

SHE MADE COMMON CAUSE WITH ALL WOMEN



A LEGAL case of historic significance for the women's movement in India came up before the Supreme Court in September. C.B. Muthamma, the first woman to be appointed to the Indian Foreign Service (IFS) had filed a writ petition against the Union of India and foreign secretary Jagat S. Mehta for "hostile discrimination against women".

Appealing against the deferment of her promotion to Grade 1 of the IFS and her supersession to Grade 1 by another officer, Muthamma argued that the move was inspired by a "long existing prejudice and bias against women." She pointed out that her service record was impeccable and there was no reason why she should not be promoted.

Strangely enough, shortly after the writ was filed, Muthamma was promoted to Grade 1 and posted as Indian ambassador to the Hague. When the hearing came up in the Supreme Court, Justices Krishna Iyer and P.N. Shinghal took note of the sudden promotion and on account of that, were forced to dismiss the petition. However, keeping in view the fact that discrimination against women is rampant in society, they stated: "We dismiss the petition but not the problem." The court directed the government to review the seniority Muthamma had lost in the months for which her promotion was deferred.

Muthamma had cited as an instance of discrimination rule 8(2) of the IPS rules which says, "a woman member of the service shall obtain the permission of the government in writing before her

marriage is solemnized and at any time after the marriage, a woman member of the service may be required to resign from service if the government is satisfied that her family and domestic commitments are likely to come in the way of the due and efficient discharge of her duties..."

The court found in this rule, "discrimination against women in traumatic transparency" and condemned the "masculine hubris which haunts the echelons in the concerned ministry". It said, "If a married man has a right, a married woman, other things being equal, stands on no worse footing...Freedom is indivisible and so is justice". As a result the central government in an affidavit stated that rule 8(2) was in the process of deletion.

Muthamma's courage in taking the matter to court has not only led to the redressal of her grievance but, more significantly, will lead to the deletion of an obnoxious rule. Moreover, her action has set a brave precedent for women everywhere—she did not fight discrimination as a personal problem but saw it as part of a larger social design to keep women oppressed. Through this case she made common cause with all women. Her letter:

Dear Foreign Secretary,

Your circular letter No. Q/PAII/560/67/79 dated 21st May 1979, addressed to the women members of the Indian Foreign Service only reached me here by the last week's bag.

Your letter gives the impression that

it sets out to point out to the women the "enlightened policies of equal opportunity" that they enjoy, and also to warn them, especially the married women, that they should be duly grateful for the privileges that they receive, and that they should not make unreasonable demands.

Having been longer in the service than any other of my women colleagues, I have some idea of the "enlightened policies" that have been followed in the Ministry since the beginning of Independence down to the present time. And though I am aware that my married women colleagues are perfectly capable of speaking for themselves, it is obvious that even unmarried people can see a fair amount of the problems that the married women officers are faced with. Moreover, the question is one of the general atmosphere and ethos prevailing which affects all the women...I propose to take up the various points made by you.

In para 2 of your letter you have pointed out there are more than 40 lady officers in the service. I hope that the Ministry of External Affairs (MEA) is not claiming credit for their presence, having had no part in recruiting them. The present letter is from the Head of the Foreign Service, and discussing matters that lie outside the jurisdiction of the Service tends to deflect attention from the basic point, which, I suppose from your letter, is the conditions of service in our Ministry.

But in case some people think that the Government of India's "enlightened



policies" in the overall context have their effect for and in the MEA also, I would like to add that there is a gap between the Government's unexceptionable theory and the practice at all levels, somewhat on the analogy of the status of the Harijans in the country. All is perfect in theory, and we have Harijans in high positions and might even have a Harijan President or Prime Minister; all of which does not alter the fact that Harijans are the lowest and poorest in the country and they can be, and are frequently murdered with impunity for reasons basically relating to their efforts to attain equality.

