

Women in Defence in India- a Critical Analysis with Special Reference to Gender Inequality

Ms.Shivanjali Bhoite

*Assistant Professor, P.E.S. Modern Law College, Pune.
Email: Shivanjali.bhoite@gmail.com*

Abstract

The role of women as soldiers and warriors has been evident in history the world over for centuries. As early as the 15th century, Joan of Arc is said to have led the French army during the hundred year's war against England. Indian military history also boasts of a fair share of women soldiers, Razia Sultan and the Rani of Jhansi being the most famous. Women were also a part of the Indian National Army raised by Subhash Chandra Bose to fight the British. Post-independence, women have for long been serving the Indian Army in the Army Medical Corps, Army Dental Corps and Military Nursing Service. However, beyond this the Indian Army did not induct women for 47 years, after independence The first batch of Short Service Commission women officers was inducted into the Indian Army in the year 1993. This milestone was achieved through generation of considerable debate, both, within and outside defence circles. The debate acquired the hue of a gender issue with terms like equality of the sexes and discrimination against women thrown in for good measure. Since the Indian Constitution guarantees equality of opportunity for all, irrespective of sex, it was considered only right that women should be allowed to join the army as well. Soon enough they found a place for themselves in services like Corps of Signals, Engineers, and Intelligence Corps etc. Apparently they have proved their ability and discharged their duties suitably enough, for what started as a five-year stint has been increased to ten and subsequently fourteen years for a few disciplines. Researcher in this research paper has critically analyses the induction of women in Defence in India with reference to gender inequality in this profession.

Keywords: Women in Defence, Army, Gender Inequality

1) Introduction

Indian women have proved that they can be manifestations of will power, grace, dedication, hard work, brilliance. They

raise their bar and break untouched barriers. Innate intelligence and quickness of judgment have been instrumental not only at critical points in their career paths

but in day-to-day business life. Closely, involved with this is the capacity for making rapid decisions based on further qualities of knowledge and experience, the ability to communicate, and the talent for persuasion and the ability to win the cooperation, loyalty and trust of colleagues, employees and clients.

Women in India have been successful in all fields. They have contributed in the freedom struggle. During the struggle, both men and women took active part in it. Without the support of the men-folk, India's men would not have been successful in their attempt of freeing the country from the chains of bondageⁱ.

Women who are mentally robust, physically fit and highly motivated resent preferential treatment being meted out to them. They want to be treated at par with their male colleagues so that they get a fair opportunity to prove their worth. They do not want to be treated as weaklings as it offends their sensitivities and self-respect.

In the Indian National Army, the contribution of Dr. Lakshmi Sahgal in the Indian National Army has been applauded by all. She led around 1000 women soldiers recruited for the Rani of Jhansi regiment, against the British Rajⁱⁱ.

2) Women in Defence services in India

In India, entry of women into the armed forces was limited to the Army Medical Corps, the Army Dental Corps and the Military Nursing Service. Indian Army started recruiting of Women officers in 1992. Every six months, about 5,000 women graduates and postgraduates between the ages of 21 and 25 years apply to join the Army. Barely a fifth clear the written test and only a tenth of those who do are selected.

The first Women Cadet batch was of 25 cadets which joined Indian Army on 6th March 1993. Women officers unlike male have to retire early and Since the early-1990s, women have been serving in wings like legal, education, engineering, ordinance, intelligence, signals, air traffic control and the like but only as short-service commission (SSC) officers for a maximum of 14 years. Women have been getting Permanent Commission only in the medical stream as doctors, dentists and nurses.

On release they can pursue a career in the civil sector. SSC officers are released with gratuity and can avail some benefits as ex-service person, but they do not get pensionⁱⁱⁱ.

Women in the medical branch i.e. doctors and nurses can serve as Permanent Commissioned (PC) officers and are eligible for pension after retirement and

also have the option to serve as Short Service Commissioned officers.

The recent debate about the induction of women in the armed forces has been highly crooked and narrow. An issue that critically affects the fighting potential of the armed forces has been reduced to 'equality of sexes' and 'women's liberation'.

Many ill-informed observers have trifled such a sensitive matter by terming it as 'conquering the last male upholder'. Sadly, stances have been taken more on the basis of personal views and mindsets rather than on well evolved logic. Both military and nonmilitary experts are equally guilty in this regard^{iv}.

