

Kargil War Widows

Questions of Compensation and Remarriage

The rural social situation in north India, complete with its strict social norms, joint family system, patriarchal structure, low education levels and custom of levirate received a jolt following the payment of huge sums of money as compensation to the 'Kargil widows' of 1999. Not only did it change the dynamics of rural families but the Kargil war widows came to constitute a distinct social category. Compensation accorded them a higher status in the family and society, equipped them with greater economic security, even as the prevailing patriarchal structure of rural Rajasthan continued much the same as before.

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War widows of Kargil are different than other war widows in India. There are three basic differences. Firstly, each widow has got recognition not only in her village and district, but the nation has felicitated each widow. Secondly, for the first time, each dead body was specially flown in to the capital and then sent by air to the state capital and from there to the respective villages. Thus each martyr got a state funeral, which was attended by thousands of villagers including several ministers and maharajas. Thirdly, never before has the government ever given so much compensation money and other benefits to the widow. It is unprecedented in independent India. If we go through the records of earlier war widows, the Indian government never gave the widow much benefits. So the Kargil war widows are special and their problems too are of very different nature.

The story of Indian war widows is unique. The status of woman in society generally describes her position with others in terms of rights and obligations. These Kargil war widows being young and not educated (most of them), it was important to assess the extent of social control enjoyed by these women over their own lives and secondly, the extent to which they have access to decision-making processes and are effective in position of power and authority. A survey of literature focused on women reveals that very little serious attention has been devoted to the systematic study of the war-widow in Indian society. However, war widows too cannot be treated as a homogeneous socio-cultural category, as they are divided on the basis of rural-urban background, region, caste,

class and ethnic groups. Constitutional and legal status of woman in present times should also not be confused with the restrictions from which they suffered in the past and are still suffering. War widows have been seen only as daughters, wives and mothers with their normative rules of conduct, but not as an individual with an identity or rights of her own. The huge compensation money which, each Kargil widow has received altered the social status of these women, but at the same time, there are many problems (each widow received 25 to 30 lakhs of rupees along with many other benefits such as money, land or house, free education to son/daughter, naming of the school, electric connection, free bus pass, solar cooker along with many others). So, it becomes important to analyse the conditions of these war widows in the present context of their having secured only financial benefits and how it has affected them socially and psychologically.

Context and Background

In this study of the Kargil war widow, apart from collecting data from secondary sources the main techniques used has been the 'unstructured interview', 'Case-study' and 'Observation'. There are 54 Kargil war widows in Rajasthan. The present study is confined to 54 cases in rural Rajasthan. The District Soldier Board in each district sent the welfare officer in charge of war widows to facilitate identification of the widows and the location of the villages. The purpose of the study was thoroughly explained to the war widows and cooperation from their end was sought. Personal visits were made to every household to collect the basic

information, and recorded on a separate paper.

We have to understand the practice and pattern of widow remarriage in India specially in reference to northern India and Rajasthan. It is very wrong to say that India never had the practise of widow remarriage, although it was not very popular and not practised all over the country. To substantiate this argument, let us discuss a few important studies in this regard. Since my data shows most of the women got married to their brothers-in-law, it is all the more important to know about the practice. Many articles and news reporting have condemned the practice as if the practice started only after the Kargil war. So, it was required to study the phenomenon sociologically and historically.

Aja beti lele phere

Yoh margya to aur bhatere

(Come daughter get married,

If this one dies, there are plenty more.)

[Fanshawe and Purser 1880].

This proverb was first recorded in 19th century colonial Punjab and signifies a widespread acceptance of widow-remarriage that may go much further back in history. Its popular usage suggests not only the continuity of the tradition but perhaps even its strengthening. Clearly, certain rural areas of northern India, especially Haryana, Punjab and Rajasthan have always upheld and practised widow-remarriage in sharp contrast to the high-caste Hindus elsewhere who, under the brahmanical code, prohibited widow-remarriage completely. A dip into the reservoir of folklore and tradition reveals an acceptance and celebration of the practice of widow-remarriage, primarily restricted to its levirate form.¹ The colonial administrators projected the brahmanical code as the dominant model, advocating a complete prohibition of widow-remarriage. The sati ideal fitted with their view of India as a 'primitive society' direly in need of being 'civilised'. Yet even they had to acknowledge the existence of widow-remarriage. According to them, it 'commonly' existed but only among the 'inferior castes'. In practice, widow-remarriage was popular not only among the low castes but also among the 'agriculturist castes' so notified under the Punjab Alienation of Land Act, 1900.

The imperial rulers ignored this fact. Pauline Kolenda argues that widow-remarriage in its levirate form was quite common in India. This practice, therefore, has to be looked at as an alternative norm within a north Indian kinship system. Unexpected moral support for

widow-remarriage came in the 19th century from the social reform movements. The movements were a protest against the extremely repressive system of the high-caste Hindus, which condemned widows, even child widows, to a life of living hell. Social reformers in Bengal, Maharashtra, Punjab and the South made a virulent attack on the brahmanical model of sati and advocated widow-remarriage [Prem Chowdhry 1995].

