CHAPTER 4

METHODOLOGY

Given the fact that Syrian Christian women belonged to different socio-demographic and economic strata, their awareness, knowledge and attitudes on inheritance right might vary and in order to learn the determinants that could influence their awareness, knowledge and attitudes on inheritance and related legal aspects, a quantitative survey method was found to be appropriate. As the purpose of study is to contribute towards empowerment of women, it was also important to gather collective views of the Syrian Christian women on inheritance rights, their understandings and suggestions which could provide insights to adopt further measures for the effective implementation of the law. For this purpose a survey method was considered appropriate.

The review of studies has shown a quantitative survey approach being employed to bring out the awareness and attitude on dowry and inheritance related issues. To mention a few, Hooja (1968), Iype (1988), Mathew (1990), Chandy (1995) and (AIDWA 2003) have employed the survey approach to understand awareness and attitudes towards dowry and inheritance. The present study though employed the quantitative approach like many other studies the methodology namely the sampling procedure involving two stage stratified random sampling based on Church data has not been mentioned in any of the studies reviewed so far.

Even though the study aimed at understanding the impact of the Indian Succession Act (1925) entitling equal inheritance rights for Syrian Christian women at large, it was also the researcher’s interest to go beyond and explore the utilisation aspects of the Act mainly to identify whether there were any Syrian Christian woman who had challenged patriarchal forces and gone to the extent of availing themselves of the law. In the context of the study, it entailed the Syrian Christian women who had invoked the inheritance law to establish their rights. That is, studying Syrian Christian women who had resorted to legal measures to claim their inheritance rights, the circumstances which led them to exercise their rights, the
experiences and the outcome. As the whole issue of inheritance is an intricate family matter, and gender sensitive, a quantitative approach was not found to be appropriate, but it called for an in-depth qualitative approach. So the case study approach was employed to bring out the experiences of those women who had resorted to legal remedy for their right, revealing their emotional, familial and financial struggles in their own voice and in their own way. However, due to the lack of Syrian Christian women who had availed themselves of the law in the field area, the researcher had to face many limitations to conduct case studies and could undertake only a few cases which completed the court procedures and also were available with the lawyers at the time of the study.

4.1. Objectives

The broader objectives of the study are to understand awareness, knowledge and attitudes of Syrian Christian women on inheritance rights and allied issues in the light of the Indian Succession Act (1925) that came into effect in Kerala since 1986. In addition, personal experiences of the Syrian Christian women who had availed themselves of the law and approached the Court in order to claim their inheritance rights are also included in the study.

The specific objectives of the study have focused on aspects concerning Syrian Christian women such as to:

- Assess their awareness and knowledge on legal matters of inheritance rights as per the Indian Succession Act (1925)
- Know their attitudes towards equal inheritance rights, testamentary property rights and dowry practice
- Identify the factors which influences their awareness, knowledge and attitudes on inheritance rights and allied issues
- Understand the experiences of those women who had invoked the legal provisions for inheritance rights
- Suggest various measures for the effective implementation of the Indian Succession Act (1925).
4.2. Variables for the Study

(1) Dependant Variables:
The dependant variables identified for the study are:
Awareness and knowledge regarding the inheritance rights,
Attitude towards inheritance rights
Views on Dowry
Perceptions on women’s empowerment aspects

(2) Independent Variables:
Independent variables selected for the study are:
Age, number and sex of children, number and sex of siblings, size of family, type of family, educational status, exposure to media, employment status, economic status, , and parental property.

(3) Controlled Variable
Though Syrian Christian women in the study represented five principal denominations, for the purpose of analysis the five denominations were merged and bifurcated into two major categories such as Orthodox Syrian and Reformed Syrian. Both denominations were kept as the controlled variable throughout the analysis keeping in mind that there could be variations in awareness, knowledge and attitudes of Syrian Christian women belonging to these two denominations on inheritance rights and allied issues.

4.3. Operationalisation of Key Concepts

Syrian Christian Women: Syrian Christian women in the study refer to women belonging to the five principal Syrian Christian denominations namely, the Orthodox Syrian, the Jacobite Syrian, the Marthoma Syrian, the Church of South India (CSI) and the Malanakra Syro-Catholics (Reethu).

