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Women Army officers win long battle, can get command posts

SC: Permanent Commission For All In Services Except Combat

Amit Anand Choudhary & Dhananjay Mahapatra TNN

New Delhi: Twenty-eight years after they first entered the Army, women officers broke an armour-plated ceiling on Monday when the Supreme Court ordered grant of permanent commission (PC) in 10 non-battlefield services in three months and held them to be eligible to hold command posts.

The government had a little over a year ago granted PC to newly recruited women officers in these services, but not those short service commission (SSC) officers already

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in the force. The SC verdict extends it to all.

The decision of the bench of Justices D Y Chandrachud and Ajay Rastogi to trash the Army's "weaker sex" argument was a fitting finale to the 14-year-old litigation for equality doggedly fought by short service commission (SSC) women officers through senior advocates Meenakshi Lekhi and Aishwarya Bhati. The battle was first waged in the Delhi HC from 2006 to 2010 - which the women officers won - and then in the SC from 2010 till date. Importantly, it said those women officers who do not opt for permanent commission despite 14 years of service "will be entitled to continue in service until they complete 14 years of service".

'WOMEN SSC OFFICERS ENTITLED TO EXERCISE THEIR OPTIONS'

Women SSC (short service commissioned) officers shall be entitled to exercise their options for being considered for grant of permanent commission on the same terms as their male counterparts... The blanket non-consideration of women for criteria or command appointments, absent an individuated justification by the Army, cannot be sustained in law. **-SUPREME COURT**

BLOW-BY-BLOW

Early 1990s Women officers started being inducted as SSC officers in armed forces, with a maximum tenure of 14 years

2011 After long legal battles, govt decides women SSC officers will be considered for grant of PC in judge advocate general and education branches of three services

May 9, 2018 Govt tells SC it is considering granting PC to women officers recruited through SSC route in Army

Aug 15, 2018 PM Modi announces women officers will be able to opt for PC in branches of forces apart from existing ones like legal & education. (No plan to induct them in combat arms like infantry, artillery & armoured corps or allow them to serve on board warships)



Lawyer Meenakshi Lekhi with women Army officers at the SC complex after the verdict

Feb 25, 2019 Govt issues order for grant of PC to new SSC women officers in 8 combat support arms/services (signals, engineers, army aviation, air defence, electronics & mechanical engineers, army service corps, army ordnance corps & intelligence)

'Despite my achievements, things didn't feel complete... until today'

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New Delhi: Moments after the Supreme Court announced permanent commission and command posting for women in the Army on Monday, Lt Col Seema Singh's phone rang. Her husband, who retired as a colonel from ordnance corps and is in Mumbai, was on the other line. "We have done it," he said. And Singh broke into a smile.

Lt Col Seema Singh, one of the first women to be granted permanent commission and command posting in the Army, is seen with her husband, Lt Col Manish Thapliyal, in Mumbai. Singh is a colonel in the ordnance corps and is in Mumbai, while Thapliyal is a colonel in the infantry and is in Mumbai.

An operational challenge for Army

Implementing the order will be a major operational challenge for the Army as it has neither trained women for command nor given them the responsibility. Women, unlike men, were not mandated to undergo the junior command course and other adjunct courses as captains or majors.

The officers said their husbands were the first to call and wish them on their win. Bisht's husband Lt Col Manish Thapliyal had, in fact, stood beside her in the courtroom when the verdict was announced. "It's a special moment for me," said Bisht. "I'm the first woman working in Signal Corps at this rank after 23 years of service. It hasn't been an easy journey but despite all my achievements, things didn't feel complete... until today. Now I feel complete and I can contribute to the Army."

SUBJECT: Court Matter

Name of newspaper: Times of India

Date 18/02/2020

SC irked at bid to stereotype women as the 'weaker sex'

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Women SSC officers shall be entitled to exercise their options for being considered for grant of permanent commission on the same terms as their male counterparts," the bench said. Short service commission is up to 14 years. Rejecting the Army's argument against grant of command posts to women officers on the ground that the forces were not sociologically trained to serve under women, the bench said, "The blanket non-consideration of women for criteria or command appointments, absent an individuated justification by the Army, cannot be sustained in law."

It upheld the defence ministry's February 25, 2019, decision to grant permanent commission to SSC women officers in Signals, Engineers, Army Aviation, Army Air Defence, Electronics and Mechanical Engineers, Army Service Corps, Army Ordinance Corps and Intelligence, Judge Advocate General and Army Education Corps. Chandrachud said the decision to exclude women officers from holding command posts, determined on the basis of an individual's performance, was indefensible.

"If the Army has cogent reasons for excluding women from a particular criteria or command appointment, it may provide them to relevant authorities and if necessary, to future courts," it said.

Chandrachud said, "The decision of the Union government to extend the grant of permanent commission (to women officers) in support arms and services recognises that the physiological features of a woman have no significance to her equal entitlements under the Constitution." Referring to senior advocate R Balasubramanian's argument on behalf of the Army, the SC frowned at attempts to stereotype them as the "weaker sex".

Full report on www.toi.in