

**A STUDY ON THE SITUATION OF MUSLIM WIDOWS AND PROPERTY RIGHTS IN SIVAGANGAI DISTRICT, TAMIL NADU**

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**Abstract**

*Human need to have the three basic rights namely food, cloth and shelter guaranteed in any nation for that matter. If individuals are not ensured with such basic needs, it is the failure of the State and the civil society. The women's land and housing rights in India are governed by the respective personal laws of the respective religion. The women's property rights are again determined by their position in the family whether she is a daughter, sister, wife, mother, grandmother, and daughter in law or a widow of the diseased person. The extent and magnitude of property rights varies according to the religious laws. However, the laws are discriminatory and do not give equal rights in property to women in general and widows in particular across all religious groups. The customary practices also curtail the access to property rights to women. The socio economic conditions of widows also add up to the vulnerability. This paper explores the socio economic conditions and vulnerability of widows among Muslim minority community and their access to and control over property rights, particularly their basic right to have shelter as Housing rights.*

**Introduction:**

In India, the women form 48.9 percent of the 1.2 billion populations. In Tamil Nadu, the single women account for 35.3 percent of whom never married women are 24.7

and widows 10.6 percent (Population Composition Report, Government of India, 2014).

Much has been written about gender and property rights, most of it reflecting the dismal record in providing women with equal rights not only to land but to the basic necessities of life. Women have less access to shelter, income, water, food, education and healthcare when compared to men, leading to what is often called the “feminization of poverty.” While women are increasingly heads of households, today’s women and girls in developing countries make up 70 percent of the estimated 1.2 billion people living in absolute poverty, defined as living on less than Rs. 60/- a day. No doubt one cause in the over representation of women in poverty is the fact that land and other real property are generally considered to represent about 75 percent of a nation’s overall wealth, and women own only an estimated 1-2 percent of all titled land worldwide. ( Carol S Robenhorst, 2011).

Majority of the marginalized and vulnerable women do not have the basic needs of housing met. The worst is being faced by women who are widowed, who hardly got interacted and exposed to outside world till their husbands were alive. On the sudden demise of husbands, these women are pushed to take care of the family. In the social context in which the women were socialized, have often denied with imparting any skill and necessary education and hence, not able to cope up with such a situation. Women in economically well off group may not be facing the brunt of such vulnerability but other do face. With such widening inequality, in India, it is quite impossible for the poverty ridden households to get their housing right met. It is the responsibility of the State to provide access to the basic right of housing as shelter is the basic need and that too for single women, widows, divorced etc it is a necessity given the kind of challenged environment they lead their lives without any supports. This study analyses the property rights of Minority women in India among Muslim.

### **The Situation of Muslim Women’s Rights in Legal Terms:**

The situation in India is not very much different from that of their counterparts in the Middle East countries with regard to Muslim women. Muslim women are not able to

get their share of property of “ 1/3 of what the male heir gets” as enshrined in Shari-ah. There are two major sects among Muslims namely the Sunnath and Shia. In case of Tamil Nadu, majority of the Muslims belong to Sunnath sect. Within the Sunni tradition, the various divisions of inheritance are interpreted and practiced.

The main principle governing the Islamic Law of Succession is that only blood relatives may inherit therefore adopted children are not able to inherit. From the provisions of the personal law, it is clear that the women have been given with property rights. But there are gender differences in acquiring percentage share which are favourable towards men. The study was conducted among the widows of Sunnath/ Hanafi school of law.

### **Literature Review:**

Related studies in the field are reviewed to find out the contributions of various studies, their focus, methodology, the recommendations etc and also to identify the gap. The property rights of women belonging to various religious group and found that there are many barriers for women to get a share as per the personal laws, the lack of awareness on their rights, the dependent position of women as a daughter, wife and mother alienated them from property rights.( Rekha, M, & Yaseen W.,2012). In a study on Muslim women’s land rights in Pakistan, the Judges were said to be “sensitive” to women’s issues, whereas the actual jurisprudence did not favour women on the reasons that they were “ *Purdhanishin*” women and therefore, they would not manage the lands.( Sustainable Development Policy Institute, 2008).The UN (2014) III report with regard to the housing rights of women highlighted the situation of the housing and discrimination faced by Muslims in non Muslim areas, religions minorities, single/ widows were facing marginalization in access, control ownership, and inheritance of property and housing rights. The single women/ widows had no separate room or one room houses. ( Shivani Chowdhry HRLN -2016).

