

# New directives on Permanent Commission for women

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**In news :** Recently, the supreme Court of India questioned the discriminatory selection process of Army with respect women officers

## Background

**In Secretary, Ministry of Defence vs. Babita Puniya case** last February the Supreme Court directed the government to ensure that women officers in the Army be granted permanent commission (PC) as well as command postings in all services other than combat. Later, questioning the compliance of the Army with the directions in the judgment, around 80 women short service commission officers approached the Supreme Court challenging the arbitrary process, including unjust medical standards, applied to deny permanent commission to women officers.

## Recent observation of the supreme court

- The Supreme Court in Lt. Col. Nitisha vs. Union of India held that the Army's selective evaluation process discriminated against and disproportionately affected women officers seeking permanent commission.
- It was also observed that the pattern of evaluation inherently caused economic and psychological harm to women short service commission officers.
- And the evaluation criteria set by the Army constituted "systemic discrimination" against the petitioners.
- The Supreme Court bench found that "This disproportionate impact is attributable to the structural discrimination against women, by dint of which the facially neutral criteria of selective ACR [annual confidential reports] evaluation and fulfilling

the medical criteria to be in SHAPE-1 at a belated stage, to secure PC [permanent commission] disproportionately impacts them vis-à-vis their male counterparts,”

- The court observed that the reliance placed on the women officers' ACRs for determining the grant of permanent commission was unfair.

## **SHAPE**

**Fitness is assessed under five categories**, under the code letter SHAPE that includes psychological including cognitive function abnormalities, hearing, appendages, physical capacity and eyesight.

## **Timeline of the procedure for granting permanent commission for women**

- The Union Government issued a notification making women eligible for appointment as officers in select non-combat branches in 1992.
- In 2008, the government extended the permanent commission to women in two branches – Judge Advocate General (JAG) and Army Educational Corps (AEC)
- In 2020 after a long legal battle, with Apex Court order, the Defence Ministry issued the government sanction letter, specifying grant of permanent commission to women officers in all streams in which they are presently serving:
  - Army Air Defence (AAD), Signals, Engineers, Army Aviation, Electronics and Mechanical Engineers (EME), Army Service Corps (ASC), Army Ordnance Corps (AOC) and Intelligence Corps.

## **Army's response to sanction letter**

Following the sanction letter, the Army constituted a special selection board for screening women officers for grant of permanent commission who joined the service through the Women

Special Entry Scheme (WSES) and Short Service Commission Women (SSCW).

Of the 365 optee officers who were considered fit for permanent commission by the Special No. 5 Selection Board, 277 women short service commission officers (WSSCOs) were granted permanent commission after medical scrutiny

### **Key highlights of fresh directives of the Supreme Court**

- **Remove irrational procedure:** The Apex Court noted that the Army process of benchmarking women officers against the officers lowest in merit in the corresponding male batch is “irrational and arbitrary”, and said this requirement should be removed.
- **Merit based grant of permanent commission:** The judgment said that all women officers who have fulfilled the cut-off grade of 60% in the Special Selection Board held in September 2020 shall be entitled to the grant of permanent commission, subject to their meeting the prescribed medical criteria and receiving disciplinary and vigilance clearance.
- **Medical fitness:** The court said that, in the spirit of true equality with their male counterparts in the corresponding batches, the WSSCOs must be considered medically fit for grant of PC by reliance on their medical fitness, as recorded in the 5th or 10th year of their service,”
- **Reconsider rejected ones:** Other than “non-optees”, the cases of all WSSCOs, including the petitioners who have been rejected on medical grounds, shall be reconsidered within a month and orders for the grant of permanent commission must be issued within two months.
- **Review method of evaluation:** Further, the court directed that the method of evaluation of ACRs and the cut-off must be reviewed for future batches to assess a disproportionate impact on WSSCOs who became eligible for the grant of permanent commission in the subsequent

years of their service.

**For the Babita Puniya case**, the court held that for officers within the service bracket of 10 to 14 years who have been denied permanent commission, it has allowed them to continue in service till they attain 20 years of pensionable service.

### **Permanent Commission**

**It means** a career in the army until one retires. If one gets selected through the Permanent Commission, one has the option to serve the country up to the full age of retirement.

### **Status of Women in Other Armies**

- **UK**– the then Prime Minister (PM) David Cameron lifted a ban on women serving in close combat roles in 2016. In 2018, women became eligible to apply for every role in the British forces.
- **France**– Women can serve in every position in the military, including submarines and combat infantry. Women make up around 15% of all service personnel in the combined branches of the French military.
- **Australia** – All combat and non-combat roles are open to women. In 2016, women were allowed to serve in the front-line combat roles.

**Russia** – Women can serve in most areas of the military except riot control. They have been allowed in submarines, including nuclear submarines, since 2014. Women are also allowed to lead the combat infantry.