

*Leena Parmar, University of Rajasthan, Jaipur*

## **Ethics and the Indian Armed Forces - Principles and a Recent Ethical Dilemma**

The present paper is divided into 3 parts. The first part deals with definition of ethics with reference to Indian soldiering, the second part deals with the Military System in India, and the third part deals with the ethical question of recent disputes among the Kargil War Widows.

### **Introduction**

To the layman the word 'ethics' suggests a set of standards by which a particular group or community decides to regulate its behavior and to distinguish what is legitimate or acceptable in pursuit of their aims from what is not.

First, each culture has its own traditions as to how ethical demands come to be. Many, though not all theistic traditions associate rightness with divine commands. Today, however, where scientific ideals also predominate the field of ethics, it has become an area for scientific investigation. There are some problems with which we as ethicists are concerned: What are rightness, rights, duty, obligation, ought-ness, responsibility, justice, punishment, conscience, virtue, and wisdom? What role do intentions play in determining rightness? Can obligations be standardized and, if so, how? How are customs, public opinion, laws, contracts, authority, self-realization, and God related to morality? Can practical moral problems be solved generally, or do specific problems in business, marriage, politics, education, race relations, war, and religion require separate treatment? Although ethicists may differ regarding which problems should be considered to be most fundamental, all agree that each of the problems is involved in ethics in one way or another. Since some will include still other problems and since the precise boundaries between ethics and other fields have not been agreed upon, the question: What is ethics? is itself not completely answered. The very same kind of action which is right in one country and period may be wrong in another.

Second, should rightness, for example, be defined in terms of ought-ness (as Immanuel Kant seems to do) or ought-ness in terms of rightness? One's answer to this question will determine which ought to be considered first.

Third, rightness, intentions, responsibility, freedom, rights, justice, punishment, virtue, ideals and wisdom are questions of ethics that can be answered by taking into account the cultural ethos of a particular society. For example, wisdom is not synonymous with knowledge, and a man may be a 'walking encyclopedia' and yet be a moral fool.

### **Indian Social System – A Unique World View**

Indian culture has its roots in the 'Vedas' and other ancient scriptures, which still infuse spirit in the Indian society. We also have the advantage of having imbibed certain healthy elements from religions like Christianity, Islam, Buddhism, Zoroastrianism, and other cultures. Thus, out of a healthy blending have emerged the typical Indian mores. The Indian classic Gita symbolizes true Indian culture, particularly the ethics of soldiering. The profoundest two lessons from Gita, which stand out as the sterling ethics of Indian soldiery are: 1. 'Duty for duty's sake', which is further reinforced by the most important piece of advice Lord Krishna gave to soldier Arjuna on the battlefield. The concern is with action alone and not with the result thereof. When one does his Karma (work/duty) as pooja (worship), there is no question of seeking appreciation or fearing condemnation. Work done as duty brings no frustration. From the above follows that the essence of duty is Nishkam Karma (desire-less action). 2. The second eternal lesson from Gita for a soldier is 'duty unto death'. Lord Krishna conjures up Arjuna by reiterating, "Lucky are those soldiers who

die for the righteous cause.” He exhorts, “Slain, thou shall go to heaven, victorious thou shall enjoy the earth. Therefore, arise, oh son of Kunti, resolved on the battlefield” (Gita II/37).

Deep-seated in the Indian philosophy is humility and magnanimity in strength, an essential part of Indian character. One sees flashes of its manifestation in Indian history, whether it was Porus vs. Alexander or Prithvi Raj Chauhan vs. Gauri, or in contemporary history, Mahatma Gandhi vs. the colonial empire; to mention only a few of the examples of typical Indian character. According to Gita, “To him who has conquered himself, his own self is a friend, but to him who has not conquered himself, his own self is hostile like an external enemy”. Ultimately, what helps a man to attain the valued ethics are austerity, self-control and renunciation. In the Upanishads the body is compared to a chariot, the embodied soul to its master, the intellect or discriminative faculty to the driver, the mind to the reins, the senses to the horses, and sense objects to the roads. The chariot can take the master to his destination if it is strongly built, if the driver can discriminate between the right and wrong road, if the reins are strong, the horses effectively controlled, and if the roads are well chosen.

