

WHY BLAME MEN? NON-REALISATION OF PROPERTY RIGHTS OF WOMEN: SOME FINDINGS

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ABSTRACT: *Women all over the world have been striving hard from time to time to get a better status in the society. Securing a rightful place in the family and society in accordance with their intrinsic worth has been the main motto of modern women in India. Towards the attainment of this goal, after passing through the stage of 'Women Emancipation Movement', presently, we have reached the stage of 'Women Empowerment'. Women empowerment has become all the more important in these days of globalization i.e., the days of 'survival of the fittest', where one has to know the art of withstanding competition effectively. To climb the stairs of women empowerment, economic empowerment is of basic relevance. A woman can become economically empowered either through her self-earnings or through the right of inheritance.*

The first part of the paper deals with the brief description of the property rights guaranteed to Hindu, Muslim and Christian women of India. From this it is clear that women have legal rights to inherit property, but their right to claim it is limited by various considerations like patriarchal society, system of dowry, spoiling of relationship with maiden family members, use of violent methods to deter a woman from claiming property, customs and practices etc. United Nations revelation also supports this view by stating that "women constitute half the world's population, perform nearly two-thirds of work hours, receive one tenth of the world's income and own only one hundredth part of world's property". This makes us to believe that the property rights have not been realized by women in real sense anywhere in the world. The paper tries to examine as to how far the property rights of women have been realized in actual practice? To examine this issue, a sample of 500 females is drawn from the study area of Hubli-Dharwad Nagarpalika of Karnataka State. An attempt is made to bring to the fore the factors responsible for the non-realisation of property rights of women. Special attention is also given to assess the extent to which females themselves are the cause of this malady.

Proper implementation of rights of inheritance of females very much rests on women themselves. Women, as mothers should make their sons magnanimous enough to give away that share of their father's property which belongs to their sisters. Women, as daughters are to be assertive enough to claim their share of property without being swayed away by emotional and other considerations. If this happens, women can make positive contributions to the family's betterment, society's progress and nation's development.

WOMEN all over the world have been striving hard from time to time to get a better status in the society. Securing a rightful place in the family and society in accordance with their intrinsic worth has been the main motto of modern women in India. Towards the attainment of this goal, after passing through the stage of 'Women Emancipation Movement', presently, we have reached the stage of 'Women Empowerment'. Women empowerment has become all the more important in these days of globalization i.e., the days of 'survival of the fittest', where one has to know the art of withstanding competition effectively. To climb the stairs of women empowerment, economic empowerment is of basic relevance. A woman can become economically empowered either through her self-earnings or through the right of inheritance.

Hindu females in India were first brought under the scheme of inheritance as per the provisions of Hindu Law of Inheritance Act of 1929. The rights of Hindu females in the net of inheritance went on broadening with the passage of successive Acts like Women's Rights to Property Act, 1937, Hindu Succession Act of 1956 and Hindu Succession (Amendment) Act of 2005. At present, Hindu women can inherit their father's self-earned as well as ancestral property. As such, the present position of Hindu women is such that the daughters are treated on par with sons in all respects. In Islamic Law, female heirs can inherit one thirds of father's property, while two-thirds is shared by the male heirs. While writing the will, only one thirds of man's property can be willed where as the remaining two thirds goes to all the legal heirs (both males and females) in equal proportions. In Christianity, a daughter is entitled to have an equal share along with the sons in both her father's and mother's property.

From this, it is clear that almost all Indian women enjoy property rights. It is in this light that the paper tries to examine as to how far the property rights of women have been realized in actual practice? To examine this issue, a sample of 500 females is drawn from the study area of Hubli-Dharwad Nagarpalika of Karnataka State. An attempt is made to bring to the fore the factors responsible for the non-realisation of property rights of women. Special attention is also given to assess the extent to which females themselves are the cause of this malady. At the end, remedial measures have been suggested to reduce the extent of this malady.

