CHAPTER I

DATA ANALYSIS

To understand the impediments in property rights, the researcher has also undertaken a study of 100 women of upper middle class Lucknow, educated and working from the age group 20-65.

The participants were given a set of question to understand the awareness level about the property laws? Whether they will be asking for their share in the property and what they think is the major reason for inequitable property rights.

The results though varied were not unexpected. The younger generation appeared to be more aware and willing to fight for its rights, though all this fight to be there in husband family, most of them didn’t wanted to assert their rights in the parental property. As if they have accepted that they no more belong to the family. Such is the extent of patriarchal influence on the behaviour and mind of women.

The deep rooted patriarchal mindset and social condition was evident from the survey. The only saving grace in the entire survey was their awareness and knowledge about the property right. 95 women out of 100 were aware about legal rights in the property, but when question with regard to asking a share in the property 74 out of 100 answered in negative, 12 were unsure and only 14 answered in affirmative. Most of them believed that as a good and obedient daughter they should not interfere in their natal family. As regarded it to be causing unnecessary disturbance in the social fabric of the society.
Though 40 of them believed that if they will be given a share if they ask, 25 respondents were unsure about the outcome, while 35 answered in negative. An interesting fact is that those who answered in affirmative belong to the current generation whereas the older generation believe that they won’t be getting anything even in case where they asked.
Almost 60 respondents acknowledged that asking property in natal family does result in rift between the family members. Only 28 believed that asking property does not affect family dynamics. 12 women were unsure about the situation.

Another interesting result is that the Working women belonging to both current as well as older generation seems to be more vocal about getting their right in their property than their non-working counterpart. Implying those who think they have a fall back option or are a little financially secured are more willing to question and ask for their right. But despite that even the current generation is not emotionally strong to
assert their legitimate right in the property and are wary of facing backlash from their families.

Most of the women were unsure as to whether they should get any share in the property of the husband after the divorce if getting maintenance. Only 33 believed that even after divorce women should get some rights in the property of the husband. In fact 26 of the women were of the opinion that if getting maintenance they should not get any right in property of the husband once separated. That is state of affairs that a women herself does not realize her true worth and influenced by the social conditioning, that she herself disregard her importance as home-maker or contributor to the assets of the household.

Another interesting though predicted outcome was that 68 women did not feel comfortable in going to the courts for asserting of their rights. Only 17 were willing to take recourse of the courts. 15 did not feel comfortable in replying.
Another interesting fact highlighted by the survey is that almost 90 out of 100 participants believed that there should be modification in the Shariat law to give women equal right in the property. Out of 90, 43 women who answered in affirmative were Muslim women. Only 10 women believed that there is no modification needed in Shariat. Out of which only 4 belonged to Muslim community.

**Need To Modify Shariat Law**
There was a unanimous belief among the entire participant that the primary reason for inequitable property rights is result of patriarchy- in form of religion, Customs, social perceptions. They believed that fear of losing family and embedded patriarchy make women reluctant in asking property in their natal family. one of the participants summed it as they are not aware of their rights as well as men consider that the property is earned by their hard work and women has no contribution in that. And in respect of property from her family it is considered that she has already given her share of property as a large amount has already been spent on her marriage and dowry.”Another believed that “as far as right in natal property is concerned it should be sole discretion of parents as its their hard earned thing. Whereas with husband it depends as giving the same right to property to a marriage of 6months and a marriage of 10-15 years can’t be the same.

The survey results were neither unexpected nor revolutionary, though the women appeared to be more aware about their rights they still are wary of claiming and regard it to be source of creating problems within the family and result in losing place and reputation in their home and society.