

## **Human Rights and Military Discipline in Conflict Zones: A Review of the Indian Army's Ethical Challenges and Response Mechanisms**

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**Abstract:** The Indian Army as the central institution responsible for defending national sovereignty and maintaining internal order, operates within a highly structured system of hierarchy and discipline. While this framework ensures efficiency and operational readiness, it often creates tension with the broader principles of human rights and universal values such as dignity, equality, justice, and accountability. This paper explores the intersection of operational demands and ethical responsibilities in the Army, with particular attention to conflict-affected regions. It examines the legal, institutional, and social barriers that challenge the integration of human values into military practice, focusing on issues such as human rights compliance, internal discipline, gender inclusion, and civil-military accountability. The study also puts forward recommendations for legal, policy, and institutional reforms aimed at harmonizing military conduct with democratic principles, thereby reinforcing both legitimacy and public trust in the armed forces.

**Keywords:** *Indian Army, Human Rights, AFSPA, Military Ethics, Gender Integration, Civil-Military Relations, Universal Human Values*

### **1. Introduction**

The Indian Army plays a crucial role in safeguarding the nation's security, sovereignty, and stability. Operating under demanding conditions, especially in areas affected by insurgency such as Jammu & Kashmir and the Northeastern states, the Army relies on strict discipline and operational secrecy to maintain effectiveness. However, this very necessity can sometimes conflict with the expectations of a democratic society, where values of dignity, justice, transparency, and accountability are central.

Striking a balance between operational efficiency and ethical obligations remains a significant challenge for modern militaries, particularly for the Indian Army. The need to uphold universal human values—while simultaneously addressing the realities of conflict zones requires careful reflection and reform. This paper seeks to address that challenge by examining the Army's practices through legal, ethical, and institutional lenses. It considers the constitutional framework, international humanitarian obligations, and contemporary reform efforts, offering a comprehensive

analysis of how human values can be more effectively integrated into military culture and operations.

### 1.2 Objectives of the Study

This study sets out to achieve the following goals:

- To explore the significance of universal human values within military institutions and their relevance to the Indian Army.
- To examine how the Army's structural design, command hierarchy and operational practices influence the adoption of these values.
- To identify the major challenges faced in protecting human rights during peacekeeping missions and combat operations, particularly in conflict-prone regions.

### 1.3 Research Gap

Much of the existing scholarship has addressed specific themes such as the Armed Forces (Special Powers) Act (AFSPA), gender representation, and military ethics without developing an integrated framework that brings these issues together under the broader lens of human values. This gap is significant, as values such as dignity, justice, and equality are not only vital for ethical decision-making but also form the foundation of discipline, morale, and trust within the Army. What remains underexplored is how legal, ethical, and operational perspectives can be combined into a holistic approach. This study aims to fill that void by providing a comprehensive framework for understanding how human values can strengthen both the institutional integrity and functional effectiveness of the Indian Army. As shown in Table 1.

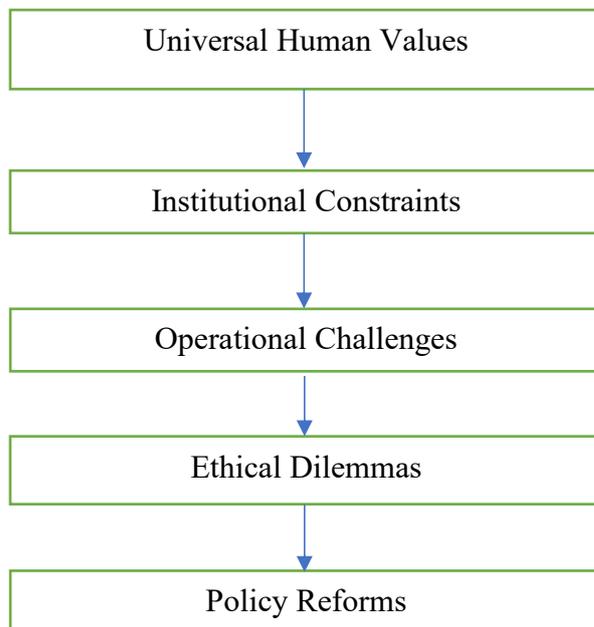
**Table 1: Research gap**

Research Area	Identified Gap	Reference
Military Ethics	Lack of India-specific case studies	Singh (2015)
Gender Integration	Absence of empirical performance data for women	Banerjee (2017)
Civil-Military Relations	No detailed analysis of human values integration	Gupta (2018)

## 4. Methodology

This study adopts an exploratory qualitative approach to investigate the integration of human values within the Indian Army. The analysis is primarily based on secondary sources, including policy documents, constitutional and legal provisions, international humanitarian frameworks, academic literature, and human rights reports. These materials provide insights into the legal, ethical, and institutional dimensions of military practices. To strengthen the analysis, a conceptual framework has been developed to highlight the interaction between universal human values and the

structural realities of the Army. The framework maps the relationship between institutional constraints, operational challenges, ethical dilemmas and policy reforms as shown in Figure 1. By using this approach, the study seeks to provide a comprehensive understanding of how values can be embedded into military conduct while balancing operational effectiveness with democratic accountability.