Women were trained and inducted in 1992, but over two decades later, are still not being permanently commissioned into the army except in two branches: education and law. According to figures provided by the Army, 252 of the 647 women officers either quit or got their release from the service in the last five years. Often, male officers raise the issue of women quitting by saying: it's a waste of time and money training them because they leave to get married and have children. Lt Gen Puneet Arora, a medical corps officer (women were allowed to join as doctors in 1941) says the dropout rate is to do with the lady officers wanting to keep marital harmony. "They leave if they and their spouses don't

get the same posting or when their children have to start going to school. The service is not gender biased," says Arora^v.

Several studies and research projects have, however, found that biases do exist amongst both genders. Colonel DS Randhawa^{vi} undertook a research project for which he spoke to 600 seniors, juniors, peers, subordinates, women officers and parents. Col Randhawa found a mixed response on the question of whether women officers were willing to lead male troops on a patrol or an ambush. He noted, "Women officers with lower age in the service group of one to four years felt thrilled, considering it an adventure activity. Married women officers in the service group of five to eight years considered this out of context and felt nervous and bewildered at the thought of a single woman amongst male soldiers... Some senior officers were evasive and noncommittal while the majority was not in favor of sending women officers on night duty or on ambush and convoy protection duties in counterinsurgency areas..."^{viii}

Women officers take salutes, Give orders and pack a commanding punch into their slight frames. But the looming specter of discrimination is barely seen behind the veil of formal correctness. It is the gentlemen cadets who feel discriminated

against. Women Soldiers earn the same pay but do not train for as long or as hard. There is resentment, and it is inevitable. Gender cannot be forgotten. Three hundred-odd years of male attitudes cannot change so fast, but Army ethics include respect for women, which is a help.

Women officers are also not deployed at the frontline, though recent amendments have ensured that they are posted in field areas, sometimes less than 50 meters away from actual combat. In their 10 years of service, the women officers can only hope to rise up to the level of a Major. Postings are across the country and usually in the Engineers, Ordnance, Signals, Army Service, Education, Intelligence, Legal Branch or EME (Electrical and Mechanical Engineering) Corps. Women constitute just 3% to 8% of the total officer cadre, and they are not allowed to serve in the ranks below officer level in the 17-lakh strong armed forces.

In India, women are prohibited from combat service. The reason put forth by the service chiefs before the Parliamentary Committee on Women's Empowerment^{viii} was that in the case of women being captured by the enemy, the troops would be demoralized. So it is not women's safety which is the concern here but that male morale would be affected if "their" women were captured.

There are of course pacifist arguments against the militarization of women, but that is another story. Here, patriarchal mindsets inevitably fall back on arguments of culture to justify keeping women out of this or that profession.

The present discrimination against women in the services is so blatant that even in non-combat zones, women face barriers. There are two aspects to this: firstly in non-combat areas, most jobs have been unreasonably kept on a woman-prohibited list, just like what the make-up artists faced. The services snubbed the Parliamentary committee^{ix}, brushing aside their recommendations in meetings in 2010 and 2011 to open up more non-combat branches and also to enhance the number of women in the medical services.

The second aspect of discrimination is in the differential treatment meted out to men and women in the recruitment of what is known as short commissioned officers. In 1991, when India's gender record was under scrutiny by newly-active UN agencies, the obnoxious bar on women's recruitment in non-combat jobs was removed and women were recruited as short service commission (SSC) officers, but only for a period of five years. Men were also recruited as SSCs on the same terms of service.

The shortage of officers as well as the commendable role of SSCs - both men and women - during these years led to a revision in the period of service from five years to seven years and then up to 14 years. But whereas all women were removed from service soon after the completion of 14 years, men were given extensions and were also offered permanent commissions often in the same branches and work where the women had worked. Not only did this mean unemployment for women, but also a denial of pension and medical benefits which were available only for those who completed 20 years of service.

The situation was the same in all the three services. Many of the women being removed were in their mid-30s and at the peak of their careers, bright, articulate, energetic, and committed to serving the nation. Their records of service were excellent. There was no reason at all to deny them the same opportunities of permanent commission that the men were being offered, all, it must be stressed in non-combat roles.

Their fight to be treated on equal terms led to threats from their superiors but the women stayed the course. The then Defense Minister Mr. Anthony, in response to demands raised in Parliament, gave some assurances.

The number of departments where women could be recruited was increased marginally. It was also stated that women in some departments would be offered permanent commissions. This was a small step forward but not nearly enough because it was not with retrospective effect.