### **Characteristics of Indian Society**

There are certain characteristics of the Indian Society that have shaped the pattern of ethics in common people and have influenced the ethics of the Indian military system. The characteristics of ancient civilization — tolerance, assimilation of different cultures at different points of time in history, various religions, various races and ethnic groups and sub-groups along with concept of Karma, Dharma, Sanskar, Purushartha — have made India a very strong nation. The constitution of India with its salient features has contributed to make India a strong nation. The secular aspect of Indian democracy has made her a very tolerant nation. Although there are religious, linguistic, ethnic, regional, geographical, racial, demographic, cultural, tribal, caste diversities, India has shown a remarkable nation featuring the notion of unity in diversity.

### **Military Ethics in Historical Perspective**

Continuity is perhaps the most remarkable feature of Indian society and culture. India’s culture and social structure have undergone tremendous changes in the course of several thousand years of history, the continuity of its culture never broke up. Militant Aryan hordes entered India around 1500 B.C. and subjugated the people of the city civilizations as well as the tribal inhabitants. The ruins discovered at Mohenjo-Daro and Harappa and in other parts of India show the existence of the city civilizations. The Aryans were predominantly semi-pastoral while the people of proto-Mediterranean culture whom they overpowered lived in pur or cities. It appears that the clash and interaction between the cultures of the Aryans who entered the Indian sub-continent and the earlier settlers have been largely responsible for shaping the pattern of social stratification that finally led to the emergence of the four-fold Varna system. This stratification system perpetuated the supremacy of the Aryans and their progeny over the non-Aryans from ancient times down to the present day.

The way the dominant group, which was smaller in numbers, exploited the masses of the lower strata through the ages has hardly any parallel elsewhere. This dominant class first justified its supremacy on the basis of different and supposedly superior racial features. But when this became untenable due to the inevitable racial admixture, the criterion of superior racial features was substituted by exclusive observance of intricate and expensive rituals that were not open to lower castes. The hierarchy based on birth was further rationalized by considering belonging to the lower caste as the inexorable consequence of one’s own deeds in earlier lives. This belief was so inculcated that the people of the lower castes fully internalized it and were convinced that their low status in society and exploitation by the higher castes was entirely justified. The Indian civilization is the most ancient in the recorded history of mankind, which has continued for over 4000 years of human civilization as evident from Mohanjodaro. Chinese civilization dates back about 3000 years. The Greek philosophy, which started in seventh century B.C., roughly ended one thousand years

later. The richness of India's geographic and natural resources is unique. The land configuration is varying from the highest mountain range of the Himalayas to the lush green plains, the vast deserts and an extensive seashore covering about two-thirds of the national borders. At any time of the year, the country affords temperatures ranging from sub-zero to sweating hot. The most unique elements of Indian culture are its people, their customs, dialects and beliefs. The diversity in this regard is like the multi-colored variety of flowers in a park.

Most of the literature produced about the Indian Army during the British rule in the country has emphasized the fact the Major Stringer Lawrence was the father of the Indian Army, as if army traditions and methods of fighting were quite unknown in the country prior to the British period. Lawrence might have been the father of the British Indian Army, but one cannot be completely oblivious of the indigenous armies that have given the enemies a tough fight before laying down their arms. It must be emphasized that Indians have not taken to the science of warfare recently and their fighting traditions are barely 200 years old. There are many examples of large-scale operations undertaken in ancient times backed by a definite military science on strategy and tactics. One basic factor which stands out in the high standard of ethical code and the constant emphasis on the upholding of dharma (religion) all through the ages. Man has fought man since times immemorial for the establishment of Good over Evil, as understood by him. Even during the ancient period when dharma played such a dominating role in man's daily routine, wars had to be undertaken frequently. The epitome of dharma yuddha, as it was called then, is to be found in the Ramayana and Mahabharata epics.

Both Ashoka and Samudra Gupta, two great conquerors of ancient India, also laid great emphasis on this aspect of warfare. In his edicts Chanakya laid down strict rules for statecraft and warfare as also for spies and envoys. Proper warning was always given to an adversary before the actual fighting took place. During the battle, sword met sword, spear struck spear, arrow crossed arrow and when all arms had been broken or exhausted, the warriors met each other in unarmed combat. Great attention was paid to the development of the physique and personality of the soldier. Discipline and training were the watchwords to achieve a high standard of commitment in the army.

