

Awareness about Property Rights among Indian University Students

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Abstract: Economic independence of women is a major catalyst in achieving equality for women. In a developing country like India women are more culturally adapted and their property rights are still in dreams. There are supporting legal system for Indian women in case of property rights, however many a time's women are not willing to utilize it because of fear of break of relationship. The present study attempts to study the knowledge of married educated women on matrimonial property rights in India. This shows that the respondents have minimum knowledge on property rights, even when they have knowledge the respondents are not ready to get their property from their relations because of the fear of break of relationships. On the other hand, the male counterparts are not ready to share their property with their sisters. This shows that legal system prevails in document form and in no way it helps women in grass root level.

Keywords: marital property, women, education, Indian legal system.

Introduction: In a developing country like India women are more culturally adapted and their property rights are still in dreams. There are supporting legal system for Indian women in case of property rights, however many a time's women are not willing to utilize it because of fear of break of relationship. Matrimonial Property is defined by the law as the Property owned by one or both of two persons who are married to one another which, upon the application of one of the spouses to a court, is subject to division between them. The precise definition of what might be included in matrimonial property differs from jurisdiction to jurisdiction. The parties, who have been physically separated before a court, will entertain an application to identify and divide alleged matrimonial assets. The law relating to family disputes and obligations has grown dramatically since the 1970s, as legislators and judges have reexamined and redefined legal relationships surrounding Divorce, Child Custody and Child Support. In the section 225 of the Supreme Court Judicature (Consolidation) Act of 1925 defines

the matrimonial causes as an action for nullity of marriage, divorce, judicial separation, which in early days were exclusively subject to the jurisdiction of clerical courts, which in turn depended on residence and the judgments of these courts (Bishops) were recognized both by the secular and clerical authorities.

“Economic independence of women is a major catalyst in achieving equality for women. The advent of divorce laws apart from freeing many women from the shackles of unhappy or abusive marriages has also steered the phenomenon of destitution, which results from the egalitarian nineteenth century English doctrine of separate property regime” (Jhuma Sen). Ineffective and inadequate implementation of existing laws results in the inferior status of women in the society. In spite of constitutional guarantee of equality, many gender biased legislations continue to view women through a feudal lens thus threatening to demolish the very foundation of legitimate consent of parity. In the patriarchal Indian society, it is normally established that a woman belongs to her husband’s family upon marriage. However, a woman’s right to property in her marital home is almost absent. Indian women right in matrimonial home is always debated. On one side, women are not willing to get their property as their rights; on the other side, husband in matrimonial home and father and brother in parental home are not willing to share their property with their women. But still legal system is prevailing. So, here a small research study has been conducted to know the women’s attitude in willingness to get their property and men’s willingness to share their property.

Gillanh Amilton (1999) in the study entitled ‘Property Rights and Transaction Costs in Marriage: Evidence from Prenuptial Contracts’ has examined prenuptial contracting behaviour in early-nineteenth-century Quebec to explore property rights within families and the efficacy of marital property laws. Drawing on a transaction cost framework and the decision to sign a contract and couples’ property rights choices, found that couples signing contracts tended to choose joint ownership of property when wives were particularly important to the household. These findings illustrate the potential effects of legal institutions on individuals’ behaviour and the value of a flexible legal environment.

E. K. Quansah’s (2004) the study entitled ‘Determining Matrimonial Property Rights of Non-Domiciled Spouses: The Applicable Law in Botswana’ found the underlying principle of Tanzanian provision in the learned Justice of Appeal’s view is equality of division of matrimonial property subject to the factors. It will therefore be of practical and financial consequence for the parties depending on whether the matrimonial property is to be divided upon a strict equal division, as may be required by the laws of Botswana, on the less clear-cut basis of division specified by the law of Tanzania. The

fundamental rationale behind this proposed reform being that division of family assets should aim towards an outcome that is fair and just for both parties and their children.

Mary Adebola Ajayi and Abiodun Olukayode Olotuah (2005) ‘Violation of Women’s Property Rights within the Family’ has described that in many African societies, there are unwritten customary laws that are oppressive to women. This study examines some cultural attitudes and practices in Nigeria that violate women’s property rights in paternal and matrimonial families. It presents various forms of violation of women’s property rights from girlhood to widowhood, citing cases from some ethnic groups in Nigeria and discrimination in the form of non-inheritance of property from parents, loss of matrimonial property due to divorce, disinheritance and physical ill treatment of widows. The briefing offers recommendations to change the biased cultural attitudes against females strengthen the laws that support property rights of women and provide legal literacy and support for women, especially widows, whose property rights have been violated.

Statement of the problem: Indian society is patriarchal in nature and women themselves are considered to be property of husband’s home once they are married. And Indian women are grown up in a family where such values are taught to them. Knowledge on property rights in matrimonial home for Indian women is significant factor to be understood to under the gap between legal system and reality. The emerging new cultural trends and westernization have redefined the values of marriage among young generation. This new understanding of marriage in patriarchal Indian society has given much in secured feeling to women and it is necessary to create awareness and understand regarding the Matrimonial Property Rights among married women. Even when legal systems are available in favor of women, they are not willing to avail the legal facilities due to the fear of the society and breakup of relationships. The previous studies reviewed shows the importance having property as individual owners. The present study examines the knowledge of married women on property rights and their willingness to their property.

Objectives:

1. To study the background information of the respondents.
2. To assess the respondents’ knowledge about matrimonial property rights.
3. To understand their willingness to get their property rights.

