

SC BATS FOR WOMEN OFFICERS IN THE ARMY

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They would be considered for permanent commission subject to disciplinary and vigilance clearance. The court said physical standards should be kept at a premium during selection.

The court highlighted how one of the Army's "administrative requirements" was to benchmark women officers, under consideration for permanent commission, with male officers who are lowest in merit.

"This is arbitrary and irrational," Justice Chandrachud, who wrote the 137-page judgment, noted.

The court said the "systemic and indirect discrimination" shown in the Army's evaluation of women officers for permanent commission seemed neutral on the face, but was founded on a structure of "oppression and domination".

Justice Chandrachud said the 15 year legal battle fought by women officers against sex stereotyping within the Army was finally won when the Supreme Court, in a judgment in February last year, recognised their right to an equal playing field with their male counterparts in the selection for permanent commission.

However, the "selective" evaluation of the annual confidential reports of women officers and belated introduction of a SHAPE-1 medical criteria have undermined the Supreme Court judgment. The February judgment had forbidden the Army from casting aspersions on the abilities of its women officers, saying it was an "affront not only to their dignity as women but to the dignity of the members of the Indian Army".

Justice Chandrachud said the evaluation pattern is a product of a "formal" show of equality by the authorities towards women officers. Such a sense of equality is not "substantive".

A genuine effort to provide everyone with equal opportunity would include steps to "break the cycle of disadvantage", measures "to promote respect for dignity and worth, thereby redressing stigma, stereotyping, humiliation, and violence because of membership of an identity group", the court said.

END

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