As regards women who enter the civil services (including the MEA), in my own case the theory of equal rights enabled me to take the UPSC examinations. All was well so long as I was a number on the answer paper, but when I appeared for the interview, and the Chairman and Members of the UPSC were confronted with the first woman entrant to the Civil Services through the UPSC, the Chairman took it upon himself to suggest to me that I should not enter the Foreign Service, but consider something else (I had indicated the Foreign Service as my only choice, under the then rules). Many years later he personally told me that he had deliberately given me the minimum for a pass for the interview, and had used his position as Chairman to overrule members who disagreed.

I should add that in spite of this specially "enlightened" procedure, I was still the first in the IFS batch of the year. I mention this, because the rank, and its implication that I was not quite a moron, did not prevent every ambassador who was approached by the Ministry, from refusing to have me posted to his mission, though none of those ambassadors knew anything against me

except that I was a woman. You might not be aware of this but this de facto discrimination is not a thing of the distant past, but continues right up to the present time, though it has become slightly more subtle and less obvious. Your letter makes it clear that the average man does not see this, and only the perceptive few do, and are honest enough to admit it.

Para 2 of your letter also says that more than 10 women are serving in selection grades and six are heads of missions. To this I must reply that most of those at present in the selection grades have been in the service for so long that even if they were denied credit for a good part of their service, they would still have reached the selection grades, so their mere being in the selection grades is no proof of fair or equal treatment. In fact, around 1969 a competent woman officer was overlooked for promotion as Joint Secretary, though at the same time a totally incompetent man officer, who was generally known to the service as such, was promoted as Director against the specific recommendation of the Head of his Division, on the strange plea that the promotion and extra responsibility might help him to improve.

Last year, the two seniormost women in the service were superseded for promotion to Grade 1, without any viable reason being cited, whereas some men officers, not only of mediocrity but of demonstrable mediocrity, were promoted earlier to Grade 1. You are aware of letters addressed to you by me separately in two different contexts, seeking to know the criteria applied by the Ministry in assessing performance. My letters to you have not yet received a reply indicating these criteria. If non-discrimination means anything, it means

objective criteria. If you had any, you would not have needed to have sent the circular under reply.

Your para 2 also refers to six women serving as Heads of Missions. I have two comments on this: In 1968 I had asked to be sent to Africa out of an interest in the area, pointing specifically to Senegal which was falling vacant. Even though Africa was, and still is, not only unpopular for postings but also rates low in the Ministry's priorities, I was refused that posting, quite clearly because it involved my being posted as Head of Mission, and the Ministry (in spite of the fine theories that are quoted) was not prepared to contemplate that. The choices were London or failing that, the Ministry, in either of which places I would be safely under supervision.

Since my first posting as ambassador (to Hungary) in late 1970, other women have been posted out. It does not seem an accident that I was on that occasion too given a post that rates low in the Ministry's order of priorities, and that the much-vaunted 6 Heads of Missions are in similar positions. In fact one of the posts, Nigeria, was abandoned by the two last heads of missions before the present Head of Mission, who is a woman. The last one insisted on what he considered a more important posting, as he felt he was too senior for Nigeria.

After I was sent to West Africa in 1975, other women have also been sent to West Africa; at one point, out of four West African posts, three were filled by women and the fourth had a woman designated to fill it. Apparently the Ministry felt that since West African posts had a low priority and were also unpopular, and the women had to be given posts that were rated low, the obvious solution was to team the two together. I should clarify that the low rating for Africa is not mine, but the Ministry's.

The question is—can the Ministry prove that the women have not rated above the types of posts so far assigned to them? The women, I should add, have done no worse than most, and very much better than many men; and this can be

substantiated.

Your para 3 claims to have given special consideration to the lady members, but puts in the escape clause about "notable exceptions". In the old days, men justified women's unequal status with the plea that they were being "protected." We are familiar with that argument and are not particularly impressed with this new variant of special consideration.

