchmarking requirement – were set directly based on the experiences of male officers, while others – such as the ACRs or the SHAPE-1 criteria – appeared facially neutral. As a result, the evaluation scheme, cumulatively, had the effect, even if not the intention, of denying PC to women officers.<sup>9</sup>

This research systematically analyses the interplay between constitutional principles, legislative policies, and institutional procedures in upholding gender inequality in recruitment, assignments, promotion, and command assignments. Moreover, it identifies the gaps that obstruct the realisation of thorough substantive equality for women in the Indian military services.

### 1.2 Research Questions

1. To what extent have legal and judicial interventions succeeded in promoting gender equality within the Indian Armed Forces?
2. Are women officers subject to different criteria or procedures than men during boards or

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<sup>8</sup> Hemlata V. Gaikwad & Suruchi Pandey, *Determination in Leadership: A Study on Women's Leadership in Indian Government Services and Armed Forces*, 30 *Pertanika J. Soc. Sci. & Human.* 109 (2022), <https://doi.org/10.47836/pjssh.30.1.06>

<sup>9</sup> Gauri Pillai, *A Continuing Constitutional Conversation: Locating Nitisha*, 22 *Int'l J. of Discrimination & the Law* 87, (2022), <https://doi.org/10.1177/13582291211070227>

reviews for promotion after recruitment in the armed forces?

3. Does the assignment of postings and transfers following recruitment reflect patterns of indirect or systemic gender discrimination between male and female officers?
4. How do opportunities for advancement to command or higher-ranked positions compare between men and women after recruitment, and what barriers might exist in practice?
5. Are special selection boards, waivers, or review processes applied differently for women compared to similarly placed male officers in promotions or postings?

### 1.3 Significance of Research

This research will join the large body of research on gender integration of military setups by proposing a detailed analysis specific to the Indian context. Drawing on the idea of the gendered military, the article presents a conceptual strategy for considering how feminist theorizing about the gender–military nexus can take seriously women’s military participation while remaining alert to feminist political goals of gender equality, peace and justice.<sup>10</sup> The significance of the research is that it explores the interplay of constitutional values, judicial intervention, and military tradition in determining gender policy in one of the largest military establishments of the world.

The research holds important implications for decision-makers, military leaders, and scholars interested in gaining better insights into institutional change at traditional top-down organizations. By analysing advances and lingering challenges, the investigation provides an advanced comprehension of the forces that encourage or inhibit gender equity at military organizations.

Also, the case is of value to comparative defence studies for the analysis of institutional, legal, and cultural features specific to India's potential influence on gender integration processes. The case holds insights for other military institutions undergoing similar transformations.

### 1.4 Scope and Limitation of Research

Research is focused upon the issues of gender equity in the Indian Armed Forces, including the

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<sup>10</sup> Claire Duncanson & Rachel Woodward, *Regendering the Military: Theorizing Women’s Military Participation*, 47 *Security Dialogue* 3 (2016), <https://doi.org/10.1177/0967010615614137>

Army, Navy, and Air Force. Time period considered is from when women officers first appeared in 1992 to current policies and practices up to 2024.

The research examines multiple aspects of gender equity, including recruitment procedures, access to career advancement opportunities, access to combative occupations, allocations of infrastructure, and the organizational culture that exists. Certain limitations, however, bound the scope of the analysis. The research mostly relies upon publicly available documents, court documents, and research articles, and these may not fully represent the lived experiences of the active force.

While the military is a key institution of overt gendered power in the state, women combatants' voices can create a crack in the masculine dominance that is taken for granted in state narratives; they can also create a wedge that allows in a reconsideration of gendered roles and power relations in the context of militaries, thereby offering more nuanced interpretations of protection and agency.<sup>11</sup> Furthermore, the research is centered at the officer level, for the majority of the current data and policy-based arguments primarily involve commissioned officers rather than other ranks.

The research is also inclined toward codified policies and legal procedures over the in-depth ethnographic examination of military culture, including prolonged field research that is beyond the purview of this research.

### **1.5 Objective of Research**

1. To study the legal and constitutional framework governing gender equality in the Indian Armed Forces.
2. To analyse the trends over time and present day position of women representation in the Indian Armed Forces.
3. To research the difficulties and tribulations encountered by females in military professions.

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<sup>11</sup> Ayelet Harel, *Anything You Can Do [I Can Do Better]: Exploring Women's Agency and Gendered Protection in State Militaries*, Eur. J. Int'l Sec., no. 22, 2024, at 574, <https://doi.org/10.1017/eis.2024.22>

4. To study policy implementation regarding promotion of gender equality
5. To determine the effect of recent policy modifications on the careers of military women through case analysis of the judicial system.
6. To propose means of resolving the dilemma of inequalities based on sex in military organizations.

### **1.6 Research Methodology**

This research paper uses a doctrinal research approach in conjunction with historical and comparative analysis to explore the issue of gender equality within the Indian Armed Forces. The doctrinal research methodology entails a systematic examination of legal principles, statutes, judicial rulings, and policy documents to elucidate the normative framework that regulates women's service in the military.

Research methodology encompasses a range of techniques. Historical analysis outlines the development over time of policies and practices on women's military service from 1992 till date, and legal analysis reviews constitutional provisions, enacted laws, and judicial decisions forming the legal framework for gender equality in military service. Comparative analysis compares Indian policies and practices with international norms and specially compares other democratic nations with professional military institutions and strategies adopted there. Policy analysis also surveys the efficiency of present initiatives and pinpoints gaps in their implementation.

Sources include judicial rulings of the High Court and the Supreme Court, policy guidelines of the government, parliamentary debates, military regulations, research surveys, and national and international organizational papers. It also comprises statistical data regarding women's representation and career development trends as and when it is available.