Again, just like in the case of the make-up artists, the women in the services were forced to go to court. In 2010, the Delhi High Court^x ruled in favour of the women. The Air Force accepted the court order and the women officers were absorbed as permanent commissioned officers. The Army refused to accept the judgment.

2) Equality under Indian Constitution^{xi}

2.1 Fundamental Rights

Right to equality given under article 14 of Indian law. It is one of the fundamental rights. It ensure the guarantees to every person the right to equality before law & equal protection of the laws .it is not only right of Indian citizens but also right of non-citizens .article 14 says “The state shall of India.” article 14 define no one is above the law. All are equal in eye of law.

Equality before law means “The state shall not deny to any person equality before the law”.

Right to equality means that every person, who lives within territory of India, has the equal right before the law. The meaning of this all are equal in same line. No discrimination based on religion, race, caste, sex & place of birth. It means that all will be treated as equality among equal .and there will be no discrimination based on lower or higher class.

Equal protection of law under the Constitution of India means that each person within the territory of India will get equal Protection of laws.

In *Stephen's college v. university of Delhi*^{xii} under The court held that the expression "Equal protection of the laws is now being read as a positive Obligation on the state to ensure equal protection of laws by bringing in necessary social and economic changes so that everyone may enjoy equal protection of the laws and nobody is denied such protection. If the state leaves the existing inequalities untouched laws d by its laws, it fails in its duty of providing equal protection of its laws to all persons. State will provide equal protection to all the people of India who are citizen of India and as well as non-citizen of India.

Underlying principle is that the Principle of equality is not the uniformity of treatment to all in all respects. It only means that all persons similarly circumstanced shall be treated alike both in

the privileges conferred and liabilities imposed by the laws. Equal law should be applied to all in the same situation, and there should be no discrimination between one person and another.

The official website of the Indian Army^{xiii} says that the Indian Army also has women officers. The use of the word "also" here may suggest the Army's commitment to gender equality, but in reality it is a qualified commitment.

"You can take up the challenge of Short Service Commission and prove to the world when it comes to courage and leadership, you're second to none," the Army tells women on its website. In practice, however, professionally successful women in the Indian Army and the Indian Air Force (IAF) always found themselves passed over when it came to promotion to permanent commission.

2.2 Directive principles

Article 39^{xiv}. Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing

- (a) That the citizens, men and women equally, have the right to an adequate means to livelihood;
- (d) That there is equal pay for equal work for both men and women;

It is a biological fact that women can never have the same level of physical fitness as

menthe Indian Army has lowered the standards for women trainees to appallingly low levels with many failing to qualify during their pre-commission training. Whereas male cadets are required to run 5 km in 28 minutes, women are given 40 minutes. Males are required to jump across a nine foot wide ditch with full equipment and personal weapon; Women have to negotiate only a five foot wide ditch, which most fail to do. All male ranks are subjected to annual battle physical efficiency tests till the age of 45, which women officers have been exempted from to avoid embarrassment to them in front of the troops. Concerns have also been expressed about the susceptibility of Indian women to frequent back problems, pelvic injuries and stress fractures.

This has proved to be a major problem. While certainly there is a small percentage of women officers who have excelled in adventure activity, like mountaineering, sailing on the high seas and some other sports, some commanding officers of non fighting Arms units with women officers mourned that they could not be sent to, or refused to go to difficult posts in high altitude areas, where male officers have to stay for longer periods without respite. Even in peace stations, women officers are not detailed as night duty officers.

But there remain some impediments for the government to implement permanent

commission in a hurry. Two basic requirements, which women officers in the Army fall short of for grant of permanent commission, are that they have not undergone promotion tests and the junior command course, which are mandatory for being considered for permanent commission.

So far, women officers undergo only six months of training in the academy till their short service commission, whereas male short service officers undergo nine months and those who are granted permanent commission lose over a year of seniority.

As a country facing many threats, the government must be very clear about maintaining a very effective Army, where each leader and fighting soldier are the best chosen and not allow politics or jingoism to rule its decisions.

No doubt that in India, where women have for long suffered discrimination, they must get empowered. And in that process, if they can be absorbed as full term officers in the armed forces, by all means do so, but by deep and honest introspection of how they have fared since the early 1990s and then plan for the best way to include them into the system. Granting permanent commission to women in legal and education departments of the three services, accounts branch of the Air Force and constructors of the Navy may be a good way to start and as suggested by

Sunman^{xv}, they can also be considered for commissioning in the Survey of India, the Military Engineering Service Militarized Cadre and the Directorate General, Quality Assurance.

