CHAPTER VII

WOMEN, FAMILY ECONOMY AND PROPERTY RIGHTS

In the modern industrial economy women have to play an increasingly greater role. They have to take up jobs to ensure a comfortable family life. There is nothing in Quran which prevents women from working. On the contrary, it says that whatever she earns is hers and her's alone. The view that a woman has to look after the home and children is not, strictly speaking, a Quranic view. What is required by the Quran is not that she cannot work, but that the man has to maintain his wife and in return the wife has to look after the children. This does not deprive a woman of her right to work; it only establishes an equation between the wife and the husband. The equation is not mandatory. The wife can choose to work and establish a different equation according to which both will share family expenses, the upkeep of the house and bringing up the children. As far as Quran is concerned, there is no bar on a woman going out of the house and earning, provided she protects her chastity and restrains her sexual urge.

"He it is who made the earth even and smooth for you; so traverse through its sides and eat of His provision. And unto Him will be the resurrection" (Surah 67:15). Hence, we find that Islam grants to all the individuals equal rights to carry on any lawful occupation.
In recent times, there have been many studies on economic changes. Easter Boserup's intercountry study provided the evidence that economic changes based on development policies might effect women adversely, unless their specific problems as a group were given consideration (Boserep, 1970). Even when women's participation in production and distribution has been ensured their ability to exercise power and authority would depend on whether they were regarded as adults or dependents by society. (Sacks, 1975:231). Socio-economic strata appeared to be the primary cause of differentiation. The aspirations of women everywhere indicated a universal desire for an improvement in the social and economic condition, this desire was expressed through their desire for education and employment (Huston, 1979:118).

A report entitled "Relative Freedom of Women", produced by the Council of Social Development (Nov. 5, Dec., 22, 1973), attempts a comparative analysis of married women of Sunder Nagar Colony and Mandir Marg colony of New Delhi. The study reveals that decision making in various family matters is directly dependent upon the economic independence of the wife.

With the coming of industrialisation many changes have been brought about in the family. The economic development has brought about certain alterations in the attitude and value system of the people. One of the major aspect in this regard has been the widening of the role of the women. This resulted in the change in outlook about women and their usefulness at home and
outside. Many parents started educating their daughters, thus preparing them to be economically independent. In many cases the women are gainfully employed in various institutions. Equal opportunity is given in education to both boys and girls. Moreover, an educated woman gained importance as a significant member of the family and society. Her status was raised and her domain of interaction extended beyond the family. Economic necessity was not only the reason which made women seek employment. In many cases the educated women found that the domestic chores were not sufficient to keep them occupied for the whole day, thus for mental satisfaction and for the best use of education, women took up jobs. There is always the urge to better the standard of living and thus the combined efforts of husbands and wives resulted in the fulfillment of this desire.

**ECONOMIC POSITION:**

The Muslim community in India is educationally and economically backward compared to other communities. Although there are few cases of wealthy persons among the members of this community, speaking generally, Muslim as a class appears to be very backward, both educationally and economically (Kumara Pillai Commission, 1965 : 5).

Out of the employed educated women in the sample 33.4 percent of the respondents were married and 16.6 percent of the respondents were unmarried girls. Among the uneducated women in the sample all the 100 women were married and 38 percent of them were self-employed. Out of the total employed women 15.2 per
cent respondents were in the income range of Rs.500-1,000, 23.4 per cent of the respondents income ranges between Rs.1,000 - 3,000 per month. 19.3 percent are in the income group of Rs.3,001 - 5,000 per month, whereas 7.3 percent are in the higher range of income group of Rs.5,001-7,000/-. In all the families the principal wage earner is the man. It has been found out that educated women strongly felt for education of women and employment. the table 7:1 gives the frequency distribution of the income groups.