### **Military Service—a Calling**

In the Indian moral code, military service is a calling (for the soldiers), different from any other civilian occupation. The most fundamental feature that distinguishes a soldier from his civilian counterpart is the soldier's unlimited commitment and liability, which may result in sacrifice of one's life. Ethics is concerned with life as it ought to be lived, entailing an unceasing struggle for self-improvement. Ethics has a special meaning to the profession of arms because it calls upon its members to make unreserved supreme sacrifice of life at the bidding of a superior in the hierarchy. Therefore, unless the man has firm faith in the ethical correctness of the superior's motive and conduct, he will lack conviction in his act and will avoid risks to his life and honor.

### **Military Code of Conduct**

The code of conduct of the army is oriented to the soldier's specific tasks both in combat and as a captured prisoner of war. Life loses its meaning in war for soldiers, and there is preparation for it all along. The will to kill the enemy, destroy their property and capture territory as and when ordered is part of the normalcy of the duty of army men. In the event of being captured as a prisoners of war they are required to abide by a code of conduct that demands behavioral action-oriented compliance. This is ensured through training, professional socialization, informal meetings, daily routine and organizational set up. The major elements of code of conduct of the army are delineated as under:

- (1) Fighting for safeguard and preparedness to give life — I am an Indian fighting man. I serve in the forces, which guard my country and our way of life. I am prepared to give my life in their defense.

- (2) Non-surrender/personal and group — I will never surrender of my own free will. If in command, I will never surrender my men while they still have the means to resist.
- (3) Escape on capture and denial of favors — If I am captured, I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.
- (4) Prisoner of War refusal of information and action detrimental to comrades and country — If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.
- (5) Refusal to provide any statements oral or written, except basic information about myself — Should I become a prisoner of war, I am bound to give only my name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements, I will not be disloyal to my country and its allies, or harmful to their cause.
- (6) Reminder of being a fighter and dedicated to patriotic principles — I will never forget that I am an Indian fighting man, responsible for my actions and dedicated to the principles which made my country free.

### **The Military System in India**

The formation of the present military system in India has its roots in the colonial legacy. After partition in 1947, the military system was strengthened and unified, albeit in a modern Western colonial mold. The wars with China and Pakistan and the furtherance in military weaponry on land, sky and sea made it necessary for the system to be rigorously reorganized. But also social-political aspects were taken into consideration. However, the sociological understanding of the military system has not yet come of age in India. The system, by its nature and character, necessitates a certain legitimate degree of non-accessibility, secrecy and disciplined silence. The sociologists assumed that if it is a closed system any intellectual intrusion might lead to consequences that may not be in the national interest. Presumed ethical, moral and national interests as well as the closed structure of the military have led to a self-denial of military sociology in India. Sociological sources for understanding military dimensions in India are largely autobiographical, biographical, memoirs, records, reports and newspaper reporting. Such sources are certainly useful, but contain biases, revealing self-glorification or national patriotic overtones. An objective and fact-oriented analysis of the military system cannot be achieved unless the social scientists have access to the reality of military system through appropriate techniques and methods of inquiry, coupled with theoretical and conceptual framework.

The army is exposed to modernization to a greater extent than the society in which the organization of the army has been built. Soldiers come in contact with modern equipment and technology, which in turn is responsible for their wider knowledge. Soldiers are also exposed to mass communication, which has several varieties of influences. Mass communication changes the social outlook of soldiers along with various other multi-directional influences. They change the soldier's value system and affect the soldier's evaluation of the internal and external conditions to which they are exposed. It also serves to change the soldier's conception of the means of reaching objectives, level of aspiration, roots of commitment and influences their opinion by giving them a basis for rationalization or justification of their opinions, attitudes and sentiments.

The Indian army has been apolitical and epitomizes the heterogeneity of Indian society, which has led to positive, though unintended consequences of the role of the army in the national integration. The Indian army has grown and evolved through experiences and a shared ethos of its tradition and glory. The shared tradition of the army is characterized by its apolitical nature, which

has revealed remarkable continuity despite changes in the type of government at the political center. The country has witnessed several political crises but all political analysts in the country have always ruled out the possibility of military dictatorship. This is not only due to the democratic institutions of the country, but largely because of the apolitical nature of the Indian army and its officials who have scrupulously avoided any alignment with political individuals or political parties of the country. This character of the army has led to a mutuality of confidence and support between two major institutions related to governance and protection of the country. The parliamentary system of government and military organization for defense have developed interpersonal confidence in each other and their specified areas of functioning.