Under levirate marriage, a widow has to marry her husband's younger brother, or in the absence of a younger brother, to a cousin. Jats, gujars, and ahirs (all warrior kshatriya castes) follow this system. Bhangis and chamars do not have restrictions on marriage of their widows. Such marriages are not called 'marriage' but 'Kareva'. It is a marriage of convenience whereby society provides protection to a widow or her children and in which there is no formal marriage ceremony. The Kareva normally takes place after 12 months of the death of the husband or in fact, on the day of the first death anniversary. At a small community gathering, the person places bangles on the head of the widow or wraps a piece of cloth around her. After this ceremony, the widow enjoys all the rights and privileges of a married woman [Agarawal 1969].

A widow remarriage in Rajasthan takes place generally at night or after sunset, with a simple ceremony without much fanfare. After the marriage the widow generally enters her husband's home from the back door and in some cases the first thing she does is to go and sit near the chakki (wheat grinding machine) which symbolises the status of the widow. This marriage ceremony is called 'Karewa', 'Chaddar Pahnana' or 'Churi Pahnana' (depends upon the location of the village and the local traditions).

For example, it could take the form of either placing 'churris' (glass bangles) on the widow's wrist, or sometimes even a gold 'nath' (nose-ring) on her nose and a red sheet over her head with a rupee tied in one of its corners, before a full assembly. The distribution of gur (molasses) or sweets would follow this. This custom is followed to this day. Significantly, this form of remarriage is not accompanied by any kind of religious ceremony, as no woman can be customarily married, i.e., go through the ceremony of 'biah' twice. The widow after karewa merely resumes wearing the jewels and brightly coloured clothes which she had put away on her husband's death [Joseph 1911]. Karewa, as a rule, has always been primarily a levirate marriage in which

the widow is accepted as wife by one of the younger brothers of the deceased husband; failing him, his first cousin, and so on. In fact, the persons eligible to marry a widow were not only severely restricted, but the marriage could be settled only by her late husband's family. So complete was the control over women and the question of their remarriage that it was freely admitted that the widow was often practically forced to yield to their wishes [Joseph 1911].

The aim of discussing the family background is to portray the widow's family condition, which is essential for understanding their social position and also assess their reaction to the custom of widow remarriage.

Kargil War Widows

Out of the total 54 widows, 32 were jats, 10 were rajputs. There were seven yadavs, three Muslims, one each from the guzar and kumawat castes. Except the rajputs, all other castes practise the tradition of widow remarriage.

Age composition – 31 widows were between 15-25 years of age, 18 were between 26-35 years and only five were between 36-45 years of age.

Five widows were married between the age of 5-10, 30 widows were married between the age of 11-15 and 19 widows were married between the age of 16-20.

Eleven widows out of 54 did not have a child, in another words they were between 15-20 years, or those who had got married only a couple of months ago and were below 20 years of age. Eight widows had only one child each, 18 widows had two children each, 11 widows had three children each, five widows had four children each and one widow had five children.

Out of 54 cases, four widows had been married only a couple of months ago. Fifteen widows had been married for 1-5 years, six widows were married for 6-10 years, 10 widows were married for 11-15 years, 13 widows were married for 16-20 years and six widows had been married for 21 years or more.

It was one of the major objectives to find out about the custom of widow-remarriage in Rajasthan specially among the Kargil war widows as a lot of newspapers and leading magazines had published articles on the forceful remarriage of war widows of Rajasthan. It is quite clear that majority of the widows, 45 out of 54, live with their in-laws. It is sociologically very important since it also highlights the position of these widows in the traditional patriarchal

family system. Eight of the widows were living with their parents and only two widows were living on their own. Out of the two, one was approximately 45 years of age, with grown up children and the other young widow (23 years) had left her in-laws fearing a forced marriage with her married brother-in-law and was living at present with her brother at a district where she could give better education to her children.

Issues of Remarriage

Only 30 per cent of the widows said that they got remarried to their brothers-in-law. The other 70 per cent of the widows replied negatively. But when we inquired about them from villagers, neighbours and sarpanches we came to know that more than 80 per cent of the widows had remarried their brothers-in-law, or we may say 90 per cent of the young war-widows were married through the custom of 'churi pahnana' (Those 10 per cent – most of them belong to rajput caste, who did not get married to their brothers-in-law are the dispute cases.) There are two basic reasons for which they want to keep their second marriage a secret.

They have a fear that, after remarriage the pension might stop or in another words government may stop their pension (but it is not true at all, the central government has issued an order that the pension will not be affected even if the widow gets remarried).

They think, the high caste and urban population in India do not approve the custom of 'churi pahnana'. They feel shy to confirm it.

The 30 per cent of the widows who confessed that they got remarried to their brothers-in-law were of the following categories:- 5 per cent married to un-married 'devar' (brother-in-law); 20 per cent married to married devar (brother-in-law)

CORRIGENDUM

The Bank of Tokyo-Mitsubishi, Ltd.

