

A Year After 'Nari Shakti': Reviewing Permanent Commission for Women in the Indian Army

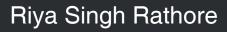




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ISSUE BRIEF

A Year After 'Nari Shakti': Reviewing Permanent Commission for Women in the Indian Army

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However, available data shows that even after the Supreme Court judgement that mandated it, only 45% of lady officers were permanently commissioned compared to 90% of their male counterparts.

ABSTRACT

February 2021 marks the completion of a year since women gained the right to be permanently commissioned across all ten branches of the Indian Army. However, available data shows that even after the Supreme Court judgement that mandated it, only 45% of lady officers were permanently commissioned compared to 90% of their male counterparts.

This issue brief tracks the repercussions of the Supreme Court's judgement on women's ranks, pension, and opportunities in the Indian Army, with further examination of new institutional obstacles they have to overcome to be permanently commissioned.

CONTEXT

In a landmark verdict in February 2020, the Supreme Court of India (SC) concluded that women were qualified for Permanent Commission (PC) as well as for commanding positions equal to that of their male counterparts in the Indian Army (Secretary, Ministry of Defence v. Babita Puniya & Ors 2020). This was the culmination of a 16-year-long legal battle fought by 17 women officers who had been discharged from duty despite serving for 14 years, solely because they were female Short Service Commission (SSC) entries. Their victory now ensures that female officers will be eligible to permanently serve across all ten branches of the Army¹.

Half a year into the verdict, the forces stated that 70% of women were eligible for PC, which received widespread praise. However, a more in-depth look at the data reveals that while 70% of the 615 women were deemed 'fit for a permanent commission', only 227 (45%) had actually been granted PC (Figure 1 below). Comparatively, 90% of male officers were cleared for PC (Rajagopal 2020). The initial 70% that the Army stated as eligible included 57 lady officers who had opted out of PC in addition to 42 who were in low medical categories, and those whose results were unavailable for the PC review (Ibid.). Even after accounting for this miscalculation, the establishment's persisting non-commitment to true women's empowerment within the Army is evident. One year after the SC judgement, it is essential to analyse the systemic barriers that necessitated it and review the obstacles women officers still have to overcome in their journey towards PC.

Women

Not
Granted
10%

Granted
45%

Granted
90%

Figure 1: SSC Officers Granted Permanent Commission

Source: Rajagopal 2020

ATTITUDES TOWARDS WOMEN IN THE ARMED FORCES

At the outset, one would be remiss in not mentioning the resistance the Army and the central government displayed against putting women officers at an equal

¹ Namely Judge Advocate General (JAG), Army Education Corps, Signals, Engineers, Army Aviation, Army Air Defence, Electronics and Mechanical Engineers, Army Service Corps, Army Ordinance Corps and Intelligence.

footing with their male peers. Initially, women won the verdict in 2010 after the Delhi High Court decreed that women be granted PC. However, along with the Army, the government challenged the ruling stating that courts cannot interfere in policy decisions (Sharma 2020). This battle drew on till the SC judgement last year, within which the apex court reprimanded the force's dismissal of women officers' contribution to the nation's security by deeming it 'an affront not only to their dignity as women but to the dignity of the members of the Indian Army who serve as equal citizens in a common mission' (Secretary, Ministry of Defence v. Babita Puniya & Ors 2020: 45).

This resistance to women is not surprising, given the armed forces function within an unquestioned brotherhood culture. As Chowdhry (2010) points out, such male-bonding and overt hostility to anything remotely feminine is considered a necessity to 'increase combat effectiveness'. Masculinised notions of women as the weaker sex form the foundation of the armed forces, which lead to self-fulfilling structural exclusion of women. However, this "gentlemen's club" is immediately challenged as women increasingly gain access to it. Mainstreaming women in such male-dominant spaces poses a threat to the prevailing masculinity, as men who were previously taught to kill their femininities are suddenly asked to accommodate the embodiment of feminine - a woman. Inevitably, the transition towards equality for women in the forces will be far from frictionless.

According to Captain (retd.) Deepanjali Bakshi (2005), women officers are valued most for their social currency and their token presence in the forces rather than their laurels or service. A timely metaphor for this arrived as the Army lauded Nari Shakti when Captain Tania Shergill led an all-male contingent at the 2020 Republic Day Parade, but less than a month later opposed the idea of women being in leading positions within the forces (Asthana 2020).

When asked to comment on gender parity within the forces, the Ministry of Defence (n.d.) assured that "there is no gender discrimination whatsoever" with regards to duties, job specifications, working conditions, promotion prospects, pays, allowances, and service conditions between female and male officers. However, according to a response submitted in 2018 by then Minister of State for Defence, Dr. Subhash Bhamre in the Rajya Sabha, there is one woman in the armed forces for every 16 men². This ratio worsens if one tracks the data across time and higher ranks. Captain (retd.) Amrit Kaur told Bose (2020) that she was the only woman among 800 men in the unit during one of her postings. This remains consistent with the fact that only 3.89% of Army officers, 6.7% of Navy, and 13.28% of Air Force are female, denoted in Figure 2 (PIB 2019).