### **2. Literature Review**

Studies of gender equality in the Indian Armed Forces span legal, constitutional, socio-cultural, and comparative perspectives. Academics, courts, and policy analysts have all routinely examined encounters between constitutional safeguards of equality and military exceptionalism, organizational culture, and comparative trends. The body of research as a

whole highlight the universal tension between entrenched patriarchal norms and the evolving requirements of gendered justice in military existence.

## 2.1 Constitutional and Statutory Framework

The Constitution of India establishes a well defined framework of equality in Articles 14<sup>12</sup>, 15<sup>13</sup>, and 16<sup>14</sup>, ensuring legal equality, non-discrimination based on sex, and equal employment opportunities in the public domain. However, the military is specially exempted with Article 33<sup>15</sup>, where the parliament can alter or limit the exercise of fundamental liberties in favour of upholding discipline and functional efficiency. Scholars note that such a situation causes an uncertain equilibrium between the civil liberties and military requirements and often causes restrictive conditions of service for women.

Statutory provisions reinforce the complexity. Section 12<sup>16</sup> of the Army Act, 1950, limits the services of women to branches that are notified by the government, while Sections 9<sup>17</sup> of the Navy Act, 1957 and 12<sup>18</sup> of the Air Force Act, 1950 hold similar provisions. Courts have time and again reiterated that such exclusions may not be based upon archaic stereotypes but should be based upon actual requirements of operations. For example, the Supreme Court has read down provisions so that the exclusion of women from certain branches does not become discriminatory and arbitrary.

## 2.2 Judicial Intervention

Judicial activism has been instrumental in shaping the gender dynamics of the Indian military. In *Secretary, Ministry of Defence v. Babita Puniya (2020)*<sup>19</sup>, the Supreme Court brought about an important doctrinal shift with a dismissal of the application of gender stereotypes for excluding women from gaining permanent commissions. The Court ruled out interpreting Article 33<sup>20</sup> so as not to sanction arbitrary exclusion and upheld that constitutional equality is

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<sup>12</sup> *Supra note 4*

<sup>13</sup> *Supra note 5*

<sup>14</sup> *Supra note 6*

<sup>15</sup> INDIA CONST. art. 33.

<sup>16</sup> *Supra note 7*

<sup>17</sup> The Navy Act, No. 62, Acts of Parliament, 1957, § 9 (India).

<sup>18</sup> The Air Force Act, No. 45, Acts of Parliament, 1950, § 12 (India).

<sup>19</sup> *Supra note 1*

<sup>20</sup> *Supra note 15*

completely relevant in the military context.

Following Babita Puniya, *Union of India v. Lt. Cdr. Annie Nagaraja* (2020)<sup>21</sup> applied the protections of equality to the Navy and abolished policies that are discriminatory and excludes women Short Service Commission officers from permanent commission. Subsequent cases including *Lt. Col. Suprita Chandel v. Union of India* (2024)<sup>22</sup> and *Ex-Lt. Selina John v. Union of India* (2024)<sup>23</sup> liberalised that reasoning applying it to indirect discrimination in the form of regulatory amendments and dismissals based on marital status, respectively. These decisions bear out the point that direct and systemic discrimination must give way to norms of equality.

The decision in *Lt. Col. Nitisha v. Union of India* (2021)<sup>24</sup> significantly advanced legal theory as it recognised the rule of indirect discrimination, and it was established that apparently neutral policies might unintentionally maintain the patriarchal status quo. This development from formal equality towards substantive equality, as described by legal theorists, shows an improving judicial understanding of structural discrimination and is consonant with broader constitutional developments over and above the military domain.

### 2.3 Organizational Culture and Military Masculinity

Even as legal norms build the normative framework of equality, researchers contend organizational culture is the longest-standing barrier to integration. Military institutions traditionally are built upon masculine ideals, brawn, aggressiveness, and hierarchical discipline. Scholarship on "military masculinity" sheds light on ways in which informal networks, symbolic practices, and core values continue to exclude women even after policy changes.

Dubey's analysis<sup>25</sup> of hegemonic masculinity in the Indian Armed Forces shows that symbolic integration often leads to gender sidestreaming, where women officers are mostly placed in supporting functions, and combat and command roles remain the privilege of men officers.

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<sup>21</sup> *Union of India v. Lt. Cdr. Annie Nagaraja*, (2020) 5 S.C.C. 164 (India).

<sup>22</sup> *Lt. Col. Suprita Chandel v. Union of India & Ors.*, 2024 INSC 942, [2024] 12 S.C.R. 381 (India).

<sup>23</sup> *Union of India v. Ex. Lt. Selina John*, Civil Appeal No. 1990 of 2019, Supreme Court of India, (14 Feb. 2024).

<sup>24</sup> *Supra note 2*

<sup>25</sup> Akanksha Dubey, *Masculinity and Its Impact on Gender Differences in Armed Forces*, 9 Int'l J. Sci. & Res. Publications (IJSRP) (Mar. 2019), Vol. 9, No. 3, ISSN 2250-3153, DOI: 10.29322/IJSRP.9.03.2019.p8754.

Similarly, Sharma and Gupta's<sup>26</sup> study shows similar outcomes and depicts that while the participation of females has been expanding from medical and administrative fields, there is reluctance about their employment in combat functions, and it is responsible for cultural resistance as well as infrastructural deficiencies.

## 2.4 Comparative Perspectives

Comparative research frames India's problem in an international perspective. The Nordic nations, and particularly Sweden, Norway, and Denmark, show that it is possible to accomplish successful gender integration only with constant political commitment and cultural transformation rather than small changes in policy. The reforms opening the military professions to women in Denmark, Norway and Sweden in the 1970s were the outcome of a double crisis, as military needs for the regulation of these women's organisational status coincided with new political demands for gender equality in the labour market.<sup>27</sup> These cases suggest that gender equality is valuable insofar as it is linked with general labour market demands and trajectories of women's participation in the military.

