

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No.1416/2020

KUSH KALRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 6976/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 87814/2021 - STAY APPLICATION)

WITH

W.P.(C) No. 524/2021 (PIL-W)
(I. A. No. 106572/2021- Application for permission)

Date : 08-03-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Petitioner-in-person

Mr. Chinmoy Pradip Sharma, Sr .Adv.
Mr. Mohit Paul, AOR
Mr. Irfan Haseib, Adv.
Mr. Bikram Dwivedi, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Ms. Ruchi Kohli, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Nitin Pavuluri, Adv.
Mr. Ameya Vikramathanvi, Adv.
Mr. Chitrangda Rastravara, Adv.
Mr. Celeste Agarwal, Adv.
Ms. Manisha Chava, Adv.
Mr. B. L. N. Shivani, Adv.
Mr. Manvendra Singh, Adv.
Mr. Aman Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Bhuvan Mishra, Adv.

Mr. Naresh Kaushik, Adv.
Mr. Vardhman Kaushik , AOR
Mr. Dhruv Joshi, Adv.
Mr. Manoj Joshi, Adv.
Mr. Yogesh Yadav, Adv.
Mr. Anand Singh, Adv.
Mr. Prafful Saini, Adv.
Mr. Nishant Gautam, Adv.
Mr. B. Purushottama Reddy, Adv.
Mr. Lalitha Kaushik, AOR
Ms. Elaisha Asher, Adv.
Ms. Akshata Singh, Adv.

Mr. Manish Sharma , AOR

Ms. Divya Roy, AOR

UPON hearing the counsel the Court made the following
O R D E R

Mrs. Aishwarya Bhati, learned ASG rightly points out that in a prophetic sense, the matter has come up on International Women's day.

We have perused the affidavit filed on behalf of the respondents in pursuance to the Order dated 18.1.2022.

We may notice the following aspects which emerge from the affidavit:-

(a) the respondents need about 3 months time for deliberations to workout the implications in the long term of induction and deployment of ex-NDA women cadets into the Indian Armed Forces.

(b) 5,75,854 candidates applied for the examination. 3,57,197 candidates took the examination. 8009 candidates including 1002 women candidates passed

the NDA written examination held in November, 2021 and the Service Selection Board (SSB) is scheduled from March-April, 2022.

- (C) On the aspect of induction of women for NDA-II 2021 and NDA-I 2022, each course at NDA has 370 vacancies for the three services. 208 cadets get commissioned in the Indian Army, 120 cadets get commissioned in the Indian Air Force and 42 cadets in Indian Navy.
- (d) Insofar as the Indian Army is concerned, as per Ajai Vikram Singh Committee recommendations, the officer cadre is guided by 'regular cadre' to 'support cadre' ratio of 1:1.1. The nitty-gritty need not be referred by us.
- (e) Total vacancies planned for Indian Army through NDA is 416 every year i.e. 208 per course. Officers commissioned through NDA have a major component of the Combat Arms. Women Officers (WOs) are not being inducted in combat arms. 10 women candidates per NDA course are to be taken in, amounting to 11% of the earmarked vacancies.
- (f) The average intake in the last four years of women officers in the eight arms and services across the board has been upto 15% of the total cadre

strength and with the present allotment of 10 women candidates per course in NDA i.e. 20 per year, the women cadre in these arms will witness a growth of 5% i.e. from the existing 15% to 20%.

- (g) A comparative chart of western armies and regional countries with percentage of enrolled women is given, keeping in mind that presently in the Indian Defence Forces, the women officers (including Army Medical Corps (AMC) and Military Nursing Service (MNS), an auxiliary force) constitute 13.6% of the officers' cadre. Illustratively, in some of the countries the figure is as under:-

Country	% of Women	Women Enrolled since
Australia	16.5	1899
USA	17	1898
France	15	1914
UK	11	1902
Germany	12	1975
Russia	10	1917
China	4.5	NK
Pakistan	2	2006
Myanmar	0.2	2014
Nepal	7	1962
Sri Lanka	2	1979

- (h) Training ethos of NDA being kept in mind, infrastructure is being developed and it is

expected that the training of women candidates in NDA may attract foreign friendly countries to send their women candidates for training.