*Figure 1: Conceptual Framework of the Study*

## 5. Understanding Universal Human Values in a Military Context

Universal human values act as guiding principles that shape ethical conduct and decision-making. In military organizations, their importance becomes even more pronounced because armed forces often operate in high-pressure environments where choices carry significant social and humanitarian consequences. These values not only help ensure compliance with international norms but also strengthen internal cohesion, professionalism, and public trust in the institution.

- **Human Dignity:** Emphasizes the need to treat all individuals including civilians, detainees, and prisoners of war with respect and humanity.
- **Equality and Non-Discrimination:** Calls for inclusivity across caste, religion, gender, and other identities, ensuring fairness in opportunities and treatment.
- **Justice and Accountability:** Reinforces the rule of law by promoting transparency, fairness, and effective grievance redressal mechanisms within the military structure.
- **Peace and Non-Violence:** Encourages restraint and proportionality in the use of force, ensuring that military actions are justified by necessity and aligned with humanitarian principles.

## **6. Major Challenges in Implementing Human Values**

### **6.1 Human Rights and Armed Conflict**

The implementation of the Armed Forces (Special Powers) Act (AFSPA) in conflict-affected regions has been a subject of intense debate due to the sweeping powers it grants the military. Instances reported from Jammu & Kashmir and Manipur have raised serious concerns over extrajudicial killings, enforced disappearances, and custodial torture, highlighting the tension between security imperatives and human rights protection.

**Table 2: Reported Human Rights Violations under AFSPA (2010–2020)**

<b>Region</b>	<b>Cases Reported</b>	<b>Independent Inquiries Initiated</b>	<b>Convictions</b>
Jammu & Kashmir	314	27	3
Manipur	198	19	1

((Source: Amnesty International (2020))

### **6.2 Discipline Versus Individual Rights**

Military discipline is the foundation of order, obedience, and hierarchy, yet it can sometimes conflict with individual rights such as freedom of expression, personal security, and protection from discrimination. Despite formal anti-discrimination measures, issues like caste-based favoritism, bullying, and harassment within the ranks are still reported. These practices not only weaken morale but also erode trust in the institution. Achieving a balance between maintaining strict discipline and safeguarding individual dignity is essential for sustaining fairness, inclusivity, and long-term cohesion in the Army (Singh, 2017; United Nations, 2017).

### **6.3 Gender Inclusion in the Armed Forces**

While the Indian Army has taken notable steps by inducting women into non-combat positions, full-scale gender integration remains incomplete. Deep-rooted social barriers, insufficient infrastructure, and doubts about unit cohesion hinder progress. Moreover, challenges such as sexual harassment, lack of institutional sensitivity, and underreporting of grievances persist despite the application of the Vishakha Guidelines. For inclusivity to be meaningful, reforms must go beyond symbolic representation and actively foster a professional environment where women are protected, respected, and empowered to take leadership roles across combat and non-combat domains (Banerjee, 2019; Ministry of Defence, 2020; Carreiras, 2018).

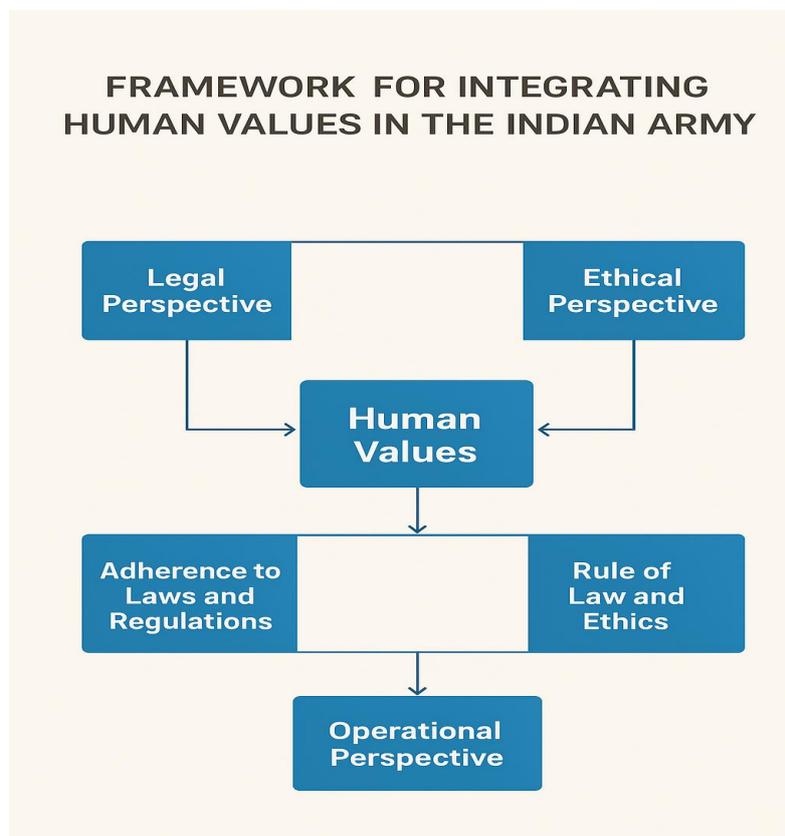
### **6.4 Civil-Military Relations and Legal Accountability**