The term 'discrimination' against women means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, or human rights and fundamental freedom in the political, economic, social, cultural, civil, or any other field. (quoted by R. Meenakshi, "Matrimonial Property Rights for Indian Women: An Analysis", *Property Rights of Women*, Serial Publications, New Delhi, 2006, p. 5). Taking into consideration this, one can say beyond any doubt that property legislations in India have not discriminated women in guaranteeing property rights. But, concern is raised

in India whether these rights are effective in practice and that can women enjoy them independently as enjoyed by men? These concerns arise because of situations where women may have legal rights to inherit property, but their right to claim it is limited by various considerations like patriarchal society, system of dowry, spoiling of relationship with maiden family members, use of violent methods to deter a woman from claiming property, customs and practices etc. United Nations revelation also supports this view by stating that “women constitute half the world’s population, perform nearly two-thirds of work hours, receive one tenth of the world’s income and own only one hundredth part of world’s property”. This makes us to believe that the property rights have not been realized by women in real sense anywhere in the world.

In this context, to know about the extent of implementation of property rights of women, the empirical study conducted by the authors in the Hubli-Dharwad Nagarpalika area of Karnataka State highlights the following aspects.

First of all, awareness of women on their rights of inheritance was examined in the study area. Table 1 shows the relationship between the level of education and awareness of women regarding their property rights. Out of 500 female respondents, 50% of illiterate women, 85% of school educated women and 92% of women having higher education are aware of their property rights. This reveals that the extent of awareness goes on rising as the level of education increases.

Table 1
Awareness of Women on their Property Rights (Education-wise)

<i>Education</i>	<i>Not aware of PRs</i>	<i>Aware of PRs</i>	<i>Total</i>
Illiterate	02 (50%)	02 (50%)	04
School Education	15 (15%)	82 (85%)	97
Higher Education	30 (8%)	369 (92%)	399
Total			500

Source: Data collected from Respondents in the study area.

Note: Education above school level is taken as ‘higher education’ which includes technical, professional, medical, post-graduate studies and general college education.

Table 2
Awareness of Women on their Property Rights (Income-wise)

<i>Income Group (In rupees)</i>	<i>Not Aware of PRs</i>	<i>Aware of PRs</i>	<i>Total</i>
Below 1 Lakh	23 (12%)	175 (88%)	198
1-5 Lakhs	22 (9%)	223 (91%)	245
5-10 Lakhs	02 (4%)	45 (96%)	47
Above 10 Lakhs	00 (0%)	10 (100%)	10
Total			500

Source: Data collected from Respondents in the study area.

Table 2 brings to the fore the fact that the extent of awareness increases along with higher income brackets. It is seen that 88% of women belonging to

the lowest income group of less than Rs. 1 Lakh, 91% of women in the income group of Rs. 1 to 5 Lakhs, 96% of women in the group of Rs. 5 to 10 Lakhs and all women in the highest income group of more than 10 lakhs are aware of their inheritance rights.

Table 3
Awareness of Women on their Property Rights (Religion-wise)

<i>Religion</i>	<i>Not Aware of PRs</i>	<i>Aware of PRs</i>	<i>Total</i>
Hindu	38 (9%)	382 (91%)	420
Muslim	08 (20%)	33 (80%)	41
Christian	00 (0%)	26 (100%)	26
Total			487

Source: Data collected from respondents in the study area.

Note: 13 respondents belonging to Religions other than the three listed above have been left out of our calculation.

In respect of Religion-wise break up of respondents, in Table 3, it is observed that 9% of Hindu women, 20% of Muslim women and zero per cent of Christian women are not aware of their property rights. Despite the fact that the extent of awareness is little less in case of Muslim women, it is heartening to note that majority of women in all the religions know about their property rights.

FINDING NO. 1

Only a small proportion of the females are not aware of their property rights. As such, it is seen that a large proportion of the respondents know that they have a share in their father's property.

Readiness or non-willingness to claim their share or property by the respondents is analysed in the successive Tables. Table 4 reveals that zero per cent of illiterate women, 18% of school educated and 26% of women in the category of higher education are ready to claim their share in the parental property where as cent per cent of illiterate, 82% school educated and 74% of women having higher education have expressed their desire to forego their claim on property. It is seen that the willingness to claim property has gone on increasing as the level of education rises.

Table 4
Claiming / Non-claiming of property by Women (Education-wise)

<i>Education</i>	<i>Females not claiming property</i>	<i>Females claiming property</i>	<i>Total</i>
Illiterate	04 (100%)	00 (0%)	04
School Education	80 (82%)	17 (18%)	97
Higher Education	296 (74%)	103 (26%)	399
Total			500

Source: Data collected from Respondents in the Study Area.