- (i) the position in Indian Navy is slightly different as all cadets inducted through UPSC Examination Post 10+2 into NDA are trained towards Executive (General Service) which is not open for induction of women officers. In fact, the Navy does not have any direct induction of men and women through NDA (UPSC) entry post 10+2. However, Navy has decided to induct women into three Branches/Cadres through NDA i.e. Education, Logistics and Naval Armament Inspectorate (NAI) Cadre. Navy has decided, keeping in mind the direction of this Court, to have intake of women as Permanent Commission (PC) officers through UPSC examinations in the aforesaid three branches. This is stated to be the first instance (whether for male or female) that a cadet will be trained at NDA for direct induction as PC officer in these three branches as at present no PC male officer is being directly inducted into these branches through NDA.
- (j) Women are stated to be already being trained in Indian Naval Academy at par with male cadets for

commissioning in the Branches/Cadres which are open for their induction. Thus, induction of women into Indian Navy through UPSC 10+2 exam is not felt necessary. On an average 20 to 25 women are being inducted every six months for all Branches/Cadres which are open for their induction.

(k) 19 women candidates per term are being inducted at NDA which will after three years be about 114 women candidates. Upon passing from NDA, such of the candidates are inducted as Naval cadets who report at the Indian Naval Academy for Navy specific training for 6-12 months. So, these women cadet trainees are also being routed through Indian Navy.

(l) The best picture which emerges is from the Indian Air Force as the women are being inducted in all its branches and sub-streams. The study carried out in 2013, and in 2021 are being used as the basis to arrive at the proposed IAF vacancies for women in NDA. With the proposed induction, 12 PC women officers will be inducted per year and will result in 60 PC women officers being inducted in the IAF over the next five years.

RASHTRIYA INDIAN MILITARY COLLEGE (RIMC)

The affidavit in compliance of Order dated 22.9.2021, which was affirmed on 06.10.2021 states that the admission into the RIMC is to be done through an All India Competitive Examination held biannually in June and December every year. States and Union Territories have been allotted one seat each except the States of Maharashtra, West Bengal and Tamil Nadu which have been allotted two seats and the State of Uttar Pradesh which has been allotted three seats. It was stated in the affidavit that to facilitate induction of the girls, there is a need for authorising additional vacancies along with the other associated infrastructure and administrative support through two phases which were set out in the affidavit.

We, however, directed that the course of action followed for NDA should also be followed for RIMC i.e. permitting women candidates to appear in terms of our Order dated 07.10.2021. That order has been complied with and learned ASG submits that 5 additional vacancies have been created for induction of women candidates.

The aforesaid arrangement having been made, I. A. No. 106572/2021 stands disposed of and we expect the process to continue.

RASHTRIYA MILITARY SCHOOLS (RMS)

RMS are English medium residential Public Schools. Five of

them are spread across the country as "All Boys School" and act as a feeder institution for National Defence Academy to provide quality education and training to the wards of the Indian soldiers. 30% of the available seats are earmarked for wards of civilians and defence officers and the admission test is held in December for 350 seats. The induction was proposed in phase 1 & 2. No interim orders were passed but the affidavit records the assurance that the induction of women will begun from the academic session 2022-2023 which is taken on record.

SAINIK SCHOOLS

The Sainik Schools' experiment began with only induction of boys but subsequently some girls were inducted on experimental basis. That experiment was found fruitful as per the learned ASG and Hon'ble Prime Minister had made assurances from the ramparts of the Red Fort on 15th August, 2021 that there would be regular induction of girls. However, the exact data is to be submitted by learned ASG.

List on 19th July, 2022.

We appreciate the constructive approach being adopted by the Armed Services and assistance being rendered by the learned ASG not only as a law officer but as a woman.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER