



Amend the NCC Act: Kerala High Court

Why in News

Recently, the **Kerala High Court** ordered the **Central government** to amend the **National Cadet Corps Act (NCC Act) 1948** which excludes **transgender** persons from joining the [National Cadet Corps \(NCC\)](#).

Key Points

▪ Background:

- A writ petition was filed in 2020 by a student **opposing her exclusion from the NCC** unit at the college on the basis of her gender (Transgender).
- The petition challenged **Section 6** of the **NCC Act, 1948** which only allows either 'male' or 'female' cadets.
- Central government **argued** that transgender persons **cannot be allowed into the NCC as there is no provision for the same.**

▪ High Court's Order:

- The court took exception to the position and stressed that it goes contrary to **Kerala's Transgender Policy** and other applicable statutes.
 - The provisions of the NCC Act, 1948 cannot preclude the operation of the [Transgender Rights Act, 2019](#).
 - The Transgender Rights Act was intended to give effect to the rights of transgenders under [Article 14, 15, 19, and 21 of the Constitution](#).
- Observed that a **transgender person is entitled to enroll in the NCC** in accordance with her self-perceived gender equality.
- Ordered the **central government to amend Section 6 of the NCC Act 1948** within six months so that the law offers equal opportunities for everyone.

▪ Kerala's Transgender Policy:

◦ About:

- Kerala was **one of the first states** in the country to formulate and implement a **welfare policy for transgender persons in 2015**.
 - The move followed the [Supreme Court](#) verdict in [National Legal Services Authority v Union of India 2014](#) in which the **right to equality and equal protection for transgender persons under articles 14, 15 and 16 was upheld** and the bracket of a 'third gender' allotted to transgender persons.

◦ Justice Board:

- **A Transgender Justice Board**, aimed to monitor and address concerns where necessary in the implementation of the policy, was formed.
- **No Discrimination:**

- The policy asked for all government offices and public functionaries to **extend non-discriminatory treatment to transgender** and help provide them with **easy access to education, health, transport and social security.**
- **Social Benefits:**
 - Providing **free legal aid** to those fighting discrimination, recording statistics at the local police station level for crimes against transgenders, a **24x7 helpline and crisis management centre, a monthly pension scheme** for destitutes and those above the age of 55 and establishing **shelter homes** were some of the policy promises.
- **Educational Programs:**
 - In 2018, the government decided to set aside **two additional seats for all transgender applicants** for courses in universities and arts and science colleges under it.
 - There is also a **literacy aid programme for transgender** under which a monthly scholarship of up to Rs. 1,250 and shelter home accommodation is provided.

National Cadet Corps

▪ The National Cadet Corps Act, 1948:

◦ About:

- It is an Act to provide for the constitution of a **National Cadet Corps.**
- It extends to the whole of India and applies to all persons enrolled or appointed under this Act, wherever they may be.

◦ Section 6:

- Any student of the **male sex** of any university may offer himself for enrolment as a cadet in the Senior Division, and any student of the male sex of any school may offer himself for enrolment as a cadet in the Junior Division if he is of the prescribed age or over.
- Any student of the **female sex** of any university or school may offer herself for enrolment as a cadet in the Girls Division:

- Provided that in the latter case **she is of the prescribed age or over.**

▪ About NCC:

- The NCC was **formed in 1948** (on the recommendation of **H. N. Kunzru Committee-1946**), and has its roots to British era uniformed youth entities like University Corps or University Officer Training Corps.
 - Currently, **it has a strength of around 14 lakh cadets** from **Army, Navy** and **Air Force** wings.
- The NCC falls under the purview of the Ministry of Defence and is **headed by a Director General of three-star military rank.**
- It **enrolls cadets at high school and college level** and also awards certificates on completion of various phases.
 - The NCC **cadets receive basic military training** at various levels and also have academic curriculum basics related to Armed forces and their functioning.
 - Various training camps, adventure activities and military training camps are an important aspect of NCC training.

▪ Significance:

- NCC cadets have **played an important role over the years in relief efforts** during various emergency situations.
- During the ongoing **pandemic**, over 60,000 NCC cadets have been deployed for voluntary

relief work in coordination with district and state authorities across the country.

Source: IE

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