The Canadian Armed Forces also showcase organizational culture consideration in addition to policy reform. The policies in the Canadian literature are seen as insufficient without conscious efforts at challenging masculine military norms and creating spaces that are conducive. In India, the comparative lesson is that judicial victories must be countered with changes in the structure of the armed forces.

## 2.5 Obstacles and Hindrances

The literature points out numerous structural, cultural, and institutional barriers preventing the full integration of female officers. Structural barriers include gender specific physical requirements, insufficient infrastructure, and restrictive promotion systems. Cultural issues are reflected in discriminatory attitudes, male dominant stereotypes, and casual exclusionary behaviours, often leading to higher attrition rates. Institutionally, weak enforcement

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<sup>26</sup> Akansha Sharma & Pradeep K. Gupta, *Representation of Women in Indian Armed Forces*, Academia Letters, Article 647 (Mar. 2021), <https://doi.org/10.20935/AL647>

<sup>27</sup> Anders Ahlbäck, Fia Sundevall & Johanna Hjertquist, *A Nordic Model of Gender and Military Work? Labour Demand, Gender Equality and Women's Integration in the Armed Forces of Denmark, Finland, Norway and Sweden*, 72 *Scandinavian Econ. Hist. Rev.* 49 (2022), <https://doi.org/10.1080/03585522.2022.2142661>

mechanisms and resistance among leaders aggravate these challenges through the nullification of enacted policies providing for formal equality.

Studies based on the intersectional framework have begun to reveal that the lives of women officers in armed forces are not monolithic but are influenced by factors such as class, location, and background. This perspective challenges current policy models assumes women as a single entity and calls for advanced strategies. At the same time, recent research highlights the need for men as supporting partners, rather than framing gender integration as a competition with scarce means.

## **2.6 Scholarly Contributions**

Indian thought supplements the legal and sociological literature on women's military roles. Bhoite<sup>28</sup> traces women's engagement from legendary women like the Rani of Jhansi to recent conflicts, and shows the persistence of discriminatory practices even against the background of the constitution's ideals. Chattopadhyay<sup>29</sup> highlights the contradiction of women's empowerment through the military more possibilities abound today, yet structural prohibitions are deeply ingrained. Dasharath and Praneshwaran<sup>30</sup> place military gender inclusion as an issue to social justice, revolving between physical and cultural concerns and the necessity of equality.

Gaikwad and Pandey<sup>31</sup> further explain on this discourse by examining the pathways of women leaders in governmental and military sectors, emphasising the significance of familial support, mentorship, and perseverance in surmounting systemic discrimination.

## **2.7 Emerging Themes and Research Gaps**

Two large themes are clear in the literature. First, the shift away from formal equality and towards substantive equality in precedent at common law and in the writing of scholars shows increasing awareness that system-wide prohibitions necessitate affirmative removal and not passive non-interference. Secondly, the continuance of male dominant military as a cultural

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<sup>28</sup> Shivanjali Bhoite, Women in Defence in India- a Critical Analysis with Special Reference to Gender Inequality, 4 PARIDNYA: THE MIBM RES. J. 69 (Vol. 4, Issue 1, 2016).

<sup>29</sup> Sreeparna Chattopadhyay, Women-Empowerment and the Indian Army: An Exploration, SOC. SCI. REV., Nov.-Dec. 2023, at 238.

<sup>30</sup> N. Dasharath & V.J. Praneshwaran, Women in the Armed Forces and the Concept of Social Justice, 4 RESEARCH REV. INT'L J. MULTIDISCIPLINARY 179 (2019).

<sup>31</sup> Hemlata Vivek Gaikwad & Suruchi Pandey, Determination in Leadership: A Study on Women's Leadership in Indian Government Services and Armed Forces, 30 PERTANIKA J. SOC. SCI. & HUM. 97 (2022).

barrier shows that substantive equality cannot be brought about through change in the legal code alone but it also necessitates a shift in institutional and cultural norms. Most of the papers focus on policy and judicial intervention but do not adequately focus on implementation and long-term outcomes. There is empirical work on the day-to-day experiences of women officers, integration's effects on operational effectiveness, and the functioning of mixed-gender units in India still lacking. These gaps indicate the necessity of interdisciplinary research that integrates law, sociology, psychology, and defence studies.

### 3. Scheme of Study

#### 3.1 Historical evolution of women participation in the Indian Armed Forces

Women's participation in the Indian Armed Forces is indicative of a progressive development that spanned three decades. The participation of women in the Indian Army was initiated in 1992 whereas it was founded in 1895. In the 19th century women got their place in defence forces with a limited quota to serve.<sup>32</sup> This early phase saw attempts at trial and error instead of large-scale integration and reflected greater societal reluctance with women in the military.

The initial phase (1992-2010) was characterised by constrained prospects for female officers, who were relegated to non-combat positions and offered only Short Service Commission (SSC), thereby lacking avenues for permanent commissioning. This policy structure shows norms regarding women's abilities and dedication to armed forces, summarising conventional stereotypes that would subsequently face legal review. The restriction to 14-year service established an invisible ceiling that restrains women's promotion to senior officer roles.

A significant change occurred after the 2008 Mumbai attacks and the changing security scenario, highlighting the need for the optimal utilisation of human resources. Military officers began recognising that restraints on women's engagement might hamper effectiveness of operations. The period saw an increasing expansion of avenues for women officers, including jobs as transport and helicopter pilots.

The modern age (2010-present) has been one of major judicial pronouncements that tremendously altered the legal framework. The Supreme Court in *Babita Puniya (2020)*<sup>33</sup> and

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<sup>32</sup> M. Kaur, *Employment of Women in Indian and Hungarian Armed Forces – A Comparative Study*, 15 AARMS 181 (2016), doi:10.32565/aarms.2016.2.6.