From Table 5, it is noticed that more than half of the females of highest income group, 41% of females in the lowest income group and only about 10-15% of females in the middle income group claim whatever that is due to them in their father's property. By interviewing the respondents, it was made known that the women of lower income group claimed property out of necessity and women of higher income brackets claimed it as a matter of prestige.

Table 5
Claiming/Non-Claiming of Property by Women (Income-wise)

<i>Income Group (In rupees)</i>	<i>Females not claiming Property</i>	<i>Females Claiming Property</i>	<i>Total</i>
Less than 1 Lakh	116 (59%)	82 (41%)	198
1-5 Lakhs	220 (90%)	25 (10%)	245
5-10 Lakhs	40 (85%)	07 (15%)	47
More than 10 Lakhs	04 (40%)	06 (60%)	10
Total			500

Source: Responses of the Respondents in the Study Area.

Table 6 shows the religion-wise break up of respondents exercising their right of inheritance. From this table, it is observed that more than one-third of Christian, little more than one fourth of Muslim and little less than one fourth of Hindu women have shown their preference towards claiming of property.

Table 6
Claiming / Non-claiming of Property by Women (Religion-wise)

<i>Religion</i>	<i>Females not claiming property</i>	<i>Females claiming property</i>	<i>Total</i>
Hindu	322 (77%)	98 (23%)	420
Muslim	30 (73%)	11 (27%)	41
Christian	16 (62%)	10 (38%)	26
Total			487

Source: Collected from Respondents in the study Area.

FINDING NO. 2

Nearly three fourths of the females are not ready to claim their share in the property. Hence, majority of females have shown preference towards foregoing their right of inheritance.

From the study, it is clear that most of the women have at least some knowledge about their property rights. But, a large number of them are not willing to claim it. The reasons advanced by them for non-exercising of their rights of inheritance are as follows:

1. Claiming of property by the daughters may affect their ties with the members of the parental family and hence their relationship may turn out to be fully commercial.
2. Non-claiming of property by the daughters may enable the brothers to help their sisters on the basis of their need in the hour of their difficulty.

3. Women do not wish to weaken the financial position of their brothers by claiming property.
4. Non-claiming of property by the daughters may motivate their brothers to look after their parents with care and love.
5. Married daughters express doubts about the judicious use of the property that they receive from their parents.
6. Some of the women fear that the property that they get from their parents may become another source of exploitation in their husband's family.
7. Claiming of property by women will also entrust them with the responsibility of taking care of their parents for which the members of their husband's family may not agree. In such cases females forego their claim on property.
8. Peace loving women do not want to enter into property litigations and claim their property.
9. The patriarchal mindset of women will discourage them from claiming their property.

In our study, an examination as to what an extent females themselves are the cause of property rights of women becoming a non-reality has been made. To this issue responses of the respondents were as below:

Table 7
Non-Realisation of Property Rights of Women (Education-wise)

<i>Level of education</i>	<i>Females being not responsible</i>	<i>Females being responsible</i>	<i>Total</i>
Illiterate	02 (50%)	02 (50%)	04
School education	25 (26%)	72(74%)	97
Higher education	89 (22%)	310 (78%)	399
Total			500

Source: Responses of the Respondents collected in the Study Area.

From Table 7, it is noticed that 50% of illiterate women, 74% of School educated and 78% of women of higher education are of the view that females themselves are responsible for the improper execution of property rights of women.

Table 8
Non-Realisation of Property Rights of women (Income-wise)

<i>Income Group (In rupees)</i>	<i>Females being not responsible</i>	<i>Females being Responsible</i>	<i>Total</i>
Below 1 Lakh	50 (25%)	148 (75%)	198
1-5 Lakhs	55(22%)	190 (78%)	245
5-10 Lakhs	09 (19%)	38 (81%)	47
Above 10 Lakhs	02 (20%)	08 (80%)	10
Total			500

Source: Data collected from the Respondents in the Study Area.

Table 8 shows that between 19-25% of the respondents belonging to different income brackets express the opinion that females are not responsible for the property rights of women becoming less operative. But 74-81% of the respondents say that women themselves are responsible for the non-claiming of the property that is due to them.

