

Arms and the women

Gender parity in the Army is happening at a slow pace, and is mostly led by the courts

Women have been fighting a tough and uphill battle for equal opportunities in the Indian Army. In a landmark judgment in February 2020, the Supreme Court asked the Government to abide by its own policy and grant permanent commission to women in the Short Service Commission and give them command postings in all services other than combat. In *The Secretary, Ministry of Defence vs Babita Puniya & Others*, the top court pointed out that women had played a “significant role” in the army since their induction in 1992 and extending permanent commission to women SSC officers “is a step forward in recognising and realising the right of women to equality of opportunity in the Army”. Despite the stringent verdict, systemic issues remain in the Army, and women have gone back to court to sort out the issues. Another step towards ensuring that women get an equal opportunity, as laid down by the Constitution, has been taken on Wednesday, when the Court passed an interim order allowing women to appear for the National Defence Academy entrance exam on September 5. Till now, women could join the Army through the Indian Military Academy and the Officers Training Academy. The directive allows girls who clear the exam to study at the NDA and then at the IMA or the naval and air force academies and become commissioned officers.

The directive is subject to further orders from the Court, and the case has been posted for hearing again on September 8. When Additional Solicitor-General Aishwarya Bhati, appearing for the Government and the Indian Army, told the Court that it was a policy decision not to allow women to take the NDA exam, the Bench, of Justices Sanjay Kishan Kaul and Hrishikesh Roy, said it was based on “gender discrimination”, directing the Centre and the Army to take a constructive view. The Bench pointed out that closing a route of entry for women to join the Army was discriminatory. The ruling came on a writ petition filed by Kush Kalra seeking permission for women to sit for the NDA entrance exam. Mr. Kalra argued that Articles 14, 15, 16 and 19 of the Constitution, which uphold the values of equality and allow equal, non-discriminatory opportunities at work, were being violated by denying eligible women the opportunity. Though the legal route has helped overcome some of the hurdles, it will be a long haul before gender parity is fully achieved in the Army. In that context, the Prime Minister’s Independence Day announcement that girls will be granted admission in the Sainik Schools is a welcome move towards preparing them for an equal role and life in the military.