We do not need to be told that we are being given soft or 'A' posts. I have just referred to the fact that nearly all West African posts were, very recently, allotted to women. The countries of that region are neither soft posts nor 'A' posts. The conditions of living, the political uncertainties, personal security and health conditions are among the worst in the world and in addition there are in all cases the avoidable and unnecessary difficulties caused by the total unconcern of the Ministry, and the reluctance to give even financial help in these low priority posts where this would alleviate problems.

As regards soft posts in junior positions, I was posted as Second Secretary to a country where the government's writ did not run beyond the capital, and was of doubtful validity even in the capital, where there were kidnappings, armed skirmishes, etc., where the resident of the flat above mine was murdered and where it was unsafe to go for a walk, and where after parties walking even the short distance from the garage to the flat, one was not certain of reaching home safely. I have not made an issue of that posting before or since, for the simple reason that I have taken it in the normal course of my posting.

You are undoubtedly aware of more recent cases such as that of one of our younger women who willingly went to Hanoi, which I do not think is classified as a soft or 'A' post. I have no reason for thinking that my women colleagues would view the matter differently. If some of them do, I daresay the proportion is much smaller than the proportion of men who wangle out of unpopular or uncomfortable posts.

As regards countries where there is a prejudice against women, I do not see that not posting them to such countries is a personal favour to the women. It is in the interests of the job and the service. But on this analogy, when the Ministry posts Muslims to Jeddah for special reasons of the pilgrimage, would they define it as a special favour to the appointees?

In your para 3, you have referred to the fact that the Ministry has tried to send husband and wife teams to the same capital or posts. Are marriage and family solely the wife's concern? If, on the other hand, it is a two person team, then both are involved, and interested in staying together. In that case your letter, or a special one on the problems of husband and wife teams, should be addressed to the husbands and wives concerned. Why are only wives being addressed? This certainly comes under my definition of discrimination.

In this context, we all know the case of one such team that was posted together, where, though the wife was senior by virtue of having ranked higher, in order to accommodate male sentiment she had to agree to accepting the junior post amongst the two, involving the husband giving instructions at the office to the wife, instead of vice versa.

This really is the crux of the matter. So long as men approach so-called "equality of opportunity" with this attitude, our fine theories remain well removed from our practice. And the practice in the Ministry is not equal. We all know that the husbands and wives do a full-time job as officers, but at the end of the day, the wife is supposed to switch over to being housewife, while the husband puts up his feet. The men are unable to accept the women (wives or other) in any but a house-keeping and subordinate role, and this attitude informs their attitude at all levels, from

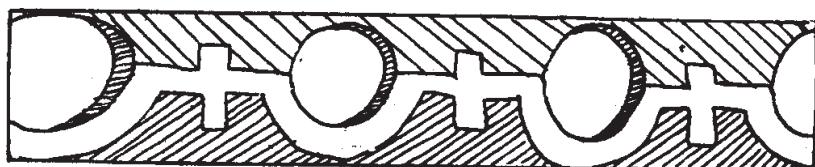
the highest to the lowest.

As recently as my posting in Hungary, when I reminded a visiting inspection team of my request, as a single officer, to have my mother with me as my official hostess, a junior officer replied that I did not need one, as I was a woman—the implication being I would have to supervise the cooking, which a single man ambassador would not be expected to do. The climate of opinion in the Ministry is such that even a petty official feels confident in making an official reply on these lines.

I am interested to see in your para 4 that the rule demanding resignation from married women still exists. It is nothing to be proud of that resignations have not been demanded. It is shameful that it exists. The rule has, in the past, attracted adverse attention from members of parliament, and I was under the impression that it had been scrapped. Several able women officers have earlier been made to resign under this rule. Here again I must ask, can you have a marriage where only the woman is involved? Since it is (believe it or not!) a man-woman affair, would you consider demonstrating those fine principles of non-discrimination in practice and make a rule that when a woman in the service marries a working man, either she or her husband should resign his/her job?

