

## A Background of the dispute

1. A quest for equality of opportunity for women seeking Permanent Commissions<sup>1</sup> in the Indian Army forms the basis of these appeals. The lead appeal originated in a batch of Writ Petitions which were instituted before the High Court of Delhi in 2003 and 2006.

2. A decade and more spent in litigation, women engaged on Short Service Commissions<sup>2</sup> in the Army seek parity with their male counterparts in obtaining PCs. The entry of women in the Army has a chequered history. Section 12 of the Army Act 1950<sup>3</sup> contains, in so far as it is material, the following provisions:

“12. Ineligibility of females for enrolment or employment.- No female shall be eligible for enrolment or employment in the regular Army, except in such corps, department, branch or other body forming part of, or attached to any portion of, the regular Army as the Central Government may, by notification in the Official Gazette, specify in this behalf.”

3. Pursuant to the power conferred by Section 12, the Union Government issued a notification<sup>4</sup> dated 30 January 1992 making women eligible for appointment as officers in the specific branches/cadres of the Army. These were:

- “(i) Army Postal Service;
- (ii) Judge Advocate General’s Department;
- (iii) Army Education Corps;
- (iv) Army Ordnance Corps (Central Ammunition Depots and Material Management); and
- (v) Army Service Corps (Food Scientists and Catering Officers).”

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<sup>1</sup> “PC”

<sup>2</sup> “SSCs”

<sup>3</sup> “1950 Act”

<sup>4</sup> SRO-11