The post Sachar Evaluation Committee (2014) Report noted poor living conditions of Muslims in urban areas and the lack of basic services in settlements with high Muslim population in urban and rural areas. However there are no qualitative or

quantitative data available on the access to housing among Female headed households in either Prime Minister's High Level Committee report, (2006) or the Post Sachar Committee Evaluation report (2014).

The related studies reviewed indicate that there has been an association between poverty and women headed households. There are only a few studies done on Muslim widows. Therefore, this study focuses on Muslim widows among poorer sections.

### **The Statement of the Problem:**

The women's property rights are governed by the different religious laws and the extent of land and inheritance rights for women are low when compared to other counterparts in the world. The customary practices and traditions play a vital role in determining the actual inheritance for women. The access to entitlements such as education, employment, incomes, property rights, and other variables such as age at marriage, and widowhood determine the levels of poverty and vulnerability among women in general. Therefore, this study was conducted to know the poverty and vulnerability of single women, their access to property rights among the poorer sections of Muslim minority communities.

### **Objectives:**

- To understand the social and economic conditions and vulnerability of poor single Muslim women among Muslim minority
- To study the Status of ownership of property among single women and make recommendations to create linkages with Government's free housing schemes.

### **Methodology:**

The study was conducted in Sivagangai District of Tamil Nadu. It is the most backward district in Tamil Nadu where majority of the men in Muslim minority households migrated outside for livelihood. Hence there are considerable single women and Female Headed Households, be it widowed, divorced and remaining single. The researcher made a choice of the district for the above reasons where the women widows particularly suffer and face serious challenges. To collect relevant data base for the Study, Tamil Nadu Muslim Women's Movement Sivagangai was

approached to get the BPL list of Muslim minority women, on whose empowerment, the Tamil Nadu Muslim Women's Movement has been working for 2016-17. There were 1050 members in the Forum in the reference year. The list was collected and taken as the Universe. It was stratified to get the single women from the Members list and arrived at 324 single women who have been identified to be either widows or divorced. From the 324 single women of BPL category in Ilanyangudi Village and 100 women were selected random for the research.

### **Data Collection:**

A pre-tested Interview Schedule to collect data on the social, educational, employment and economic status of widows and their access to housing/property rights within the family etc was used. The data collected were analysed using simple percentages and tabulation and also some qualitative methods such as personal discussion, focus group discussion and participant observation among the communities to further validate the findings.

### **Analysis and Discussion:**

The following section presents the analysis and interpretation of data. The socio economic background data collected have been analysed and presented in section I, followed by situation analysis in section II.

### **Section I: Analysis of Socio Economic Characteristics:**

The socio economic background has been analysed to find out the relationship between the status of women and the socio economic variables.

**Table 1 Distribution of the Participants by Age**

Age (in Years)	Total/ Percentage
Below 30	3
30-40	38
41-50	45
Above 50	12

Average Age : 43

years

The average age of the participants was 43 years at the time of the study. Majority of the single women in the sample are in the reproductive age group and quite challenging to lead a life without economic support. In the field it was observed, three women were reported to be widow below 30 years of age. Though second marriage is permitted as per Islamic laws, women with children do not show interest and often push to vulnerability to earn to meet the livelihoods. In the absence of skill, non-availability of economic activities, it is too difficult for the women to sustain their lives. Though father is supposed to be the natural guardian for the children, in case of divorced women, the women do not leave their children and shoulder the responsibilities to bring up the children where the father would have gone to second marriage or not earning and productively contributing to the family. In general among Muslim minority communities, the women are not exposed to public sphere as they are dependent on their father until marriage, their husband after the marriage. When the women become a widow or divorced the husband or husband's family in general do not provide the support as prescribed in Quran. The women also face vulnerability as they remain single as their sexuality is also curtailed as they are not married again. Young widows and loss of economic support further push them to everyday challenge; in the absence of any arrangements for social security by the State, it is quite distressing for them lead the life.