But if a true test of suitability and capability for women to be given permanent commission in the Army is to be taken, then putting them through the mill of the three years course at the National Defence Academy may be the best way to begin with an experiment. Because they must at least be fit enough to function in noncombat units deployed in rear areas in inhospitable terrain. They must certainly not be pushed into the forces in a hurry and in any case the guiding principle should be that there is no compromise whatsoever on the combat capability of the services^{xvi}.

3) Legal provisions applicable to women in defense services

3.1 The Army Act

‘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:

Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the regular Army, or any branch thereof in which females are eligible for enrolment or employment^{xvii}.

3.2 The Air Force Act

Ineligibility of females for enrolment or employment:-‘Ineligibility of females for enrolment or employment. No female shall be eligible for enrolment or employment in the Air Force, except in such corps, department, branch or other body forming part of, or attached to any portion of, the Air Force as the Central Government may, by notification, specify in this behalf : Provided that nothing contained in this section shall affect the provisions of any law for the time being in force providing for the raising and maintenance of any service auxiliary to the Air Force or any branch thereof in which females are eligible for enrolment or employment^{xviii}.

In the Air Force, women are eligible to fill all vacancies in branches of Ground Duties and transport and helicopter stream of the flying branches. The current strength of women officers in IAF including Medical Services is 793. Of these, 63 are from the Flying Branch, 132 from the Technical Branch, 126 from the Medical and Dental Branch and the remaining from the

Nontechnical Ground Duty Branches. In the Flying Branch, women officers have been flying AN32, Avro and Dornier aircrafts in the transport stream. They are now going to be inducted in advanced platforms like IL76 aircraft.^{xix}

3.3 The Navy Act

‘No woman shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except in such department, branch or other body forming part thereof or attached thereto and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf’^{xx}.

In the Indian Navy, women were inducted as officers in the Education branch and Logistics and Law Cadres of the Executive Branch of the Indian Navy from 1992. In 1993, approval was also accorded for induction of women in the ATC cadre. Women officers are however, presently not being posted to serve afloat. The present design of ships, congested living conditions do not allow a mix crew onboard ships. The rest of the training patterns are same as those for male officers. Women officers have not found any major difficulty in adapting to the Naval environment and their performance has been satisfactory. At present, there are 258 women officers in the Indian Navy.^{xxi}

The IAF's decision, however, is on "experimental basis" for five years.

"Recognizing the importance of providing equal opportunities to women officers, seven women officers from the batch of Short Service Commission officers of the Education branch and Naval Constructor cadre, who joined in 2008-09, have been granted Permanent Commission," said a Ministry of Defense release.

The navy is also finalizing the policy for women officers to serve on select warships that have appropriate facilities for women," the defence ministry said.

While the Army and Air Force allow permanent commission for women, the Navy has limited women officers only to short service commission of 14 years.

In September last year, a Delhi High Court bench of justices Kailash Gambhir and Najmi Waziri also allowed the women naval officers' plea seeking retirement benefits like pension^{xxii}.

4) Permanent Commission

On its 66th Republic Day, during a mighty parade in the national capital, India showcased "woman power" with all-women contingents of the three Services for the first time. A day earlier, Wing Commander Pooja Thakur became the first woman to lead a ceremonial tri-service guard of honor, which the visiting U.S. President inspected. When it comes to the

overall status of women in the Indian armed forces, especially in the Army, all of this represents a farce of gender justice^{xxiii}. On a batch of petitions filed in 2003 by women officers demanding an end to the discriminatory practice, the Delhi High Court^{xxiv} in March 2010 granted their just and fair claim for permanent commission with the singeing words that it was not some “charity being sought... but enforcement of their constitutional rights”. While this prompted the Air Force and the Navy to grant women officer’s permanent commission, the Army took a different stand, arguing, among other things, that “the bulk of the army’s Junior Commissioned Officers and other ranks hail from rural India, who are not yet ready to accept a woman as their leader in combat situations”. In an affidavit filed before the Supreme Court in 2012 while appealing against the High Court order, the Army added: “In theory women in the army may sound good but in practical terms the arrangement has not worked well in the Indian Army and as a concept also our society is not prepared to accept women in combat role.”