**TABLE - 7:1**

<table>
<thead>
<tr>
<th>INCOME RANGE PER MONTH</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>500-1000</td>
<td>38</td>
<td>15.2</td>
</tr>
<tr>
<td>1000-3000</td>
<td>35</td>
<td>14</td>
</tr>
<tr>
<td>3001-5000</td>
<td>29</td>
<td>11.6</td>
</tr>
<tr>
<td>5001-7000</td>
<td>11</td>
<td>4.4</td>
</tr>
<tr>
<td>Dependent</td>
<td>137</td>
<td>54.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>250</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**ATTITUDE TOWARDS WORKING WOMEN:**

With regard to the attitude towards working women it has been observed that among educated 83.3 percent of the respondents thought that employment of the women was essential and good in the present day situation. This particular opinion is mainly due to the increase in education of women and to supplement family
income. The rest of the respondents felt that women should go out to work only in extreme necessity. In some families though the woman are keen to work, cannot take up jobs sometimes due to the family problems or because of male domination.

On the other hand among the uneducated women this feeling among all of them was not found, so it might be due to lack of education and outside world. Though among this section also many women (38%) work at home itself doing the job work like bangle making, beedi making, glass work, embroidery-stitching etc. Yet they feel that going out of home and working with other people, mainly with other sex, is not good. These women do not have a positive idea about educated working women in different fields, other than teaching. Where as the remaining women strongly objected women at work, and supported the purdah system.

PROPERTY RIGHTS : INHERITANCE:

A woman's status to a large extent is determined by her right to hold property and to dispose it of according to her will. According to Venkatarayappa (1966 : 48), the perfect and complete individuality of the woman is manifested in the most striking manner in the matter of handling the property. About inheritance, Islam says, "to the male the equivalent of the portion of two females" (Q 4:11). It is generally argued that daughters have been given half the share in inheritance compared to their brothers and hence they are considered in prior to men. Many Muslims use this kind of argument. It is an incorrect interpretation on many counts. Firstly, sexual equality is altogether a different matter from inheritance. The former is a
moral category while the latter is an economic one. If, for some reason, the share given in inheritance to one or the other sex is less or more it is not to be considered inferior. Inheritance depends very much on a social and economic structure and the function of a particular sex within it.

Though Islam does not grant women on equal share with men in the inheritance of property, according to Islamic law, the woman possesses absolute right over the property which she owns and she can dispose it off, according to her will and pleasure. The Quran says, "And do not covet that by which God has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn".

A careful reading shows that the Quran has taken care to give women a share in property of the deceased not only as a daughter but also as a mother and as a (".....and theirs, i.e., wife's is the fourth of what you leave, if you have no child, but if you have a child, their share is the eight of what you leave (Q. 4: 12).

Thus it becomes clear Quran ensured share in inheritance for woman as a daughter, wife and mother. The fact that they were given half of the share of male hairs is to be seen in economic context. (Q. 65: 6-7).

An important factor which gives women higher status in some societies is matriliney, i.e. succession through the female line, and matriarchy, i.e. women's authority in the family. Here the higher status which the women enjoy is the result of the preferential rights they enjoy there. According to B.M.Garg (1960 :27)
these preferential rights refer to a succession of family titles or names and inheritance of property. Leela Dube in her book, Matriliny and Islam (1969:27-40) observes the Special Status of Women in Kalpeni in the Laccadive Islands. She says, birth in the tarawad, the common matrilineal unit, gives a member the right to a share in the tarawad property and this right passes through female members; a male member has only usufructuary rights over the tarawad property. The oldest women in the tarawad enjoys a special status. She is highly respected. She is consulted by the Karanavar (oldest male member) on all important matters. The oldest women in the property group also enjoys a special position, in the economic sphere and in the productive activities of women.

Like so many women's rights, the one to inheritance is honoured mostly. Undoubtedly there are some women who get their full share of inheritance but they are in a minority. The reasons are many and varied. The women's right to hold or inherit property is seldom upheld in practice. This is largely due to the absence of education and a lack of awareness of the Sharia laws.