I do not want to be told that society is not ready to seriously implement such rules or ideas. All I am trying to say is that the prejudices of society — meaning the prejudices of men — have not yet created one shining exception in the Ministry of External Affairs, so let us not talk about non-existent equal opportunities.

None of my women colleagues need to be reminded that two recent Indian Prime Ministers are openly on record attacking the existence of women in public life, including specifically, the civil



services. Some of our men colleagues, of course, need even less to be reminded that such high level pronouncements, in violation of the Constitution and the rules, give cover and respectability to their own prejudices. Under the circumstances, it is not surprising that you, as Foreign Secretary, feel justified in addressing a homily to the women in the service, quoting the Foreign Minister.

Paras 5 to 9 of your letter are based, as in fact is your whole letter, on the assumption that a woman's role is in the home and it is her duty to hold the family together — that the man has the prior claim to a profession, and when a woman is allowed to work, it is a concession and privilege which she must justify by submitting to men's superior claims. If this is not so, kindly write and tell me and my women colleagues so, and then change your rules to suit.

Let us not hear, with lofty patronage and condescension that "the intention is not to insist on resignations from the service when lady members get married." Who is arrogating to themselves the right to decision in this matter and on what grounds? If you think you have an option in the matter— that it is open to you to ask the married women, at this stage in the history of our service, to resign — then will you please exercise your option? If it is not a real option, there is not much point in harping on this out-of-date and iniquitous rule. It should be scrapped forthwith, so that we can at least pretend that non-discrimination exists.

Since I believe in the equal involvement of both husbands and wives in marriage, and in the equal commitment of both men and women to an enlightened society, I am endorsing this letter to all our colleagues, men and women.

You will permit me to add that your letter could only have been written by a man.

Yours sincerely,
C.B. Muthamma

Shri J.S. Mehta,
Foreign Secretary,
Ministry of External Affairs,
New Delhi

KANPUR

A day of reckoning

December 6 is a day of sorrow, a day of remembrance for the workers of Kanpur. Two years ago on this day, many brave workers of the Swadeshi Cotton Mills were martyred in brutal police firing. What crime had they committed? They had dared to demand their wages which had not been paid to them for four months even though they had been working regularly and profits were pouring into the coffers of the mill-owners, the Jaipurias. Whenever the workers asked for their wages, they were told there was no money. Finally, they grew desperate and tried to gherao the mill authorities. The Janata 'people's' government then came forward with a drawn sword. Many workers died on the spot, many more in hospital, hundreds lay in hospital for months, and hundreds in jail.

This year too, the Kanpur workers observed December 6 on a wide scale. Meetings were held at mill gates throughout the city. The Swadeshi Mill workers boycotted work. It was not necessary to persuade them to stay away from work. This was their own decision.

The Swadeshi Mill Mazdoor Morcha, an independent trade union organization of workers of different political shades, which had sprung out of the context of the firing, made arrangements for observing Martyrs' Day. A massive procession was taken out from the mill, through the workers' colonies, to an open meeting at Shaheed (Martyrs') Park. This park has been constructed by the workers on a waste piece of ground near the mill. A marble pillar with the names of the martyred workers inscribed on it was unveiled by the aged revolutionary Surendra Nath Pandey. The workers plan to construct a library, a hall and an organization office in the park.

It was a moving scene when the portraits of the martyrs were garlanded by their widows and children. Thousands of workers wept with them. And the air reverberated with cries of "Long live the Swadeshi martyrs" and "Long live the Revolution". Two minutes silence was observed. The meeting was followed by cultural programme. Plays were presented by students, a film was screened and poets read out revolutionary poems. Many sympathizers of the working class, intellectuals, students had come from distant places to pay tribute to the martyred heroes.

The programme went on from 2 p.m. to 2 a.m. The workers once more vowed to dedicate themselves to that great cause — the destruction of this exploitative system — which inspired the brave workers of Swadeshi Mills to forfeit their lives two years ago.

—Ganesh Pandey