Methodology: The study has used both primary and secondary data. Interview schedule was used to collect primary data. The questionnaire was distributed to the respondents individually. The variables involved in the study were identified from preliminary interview with 5 respondents and review of related literature. The samples were collected from 43 respondents in Bharathiar University, Coimbatore District. The secondary data required for the study was collected from textbooks, journals, University records, and related websites, newspapers.

Sampling: The study was conducted in Coimbatore district. Totally there are 8 Universities in Coimbatore District. Among these 8 universities, one university was randomly selected for the study using lottery method. It was found that the enrolment of girls were high in the selected university. According to the University record, 1930 girls-students (both married and unmarried) were studying in the university campus during the year 2013-15. Based on the personal data gathered it was found that there are 430 married students in the campus. Among 430 married women, 10% (43 respondents) of the total population was selected through random sampling. The selected 43 respondents were studied using the interview schedule.

Validity and Reliability: A pre-test was conducted to validate the questionnaire and to confirm the feasibility of the study. Cronchbach's Alpha Criterion was applied to test the reliability of the tool. The value determined is 0.681 proving the reliability of the instrument. The quality of the questionnaire was ascertained and the test showed more reliability. The variables considered for the analysis satisfied the normal probability distribution. Based on the pre-test study, the tool was modified suitably and finalized.

Tools of Data Collection: The study has used interview schedule method. It was initially developed after reviewing the literature. Based on preliminary test and suggestion of the experts the tool was finalized. It consists of 19 questions of which 8 questions are related to background information, 11 questions are related to the respondents' knowledge about property rights.

Scope of the Study: The study is confined to the Knowledge on Matrimonial Property Rights among Educated Married Women in Bharathiar University. Duration of the study (data collection) is from 1st March to 15th March 2015. During the period married girls who are studying in the university departments have been included as the sample. The study has been conducted from the point of view of

married students. The study also made an attempt to gain the knowledge about matrimonial property rights among married students.

Framework of Analysis: The statistical tools such as simple percentage analysis, Mean and Standard Deviation, have been used to analyze the variables in the study.

Limitation of the Study:

- . The study was limited to educated women in the university.
- . The study covered very limited number of respondents due to shortage of time.

Table 1: Socio Economic Background

Variables	Categories		
Age	21-24 years 7(16.3%)	25-28 years 20 (46.3%)	Above 28 years 16 (37.2%)
Educational Qualification	Post Graduation 10 (23.3%)	M.Phil. 8 (18.6%)	Ph.D 25 (58.1%)
Discipline	Science 25 (53.4%)	Social Science 11 (25.6%)	Arts 9 (21%)
Status of Family	Poor 2 (4.7%)	Middle 34 (79.1%)	High 7 (16.3%)
Duration after Marriage	<= 1 year 10 (23.3%)	1.1-5 years . (44.2%)	>5 years 14 (32.5%)
Type of Family		Nuclear 21 (48.8%)	Joint 22 (51.2%)
Type of Residence		Rural 13 (30.2%)	Urban 30 (69.8%)
Heard about Matrimonial Property Rights		Yes 30 (69.8%)	No 13 (30.2%)

It is observed from the table that 46.3 percent of the respondents are in the age group of 25-28 years, 58.1 percent are pursuing PhD in various disciplines, 53.4 percent of the respondents are from the science discipline, 79.1 percent of the respondents belong to middle class family, 32.5 percent of the respondents got married before five years, 69.8 percent of the respondents are from urban areas, and 69.8 percent of the respondents know about matrimonial property rights.

An attempt has been made in this study to assess the knowledge about matrimonial property rights among educated women. Questionnaire has been formulated to conduct the data from the respondents.

Table 2: Knowledge about Matrimonial Property Rights

	Sum of Squares	df	Mean Square	Sig
Between People	145.600	42	3.467	
Between Items	240.375	27	8.903	0.000
Within People	1252.447	1134	1.104	
Residual total	1492.821	1161	1.286	
Total	1638.421	1203	1.362	
Grand mean score				3.7168

Twenty eight questions related to knowledge about property rights were asked to the selected respondents. The variable “Education Plays A Vital Role in the Case of Property Rights Awareness” has high mean score of 4.5814. This finding shows that educated women have high chance of her knowing about her property rights. The variable “Women can get Matrimonial Property Rights Awareness” has low mean score of 2.9302. This findings show that women can be aware about property rights even before her marriage. So, no marital life can give her knowledge about property rights. The variable “In Your Family Does Your Mother Have The Property Rights” has high standard deviation of 1.39767 which shows that mother of the respondents also don’t have property rights. This shows the impact of culture and family system that impose pressure on women’s property rights. The variable “Women Matrimonial Property Rights Have Increased Compare with Earlier Days” has low level of standard deviation of .72680 which reveals that there is increased awareness about matrimonial property rights in recent days.

Table 3: Awareness about Matrimonial Property Rights

	<i>Mean</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Range</i>	<i>Variance</i>	<i>N of Items</i>
Inter-Item Correlations	.077	-.325	.703	1.028	.031	28

As the variance is 0.31 the overall knowledge about matrimonial property was minimum among the respondents.

Conclusion: The study was conducted to understand knowledge on matrimonial property rights among Post Graduate and Doctoral students. The current study shows that women students have minimal knowledge about matrimonial property rights. Though the legal systems are in favor of women, they should be ready to fight for their rights. On the other hand, men also should be ready to share their property with the women. Until the holistic attitudinal change takes place, it is difficult to get the property for women. The more of attitudinal change is significant factor to get rights of women. Gender bias in all forms should be eliminated in the grass root level to bring equality in property rights. Willingness by men to share their property with their women should be researched at a larger level and the impact should be measured to bring out changes.

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