The Indian soldier has a heterogeneous social and cultural background, which in fact is a replica of Indian society and culture. The recruits come from different regions, linguistic background, castes, religion, class, and family background and differ in their process of pre-army socialization. It is significant to note that despite the heterogeneity of their background, the military system has superimposed upon them the uniformity and homogeneity of the military culture of routine work, duty and styles of life. This synthesis of a distinctive micro-level background and military macro-level imposition has created national integration, something problematic amongst the civilian population. Increasingly, more and more people entered the military organization from castes, which were thought earlier to be related to performance of sacred rituals or trading.

The social background of the soldiers reveal differentiation and heterogeneity, yet the professional socialization of the army makes them share a similar sub-culture and behavioral patterns especially in relation to argot, dress, physical fitness and values of discipline, punctuality and loyalty. To transform heterogeneous categories into a homogenous community is the result of the army tradition as well as disciplined training. There is no large-scale organization which has such a primordial goal of serving the nation and thereby necessitating the supreme sacrifice of life itself when required. In fact, even the most primary institution of family does not ask for the sacrifice of life. It is only the army where the members are prepared to sacrifice their life for the nation and its security. Thus the army reveals a high degree of organizational altruism, which is inculcated through well-organized mechanism of socialization, strict training and discipline.

There is a positive association between the sub-culture of the army and leisure practices. Value inculcation and role performance of the soldiers as the pattern and process of leisure activities are so organized that they orient soldiers to a particular type of role performance in accordance with the normative expectations of the military system. A military organization with a built-in stratified social structure creates new modalities of leisure within the sub-culture of the army. Officers and jawans (other-ranks) coming from different caste, class and religious background live together in a society of their own. Their disciplined life and hard working conditions are also reflected in their leisure activities that are also disciplined, with a secular outlook. This binds them together in a different human relationship with a positive approach towards life in general, promoting better cooperation, understanding, and sympathy with each other.

This reflects itself at the time of war as well as in peace and also during their general duties. The type of leisure enjoyed by the military organization reflects the characteristics of their organization, leading to a consolidated feeling of oneness. The military organization develops a unique pattern of sub-culture, which is reflective in the work and lifestyle. The ceremonies, the medals, the flag, the parade, national anthem, the dress, the mess culture, etc. reveal the symbolic aspect of the military sub-culture that enhances morale, self-image and the gratification dimension of personal and family needs.

The pastime style of life as well as recreation and leisure are characterized by the intent to reduce tension and which reflect the lighter side of life. The mess, the sports and games, the parties etc. are means to achieve the goal of tension reduction. The military is non-political and ensures that political talk and debates are formally and informally avoided so that, irrespective of the political

party in power, the basic goal of the army is not interfered with. The code of conduct, the rules of behavior and professional training is geared to ensure this apolitical nature of the army.

The inscription at the Chetwode Hall of Indian Military Academy, Dehardun, serves best to conclude this part.

“The safety, honor and  
Welfare of your country comes  
First always and every time.  
The honor, welfare and  
Comfort of the men you  
Command come next.

Your own ease, comfort and  
Safety come last always and  
Every time.”

This is in short the true ethics of Indian Army Officer Cadre whom the people of India consider honest and straightforward even today. During a recent survey the image of the Armed Forces proved again to be the highest among the governmental institutions.

### **The Case of the Kargil War Widows**

One issue from the current study of Kargil War Widows will be discussed to exemplify an ethical issue which is disturbing many army families in rural India. After India ended its war with Pakistan in 1999, the Government of India, for the first time, gave a huge amount of compensation money to the dead soldier's families.

God and soldiers, it is said, are only remembered in times of crisis. The crisis being over, both are easily forgotten. With India haven't fought a conventional war in the previous twenty-eight years (the last being the 1971 war against Pakistan), the armed forces had been relegated to insignificance by the country's polity, bureaucracy, and general public alike. Indeed, the Indian soldier had met with sorry neglect at every stage; from inadequate pay and allowances to inferior status and respect in society; from poor clothing and fighting equipment to miserable living conditions in field areas; and from difficulties in providing a stable educational environment for their children to negligible housing support for their families. The horrifying stories of war widows and their children are as pitiable as ever. The list is long and endless.