Civilian oversight of the military is fundamental to democracy, yet in practice, transparency is often restricted under the justification of national security. Incidents like Uri (2016) and Galwan (2020) exposed gaps in accountability and judicial scrutiny, raising concerns about how information is disclosed and decisions are reviewed. Although the Armed Forces Tribunal (AFT) has provided an

important forum for justice, it is often criticized for procedural delays, limited accessibility, and lack of civilian participation. Strengthening civil-military relations requires legal reforms that enhance transparency, promote timely justice, and integrate civilian voices, thereby reinforcing both military effectiveness and democratic values (Kumar, 2021; Cohen & Dasgupta, 2010; Burk, 2012). The framework for integrating the human values in the Indian Army as shown in figure 2.

**Table 3: Challenges, Implications and Suggested Reforms in Operationalizing Human Values**

Challenge	Implications	Suggested Reforms
Discipline vs. Individual Rights	Suppression of personal freedoms, internal discrimination, lowered morale	Balance discipline with respect for rights; strengthen grievance redressal mechanisms
Gender Inclusion	Limited opportunities for women, harassment concerns, underutilized talent	Infrastructure upgrades, zero-tolerance policies on harassment, leadership training
Civil-Military Relations & Accountability	Reduced transparency, public mistrust, delays in justice delivery	Strengthen AFT with civilian representation, ensure faster case resolution, enhance transparency
Human Rights in Armed Conflict (AFSPA)	Criticism over excessive powers, allegations of violations, erosion of legitimacy	Periodic review of AFSPA, stricter oversight, adherence to international human rights standards



**Figure 2: Framework**

## **7. Institutional Reforms and Responses**

- **Legal Amendments:** Several judicial commissions have suggested reforms to the AFSPA, but their implementation has been selective, leading to limited progress (Jeevan Reddy Commission, 2005; Singh, 2017).
- **Training Initiatives:** Human rights education has been introduced in defense academies to promote ethical awareness among officers, though practical application in conflict zones is still uneven (United Nations, 2017).
- **Gender-Focused Policies:** Efforts such as infrastructure upgrades and sensitization programs have been launched to expand women's roles in the military; however, challenges of integration and workplace harassment remain (Banerjee, 2019; Carreiras, 2018).
- **Internal Monitoring:** The creation of grievance redressal cells, POSH committees, and independent inquiry mechanisms represents growing institutional recognition of accountability, though delays and lack of awareness limit their effectiveness (Ministry of Defence, 2020; Burk, 2012).

## **8. Recommendations**

- **Evidence-Based Research:** Greater reliance on field-level interviews and surveys with serving personnel would strengthen policy design through practical insights (Kumar, 2021).
- **Legal Review:** A comprehensive reassessment of AFSPA and Armed Forces Tribunal (AFT) procedures is essential to ensure transparency, fairness, and democratic alignment (Cohen & Dasgupta, 2010).
- **Strengthened Gender Inclusion:** Systematic tracking of women's performance in leadership and operational roles is required to transform policy intentions into measurable progress (Banerjee, 2019; United Nations, 2017).
- **Transparent Civil-Military Engagement:** Increasing parliamentary oversight, civilian participation, and independent audits would promote accountability while safeguarding national security (Burk, 2012).