² The overall number of women to men is 3799: 62507 (PIB 2018), which converts to a 1:16 ratio.

Figure 2: Women and men in the Indian Armed Forces

Source: Press Information Bureau 2018

Another example of persisting gender-based discrimination is that women are denied combat roles in infantry or artillery corps. In last year's Supreme Court judgement, the government had argued that women are not put in hazardous combat duties because of the "inherent risks" that only men who undergo infantry training can take on (Secretary, Ministry of Defence v. Babita Puniya & Ors 2020: 21), thereby claiming that women are incapable of being in combat or hazardous situations. However, the fact remains that 30% of women army officers are currently deployed in combat zones where they serve shoulder to shoulder with men (Kaur 2020).

Needless to say, there is much scope for true gender equality in the defence forces, and nuanced discussions are necessary to identify and acknowledge the attitudes towards women serving in male-dominated professions. Hence, last year's verdict shines a light on how policy changes, such as introducing the permanent commission for lady officers, might close the gap between men and women in the Army.

PERMANENT COMMISSION: REMEDY TO INSTITUTIONAL SEXISM?

In its most basic definition, a Permanent Commission means "a career in the Army till you retire" (Join Indian Army n.d.). Earlier, women did not have access to permanent roles in the army and were enrolled through the SSC route, which extends up to 14 years. It was only after last year's ruling that they were eligible to serve permanently, post the completion of their commission. However, being legally eligible for a PC does not mean that the road to being granted one is smooth.

Skewed Ratio

Traditionally, those inducted under SSC serve up to ten years, at the end of which they could opt-out or continue their time for four additional years, thereby completing their term. As the only route available to women to enter the Army,

it stands in stark contrast to how men traditionally enter the institution. A large majority of men join the defence forces through the PC route. Most of these are school or college level recruits who are offered more job security and opportunity than women who have already served for over a decade.

According to an RTI: of the 1,572 male vacancies in total, only 225 came from SSC (Indian Army n.d.: 10-15). This means that while a 100% of women are enlisted through SSC and then have the option to opt for a permanent commission, which is further up for review by a selection board, only 14.3% of their male counterparts face the same barrier. Eighty-five per cent of men enter the Army knowing they can remain in the force till they retire even though they hold less experience and qualifications than lady officers who have served their tenure. The varied routes of entry help maintain a robust numerical dominance of men over women.

Additionally, there still persists an unsaid hierarchy within the forces wherein the cadets with the longest training duration rest at the table's apex. In contrast, the cadets with the least amount of logged training hours are considered subordinate. For instance, the National Defence Academy (NDA) entrants are considered superior since they train for four years while SSC entrants are referred to as "Dhakkas" (Hindi for pushover) as they train for 49 weeks. Although such banter is employed in good fun and should be seen in that context, the fact remains that women simply have no other route to entering the forces other than being Dhakkas, which automatically puts them at a disadvantage when attempting to compete with their male peers for higher ranks and job prospects.

Last year's ruling provides lady officers with the chance to opt for PC when they join. However, it may not alter the reality of women having to work twice as hard and for longer than their male counterparts for the same job security, pension, and retirement benefits — benefits that men are able to secure right out of the training academy. It is imperative to evaluate all of PC's benefits using this lens, as great uncertainty still remains around a lady officer's future in the Army. In the likely event of not receiving a PC, she will continue to have zero access to the policy benefits this paper discusses.

Job Security and Higher Roles

Till now, a direct consequence of a lady officer's limited employment period is that she misses out on many courses and higher ranks, which is detrimental for the officer — both economically and in regards to the availability of job opportunities. The defence forces' promotion criteria dictate that more experience merits a higher position (Table 1 below). For women, hitherto, the possibility of getting prestigious roles such as that of Colonel, Brigadier, Major General and so forth did not exist. This not only prevented lady officers from achieving a higher rank but also the higher salary that accompanies it.