The national upsurge due to Kargil had been a wonderful tonic for a fatigued India. It enabled the people to express their feelings for the country and support the soldiers in their effort to redeem the damage done by politics of neglect to the very foundation of the state – its security. Electronic media, particularly television, was the new theatre of operations in the information warfare. When India fought a war with Pakistan in 1971, information was frustratingly scarce. For the ordinary citizen the only source of comfort was the tiny transistor that restricted its function to conveying the insufficient government propaganda. When we contrast this with the dazzle of television channels available at the time of Kargil War 1999, literally transporting the people to the war zone at the mere touch of a button, we become aware of the unprecedented role the media played in this conflict. The nation saw for the first time the difficult terrain, the dead bodies coming home, a small boy of barely 10 months, lighting the fire on the funeral pyre of his father, the agonies of widows, a women military officer saluting her dead husband. All of this shook the country. Money was pouring in, blood donation camps were flooded with eager donors, and eatables and blankets were collected to be sent to the border areas. The nation was witnessing an upsurge of emotion, bondage, and affection for the soldiers, protecting the integrity and freedom of the borders of the nation at Kargil, and the media for the first time had bound the one billion people of India together.

The War Widows of Kargil are a different case than other war widows in India. Three basic differences have to be noticed. Firstly, every widow has got recognition not only in her village and district, but the nation has felicitated each one of them. Secondly, for the first time each dead soldier's body was specially flown into the capital, then sent to the state capital and from there forwarded to the respective village. Thus each martyr got a state funeral, normally attended by thousands of villagers including several ministers and Maharaja's. Thirdly, never before had the Government ever given so much of compensation money and other benefits to the widows. This was unprecedented in independent India. If we go through the records of earlier war widows, we find that the Indian government had never given the widows so much benefits. So the Kargil war widows are special and their problems are of very different nature.

The story of Indian war widows is unique. Status of women in society generally denotes their position with others in terms of rights and obligations. As the Kargil war widows were young and most of them were not educated, it was important to assess the extent of social control enjoyed by these women over their own lives, and the extent to which they had access to decision-making processes and were effective in terms of power and authority. A survey of literature revealed that very little serious attention had been devoted to the systematic study of the war-widows in the Indian society. However, for the purpose of an analysis of war widows it should be noted that they could not be treated as a homogenous socio-cultural category, since they were divided on the basis of rural-urban background, region, caste, and class and ethnic group affiliation. Constitutional and legal status of woman in present times should not be confused with the restrictions from which they suffered in the past and are still suffering. The huge compensation money each Kargil widow had received has altered the status of these women in a positive direction. Their economic position had improved considerably, which had direct consequences on their status in the family in particular, and their status in the society in general. In India widows are facing severe restrictions regarding food habits, dress code, and re-marriage customs. They are denied socio-religious functions, they are culturally isolated, and they are separated from worldly affairs and pleasures. Thus it was important to analyze the conditions of these war widows in the present context of financial benefits, and how it has affected them socially and psychologically.

Characteristically, since all the disputes about the Kargil War are somehow related to the compensation money, a careful study of the concept of 'Next of Kin' has to be seen in the Indian context. The concept of 'Next of Kin' is an attribute of the British army. According to the British rules and the regulations of the 'Next of Kin'-concept, the compensation always goes to the wife of the married soldier, wherefore the disputes between the widows and their in-laws start from there. This unfortunate and disturbing situation demands that we must ponder as to where the things have gone wrong.

There have been incidents reported from Haryana, Rajasthan and Uttar Pradesh about harassment of widows. In some cases, they had been forcefully married off to the brother of the dead soldier; in some other cases, they had not been allowed to move out of their in-laws' house. The Army has decided to continue with its policy of favoring the dead soldier's wife over the parents when distributing compensation. The issue had come to the fore in the army headquarters after the Kargil war with reports of discrimination and even brutal assaults, including the murder of a Kargil widow for her money. But there is another issue and that is the claim of the parents of the soldier. This issue can only be understood in the context of the Indian traditional joint family system.

The need of developing a special conceptual and theoretical frame for the study of Indian Society is pressingly felt when it is found that concepts and theories developed in the West do not appropriately size up the Indian social reality. The sociologist in India frequently faces this difficulty. A very elementary example will illustrate the point. In general sociological terminology, "family" refers only to husband, wife and minor children; but when this concept is applied to India, it seems to refer to no real social institution; for family in India is a much wider unit. The Indian family is similar to families in other peasant societies not only in size but also in most of its basic attributes. It is interesting to see how the characteristics of family and familism described by

Sorokin, Zimmerman and Galpin (1930-32) for all rural societies, based on subsistence agriculture, fit in with the essential features of the traditional Indian family. They observe that “familism is the outstanding and fundamental trait in the gestalt of such a society” and point out that all such societies are marked by early age of marriage, the existence of family as the unit of social responsibility and the basis of social norms; the impress of the family on state and kingship; the predominance of cooperative rather than contractual relationships; the functioning of family as the unit of production, consumption and exchange; the existence of family cult and ancestor worship; and the dominance of tradition. It is not difficult to see from this how closely the Indian family resembles — in structure, spirit and function — the family in other peasant societies.