<sup>33</sup> *Supra note 1*

Nitisha (2021)<sup>34</sup> ruled that established entitlements for women officers in the form of permanent commissions and held the existence of indirect discrimination in armed forces as unconstitutional. These judgments are landmark cases that have called for a change of traditional thought on women's participation in military service.

### 3.2 Legal Framework and Constitutional Provisions

The framework of gender equality in armed forces is rooted in a number of constitutional provisions that uphold both entitlements as well as prohibitions. The right to equality before the law enshrined under Article 14<sup>35</sup> is the underlying argument for challenging discriminatory military laws. The Supreme Court through precedents has interpreted this article as requiring not merely formal equality but substantive equality that addresses systemic imbalances.

The restriction imposed by Article 15<sup>36</sup> against sex-based discrimination has been pivotal in legal disputes concerning military gender regulations. Also the interplay between Article 15<sup>37</sup> and Article 33<sup>38</sup>, which authorises Parliament to alter fundamental rights for the armed forces, has resulted in interpretative difficulties. The judiciary has addressed this conflict by asserting that Article 33<sup>39</sup> cannot be used to rationalize irrational discrimination that lacks a legitimate military objective.

The Public Employment provisions in Article 16<sup>40</sup> lay down the right of equal opportunity in government employment, including the military. Judicial interpretation gave prime focus upon the idea that stereotyped presumptions regarding the abilities of women are not capable of outweighing exclusion from military jobs without conclusive evidence of comparable differences. The rule has been most significant in combating combat role exclusions.

Recent developments in judicial interpretation have integrated the concept of indirect discrimination in the body of Indian constitutional law. The recognition given in the Nitisha judgment that prima facie policies that are non-discriminatory may have discriminatory effects marks an interesting doctrinal development, compelling institutions to review the actual effects,

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<sup>34</sup> *Supra note 2*

<sup>35</sup> *Supra note 4*

<sup>36</sup> *Supra note 5*

<sup>37</sup> *Id.*

<sup>38</sup> *Supra note 15*

<sup>39</sup> *Id.*

<sup>40</sup> *Supra note 6*

rather than merely the formal non-discrimination, of their policies.

Constitutional framework also embraces directive principles that highlight the value of gender equality and female empowerment. Even if those provisions are not directly enforceable, it is an interpretative directive for understanding the Constitution's commitment to substantive equality in regard to gender. Courts have increasingly invoked directive principles as support for liberal constructions of fundamental rights in gender equality matters.

### **3.3 Current Condition and Statistical Description**

The present representation of women in the Armed Force of India is one of progress as well as continuity in gaps. Though precise data varies between services and is not necessarily made public for security reasons, indicative data reveal that women officers constituting roughly 3-4% of strength across the three services.<sup>41</sup> Representation is significantly less than that attained by comparable military institutions around the globe.

The largest of the services, the Army houses the greatest number of women officers, but with the lowest percentage representation. Female representation is concentrated in certain branches such as Army Medical Corps, Army Dental Corps, Judge Advocate General's branch, and certain streams of technical fields. Despite policy measures to open certain roles to women, the combat arms sectors remain mostly closed, with significant infrastructural and cultural challenges persisting in integrating women on equal footing.<sup>42</sup>

The Navy has been relatively more open to the integration of women with roles as early as women pilots for sea-based reconnaissance aircraft. Naval policies have progressively incorporated women into wider categories of technical and operations jobs, although submarine service is prohibited. The military has also undertaken substantial investments in infrastructure supporting mixed-gender crews on ships.

The United States Air Force has achieved a high level of integration of women officers, including roles as combat co-pilots on fighter aircraft, with promotion and career opportunities fundamentally equal to those of their male counterparts, demonstrating that equitable

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<sup>41</sup> *Supra note 10*

<sup>42</sup> *Supra note 10*

integration is achievable with supportive policies and cultural acceptance.<sup>43</sup> Female officers have an array of technical and functional jobs and promotion possibilities is essentially equal with those of their counterparts. The case of the Air Force demonstrates that equitable integration is possible if it is backed up with the relevant policies and cultural changes.

Trends in career development report continuing challenges in spite of policy changes as adopted at the official level. Even as permanent commission liberty have been established through judicial intervention, the long-term effect on the career paths of women officers remains to be seen. Earlier trends suggest that women officers experience lower rates of promotion and less scope for command appointments. However, recent policy changes may impact trends.

Infrastructures and complementary systems have required significant overhauls for women's participation. Overhauls have been undertaken at training centers, operating platforms, and military installations so that appropriate accommodation and privacy may be provided for women. Such changes indicate significant financial support, which indicate an organisational commitment towards successful integration, if adequately supported by government.

### **3.4 Structural and Cultural Differences**

Despite policy measures to open certain roles to women, the combat arms sectors remain mostly closed, with significant infrastructural and cultural challenges persisting in integrating women on equal footing.

### **3.5 Judicial Interventions and Their Impact**

The stance of Supreme Court in cases of military gender equality was revolutionary, enshrining legal principles that go far beyond the military domain. The Court's interventionism itself has developed over time from rigid procedural decisions to detailed statements of constitutionally required substantive equality. This development is an indication of wider shifts in the courts' perception of discrimination and equality principles.

The Babita Puniya<sup>44</sup> judgment established some fundamental principles that have redefined

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<sup>43</sup> Newell Helen, Full Integration of Women in the Air Force: Myth or Possibility 1998, available at <https://api.semanticscholar.org/CorpusID:107460676>.

<sup>44</sup> *Supra note 1*

military gender policy. The Court established that gender stereotyping is not a sufficient justification for differential treatment without clear evidence of corresponding differences. The judgment also established that the burden on the State in justification as it applies to discriminatory policies is higher where fundamental rights are in question, with compelling rather than ipse dixit evidence being needed.