Awareness: Awareness means informed of, familiar with, conscious of, or to know.

For the purpose of the study, awareness is used in the sense that whether the Syrian Christian women of the study knew or were familiar with inheritance and allied issues, legal provisions as per the Indian Succession Act (1925).
**Attitude:** Attitude means viewpoint, outlook, opinion, reaction and so on. For the purpose of this study, attitude is used in the same meanings relating to Syrian Christian women and inheritance rights and allied issues.

**Availing of the Law:** ‘Availing of the law’, means utilising or invoking the Indian Succession Act (1925) to establish inheritance rights. In the study, it represents invoking the Act by Syrian Christian women to get their due share in the intestate property of parents through Court of Law.

**Dowry:** Dowry means those economic transactions in the form of cash or any other kind which is bestowed on the bride in connection with marriage which will invariably eliminate the right of a woman on the inheritable property of the parents.

**Inheritance Rights:** Inheritance right in the study denotes the succession rights of the children on the intestate property of the deceased Syrian Christian parents. This is based on the Indian Succession Act (1925), which entitles one-third of the intestate property of the deceased husband to the surviving wife or vice versa and an equal share to both sons and daughters on the remaining property with a retrospective effect from 1951.

**Will:** Legal document representing the declaration of intentions of a person regarding the succession of his/her assets after their death. In the study it means the Will of the parents.

**Intestate or Non-testamentary Property:** Intestate means person dying without leaving a Will regarding devolution of property. In this study, intestate means absence of a Will regarding the devolution of property of the deceased person (husband/wife) among the surviving spouse and children.

**Testamentary Property:** Testament means Will. Testamentary property means the property having Will prepared by the owner (testator) regarding the succession of his/her property
after their death. In this study it means property which has a Will regarding its succession among the surviving members of the family such as the spouse and children.

**Property:** Property means assets, buildings, land, estate and so on. Property can be self-acquired or passed on to the person through succession. In this study, property means those assets in immovable or movable form such as landed property or parental house or any assets which are of inheritable in character.

**Retrospective Effect:** Retrospective means looking back on or dealing with the past or applying to the past. In this study, it means application of the Indian Succession Act (1925) in Kerala with a retrospective effect from 1951, when the Part B State Law was amended. Though the Act came into effect in 1986, it carried the retrospective effect from 1951.

### 4.4. Hypotheses

1. There exists a positive relationship between the age of the respondents and their level of knowledge regarding intestate property and such that higher the age better the knowledge and such a relationship is differentially noticeable among women belonging to two Syrian Christian denominations.
2. There is a close association between the number of brothers and knowledge regarding the intestate property such that when there are more number of brothers, the knowledge regarding the intestate property is less, which is differentially noticeable among the women of two denominations.
3. There exists a close association between education and attitude towards equal inheritance rights. Women with a higher education are more favourable towards equal inheritance rights irrespective of two Syrian Christian denominations.
4. Income and attitude towards inheritance are closely associated. Women having higher household income are less favourable towards equal inheritance rights which could be differentially observable among women belonging to the two Syrian Christian denominations.
5. There is a close relationship between employment status and attitude towards equal inheritance rights. Syrian Christian women who are employed will have less favourable attitudes towards equal share in the property, and it could be differentially noticeable between the two denominations.

6. There exists a close association between the number of brothers and attitudes towards testamentary property rights of Syrian Christian women. Respondents having more number of brothers will show less preference for testamentary inheritance rights and that could be differentially noticeable among the women of two denominations.

7. Education and Syrian Christian women’s attitudes towards testamentary inheritance rights are positively related. Women with a higher educational level will be more favourable towards daughter inclusive Will which could be uniformly noticeable among the women belonging to two Syrian Christian denominations.

8. Exposure to print media and attitude towards testamentary rights are closely related such that Syrian Christian women who had higher exposure to newspaper and other gender related magazines would exhibit greater preference for testamentary rights of women and that could be differentially observed among the women of two denominations.

9. There is a close association between the income and attitude towards testamentary property. The Syrian Christian women having higher income will show more favourable attitudes towards testamentary inheritance rights which could be differentially noticeable among the women of two denominations.

10. Employed Syrian Christian women will be more in favour of testamentary property rights of women and it could be differentially noticed among the respondents of two denominations.