The dispute of the war widows is all centered on the compensation money. Who should get the entire amount as compensation? There were two different views. One in favor of war-widows that says, “It is the widow who has to bring up her children and she needs a steady income to sustain herself. After all it is the widow and her children who face the most uncertain future. “The army has decided to continue with its policy of favoring the dead soldier’s wife, and thinks that there is no need for a review of the situation. But there is another side of the problem. The legitimate claims of the parents cannot be over-ruled either. By putting the entire amount of compensation money in the widow’s hands, the army is communicating a powerful message to the families in rural India that the widow alone has a right to the man’s income, hence only her loss deserves to be compensated. Most army jawans come from poor peasant families who make all kinds of sacrifices to get their sons educated. Often, the parents are debt ridden. Who is to compensate their loss? Who is there to give them the care and support in old age?

The society is of the view that the present Government has done a remarkable job by announcing a suitable financial package for the widows, which no Government in the past did. But giving the entire money to the widow alone needs further review by the army, as the parent’s claim cannot be denied. To understand the implications of the compensation money and the disputes, an unstructured interview schedule was used for selected persons of the society, consisting of 6 following categories to assess certain aspects of the problem concerned. There were three hundred respondents who were chosen for this purpose.

1. Top Army Officials (serving and retired)
2. Top Police Officials (serving and retired)
3. Intellectuals
4. IAS (Indian Administrative Service)
5. NGO’s
6. Village Sarpanch (Democratically elected village chief)

An effort has been made in the study to identify the broad areas of disputes and the ills of existing patterns of the legal system as far as ‘Next of Kin’ is concerned. The paper also suggests ways and means as to make it socially relevant today, since it has raised an ethical question. The British introduced the institution for formal legal system after the establishment of their rule in India. The Indian army followed the concept of ‘Next of Kin’ from the British army.

The areas of ‘Kargil War’ disputes are all related to the compensation money.

1. Why the widows should get the entire amount since in some cases the widows have walked out of their in-laws place of residence after collecting the money? The argument in this is that there is no need to change or review the system of ‘Next of Kin’ as wife for the married soldier. After all, it is the widow who lost her husband and she has to lead a decent life so the question of sharing the compensation money does not arise (Each Kargil Widow from Rajasthan has received 25- 30 lakhs [\$ 15000] of money and they also get 15,000 to 20,000 [\$400] per month from full pension and Sahara’s India and some other organization’s schemes for monthly payment).

2. Why should not the father of the victim get fifty percent of the amount since in some cases the father said that he took loan for the education of his son, and the son was the only earning person on whom he would have depended in his old age. (Budhape ke Sahara). The legitimate claims of the parents should not be over looked. The young soldiers who died at Kargil were in their early twenties, and most of them were married for two to five years only. By giving the entire money to the widow, the army is communicating a wrong signal to the nation that the parents have no right to the son's income. Who is there to give the old parents support and care in his old age?
3. If the father of the young widow wants a settlement with her in-laws, how can he do it? In some cases it was reported that the father of the young widow agreed to give fifty percent of the entire amount to the in-laws in exchange of his daughter, fearing the daughter will be married off to her dead husband's elder married brother (jeth). The norms for levirate are generally: (a) A woman, once married, belongs to the patri-fraternal contingent of her husband's paternal family. (b) An adult of reproductive age should have a mate, so a widow of reproductive age should be given to another man in the family. (c) A widow should be given (by Churi Pahanana wearing of Bangles) to her dead husband's unmarried younger brother (Devar); whether he is younger or older than the widow has no consideration. (d) A widow is never given to her dead husband's elder brother (Jeth), who is like her father-in-law. Strict rules govern in the family (Ghunghat-covering of face) as far as interaction with him is concerned.

Now in this so-called peaceful situation we see the introduction of a huge sum of money directly to the war widows. Soon we find the modification of norm number (c) and (d) where a widow is forcefully married to her married brother-in-laws, elder or younger to her dead husband, to keep the huge sum of money intact in the family structure. The theoretical and empirical analysis have generally been based on the assumption that societies can be seen as persistent, cohesive, stable, and generally integrated wholes.