The Nitisha<sup>45</sup> case introduced the thought of indirect discrimination to Indian constitutional law, recognizing that formally neutrally worded policies might have discriminatory outcomes. It causes institutions to look at practical policy outcomes rather than at formal neutrality. In military institutions, it means that usual practice is defended with legitimate military necessity and not with precedent.

The Court's recognition that systemic discrimination requires proactive government action is a significant step forward for legal theory. Rather than just preventing open discrimination, the Constitution must require the institutions to amend policies to compensate for past discriminations as well. This principle has major implications for military institutions, who might need to revise established practices to allow true equality of opportunity.

The implementation of these judicial precedents has clarified both advancements and persistent difficulties. Although official policies have been modified to adhere to directions by court, a more profound shift in terms of culture and institution is still lacking. The discrepancy between legal requirements and actual implementation highlights the need for ongoing oversight and enforcement tactics by the government.

Fundamental questions about military autonomy and democratic control are raised by the courts' duties to enforce gender equality in the military. While courts have established major legal guidelines, heeding success requires military command cooperation and an overarching institutional effort at reform.

### **3.6 Comparative International Analysis**

Studies of international experiences of military gender integration are informative in appreciating possibilities as well as challenges in an Indian context. Countries have taken

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<sup>45</sup> *Supra note 2*

different approaches depending on their own military traditions, security dynamics, and civil society values.

The Nordic model is arguably the most extensive model of military integration of the sexes. Countries such as Sweden, Denmark, and Norway have adopted policies that engage with formal equality and cultural shift. These nations have attained very high rates of women's representation throughout military functions, including that of combat. Central reasons for their success are robust political will, extensive policy guidance, and persistent cultural shift.

The United States military tradition is one that illustrates the possibilities and difficulties associated with mixing males and females in large military bureaucracies. In spite of tremendous advances in opening up avenues for females, sexual assault, harassment, and cultural resistance remain key stumbling blocks. The American experience demonstrates that military bureaucracies may be too large and complicated and that there is a requirement for continual focus and investment.

Canada's policy regarding gender integration framed its approach around cultural shift and building inclusive leaders. Studies in Canada emphasize the need for pulling in the male military personnel as partners in the integration of the genders rather than as antagonists. This approach recognizes that integration needs a shift in culture that benefits everyone in the military, rather than building a zero-sum competition between and among groups.

Israel's unique security situation required extensive military operations, including the use of women in combat. According to Israel's experience, operational demands may take precedence over gender-biased prohibitions in terms of military effectiveness. Even in situations where women's military service is generally accepted, obstacles still stand in the way of achieving complete equality.

The European Union policy on military integration of the sexes has valued policy harmonization and best practice sharing between member nations. EU policies have concentrated on implementing common standards and spreading gender mainstreaming throughout defence institutions. This multilateral policy offers guidelines for policy learning and adaptation.

International case narratives point out a variety of shared conditions conducive to the

achievement of successful gender integration: firm political and institutional support, broad policy regimes, commensurate allocation of resources, culture shift programs, and functioning systems of accountability. Nations with highly developed levels of gender equity are usually multifaceted in their engagement, rather than single-minded about a sole focus on formal policy changes.

## 4. Findings

### 4.1 Progress in Legal and Policy Framework

The examination concludes considerable development in the evolution of legal policies regarding gender equality in the Indian Armed Forces, having largely been a product of judicial intervention and not military foresight. The judicial decisions in the case of Babita Puniya (2020)<sup>46</sup> and Nitisha (2021)<sup>47</sup> have established authoritative judicial precedents largely altering the dynamics of gender equality in the military. The legal recognition of indirect discrimination marks an important doctrinal shift requiring institutions to evaluate policies based on actual impact rather than formal equality, compelling military authorities to justify practices with factual evidence rather than precedent-based assumptions.<sup>48</sup>

The introduction of permanent commission rights for women officers is the most significant policy shift in three decades. The move removes the arbitrary career ceiling that hitherto capped women with 14-year tenure and, in theory, allows women officers to compete for senior leadership roles. The policy shift makes an impact in thousands of current women officers and allows an equal career advancement chance for future inductees.

The legal recognition of indirect discrimination is a doctrinal advance that goes beyond the military. Institutions are required to look at actual effects rather than just formal parity because of the Court's observation that policies that appear to be non-discriminatory may actually have discriminatory effects. It requires military institutions to justify established practices with evidence based on facts rather than appeals to precedent.

Constitutional interpretation has transformed from minimal procedural orientation to detailed expression of requirements of substantive equality. Constitutional interpretation regarding

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<sup>46</sup> *Supra note 1*

<sup>47</sup> *Supra note 2*

<sup>48</sup> *Supra note 9*

gender equality in the armed forces has evolved from a minimal procedural focus to substantive equality, emphasizing that discrimination based on gender stereotypes is constitutionally impermissible and placing a greater burden on the State to protect fundamental rights.<sup>49</sup> Courts have made it clear that discrimination based solely on gender stereotypes is not acceptable, and that the State bears a greater burden when it comes to fundamental rights. These guidelines provide strong legal protection against discriminatory behaviour in the future.

However, the institutional commitment to gender equality is called into question by the responsiveness of policy adjustment through judicial intervention rather than forceful military leadership. The pattern of court disagreement followed by hesitant compliance points to opposition to willing reform, which could make it more difficult for required changes to be successfully implemented.

#### **4.2 Persistent Structural Barriers**

A number of structural barriers still stand in the way of attaining full gender equality in military organisations, despite changes in *de jure* policy. The physical fitness requirements may disadvantage female employees because they are largely similar to previous standards set with regard to male physiology. Courts so far have not directly ruled over fitness requirements, yet their focus on evidence-oriented policies means future cases might challenge present requirements as legitimate job necessities.

