



Women Eligible for Permanent Commission

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Why in News

The Supreme Court has ruled that the **Short Service Commission (SSC) women officers are eligible for the permanent commission and command posts in the Army** irrespective of their years of service.

- The verdict came on a nearly 10-year-old appeal filed by the government against the 2010 decision of the Delhi High Court to grant SSC women officers permanent commission.
- The court ordered the government to implement its judgment in **three months**.

Background

- Under the **Short Service Commission (SSC) scheme**, women were commissioned into the Army for a period of 10 years, extendable up to 14 years.
- Women were, however, **restricted to roles in specified streams** such as Army Education Corps, Corps of Signals, Intelligence Corps, and Corps of Engineers. These specified streams **excluded combat arms** such as infantry and armoured corps.
- 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**. Women officers, were, thus, **kept out of any command appointment**, and **could not qualify for government pension**, which starts only after 20 years of service as an officer.
- However, in the **February 2019** policy statement, the **Government endorsed the permanent commission for SSC women officers in 10 streams** of the 'Combat Support Arms' and 'Services' sections. But it was said that the **women officers would not be offered any command appointments**, and would serve only in staff posts.

Highlights of the Judgement

- **All Serving Women Officers will be eligible for the Permanent Commission (PC)**
 - The court dismissed the government's stand that only women officers with less than 14 years of service ought to be considered for permanent commission, and those with over 20 years service should be pensioned immediately.
 - The court has **done away with all discrimination on the basis of years of service** for grant of PC in 10 streams of combat support arms and services, bringing them on a par with male officers.
- **Eligible for Command Posts**
 - The court held that **women officers will also be eligible for command posts** in non-combat areas since “an absolute bar on women seeking criteria or command appointments would not go with the **guarantee of equality under Article 14**”.
 - The court held that since command appointments were not automatic for men officers, so would it be for women. It was left to the Army to take a call on a case to case basis.
- **SC's stand on Combat Role**

The exclusion of women from combat operations was not examined by the court as it was not the contested in the appeal.
- **Criticized the Government's Note**
 - **Reflects Poorly on Women:** The note had shown women officers in a poor light, saying isolation and hardships would eat into their resolve and that they would have to heed to the call of pregnancy, childbirth and family. The note had mentioned that women ran the risk of capture by enemy and taken prisoner of war.
 - **Patriarchal Notion:** The court held that the the note reflected the age-old patriarchal notion that domestic obligations rested only with women.
 - **Sex Stereotype:** The court also dismissed the point that women are physiologically weaker than men as a “sex stereotype”.
 - **Offence to dignity of Indian Army:** The court noted that challenging abilities of women on the ground of gender is an offence not only to their dignity as women but to the dignity of the members of the Indian Army – men and women – who serve as equal citizens in a common mission.
- **Appreciated the Government's February, 2019 Decision**

The court noted that the policy decision of the Union government is a recognition of the right of women officers to equality of opportunity.

Implication of the Judgement

- The women officers will be eligible to occupy all the command appointments, at par with male officers, which would open avenues for further promotions to higher ranks for them.
 - If women officers had served only in staff, they would not have gone beyond the rank of Colonel.
- After implementation of the judgement, a woman can rise to the rank of Colonel and above based on merit, like their male counterparts.
 - At the rank of Colonel, an officer picks up a substantive command and would be delegated to carry out independent tasks.
 - A Colonel commands a battalion, which typically consists of 850 men. A woman officer who is successful in this position could technically rise to the highest ranks of the Army, though, **women officers will not be inducted into the combat arms** such as the infantry, artillery or armoured corps.

Way Forward

- The court observed that women were being kept out of command posts on the reasoning that the largely rank and file will have problems with women as commanding officers. Thus, **changes have to take place in the culture, norms, and values** of not only the rank and file of the Army but also that of society at large. The responsibility to usher these changes lies with the senior military and political leadership.
- The **United States, Israel, North Korea, France, Germany, Netherlands, Australia and Canada** are among the global militaries that employ women in front-line combat positions.
- It is the right of every woman to pursue a career of her choice and reach the top. **Equality is a constitutional guarantee.**

Source: IE