Table 1: Promotion Criteria of the Indian Army

Rank	Promotion Criteria (on completion of)	Monthly Pay (in Rupees)					
Lieutenant (Lt)	Commission	56,100 - 1,77,500					
Captain	2 years	61,300 - 1,93,900 69,400 - 2,07,200					
Major	6 years						
Lt. Colonel	13 years	1,21,200 - 2,12,400					
Termination of SSC contracts							
Colonel	26 years	1,30,600 - 2,15,900					
Brigadier		1,39,600 - 2,17,600					
Major General		1,44,200 - 2,18,200					
Lt. General/ Higher Administrative Grade Scale	On selection basis subject to fulfilment of	1,82,200 - 2,24,100					
Higher Administrative Grade Scale	requisite service conditions	2,05,400 - 2,24,400					
VCOAS/Army Cdr / Lt. Gen		2,25,000/-(fixed)					
Chief of Army Staff		2,50,000/-(fixed)					

Source: Indian Army (2021: 5)

Another way of rising through the ranks and clearing selection boards is by completing prestigious defence courses. For instance, completing the Defence Services Staff College (DSSC) exam increases one's chances of clearing the selection board to rise in rank by 90-95% (Sharma 2020). However, while male officers have three attempts to clear the exam, women cannot even sit for the DSSC exam. This is an apt allegory for a system that not only restricts a lady officer's career advancement, but also makes her stand by and watch her male batchmates become her senior in rank and pay. A Lieutenant Colonel (Lt. Col.) expressed that while she could refer to her male peers by their name in an informal setting, "but in front of others I have to salute them, because they are my senior, because they got chances which I did not get" (Ibid.).

As noted by Khullar (2020), since lady officers are often perceived as unfit for career progression "they rarely receive training in requisite courses of instruction" equal to what their male peers receive for smoother professional development. Bose (2020) further iterates this by giving the example of Captain Shalini Singh. During her time, Singh pointed out that women were often not permitted to pursue the positions allowed to them, such as a Lt. Col.

She explained that despite being an educational institution, the Defence Services Staff College remains to be male-dominated. It was also pointed out that often when there is a shortage of officers, the forces prefer rehiring retired male officers (between the age of 54-58) for a short period of four years rather than employing trained women officers in their prime (Secretary, Ministry of Defence v. Babita Puniya & Ors 2020: 30).

The uncertainty around tenure length, combined with patriarchal attitudes results in women tending to menial tasks. Suman (2015) points out that despite a lady officer's professional qualifications, they are "detailed for perceived women-like jobs" such as desk jobs or administrative roles. Such gendered assignments

further isolate lady officers from positions of power and decision-making, while their mistakes are perceived through an unforgiving lens (Bakshi 2005; Suman 2015).

Commander Sumita Balooni told Bose (2020) that before anything else, a PC for women means "ensuring their job security and giving them the confidence that they would not become unemployed and without benefits after so many years of service." Women will now be eligible to earn a pension, retirement benefits, contest for higher ranks which require longer service terms, open up opportunities for more staff appointments and so forth. Therefore, having access to PC assures women basic job security and the right to equal opportunity.

Pension

Aside from the prospect of job security, a great benefit PC offers women is the prospect of pension and other retirement benefits - a perk previously available only to male officers. Traditionally, lady officers had no access to pension since they were contractually mandated to retire within 14 years of service at best, while defence personnel are only entitled to pensionary benefits after completing 20 years of service. Aside from a stable pension, a PC offers benefits such as ex-servicemen status, a healthcare scheme, provision for re-employment, among other benefits. A Table from last year's court case shows the difference in employment benefits meted out between men and women in the forces.

Table 2: Category-wise Retirement benefits

	Pension	Ex-Servicemen Status	Ex-Servicemen Contributory Health scheme	Re- employment	Encashment of Leave	
PC Male Officers	Pensionable after 20 years	Yes	Yes	Yes	Paid for 300 days encashed leave	
Jawan/ JCO	Pensionable after 15 years	Yes	Yes	Yes	Paid for 300 days encashed leave	
SSC Women Officers	No pension (without PC)	No ESM status	No ECHS facility	No provision of re- employment	Paid only for 90 days encashed leave	
SSC gentlemen officers are all together in a different category, as they are allowed permanent commission after 5/10 years of service. Once they get a permanent commission officers.						

Source: Secretary, Ministry of Defence v. Babita Puniya & Ors (2020: 32)

CURRENT SCENARIO: NEW HURDLES

While women have now legally won the battle to attain PC, the Army's resistance to said changes is evident from the complex policies in place for lady officers. For one, the enforcement date for the verdict was May 2020, which was dragged out till September 2020 after a series of deadline extensions, leaving careers of many lady officers dangling in the balance. Between that time, the army formulated four policies that would allow women to be permanently commissioned. The following subsections discuss these, along with their implications.

Junior Command Course (JCC)

A big policy step that angered many lady officers was the army's decision to enlist all women for JCC at the Army War College. The course, taken between the fifth and eighth year of tenure, is done to be eligible to command a group of 100 people. For the last seven years, lady officers were not admitted to the course despite it being open for them. Now JCC has been made mandatory for batches 1998 onwards. However, even female officers from batches as early as 1994 are now being enrolled in it. This is especially perplexing given that their male batchmates from 1994 who are up for PC are not being enlisted to complete the JCC (Dutta 2020).