In addition to the listed hypotheses, a few more have been added in the analysis chapters.


4.5. Study Area

The study was conducted in the Kollam district of Kerala State. Kollam district was purposively chosen as the study area, in view of fair concentration of Syrian Christian population in this district and the researcher’s familiarity with the district. Besides, no similar studies were sited from Kollam while reviewing the literature.

Kollam is one among 14 districts in Kerala, situated south west coast and 71km away from Thiruvananthapuram, the capital of Kerala. Kollam or Quilon, is an old sea port town in the Arabian coast. The Portuguese were the first Europeans to establish a trading centre at Kollam in 1502. Then came the Dutch followed by the British in 1795. Velu Thampi Dalawa of Travancore, did much for the improvement of the Kollam town. Once a city of palaces, Kollam has been known to the outside world, by an honoured proverb, “Once you have seen Kollam you would no more need your illam (Home). According to census 2001, population of the district was 25,84,118 and the rate of literacy was (91.47%). About 70 per cent of the work force is engaged in agriculture. The principal crops are paddy, tapioca, coconut, rubber, pepper, banana, mango and cashew. Kollam is fairly important for State’s trade and commerce, it is the centre for country's cashew trading and processing industry and also an important hub for State’s marine product industries with the port of Neendakara being the centre for trawlers and ice plants (kollam district .com 08).

Kollam District is divided into 5 taluks, 104 villages, 13 Blocks, 69 Panchayats 1 Corporation and 2 Municipalities. Pathanapuram, Kunnathur, Kottarakkara, Karunagappally and Kollam are the five taluks in the district (Kollam District.com 08). As per 2001 census, the Christian population in Kollam district was (14.0%) as against the State average of (20.0%). Further, the female literacy rate in the district was (88.1%) which is slightly more than the State average of (87.72%).

Out of five Taluks, Kollam taluk was selected again based on familiarity and from this taluk Adichanalloor village and Kollam town was again purposively chosen as there was fairly good representation of Syrian Christians belonging to four denominations viz
Orthodox, Jacobites, Reethu, Marthoma in this village and a fair representation of Syrian Christians belonging to the Church of South India (CSI) in town area of Kollam which is 10 Km away from the village.
4.6. Sample Frame and Size

A sample survey approach was adopted for the study. Owing to the absence of any Government official records with regard to the District wise proportion of the Syrian Christian population under each denomination, initially, a list of all the Syrian Christian Churches under the five denominations viz. Orthodox, Jacobite, Reethu, Marthoma, and CSI in Adichanalloor village and Kollam town was prepared. To prepare the list regarding the Churches, the help of priests who were heading Syrian Christian Churches of selected locale of the study was availed. The Church Directories published by the respective Churches provided by these priests were useful source of information for preparing the list of Churches of five denominations taken for study. These directories included the names of other sister Churches of respective denominations in that particular village or town. The Church Directory gets updated every five years and the latest version of directories of all five Churches were published between 2004 and 2005.

Two stage stratified random sampling was adopted for the selection of samples. At the first stage, one Church from each of five denominations was randomly selected and then from the Directory of the selected Churches, the list of all married women was prepared. Directory contained the details of family members of that Church viz. husband, wife and children and incase if the children were married and staying with the parents information about their spouses and children too were included. The total number of married women in all the five churches were added up to 837.

At the second stage, using probability proportionate to size, a total of 300 married women were taken from five Churches. Accordingly, 107 (35.7%) of women were from the Marthoma Church, 60 (20.0%) were from the Orthodox Church, 58 (19.3%) Jacobite Church, 57 (19.0%) were from the Church of South India and 18 (6.0%) were from Reethu. In the next stage, required number of respondents from each Church was randomly selected from the Church Directory. Then a list of respondents was prepared with the selected names, addresses and telephone numbers.
**Sampling Procedure**

**Phase I**
- Listing of Churches of five Syrian Christian denominations
- Using church directories

**Phase II**
- Two stage stratified random sampling

**Stage I.** Random selection of one church of each denomination from the list. Listing married women from each church. Total number of married women in all five churches = 837

**Stage II.** Using probability proportionate to size, 300 married women randomly selected from the Directory of each denomination

