



Gender Parity In Indian Army

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This article is based on '**A just verdict**' which was published in The Indian Express on 19/02/2020. It talks about Supreme Court's judgment to grant permanent commission to women officers at par with their male counterparts.

Recently, in a landmark judgment, the Supreme Court (SC) has upheld a Delhi High Court order of 2010 that seeks to **grant permanent commission to women officers** at par with their male counterparts. Along with granting a role to women in combat arms, the judgment essentially highlights the denial of equal opportunity in their existing roles for promotion to higher commands.

The current case is in line with a series of judgments that Supreme Court gave in recent years in order to address various forms of gender discrimination in Indian society and to assert Right to Equality. For example, Sabarimala Case, decriminalising homosexuality etc.

What were the main highlights of the judgment?

- SC directed that, at the stage of **opting for the grant of permanent commission**, all the choices for specialisation shall be available to women officers on the same terms as for the male short service commission officers.
- It held that the engagement of women in the Combat Arms is a policy matter of Government and SC will stick to the judgment of the Delhi High Court where 'women in combat arms was not a matter of appeal.
- However, the Supreme Court clarified that women officers would be eligible for **command posting**.
Command posting means heading a battalion or substantive command delegated to carry out independent tasks. It is generally done by an officer at the rank of Colonel in the Army.
- The SC granted three months time to the centre to implement its order. Also, the ruling will have a retrospective effect.

Impact of the Judgment

- **Women now have the same terms of employment as men.** No longer will women be forced to retire after 14 years in service, irrespective of their record.
- They will also have **full pension and other financial benefits.** The SC clarified that the policy decision will apply to all women SSC officers who are currently in service.
- It **opens command appointments** to women officers in 10 streams where the Army has agreed they can serve as permanently commissioned officers.
- The **Army will be compelled to change its rules** not only for promotion to command appointments, it will also have to instill widespread changes in the pathways for the women officers to do training courses and hold appointments which have so far been the sole preserves of men.
- The **decision will encourage more women to think of a career in the military.** This may begin a process of correcting the gender imbalance in India's forces.

Significance of the Judgment

- **SC comes down heavily on the stereotypes of women and their physiological features.** SC held that women as weaker sex is **stereotypical and constitutionally flawed notion.**
 - Government over the time held that, due to **inherent physiological differences between men and women**, women are not allowed in commanding and combat roles.
 - Also, the submissions such as those citing pregnancy and motherhood as reasons for not granting permanent commission to women were based on **“sex stereotypes”**.
- **The judgment upholds the right to equality in the Constitution**
 - A professional force does not discriminate on the basis of gender, it works because of training, norms and culture.
 - The spirit of the order is the **principle of non-discrimination. According to Article 16**, Gender only cannot serve as the basis for inequitable and unequal treatment in any sphere, including in defence forces.
 - It also held that right to equality under **Article 14 needs to be prescribed by a right to rationality** that forbids any “blanket” and “absolute” prohibition.

Way Forward

- There are examples of women soldiers in combat roles like in Israel, Germany, US and Australia. Therefore, Indian armed forces must draw inspiration and move towards gender mainstreaming in the Indian armed forces.
- This gender equality can be achieved by establishing professional standards and adhering to them without any bias.

- The judgment needs to be complemented by a change in mind sets internally, for male officers continue to see women as best suited for adjunct roles and not as equals.

Drishti Mains Question

The Supreme Court judgment allowing women in high decision making posts in the Indian Armed Forces is an endorsement of gender equality. Critically examine.