The respondents have been divided into two parts, with one section in favor of the wives (widows), claiming that the compensation money should be given to the widows only. And the other section, the responses of the parents who said that the compensation money should be distributed equally between the parents and the widows.

### **Parent's Point of View**<sup>36</sup>

- Due to the compensation money, not only we have lost our son, but we have lost our grandchildren also. The widow has left her in-laws for good after collecting the financial benefit package.
- I had taken loans to educate my son. Now where I am in debt, my daughter in-law has refused to pay my debt, which is a fraction of the money she received from the Central and State Government.
- My son was the only earning member in the house, we are very poor, and we do not have one single utensil extra in the kitchen. Who is going to look after us in our old age? Is it justified for the government to give the entire compensation money to the widow?
- I took my son to various recruiting centers for his recruitment in the army. I have spent more than 30,000 in this process. Barely after one year of he had joined the army he lost his life, and now my daughter-in-law's father has taken her away. How am I going to survive?
- I have no money to make the Samadhi (memorial). State Government has given the plot of land for the construction of Samadhi. But my daughter-in-law has walked off with the money. I am begging her to give some money for this purpose as it is a shame on my part that I cannot

---

<sup>36</sup> As recorded during the interviews.

provide the Samadhi for my own son (it takes three to four lakhs to construct the Samadhi). When I told her about this problem, she said that it was my problem, not hers. I have to live in this village, how can I show my face to the villagers? All the war widows have paid their own money for the construction of Samadhi memorial for their husbands.

- I am an ex-soldier myself. Who has influenced my son to join the army? It is I, nobody else. Now that I have lost my son, my daughter-in-law has also left us. Is it proper for the Government to show sympathy towards the widow only?
- I am ex-soldier myself. I am shocked by the treatment of the Government towards the parents of the victim. I have no regard for the Government's decision of giving the entire money to the widows.
- I have six daughters and my son who passed away was the only earning member. I have lost my husband and now my daughter-in-law has left this house. What am I going to do with my unmarried daughters? Who is going to get them married?
- My son used to take his leave according to the working seasons of the agricultural land. We all work together in our agricultural land (kheti). Since our daughter-in-law has left us we have lost two persons. My wife and myself are old and we cannot work in the field any more, nor do we have the money to employ somebody to do the work. This is what we got after giving our son to the army.
- It is the girl's father who is greedy. He has taken his daughter from this household. Earlier on he never used to call his daughter to stay with them, but ever since my daughter in law has become a widow and has been given huge compensation money, her brothers were visiting her almost every week and eventually took her away from here. We have lost our reputation along with our son. It is all due to the way the compensation money has been distributed

### **Widow's Point of View**

- I have left the house of my in-laws because they were greedy. They would have taken all the money gradually for why I decided to come to my father.
- I have left my in-laws because they were getting me forcefully married to my already married brother-in-law. Why should I get married to him? I can live my life all by myself with the financial package given to me by the Central and State Government.
- It is a custom in our society to get married to the brother-in-laws, real or cousin brother does not matter. I have no brother-in-law. So I had requested my mother-in-law to get me married to my husband's cousin brother, but my mother-in-law refused. I know the reason. Since my cousin brother in law belongs to a different family, my money will also go to a different family. My mother in law does not want this to happen.
- I never wanted to get married to my married brother-in-law, as his wife and me are real sisters. I know there will be great problems sooner or later. But I had no option. I needed somebody who could do the monetary transactions for me.
- Ever since I married my married brother-in-law, he is working like a slave for me, is helping me out for everything. He takes me to the bank, or sometimes to Jaipur to attend the functions organized by the State Government. I know I have done injustice to his wife, but had I been educated, I would never have married him.
- My Jethani (husband's elder brother's wife) is quarreling with me everyday due to the fact that I got married to her husband. But what can I do? My parents and my in-laws both wanted me to get married to him. It is all due to the compensation money.