Combat role exclusions remain in effect for many military jobs, particularly in the combat arms branches of the Army. While recent policy changes opened up some previously prohibited jobs, large portions of military jobs remain closed to women officers. These prohibitions limit advancement opportunities and reinforce current attitudes about military potential among women.

Assignment and posting policies reflect persistent assumptions about women's family responsibilities, resulting in restrictions on deployment locations and availability for operational duties, which could violate evolving legal standards against gender stereotyping.<sup>50</sup> Physical barriers to equal treatment include restrictions on women's assignments to specific

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<sup>49</sup> GANDHI D & GHIA U, *Analysing the Stereotypical Sailor and Soldier in Indian Constitutional Law*, 5 INDIAN L. REV. 399, 399–409 (2021), available at <https://doi.org/10.1080/24730580.2021.1963612>.

<sup>50</sup> Muskaan Dalal, *Permanent Commission and Gender Equality- a Step Forward*, 6 LEGAL RES. DEV. 16, 16–18 (2020), available at <https://doi.org/10.53724/lrd/v6n3.07>.

locations or taking different availability levels for deployment in support of operations. These policies might be in violation of the law's gradually changing standards regarding preconceived notions about the roles and abilities of women.

In older military installations, age-related infrastructure limitations present practical barriers to mixed-gender integration. Newer facilities are starting to welcome women's participation, but older infrastructure might need extensive retrofitting to provide adequate privacy and security measures. Constraints on resources may restrict the speed of required infrastructure upgrades.

Systems of appraisal and advancement may actually reinforce traditionally masculine leadership behaviours. Definitions of performance developed in traditionally masculine institutions may not value nontraditional forms of leadership or may subtly reinforce examination of traditionally masculine behaviours. It is necessary, therefore, to systemically inspect the appraisal processes and criteria.

### **4.3 Cultural and Attitudinal Challenges**

Implementing gender equality goals in military institutions was made more challenging by the fact that cultural development lagged behind policy changes. Military culture, deeply rooted in masculine ideals, both overt and covert, acts as a significant barrier to the full inclusion of women by shaping networks, communication, and behavioral norms that exclude or marginalize female personnel.<sup>51</sup> The full inclusion of women may be thwarted by these cultural patterns, which function through networks, communication, and behavioural norms.

Access to mentorship and workplace networks for female officers remains limited, often because they are denied access to informal relational networks facilitating career advancement. Military institutions are heavily reliant on personal networks and networks of informal communication, and as a result, women are disadvantaged because they lack access to these critical networks. Limited representation of older female officers means there are very few role models and mentors available to junior females.

Gender stereotyping still impacts daily encounters and work relationships even with explicit

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<sup>51</sup> PEREPOLKIN S M, BONIAK V O, ZAVHORDNII V A, SYROID T L & FILIANINA L A, The Place of Women in the Armed Forces: Legislation and State Compliance with Gender Equality Policies, 8 FEMINIST ENCOUNTERS, no. 1, art. 24 (2024), available at <https://doi.org/10.20897/femenc/14235>.

policy bans. It is found that the same behaviours are differently interpreted based on whether men or women execute them, and women are subject to double-bind conditions whereby assertiveness is negatively perceived and failure to act reinforces women's leadership skills stereotypes.

Harassment and discrimination are serious issues that violate women's work atmosphere. Though prohibited in writing against such acts, enforcement may be weak and reporting processes may deter aggrieved persons from taking action. Military institutions being hierarchical may create difficulty for reporting relationships if perpetrators are seniors.

Resistance to changing among certain personnel presents persistent difficulties for policy implementation of gender equality. Active or passive resistance may occur through nonadherence with policy stipulations, upholding exclusionary informal practices, and subtle behaviours generating unwelcoming spaces for women personnel.

#### **4.4 Implementation Gaps and Enforcement Challenges**

There are considerable gaps between policy requirements and day-to-day implementation in military institutions. While policies as a whole require fair treatment, translating such requirements into procedural detail, training programs, and systems for holding officials responsible is yet incomplete. This shortage of implementation shows insufficient attention to the processes of change management needed for the achievement of institutional reform.

Existing evidence is that provision for accountability for compliance with policy for gender equality is insufficient. Policies aimed at gender equality in military organizations often falter at the implementation stage due to insufficient attention to change management processes including procedural details, accountability mechanisms, and enforcement structures.<sup>52</sup> Important conditions for organizational development being successful, such as systematic monitoring of the progress of implementation, frequent examination of the policy effectiveness, and punishments for non-compliance, may not be established sufficiently in military contexts.

Educational and awareness programs for building culture transformation usually draw insufficient attention in open discussions about military gender equality. Effective

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<sup>52</sup> HOLMBERG A & ALVINIUS A, Organizational Resistance Through Organizing Principles: The Case of Gender Equality in the Military, 38 GENDER MGMT. 313, 313-327 (2023), available at <https://doi.org/10.1108/GM-05-2022-0180>.

implementation requires extensive education programs that address conscious and unconscious biases, culture competence, and inclusive leadership practices. Inadequate strong focus on such programs signifies potential gaps in their application.

Commitment to gender equality policies is inconsistent across organizational levels, with top leadership often supporting reforms in principle while middle managers and frontline personnel show resistance or weak implementation.<sup>53</sup> Even while organizational top leadership formally signed up for policies of gender equality, commitment and policy execution of middle management and frontline managers may be weak. Organizational change is effective with commitment across organizational hierarchical levels in synchronization.

Adequate resource allocation remains a critical gap; without ongoing financial investment in infrastructure, training, and systems for gender equality, policy frameworks face significant risk of failure.<sup>54</sup> Modifications to infrastructure, training programs, policy development, and tracking systems require an ongoing financial commitment that may be at odds with other military goals. Inadequate resource allocation is capable of undermining otherwise strong policy frameworks.

## **5. Suggestions and Conclusion**

### **5.1 Comprehensive Policy Recommendations**

After analysis of current challenges and international best practices, a series of comprehensive policy recommendations emerge geared toward enabling gender parity within the Indian Armed Forces. All of these recommendations include structural, cultural, and implementation components, and these need harmonious attention in order for successful transformation.

#### **5.1.1 Legal and Policy Framework Enhancement**

The military establishment should proactively devise comprehensive policies of gender equality that exceed the minimum statutory requirements, instead of waiting for court

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<sup>53</sup> CONZON V M, *The Equality Policy Paradox: Gender Differences in How Managers Implement Gender Equality-Related Policies*, 68 ADMIN. SCI. Q. 648, 648-690 (2023), available at <https://doi.org/10.1177/00018392231174235>.

<sup>54</sup> BOHDALOVÁ L & STOJAROVÁ V, *Service within the Extremely Gendered North Atlantic Treaty Organization: Civil and Military Personnel's Approaches to Gender Equality-Focused Policies*, 7 EUR. J. POL. & GEND. 274, 274-290 (2024), available at <https://doi.org/10.1332/251510821X16777440272378>.

directives. That approach would reflect a strong institutional commitment to gender equality and provide the quickness needed to respond to new issues before resorting to court intervention. Comprehensive policies need to cover recruitment, training, job assignment, appraisal, promotions, and retirement procedures in order to ensure the consistent application of principles of equality.

There needs to be an evidence-based review of physical fitness standards so these no longer reflect past norms but instead legitimate job needs. There needs to be a review of the correlation between fitness needs and real-world job performance by military role, and role-based standards developed as needed so these reflect operational needs and keep the military effective while dismantling unfair obstacles.

Limits of the fight role need to be frequently reappraised and justified by factual evidence rather than standard assumptions. If limits continue, there needs to be strong evidence demonstrating physical or operational requirements can't be met through alternate solutions of altered equipment, different tactics, or personal judgment rather than across-the-board exclusions.

### **5.1.2 Institutional and Structural Reforms**

Leader accountability mechanisms will need to be strengthened in order for policies of women's equality to be well-implemented. Military leader performance reports will need to include detailed assessments of their success in promoting inclusion and supporting policies of equality. Promotion and assignment will need to include demonstrated leadership commitment to women's equality as a leadership ability.

Mentorship and professional development programs would have to be developed especially in response to the lack of female senior officers as role models and counselors. Cross-gender mentorship programs, professional women's associations, and formalized networking schemes might be utilized in order to offset professional development inadequacies among women officers currently.

Investment in infrastructure needs to emphasize the needed changes required to facilitate complete gender integration on all platforms and installations within the military. These would involve not only training and facility infrastructure but operational equipment developed to

sustain varying physical attributes and remain operationally efficient.

### **5.1.3 Cultural Transformation Initiatives**

Compulsory comprehensive training programs on unconscious bias, inclusive leadership, and cultural competence must be introduced for all members of staff. These programs must go beyond simple compliance training to engage with deeper-rooted cultural beliefs and behavioural patterns hindering women's full participation.

Communication strategies should actively promote positive narratives of women's participation in the military while at the same time challenging stereotypically held views. Public recognition of women officers' achievements, key visibility in military communications, and active counter-messaging against discriminatory views can lead towards cultural change.

Zero tolerance policies for sexual discrimination and sexual harassment have to be accompanied by strong enforcement mechanisms and comprehensive victim aid platforms. Establishing specified procedures for complaints, independent processes of investigation, and severe penalties for lapses is the key to creating safe and respectable workplaces.

## **5.2 Implementation Strategy and Timeline**

Implementation of successful reforms of gender equality requires strategic planning in precise timelines, resource allocation, and accountability measures. Stepwise implementation allows gradual transformation through gradual institutional capacity development and accommodation of resistance.

### **5.2.1 Short-term Implementation (1-2 years)**

Emphasis needs to be given to compliance with available judicial directives and development of infrastructures necessary for sustained efforts at transformation. It encompasses the whole execution of permanent commission requirements, creation of complete and comprehensive policy frameworks, and establishment of accountability and monitoring mechanisms.

Rapid execution of training initiatives on the legal obligations and respective duties of military leadership is critical. Such initiatives should recognize not only the compliance imperative but also the competitive benefits provided by gender equity in optimizing military success and

supporting organizational health.

Essential infrastructure changes necessary for the proper inclusion of women shall be given precedence based on operational needs and safety considerations. These include facilities like training, operational offices, and points of deployment of female soldiers.

### **5.2.2 Medium-term Implementation (3-5 years)**

A detailed evaluation and amendment of military policies and procedures are necessary to guarantee alignment with the principles of gender equality. This systematic analysis should scrutinize every facet of military service, ranging from recruitment to retirement, in order to recognize and eradicate discriminatory practices.

Diversity change programs such as bias training, leader development, and communications plans should be up and running. Such programs need to be periodically assessed and refined according to effectiveness metrics and evolving organizational requirements.

Systems of career development tracking would be introduced for observing women officers' patterns of advancement and recognizing possible inhibitors of equal opportunity. Promotion rate, assignment, and career outcomes would be analysed regularly for early warning of problems of implementation.

### **5.2.3 Long-term Implementation (5-10 years)**

Inclusion of the principles of gender equality across all military operations and policies needs to be achieved, and equality considerations always included in the decision-making processes. When gender equality is ingrained in the company culture rather than being a requirement for external compliance, it would represent a true institutional shift.