**Table 4: Institutional Reforms, Limitations, and Future Directions**

Area	Current Responses	Limitations	Future Recommendations	References
<b>Legal Framework</b>	Judicial commissions recommended AFSPA reforms.	Implementation has been partial and inconsistent.	Comprehensive review of AFSPA and AFT for alignment with human rights and democratic principles.	Jeevan Reddy Commission (2005); Singh (2017)
<b>Training</b>	Human rights education integrated into officer training.	Limited application in practice; often remains theoretical.	Expand scenario-based training on ethics and human rights.	United Nations (2017)
<b>Gender Policies</b>	Women inducted into non-combat roles; infrastructure upgrades and sensitization programs ongoing.	Full gender integration limited; harassment and underreporting continue.	Monitor women's leadership roles; enforce zero-tolerance policy on harassment.	Banerjee (2019); Carreiras (2018); Ministry of Defence (2020)
<b>Internal Oversight</b>	Establishment of grievance redressal cells, POSH committees, and inquiry mechanisms.	Procedural delays and lack of awareness reduce effectiveness.	Strengthen independence of oversight bodies; ensure timely resolution and awareness campaigns.	Burk (2012); Ministry of Defence (2020)
<b>Civil-Military Relations</b>	Civilian oversight exists but limited by security concerns.	Oversight weakened by lack of transparency and procedural gaps.	Increase parliamentary scrutiny, promote independent audits, and include civilian voices.	Cohen & Dasgupta (2010); Kumar (2021); Burk (2012)
<b>Research and Policy</b>	Growing attention to ethics and human rights in defense training.	Lack of field-level data from serving personnel.	Conduct interviews and surveys with service members to inform evidence-based policy.	Kumar (2021); United Nations (2017)

## 9. Conclusion

The integration of human values within the Indian Army is a strategic necessity for ensuring legitimacy, operational effectiveness, and democratic accountability, as illustrated in Figure 3: Framework for Integrating Human Values in Military Operations. Despite progress through legal reforms, gender inclusion, human rights training, and oversight mechanisms, implementation remains uneven. Key challenges include balancing discipline with individual rights, addressing concerns under AFSPA, achieving genuine gender integration, and strengthening civil–military relations. Reforms must move beyond symbolic actions to address systemic gaps in inclusivity, justice, and accountability. A value-driven military culture grounded in dignity, equality, and ethics will enhance public trust, ensure compliance with global standards, and reinforce democratic principles.

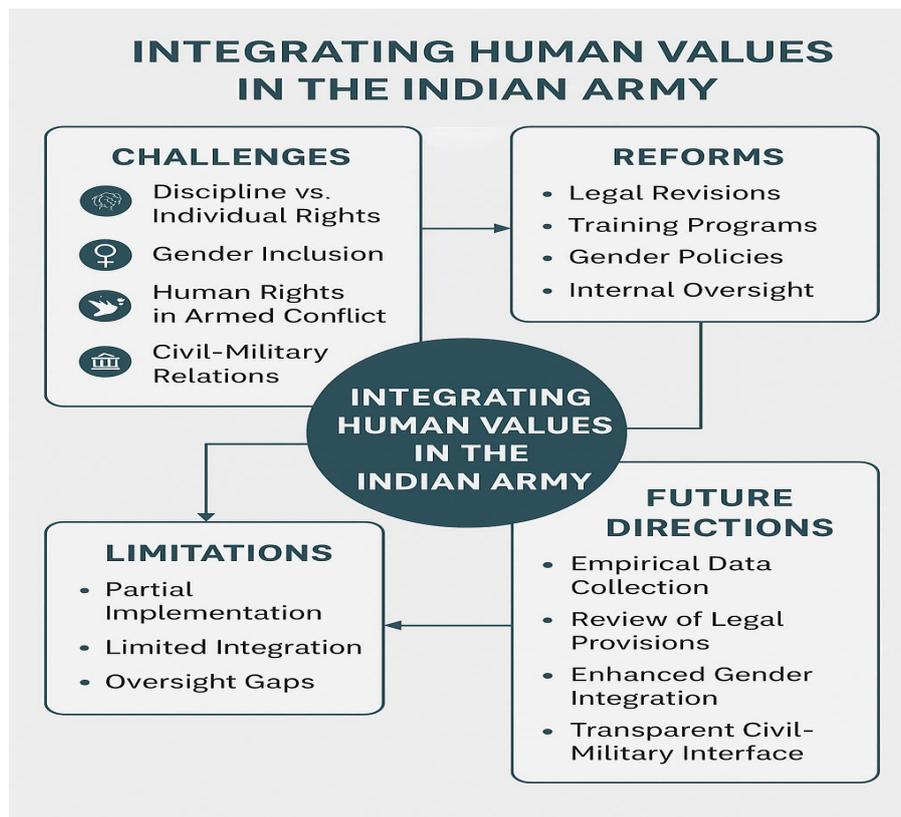


Figure 3: Integrating Human Values in the Indian Army

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