As the issue remains in the Supreme Court for more than four years now, the Army needs to get real, and persuade itself to go beyond symbolic and cosmetic steps. It needs to recognize women’s capabilities — as many advanced armed forces across the

world have done, even committing them to combat roles — and their right to a full-fledged career in the force, on a par with men. During the 14-year short service commission tenure they now enjoy, women officers in various corps are assigned duties similar to those of men officers without distinction, to all possible field units with men officers. If it is the Army’s claim that beyond that point in permanent commission tenure women could be exposed to hostile environments — it has cited “the unique nature of responsibility and organisational requirement that... the Army Act” necessitates — that truly smacks of gender discrimination. The time has come for the Army to end this iniquitous situation.

5) Conclusion

There are some subjective and objective grounds, adduced for denial of permanent commission to the women officers in the armed forces. In the Indian Army and Air Force, permanent commission has already been granted to women officers. After the year women were first enrolled in army it took too long for women to be allowed permanent commission. All of them have proved their worth; busting the myth that quality will go downwards. One subjective plea is that the rural based soldiers are not used to taking orders from a woman officer. But, this attitude can be overcome

by the example of merit-based promotions and leadership roles of the women officers. The women officers can definitely be considered for permanent commission, after case-to-case scrutiny by a selection committee. This committee should comprise of lady officers. Even in case of recruitment and training women should be given more opportunities. The legislations available are passed in early decades of independence can be amended properly so that discrimination with women in defence services which starts from eligibility criteria itself will be based on equality and gender justice. This will definitely allow gender justice in defence truly.

Reference

1. Bhattacharyya, Arundhati, 'Women in Administration: The Indian Experience,' in Ghosh, Arunava, Women in India: Problems, Potentialities and Power, Mitral Publications, Kolkata, 2010, 242-258
2. Arundhati Bhattacharyya, 'Women in Military in India: The Cry for Parity', Mediterranean Journal of Social Sciences Vol. 3 (2) May 2012
3. Pandit, Rajat, 'Top Military Brass Resent Permanent Commission For Women', The Times of India, Kolkata, March 13, 2010, p.1.
4. Major General Mrinal Suman 'Women In The Armed Forces Misconceptions And Facts::Strategic Defence', Available at <http://www.esamskriti.com/essaychapters/WomenintheArmedForces~MisconceptionsandFacts1.aspx>
5. Harinder Baweja, 'Women in Indian armed forces: Challenges, triumphs and male response'Hindustan Times Updated: Feb 08, 2015 07:14 IST
6. ibid
7. Col.D.S.Randhawa, 'Women officers and Work Environment: Indian Perspective' *USI Journal*, July-September 2005
8. http://parliamentofindia.nic.in/ls/intro/committee_on_empowerment.htm accessed on 16/2/2015
9. Parliamentary committee on Empowerment of women;Parliamentary bodies dealing with gender equality :
10. Committee on the Empowerment of Women; created on 27/04/1997
11. (WP (C) No.3357/2007, WING COMMANDER ANUPAMAN JOSHI vs. UNION OF INDIA & ORS.)

12. Professor M. P. Jain, Indian Constitutional Law, 1704-1708, Volume 1, Lexis Nexis Butterworths Wadhwa, Nagpur, 6th Edition, 2010
13. 1992 (1) SCC 558
14. <http://indianarmy.nic.in/> accessed on 15/02/2015
15. Supra at note 5
16. ¹ Major General Mrinal Suman, AVSM, VSM (Retd); 'Women in the Armed Forces: Misconceptions and Facts' available at [<http://www.usiofindia.org/Article/?pub=Journal&pubno=579&ano=711>].accessed on 17/02/2015
17. Anil Bhat, 'Should women officers in Forces be given Permanent Commission?', The Asian Age, accessed on 16/2/2015
18. Section 12 The Army Act 1950
19. Section 12 the Air Force Act 1950
20. A print release by Press Information Bureau Government of India Ministry of Defence, 26September2008 17:5 IST
21. Section 9 (2) the Navy Act 1957
22. ibid
23. Available at <http://currentaffairs.gktoday.in/delhi-high-court-permanent-commission-women-indian-navy-09201526459.html> accessed on 03/09/2016
24. 'Going beyond symbolism'; Editorial, The Hindu, January 29, 2015 02:53 IST
25. (WP (C) No.3357/2007, WING COMMANDER ANUPAMAN JOSHI vs. UNION OF INDIA & ORS.)