The proportion of women officers in senior positions should be proportionate to their overall engagement rates and career progression patterns, reflecting broader progress towards gender equality. A development of this kind would signal the effective removal of systemic obstacles to career advancement.

Measuring organizational culture would reflect significant achievement toward value-creating diversity and equal opportunity work environments for every staff person without regard to

sex. Ongoing surveys of culture and measurement instruments will keep track of progress and points of ongoing concern.

### **5.3 Monitoring and Evaluation Framework**

Successful implementation relies upon good evaluation and monitoring procedures which provide regular feedback on progress and flag new challenges rising. Such system requires qualitative and quantitative indicators so we can account for the whole range of outcomes of equality.

#### **5.3.1 Quantitative Indicators**

Statistical oversight should evaluate trends of representation at different military jobs, grades, and points of career progression. Ongoing measurement of statistics for attraction, retention, advancement, and turnover may reveal patterns and inequities that require correction. Additionally, these data need to be sorted by services and other relevant categorizations in order to identify specific points of concern.

Performance appraisal and analysing the promotion rate must guarantee women officers receive promotion commensurate with their representation and their merits. Notable discrepancies would suggest implementation issues or unfair practices, which would demand intensive investigation and rectification.

Tracking complaint and disciplinary action would aim to keep tabs on instances of harassment, discrimination, and other connected forms of misconduct and institutional action in response. It would potentially reflect both the rate of problematic behaviour and the success of enforcement procedures.

#### **5.3.2 Qualitative Assessment**

Surveys conducted annually of the climate would need to gauge workers' views regarding organizational culture, inclusion, and fair opportunities. Such surveys can capture experiences and sentiments, which may be left unaccounted for in statistical analysis, but significantly affect the success of integration efforts.

Interviews and focus groups of women officers at different points of careers can provide

detailed descriptions of challenges currently and the state of supporting structures. Such qualitative reports can bring up identifiable obstacles and inform improvements of policies.

Measuring leadership should indicate the commitment and effectiveness of military leaders in achieving policies of gender inclusion. It can ascertain training requirements and hold people accountable for standard application across the entire organization.

#### **5.4 Future Research Directions**

Findings of this study suggest many areas where additional academically grounded research will contribute towards understanding and advance towards achieving gender equality in military contexts. Such research priorities may inform evidence-informed policies and enable sustained institutional development.

Longitudinal analyses examining women officers' careers in the context of recently enacted permanent commission policies would give us important insights into the longer-term consequences of judicial intercessions. Such analyses may potentially reveal whether policy structural shifts culminate in real equality of opportunity and progress of careers.

Comparison of varying approaches of different services toward integrating men and women in the military in India might reveal best practices and good implementation strategies. The differing experiences of Navy, Air Force, and Army allow for natural experiments on the variables promoting or hindering successful integration.

In-depth ethnographic studies of military culture and daily lives of Gender Integration might clarify informal constraints and processes of cultural evolution. It would enrich policy analysis by gaining more nuanced understanding of policies' real-life operation.

International comparative research looking at successful models for integrating gender could find strategies and ways to implement them that could be used in other places. When doing this kind of research, you should look at both the similarities and differences between military traditions, security situations, and social settings.

#### **5.5 Conclusion**

This shift towards gender equality in the Indian Armed Forces reflects societal changes

regarding women's roles and agency, while also highlighting the distinctive challenges of overseeing institutional change within entrenched hierarchical structures. Judicial initiatives, policy improvements, and a slow change in culture all helped make a lot of progress. But there are still big problems to solve before we can really have equal opportunities and treatment.

The landmark verdicts of the Supreme Court in the Babita Puniya<sup>55</sup> and Nitisha<sup>56</sup> cases have established rock-solid jurisprudential principles committed to substantive over formal equality. These judicial steps have compelled organizational reforms that potentially might not have been achieved through self-introspection of the organization, thus bringing into sharp relief the critical role of outside oversight in bringing about organizational transformation.

But statutory provisions only are not enough for realising complete gender parity, without supporting organizational culture shifts, leadership commitment, and appropriate implementation mechanisms. Space between adopted policy prescriptions and actual implementation acts to indicate the requirement of sustained focus on change management strategies both at the level of structural issues and at the level of resistance offered by culture.

Overseas data suggest successful inclusion of women in military forces requires comprehensive approaches dealing with multiple facets at the same time, instead of adopting standalone reforms. States which have achieved higher levels of women's equality usually use a mix of strong political commitment, adequate allocation of resources, efforts at culture shift, and effective accountability mechanisms.

The strategic value of women's equity exceeds questions of equity and law compliance and encompasses success in military operations and organizational health. Optimising use of human resources, expanding talent pools, improving organisational culture, and maximising operational capability are pragmatic benefits underpinning the business case for comprehensive female equity policies. In promoting their operations, the Indian Armed Forces have the challenge of translating lawful requirements and policy guidance into genuine cultural transformations that enable everyone stationed in the forces to actively participate in fulfilling national security objectives.

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<sup>55</sup> *Supra note 1*

<sup>56</sup> *Supra note 2*

For this kind of change to happen, institutions need to be committed, resources need to be allocated properly, and people need to understand that gender equality is good for both their own rights and the safety of the group as a whole. The success of these efforts will not only be based on numbers or following the law. Instead, it will be measured by the development of military institutions that sincerely value diversity, provide fair opportunities for advancement, and enable each of its members to serve honourably and respectfully.

Achieving these objectives requires ongoing consciousness, ongoing adjustment, and being committed to the principles of equality and fairness underlying democratic military forces. The road to full gender equality in the Indian Armed Forces continues difficult but possible through sustained effort, evidence-informed policy, and real dedication to institution change. Progress so far built ground for future progress, and ongoing challenges underscore work left to realize the dream of perfectly equal military institutions serving both rights of the individual and national security ends.

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