Table 9
Non-Realisation of Property Rights of Women (Religion-wise)

<i>Religion</i>	<i>Females being not responsible</i>	<i>Females being responsible</i>	<i>Total</i>
Hindu	101 (24%)	319 (76%)	420
Muslim	06 (15%)	35 (85%)	41
Christian	05 (19%)	21 (81%)	26
Total			487

Source: Data Collected from Respondents in the study Area.

From Table 9, it is seen that only 24% of Hindu, 15% of Muslim and 19% of Christian women say that females are not responsible for property rights of women becoming a non-reality. 76% of Hindu, 85% of Muslim and 81% of Christian women express an opinion contrary to it.

FINDING NO. 3

Little more than three fourths of females agree that they themselves will have to be blamed for the non-execution of their property rights.

Female hand can be seen in the improper enforcement of property legislations in India pertaining to women as below:

1. The upbringing of majority of females in India is such that they accept male superiority.
2. Mothers have sentimental attachment towards the property which they do not want it to go out of the family.
3. Married daughters would not like to trouble their parents any more by claiming their share in the father's property if dowry has been given to their in-laws family at the time of their marriage.
4. Mothers of married daughters are not in favour of giving a share in the property to them as they argue that dowry has been given to the daughters at the time of their marriage. But, mothers fail to realize that the married daughters have little or no freedom to use the dowry amount as per her needs and aspirations.
5. Mother ascribes a superior position to her sons over her daughters for her own reasons.

For the better enforcement of property legislations pertaining to women, the measures suggested are:

- (i) Better awareness to be created among both males and females with regard to property rights of women by way of organizing camps, special lectures, workshops, etc.
- (ii) NGOs to play a vital role in spreading the message of enforcement of property rights of women to especially the females of lower strata of society.
- (iii) To make all efforts to change the mindset of people at all levels.
- (iv) Motivate women to realize their property rights in such a way as to secure a happy balance between moral considerations and legal aspects.
- (v) Parents to be made to realize the fact that daughters look after them better than their sons.
- (vi) Government to devise ways and means of easy implementation of property legislations concerning women.
- (vii) Proper legal sanction to be imposed in such way as to provide full control to the females over the property that they inherit.
- (viii) Provide for value based education where an environment of women respecting society is created.

Proper implementation of rights of inheritance of females very much rests on women themselves. Women, as mothers should make their sons magnanimous enough to give away that share of their father's property which belongs to their sisters. Women, as daughters are to be assertive enough to claim their share of property without being swayed away by emotional and other considerations. If this happens, women can make positive contributions to the family's betterment, society's progress and nation's development.

References

- Flavia Agnes (2009), *Law and Gender Inequality*, Oxford University Press, New Delhi.
- Nalini Mishra (2008), *Women Law against Violence and Abuse*, Pearl Books, New Delhi.
- Monica Chawla (2006), *Gender Justice Women and Law in India*, Deep and Deep Publications Pvt. Ltd., New Delhi.
- Dr. G.B. Reddy (2010), *Women and the Law*, Gogia Law Agency, Hyderabad.
- Gokulesh Sharma (2008), *Feminine Jurisprudence in India, Women's Right*, Deep and Deep Publications Pvt. Ltd., New Delhi.
- V. S. Genesamurthy (2008), *Empowerment of Women in India, Social, Economic and Political*, New Century Publications, New Delhi.
- Dr. K. Uma Devi (2006), *Property Rights of Women*, Serial Publications, New Delhi.
- Nadia Steinzor (2003), "Women's Property and Inheritance Rights: Improving Lives in a Changing Times", Development Alternatives Inc.

Anjani Kant (1997), *"Women and the Law"*, A.P.H. Publishing Corporation, New Delhi.

Kishwar M. (1994), *"Codified Hindu Law"*, *Economic and Political Weekly*, Bombay.

Dr. Anita Arya (2000), *"Indian Women: Work and Development"*, Volume 03, Gyan Publishers House.

R.K. Tandon (1998), *"Status of Women in Contemporary World"*, Commonwealth Publishers, New Delhi.

Women Laws, Universal Law Publishing Co. Pvt. Ltd., 2009.

R. Meenakshi (2006), *"Matrimonial Property Rights for Indian Women: An Analysis"*, *Property Rights of Women*, Serial Publications, New Delhi.



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