- My in-laws are not talking to me as I have stopped signing checks for them. Why should I sign checks for unnecessary expenditures? I am illiterate and I fear that my in-laws, in the near future, will take the entire money away.
- I asked my father to help me with the financial package, but he refused since he is also illiterate like me. So what could I do? I agreed to marry my brother in law as he will at least look after my property.
- I needed somebody to look after the petrol pump and the land at Nahar area (25 Bighas). When my father-in-law asked me to get married to my married brother-in-law, I agreed since he can look after all this.
- I came to my father since my in-laws wanted me getting married to my jeth (elder brother-in-law). I am twenty years old and my jeth's daughter is also twenty years old. Why should I get married to an older married man? My father has given fifty percent of the compensation money to my father-in-law to save me from this situation. After having received that amount they set me free. Now I want to educate myself first and then think of re-marriage.
- My brother is very greedy. He is asking me to come and promised to look after my property together with my parents. My brother was working somewhere, but now he has left his job to persuade me to live in my in-laws house. But I know my status with my in-law's family and I will not leave them.

“Who should be the recipient of the money?” was one of the crucial questions. Altogether, eighty percent of the respondents were in favor of equal distribution of money among wives, parents and children. Twenty percent of the respondents were in favor of the wife alone.

Further, the respondents were asked to give justification of parents getting equal share of the compensation money along with the wives. Ninety percent of the respondents said that our society is based on a combined joint family system and parents undergo a lot of struggle and hardship to educate the son, hoping the child will be the family's hope and support for the future. Wives cannot take all the money since in most of the cases the widows are very young. Some of them were married for only one or two years, and there is no justification for the widow to take the entire amount. But the remaining ten percent were of the opinion that, after all, these widows had lost their husbands and that they should have the opportunity to live independently in this world. They should also lead a comfortable life so that the society may recognize the high status of these war widows.

The next question was, “It is reported that there are conflicts between wife, in-laws, and children on money matters (compensation). What can be done to minimize it? Give some concrete suggestions.” All the respondents said that it was a very unpleasant and unfortunate situation for the widows. Nothing can really be done in such cases, except holding ‘awareness camps’ that are organized by the State Government to look into the matter from time to time. It is a part of the social system in Rajasthan to marry the un-married younger brother of the dead husband. On the whole, it is not very easy to summarize the picture of marriage rules and intermarriage among some of the castes in Rajasthan. Generally, the rule is prevalent that the widow gets married to the ‘Devar’ or brother-in-law, who is younger to her dead husband. The best choice is always the unmarried brother-in-law. But now we witnessed cases where these young widows were forcefully married to their already married brothers-in-law, be they younger or older to her dead husband.

It might be that this pattern will have a very negative effect on the children in future and that there will be a lot of interfamilial conflicts among the wives of the brothers-in-law. The respondents were of the opinion that in spite of the tradition in Rajasthan to get married to brother-in-law, the introduction of the huge sums of compensation money is creating problems in some family quarters. Soon it would take on the shape of a social problem with the widows. The worst part of the situation is that those women who could remarry elsewhere and lead a decent life with the financial package given to them by the Central and State Government, due to their illiteracy and traditions have no option but to follow the patriarchic family system.

The respondents came out with fourfold solutions. Half of them said that the money should be divided among the parents, wives and children. One third held the view that remarriage with the younger unmarried brother-in-law should be encouraged, while ten percent of the respondents felt that remarriage outside the family should be encouraged. Finally, another ten percent of the respondents said that problems should be sorted out by social negotiations that include the village elders, sarpanches (democratically elected village chiefs) and nongovernmental organizations.

The disputes of the war widows are all centered around the compensation money. The army has decided to continue with its policy of favoring the dead soldier's wife and thinks that there is no need for a review of the situation. By putting the entire amount of compensation money in the widow's hands, the army is communicating a powerful message to the village and thereby to rural India from where eighty percent of the soldiers come from, that the widow alone has a right to the man's income for why only her loss deserves to be compensated. Nevertheless, the situation can only be understood within the social and cultural norms of the joint family system in Rajasthan. Since most of the army jawans come from poor peasant families where the fathers make all kinds of sacrifices to get their sons educated, the legitimate claims of the parents cannot be overruled either. Often, the parents are debt ridden. Who is to compensate their loss? Who is to give them care and support at an old age? This is an ethical question and the society has to give an answer to it.

### **Conclusion**

No matter how much we may be focused on legal justice, it can never represent the whole of any ethical challenge. Preconceived solutions, no matter how ingenious and satisfactory on previous occasions they might have been, cannot be expected to work in seemingly similar, yet at the same time different situations. Each problem with all its complexities and uncertainties must be dealt with very carefully and comprehensively. Looked at it in this way, the problem of how to solve an ethical problem constitutes in itself an ethical problem.

***Leena Parmar,***  
Associate Prof., Dr.,  
University of Rajasthan, Jaipur, India