Furthermore, female officers point out that for an institution that lives by the code of seniority, training a senior officer — such as a Lieutenant Colonel — with Captains and Majors is blasphemous in army culture (Dhoop & Dhoop 2020). It was already unfair that women had to refer to their batchmates as "sir" over time. However, referring to their juniors as equal is especially disparaging.

Battle Physical Efficiency Test (BPET)

Another policy now mandated for all women officers is the BPET, a physical fitness examination of an officer/jawan. It constitutes a 5-kilometre run in full gear, 60 meters sprint, climbing out of a ditch, and rope climbing among other activities performed within a specific time frame, which earn grades such as excellent, good, and satisfactory. These examinations hone one's physical capability for a battlefield and are required to be passed quarterly till the age of 45³.

Senior advocates Meenakshi Lekhi and Meenakshi Arora expressed their apprehension to the court, pointing out that this policy supersedes directions given in 2011, exempting lady officers commissioned before 2009 and/or above 35 years from BPET and replacing it with Physical Proficiency Test (PPT) (Sinha 2020). However, in a blanket policy move, the army now demands that women officers who had not undergone BPET in the last decade have to pass it now, or else they will be denied their permanent commissions (Chhina 2020).

Additionally, the Army Headquarters have made it harder for female officers to score well on the test by tweaking old timeframes and reducing the minute to second grading⁴. In addition to increasing difficulty levels for women's physical

³ Before 2020, the age till which women underwent BPET was 35. This was changed to 45 post the Supreme Court judgement.

⁴ The new changes are noted in Chhina (2020).

tests, Dua (2020) notes that the new standards were not recommended by the Army Institute of Physical Training (AIPT) or any other medical board. A senior lady officer further points out that not only were JCC and BPET introduced only after last year's verdict, but also that the Army had not even framed a proper government sanction letter on permanent commission for women when the new standards were put in place (lbid.).

Annual Confidential Report (ACR)

Another blow to a lady officer's chance of getting a PC is the ACR of the first ten years of her service. It is an annual performance appraisal maintained by the immediate senior of said officer, graded on a 9-point scale and necessary to gain promotion. One of the factors in the ACR is the Adequately Exercised (AE) tenure worth 50 marks. All women officers have been asked to take up an AE tenure of a minimum of two years.

However, this brings up more policy complexities. As a lady officer pointed out to Dutta (2020), many women seeking PC have hardly much tenure left, undertaking AE would mean passing up on command appointments before they retired. Additionally, many have already completed their AE appointments, often putting in 4-5 years which were later not taken into account in their ACR, so they had to undergo the AE again for two years — further delaying their promotion.

SHAPE-1 Category

SHAPE-1, in the prescribed medical and physical standards as applicable to the Indian Army, includes medical fitness based on Psychological, Hearing, Appendages, Physical, and Eyesight of a candidate. Those who are fit in all categories are regarded as SHAPE-1. While 1 to 3 are fit for duty, 4 (temporarily), and 5 (permanently) are unfit for service.

Reports indicate that 60 women officers were denied PC based on medical and merit grounds in 2020. Many women officers pointed out the haphazard and unreasonable nature of the new criteria that would inevitably keep women from gaining their permanent tenures (Rajagopal 2020; Dua 2020). Subsequently, they challenged the introduced criteria in the Supreme Court. Their key argument is that a third of women awaiting their PC are over the age of 40 (Thomas 2020) and to suddenly ask all of them to be in SHAPE-1 category, when no such criteria applied to their male counterparts, is clear gender-based discrimination. In its defence, the Army stated that lowering physical standards for women would lead to 'catastrophic results for the nation's security and sovereignty' and that women are seeking special treatment (ibid).

A pertinent question one must ask here is — are all male officers who have PC but are not in SHAPE-1 category undermining the nation's security? Furthermore, it is worth debating how or to what extent women would undermine national security? Considering they are still not allowed to take up combat roles.

CONCLUSION

It is evident that a clear policy chasm remains to be closed, despite access to a permanent commission for women. A distinct demographic, rank, pension, and opportunity inequality between women and men in uniform lurks therein. Only through long and consistent structural change can India's defence institutions reduce gender disparity.

If the number of women granted PC remains as low as they were in 2020, this change might be slower than anticipated. A majority of women officer's careers would see very little difference. Despite these hurdles, the future is slightly brighter in the wake of the verdict. Future female cadets have a less thorny path to PC than their predecessors, and an attitude shift is bound to happen as women can now contend for the same positions and tenure as men. As one of the initial women officer petitioners told Bose (2020), it is not just about welfare — 'the idea is to give women a chance at nation-building'. Though last year's verdict was widely hailed as a watershed moment for women worldwide, it was only the first step in a long journey towards overcoming institutionalised sexism in the state's security apparatus.

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