- Marthoma = 107
- Orthodox = 60
- Jacobite = 58
- CSI = 57
- Reethu = 18

**4.7. Data Collection**

Before approaching the selected respondents of each Church, care was taken to inform the priests of respective Churches regarding the data collection and sought their cooperation for the survey. Necessary information from the respondents was collected by administering interview schedule which comprised structured and few open-ended questions (for a model schedule see Appendix.no.1). The interview schedule was categorised into two sections, namely gender empowerment aspects and issues relating to inheritance rights with reference to the Indian Succession Act (1925). Various sub sections under each of the section were made. The section on aspects of gender empowerment included perceptions on education,
employment, decision making, control over resources, girl children and multiple roles of women, reservation and participation in empowerment programmes. Sub sections on inheritance included assessment on awareness, knowledge and attitudes of these women towards inheritance in the light of the Indian Succession Act (1925). To assess the attitudes of the respondents towards various issues related inheritance and allied issues attitudinal statements were framed by referring to earlier studies (Mehta (1970); and Mathew (1990), which focused in understanding the attitudes towards some social issues. Mehta’s study (1970) on ‘attitude of educated women on social issues’ measured attitudinal statements on a five point scale - strongly agree, agree, undecided, disagree and strongly disagree. Mathew’s study (1990) on ‘Dimensions of Dowry’ has framed 20 statements to measure attitudes towards dowry which included statements on inheritance.

The data was collected by the researcher during April 2006-July 2006. Based on the experiences gained from a pre test of 20 respondents, necessary changes were made in the tool before administering the final interview schedule to the respondents. Prior appointments for the interviews were taken and the respondents were met at their residences as per their conveniences. A few respondents had to be replaced by selecting other names from the Directory due to their non-availability during the field work period.

4.8. Field Experience

Reporting the field experience is a reflection on different incidents the researcher encountered during the data collection period. The researcher felt that many obstacles that could have posed hindrances were taken care of as she got help from a couple of local people who were willing to introduce the respondents of different Churches. Though there was some kind of hesitation from a few respondents to respond to the queries in the beginning, they were quite cooperative once they were clear about the researcher’s purpose of inquiry. There were occasions where the family members of respondents were also eager to know what the interview was about and were raring to come out with their opinion. Then the researcher had to politely dissuade them from such attempts. In some instances, the respondents asked “What are we going to get from answering these questions”? To such
queries the researcher had to be honest and say that the research study was not meant to fetch them any financial benefits per se. However, documenting their collective responses based on this study and the same report would be published, and thus be a resourceful record for other Christian women to know how the women of this study perceived inheritance and dowry and that it could also be used for awareness programmes regarding inheritance rights of Christian women and creating favourable attitudes.

4.9. Data Analysis

The data analysis was conducted by using Statistical Package for Social Sciences (SPSS). Various factors which influenced the level of awareness, knowledge and attitudes of respondents towards inheritance rights, were analysed by adopting bivariate and multivariate techniques. Cross tabulations were performed to test the association between the selected variables and denominations which were kept as controlled variables. Recoding and suitable merging of variables were carried out for better statistical accuracy of data analysis. Though the data were collected from the selected number of respondents from each Church of five principal Syrian Christian denominations using probability proportionate to the size, suitable merging of respondents was done for the accuracy of tests while doing the data analysis. Merging of respondents was performed based on the common religious practices, beliefs and most importantly on women’s status in the churches (Chapter 3.1.2.(4).

Accordingly, respondents from the Orthodox, Jacobite and Malankara Syrian Catholic Church (Reethu) denominations were merged into one group and labeled Orthodox Syrian, comprising a total of 136 women. Respondents belonging to Marthoma and CSI denominations were merged into another group Reformed Syrian, comprising a total of 164 women.

\[
\begin{align*}
\text{Orthodox} & \quad \text{Orthodox Syrian} = 136 \\
\text{Jacobite} & \quad \text{Marthoma} \\
\text{Reethu} & \quad \text{CSI} \\
\end{align*}
\]

\[
\begin{align*}
\text{Reformed Syrian} = 164
\end{align*}
\]
Cross tabulations of socio-demographic and economic variables and dependant variables such as knowledge and attitudes on inheritance right were performed to find out the effect of independent variables on dependent variables on inheritance rights. Logistic Regression analysis was carried out to analyse how strongly independent variables such as respondents’ age, education, employment, income, number of male and female children, number of brothers and sisters, exposure to media like newspaper, electronic media such as Television influenced Syrian Christian women’s awareness, knowledge and attitude towards inheritance rights when treated independently as denominations and also when treated as a whole. Two Syrian Christian denominations, i.e., Orthodox Syrian and Reformed Syrian were kept controlled throughout the bivariate and multivariate analysis to understand the commonalities as well as significant differences between the denominations.

