Permanent Commission to Women-in-Army

Why in News?

The Supreme Court (SC) brought women officers in 10 streams of the Army on a par with their male counterparts in all respects.

What is the story behind?

- The induction of women officers in the Army started in 1992.
- They were commissioned for a period of 5 years in certain chosen streams such as the Army Education Corps, Corps of Engineers, etc.
- Women Special Entry Scheme (WSES) recruits had a shorter pre-commission training period than their male counterparts commissioned under the Short Service Commission (SSC) scheme.

What happened when WSES was replaced?

- In 2006, the WSES scheme was replaced with the SSC scheme, which was extended to women officers.
- They were commissioned for a period of 10 to 14 years.
- Serving WSES officers were given the option to move to the new SSC scheme, or to continue under the erstwhile WSES.
- They were restricted to roles in streams that excluded combat arms.
- While male SSC officers could opt for permanent commission at the end of 10 years of service, this option was not available to women officers.
- They were kept out of any command appointment, and couldn't qualify for government pension that starts after 20 years of service as an officer.

What were the petitions filed in the courts?

- In 2003, a PIL was filed before the Delhi High Court (HC) for grant of permanent commission (PC) to women SSC officers in the Army.
- In 2006, another writ petition was filed primarily to challenge the terms and conditions of service imposed by circulars earlier that year, and to seek PC for women officers.
- In 2008, the Defence Ministry passed an order saying PC would be granted prospectively to SSC women officers in the Judge Advocate General (JAG) department and the Army Education Corps (AEC).
- This circular was challenged before the Delhi High Court on the ground that

it granted PC only prospectively, and in certain specified streams.

What did the Delhi HC say?

- The Delhi HC heard the 2003, 2006, and 2008 challenges together, and passed its **judgment in 2010**.
- It ruled that women officers of the Air Force and Army on SSC who had sought permanent commission would be entitled to PC.
- However, this benefit was only available to,
    1. Women officers in service who instituted proceedings before HC,
    2. Women officers who had retired during the pendency of the writ petitions.
- Women officers who had not attained the age of superannuation for permanently commissioned officers would be reinstated with all consequential benefits.
- The government challenged the order in the SC.
- Even though the HC judgment did not stay, the Defence Ministry did not implement those directions.

What is the Government order, 2019?

- A government order passed in February 2019 granted PC status to SSC women officers in 8 streams of the Army, in addition to JAG and AEC.
- But they would not be offered any command appointments and would serve only in staff posts.
- The government then came up with a proposal whereby women officers of up to 14 years of service would be granted PC in line with the letter of February 2019.

What is the SC Order?

- The SC has rejected the government's arguments, saying they are based on sex stereotypes which discriminate against women.
- It has also said that it only shows the need to emphasise the need for change in mindsets to bring about true equality in the Army.
- It has done away with all discrimination on the basis of years of service for grant of PC in the Army, bringing them on a par with male officers.
- It has also removed the restriction of women officers only being allowed to serve in staff appointments, which is the most significant and far-reaching aspect of the judgment.

What are the implications of the order?

- It means that women officers will be eligible to the tenant all the command

appointments, at par with male officers.
- This would open avenues for further promotions to higher ranks for them.
- It also means that in junior ranks and career courses, women officers would be attending the same training courses and tenanting critical appointments, which are necessary for higher promotions.
- The Army had not officially responded to the judgment until evening, although Defence Minister Rajnath Singh welcomed it.

What is next?

- The judgment's implications will have to be borne by the human resources management department of the Army.
- But the bigger shift will have to take place in the culture, norms, and values of the rank and file of the Army.
- This will be the responsibility of the senior military and political leadership.

Source: The Indian Express

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