AWARENESS OF LAW:

It was found out to what extent are women's right to inherit honoured in Islamic society? Do Muslim women actually get their share in property as prescribed by law?. Respondents were first asked about their awareness of the Sharia laws. 62.6 percent of the educated respondents were aware of the laws and have the knowledge about the religion while 37.4 percent responded in
the negative. They said, we are acquainted by the terms but cannot explain the meaning and the spirit behind the laws. Table 7:2 gives the awareness of laws.

**TABLE - 7:2**

<table>
<thead>
<tr>
<th>AWARENESS</th>
<th>EDUCATED</th>
<th>UNEDUCATED</th>
<th>TOTAL NO.</th>
<th>TOTAL %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>94 (62.67%)</td>
<td>-</td>
<td>94</td>
<td>37.6</td>
</tr>
<tr>
<td>No</td>
<td>56 (37.4%)</td>
<td>81</td>
<td>137</td>
<td>54.8</td>
</tr>
<tr>
<td>Little</td>
<td>-</td>
<td>19</td>
<td>19</td>
<td>7.6</td>
</tr>
<tr>
<td>Total</td>
<td>150</td>
<td>100</td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

Among the uneducated women more than eighty percent of the respondents were not aware of the laws. This is largely due to the lack of education. The rest of the respondents, 19 percent, had a very little knowledge about the laws.

**SHARE IN PROPERTY:**

When asked the respondents about the share in the property they said though women had a share in the property but in actual practice it is not given. Rarely a woman who is lucky is given a share and if not if she is only the daughter gets her full share. Among the Jamaati group of Ratnagiri district the absence of the girls husband places the main responsibility of looking after her
on her parent's shoulders. This also places a financial burden on them and it is taken for granted that the girl has no right to any share in her parental property. A Gujjar Bakarwal girl receives only a share of the movable property of her family but has no claim to pasture land. (Brijbhusan 1980:85).

In the sample 26.6 percent of the respondents already got the share according to the property inherited. 28.7 percent of the respondent are likely to get share from their father's property. 33.4 percent of the respondents did not receive any and 17.3 percent did not give any definite reply.

CASE STUDY

One lady Afshan said that her father categorically stated that whatever property had been registered in the daughters name or in the name of the son, mother or wife would go to him or her irrespective of its market value. But she revealed that it was all preplanned according to the prevailing practice.

I did not receive what was entitled to according to the Sharia law. My share was about ten times less than that of my brother's share. I often told my father that it was a violation of the law. But he conveniently change the subject. The respondent did not mention the amount. She further says that even if she files a suit and if at all it is settled in her favour the amount of her share will be finished in fighting the cases. The property may have become encumbered or been liquidated along the way and all the time and expenditure may turn out to be totally infructuous, creating a great deal of unpleasantness without bringing any material benefit. All quarrels are supposed to have
as their base - zuar, zamin and zan that, is money, land and women.

Another woman Seema khatoon was highly dissatisfied with the discrimination she faced on the basis of sex. She stated my sister and I were equal partners in our father's firm. We signed every legal documents, tax returns, cheques and other relevant papers. After my marriage I took up a Government job. However, I was apprehensive about my services being terminated, or a charge of irregularities being instituted against me, if the authorities found my involvement in the family business. Therefore, on several occasions I requested my father and brothers to free me from the partnership deed but, this was to no avail. After my father's death it became necessary to redraft the deed. It was only then that I was relieved from the 'dummy' partnership. Although my sister and I were original partners, we were never given our share of the profits. We had every right to claim what was due to us but never did because we knew the entire arrangement was formulated to avoid payment of taxes.

Of course, there are women who do get their rightful share because their brothers are honourable and do not wish to enrich themselves at the cost of their sisters.

And then there are others who have the courage and the will to fight protracted legal battles against their father and brothers. For it does require courage to take even the first step in this direction, any demand of her patrimony by the woman being regarded as an expression of bad blood on her part rather than of a legitimate claim.