On page 2457 of the issue dated June 21, 2003, item (14) of "Notes on Accounts" – Movement in provision on non performing advances – the closing balance as on March 31, 2003 should read as Rs. 11,77,21 thousands instead of Rs. 11,77,22 thousands.

and 5 per cent were married to married 'jeth' (husband's elder brother).

Since we were dealing with this 30 per cent who confessed to their remarriage, we wanted to know their reactions/views regarding their remarriage. Here we have some of the responses of the widows.

Five per cent of the widows married their un-married brother-in-law. They were very happy and the reasons they gave are the following:

It is our custom to get married to our un-married devar (brother-in-law). I was married only for a couple of months and I only stayed with my husband for a month or so. I hardly knew him. I was remarried on the 12th day after the death of my previous husband and now I am very happy. My husband will stay with me always. Gradually I am forgetting my earlier husband.

My in-laws are very good people. They know my position since I am so young. Where will I go now? It is so nice of them to propose for my remarriage, my own parents also agreed to this arrangement since it is not only our tradition but also safety and security for the young girl who has to be looked after by her in-laws.

Where can I go now? I can never get the same prestige and honour anywhere else, so I decided to get married to my brother-in-law.

Who will look after my children unless I get married again? So I decided to get married so that my children can get the guidance and support of a father. I am happy to be married now. I have a lot of money, and so I have a very high status now in the family.

Twenty-five per cent of the widows who got married to their married devar or jeth have a different outlook towards widow remarriage.

My in-laws forced me to get married to my married brother-in-law. It is not justified and it is against our customs to do this. But we have no say, whatever my father-in-law decides is the last word in our families. After all I have to stay in this family, how can I say 'no' to this proposal? I am just 20 years old, and got married two years ago. I have no option.

My jeth's (husband's elder brother) wife does not talk to me. She also resents my sleeping with my jeth (husband's elder brother). What can I do in this situation? My own parents are greedy and they asked me to come and stay with them. I refused. Here at least my jeth (husband's elder brother) will look after my property and financial transactions. I am not educated, who will take care of my property?

I know it is not justified to marry the jeth

(husband's elder brother), because it is not in our custom, but I can't say 'no' to my in-laws.

A question was asked "Do you think you are forced to get married to your married brother-in-law only for money?" One hundred per cent of the respondents said 'yes'. "It was so clear from the very beginning. I do not understand much regarding money matters. If I would have not married to my brother-in-law, then the property would have gone to somewhere else (in case I marry somebody outside the family) so I was forced to get married in this family."

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 in 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) widow is never given to her dead husband's elder brother (jeth), who is like her father-in-law and strict rules govern in the family ('ghunghat' – covering of face) as far as interaction with him is concerned.

Now in such a 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) above where a widow is forcefully married to her married brothers-in-law, elder or younger of her dead husband, to keep the huge sum of money intact in the family structure. Their theoretical and empirical analysis has generally been based on the assumption that societies can be seen as persistent, cohesive, stable, generally integrated wholes.

N K Singhi (1989), the renowned sociologist says that natural differentiations are made culturally hierarchical in terms of superior-subordinate relationship. Creation of structural arrangements providing differential roles and statuses have perpetuated the institutionalised deprivation of women in terms of life's opportunities and made her vulnerable to exploitation, oppression and inequality. Culture has created a value-system which specifically revolves around values related to virginity, fertility, chastity, purity. Such a value-system has influenced her mode of life, her worldview, manners, aspirations and the primary institutions of marriage and family and the denial of public participation.

In the Indian rural social situation, with strict social norms, joint family system,

patriarchal structure, low education, and custom of levirate we suddenly see the introduction of huge sum of money as compensation to the Kargil war widow directly to them. It has changed the entire dynamics of rural families and the Kargil war widows have suddenly formed a different social category with higher status in the family, higher status in the society, with marked increase in their self-confidence with greater economic security, while at the same time the patriarchal structure of the rural Rajasthan has not changed.

It would be short-sighted to suggest future programme for the emancipation of these Kargil war widows without taking rural social factors into account. However an awareness programme, adult education programme, counselling programme by the government and non-government organisations should be organised for these widows for a better and purposeful future. **PPW**

Note

1 The colonial interest in strengthening the hold of the existing peasant society over land, which the claims of widows (for partitioning their land holding and seeking permission to marry men outside the family) threatened to disrupt both economically and socio-politically, coincided with the interests of the landowning classes in Punjab-Haryana. Therefore, the colonial state, which selectively adopted customs and made them legally enforceable, was blatant in its attempts to encourage widow-remarriage through administrative and judicial agencies. For a full discussion see Prem Chowdhry, 'Customs in a Peasant Economy: Women in Colonial Haryana' in Kumkum Sangari and Sudesh Vaid (eds), *Recasting Women: Essays in Colonial History*, New Delhi, 1989, pp 302-33. The post-colonial state has also reinforced the system of karewa, though indirectly and unintendedly, through present-day legislation, such as inheritance law, or more directly through executive and administrative directives of later day pension and award claims. For details, see Prem Chowdhry, 'Conjugality, Law and State: Inheritance Rights as Pivot of Control in Northern India', *National Law School Journal*, Bangalore, Vol I, 1993, pp 95-116.

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