4.10. Methodology for Case Study

Though the study aimed at understanding the awareness, knowledge and attitudes of the Syrian Christian women on inheritance rights through a survey approach, it was also researchers’ concern to go beyond the quantitative findings to learn about the utilization aspect of the Indian Succession Act (1925) by Syrian Christian women. This involved studying Syrian Christian women who had invoked or availed the law by challenging patriarchal forces to claim their inheritance right. In order to capture the experiences of those women who had resorted legal measures, it required an in-depth qualitative study. As the researcher could not locate any Syrian Christian woman who had invoked the law among the samples selected for the survey or in the selected area for the study, the researcher had to adopt a different research method to identify those Syrian Christian women who had resorted to the legal measures to claim their inheritance rights.

In order to bring out the holistic experiences of women who took recourse to law, it was decided to consider those Syrian Christian women who had underwent court trials to claim their share and whose final judgments had been passed by the civil court. This included the grounds for invoking the law of inheritance, emotional, familial and financial stress they had undergone, the legal procedures, the outcome and the aftermath in family relationship among the siblings. Identifying such cases posed many practical difficulties. First of all, to make an assessment regarding the number of cases that have completed the
judicial process and final judgments were found to be a very laborious procedure. Primarily because obtaining official sanction to have access to the case records of the court was difficult and involved lot of procedures dealing with higher authorities of the court. Secondly, all litigations dealing with property matters including inheritance rights were classified and entered in the court records in the category of Civil Cases and assigned the case numbers as per the date of enrolment. To cull out the cases dealing with inheritance rights from the court records, therefore was an uphill task. Considering the time constraints and the practical difficulties, a more feasible method to get cases of women who availed the inheritance law was through lawyers as the women have to file the petition and forward to the court through lawyers, who would be defending the case in court trial for the women. So the researcher availed the help of lawyers as the resource person to identify the women for case studies and approached the lawyers practicing civil cases at the Kollam Civil Court. There were a very few lawyers who were handling petitions relating to inheritance rights among Christians, and among them only two lawyers had the cases which were through with judicial formalities. They had three such cases, out of which two cases were declared in favour of women petitioners and one case was settled out of court when the petition was still under trial and as a result the case was withdrawn by the woman petitioner.

According to the lawyers, mostly the cases which were registered for inheritance rights soon after the implementation of the Indian Succession Act (1925) in Kerala in 1986 and following years, had completed the court trials and were disposed off at the time of data collection. Some cases were settled out of court by mutual consent of both parties involved and hence the petitions were withdrawn by the concerned women. The lawyers also pointed out an important aspect that the verdict on equal inheritance rights also set off another trend among Syrian Christians. Parents started documenting the Will regarding division of property and registering them so that their property would not be of intestate in nature which would be liable for any legal procedure for division after their deaths. Mostly the Will documented were stated to be favouring the sons excluding daughters under the pretext that daughters were given their due shares as dowry at the time of their marriages. So there has been a concerted effort from parents themselves to bypass women as heirs and also to do away with any legal tussles among the children in the name of inheritance rights.
after their demise. This trend again eliminated the scope of women invoking the law. According to the lawyers, after 2000, there were not many cases filed for inheritance rights and among those cases, there were cases which were half way through with court trials, a few which completed interim verdicts and proceeded to the next stage, very few were still pending for the final verdict and some cases were settled out of court.

Though the researcher wanted to explore quite a few cases, due to the non-availability of case files of those cases which were through with judicial procedures with the lawyers, the researcher could undertake only three women for conducting case studies. The case files of these women were available with the lawyers and names and addresses could be taken from those files to conduct case studies. These women were contacted at their residences and their experiences were recorded.