On the otherhand among the uneducated women the respondents
were not given any share in the property. They felt that the property was normally distributed among the sons. 'For people like us, there is no share' said a rikshawpullers wife. Where there is no property how can there be any share?

It is always the poor women who have to suffer' said another. Our husbands have no time to look after our interests and to demand our rightful share from our brother because of lack of knowledge. What can we do by ourselves. We don't have much money, and whatever we do have will be finished by the time the case is decided.

Among uneducated women a number of women echoed this sentiment and felt no special resentment against their brothers for depriving them of their share. There was a sense of fatalism. "If it had been in my fate I would have got it. If is not in my fate and I had got it I would have lost it in some other way. Thank God, my husband and children are alright so money is not all that important".

So it can be concluded that among the educated women share in the property was given to them and all of them were aware of the rights in their property and some women have been reluctant to file court cases. Where as among the uneducated women they were not aware of the laws and though some had a little knowledge but do not want to destroy the harmonious relationship within their families.

PROPERTY AS A STATUS RAISER:

In the present study, it was found that there were many educated women who owned houses, had property, and other forms of
wealth etc., with them. 20.6 percent of the respondents owned houses. 17.4 percent owned landed property and plots in their names. 2.6 percent owned bank accounts independent as well as joint. This indicates the fact that these women assert their right over the money earned by them and also over that of their husbands. Owning property is indicative of the fact that the Muslims abide by the Quranic law regarding property, and husbands let wives own their property. The rest of the respondents do not own any.

To find out whether the possession of personal property raises the status of the respondents and their decision making power in family matters, it was not found in all the spheres. For the convenience of analysis these areas were divided into two categories, the first one includes children's schooling, career, and marriage and second one includes family budget, buying property and household articles.

Those who possessed personal property were 40.6 percent whereas 59.4 percent do not have personal property. 5.3 percent having property never consulted their husbands on making decisions regarding children's schooling and career and marriage. The rest of them always consult their husbands. It has also been seen from some of the respondents that possession of personal property does not entitle the respondent to be consulted by her husband. It is the education the major determining factor making women enjoy the benefit out of their property.
The economic position of women has a bearing on their psychological and social conditions. Being economically independent not only improves her position in the family and outside, but gives her mental satisfaction that she is contributing to the family income. The main way to attain economic independence for a woman is to work and earn. By working outside home she not only earns her livelihood but also supplements the family income. According to Smith (1946: 80) "If women are taking part in productive activities of society without which they cannot be truly free and with which they will necessarily find freedom". Employment and economic independence provides women with a better position, social recognition and hence a feeling of achievement and security.

Islam is not against women working. "She can earn money and own property just as man can do and therefore she may, if she feels the need to follow any profession". (Ahmed Ali 1936: 643). In spite of this the number of working women in the Muslim community is smaller when compared to working women in other communities. Of the total educated working women in the sample 23.4 percent of the respondents were working in medical / technical professions, 16.6 percent respondents had white collar jobs and 10 percent of the respondents were in the teaching profession.

When asked the respondents 'whether they were free to use their income as they like', 23.3 percent of the respondents answered in affirmative, 15.3 percent said that they handover their salary to their husbands or in-laws and 11.4 percent of the respondents said that they do savings by keeping money in the
bank. Among the uneducated women out of 38 percent only 2 percent were free to use the income and the rest would hand it over to husband or their in-laws.

Though Islam does not contain anything which discriminates women in the economic sphere, cultural factors result in the economic inequality of women in the Muslim community. But in the sample it was not found so to that extent. Most of the respondents know that employment contributes to economic independence which in turn would raise their status in society. Only education coupled with the economic necessity, to make use of their knowledge, to take up job and supplement family income found to be capable of breaking tradition regarding work. Education holds the key and can qualify a person for a job. In any case the basic level of women's participation in family finances is not bad and this is further elevated with the increase in their education and employment. Thus education has become a tool for achieving occupational skills.