## 1.2. The Age at Marriage and Age at Widowhood:

**Table 2. Distribution of participants by age at marriage and age at widowhood**

Age at marriage ( in years)	Age at marriage vs age at widowhood					Total Percentage
	Age at widowhood					
	Below 20	21-30	31-40	41-50	above 50	
Below 18	1	7	12	6	0	26
18-25	1	32	25	9	4	71
Above 25	0	1	1	1	0	3
Total	2	40	38	16	4	100

The Table 2 presents the participants age at marriage and the age at widowhood. The average age at marriage happens to be 18 years and average age at widowhood is 34 years.

The women are married at a young age of 18 years and around 26 percent of women are married before even attaining the official age at marriage. Child marriage Restraint Act 1961 was passed to prevent early marriage is in practice in India; but the early marriages do happen, due to social pressure, safety of adolescent girls, lack of belief on girls education, non-availability of suitable employment and training to retain the girls in their teens and adolescence etc contributes to early marriage. It is found that little higher than one fourth of them got married before the age of 18, which is not a surprise. One fourth is married below the age of 18 years. The early marriage, child bearing and rearing has been contributing to the health status of women.

### 1.3. Educational Status:

**Table 3. Educational level and age at widowhood of participants**

The educational status of women and the age at widowhood of the participants in this study is presented in Table 3.

Educational levels	Educational level and age at widowhood					Total
	Age at widowhood					
	<20	21-30	31-40	41-50	>50	Percent
Primary	1	4	6	4	2	17
Middle	1	33	27	11	2	74
Secondary		1	2	1		4
Graduate		2	3			5
Total	2	40	38	16	4	100

Education is a major area of concern among Muslims with high dropout rates. The educational level of the participants show that majority of women from poorer

sections have studied up to primary and middle school level who constitute more than 90 percent. So the sample participants' educational status is poor which itself is a block for their development and empowerment. There is a positive correlation between education and development of women as proved by several researches.

As per the religion, the Islam recommends men and women to get educated and does not restrict anyone. In the absence of education, the access to employment in organized sector becomes unimaginable for these women.

#### 1.4. The Employment status:

The participants' employment status and age at widow hood are presented in Table 4.

**Table 4. Distribution of participants by type of employment and age at widowhood**

Type of Employment	Employment and age of widowhood					
	Age at widowhood					Total
	<20	21-30	31-40	41-50	>50	Percentage
Not employed	1	14	15	6	1	37
Small vendor		23	22	9	3	57
Tailor	1	3	1	1		6
Total	2	40	38	16	4	100

As mentioned earlier, due to lower education, access to organized employment is limited. A little above one third of the participants are dependents. It is heartening to note that more than half of the participants of the study are engaged in self employment particularly engaged as small vendors and home based activities such as snacks making, saree business, petty shops, grinding flour and selling, milk vending and so on. The Prime Ministers High Level Committee report (2006) also



reports that among Muslim women across the country about 70 percent are engaged in self employment in unorganized sector.

## Section II. The ownership of property among Widows

### 2.1. The Ownership of Property and Employment:

Table 5 provides the information on the employment status and ownership of property. It was found that there are no correlation between the employment and property rights.

**Table 5. Distribution of participants according to the type of employment and ownership of property**

	Employment and ownership of property			
Type of Employment	Ownership of property			Total
	Own	Do not own	Shared	Percentage
Dependent	6	19	12	37
Vendor	3	43	11	57
Tailor		5	1	6
Total	9	67	24	100

In the study, the ownership of property depicts the picture about their property rights within the families. Around 9 percent of the women stated to own the houses against 67 percent who do not own any property. Around 24 percent of the women stated that they live in the shared housing with their family members of natal families. The shared housing is a unique feature of the customary practices of the Muslims in Southern part of Tamil Nadu. In this, the women do not have any actual rights or share in the property, but are allowed to live in the premises as long as the real owner of the house who normally the male heir of the household will allow them to reside within the house. But in reality, the women do not have any ownership or claim any ownership. This also reflects the fact that the actual inheritance has been denied to these women from the natal families as per the Islamic inheritance too which otherwise would have been one-third of what the male heir would have got.

Among those widows, who own property, the dependents are found to be having ownership than that of working women, as 6 out of 9 women own the property. Majority of the vendors do not own property. Equal number of dependents and vendors are found to live in shared houses. Around one fourth of the respondents live in the shared dwellings. As said earlier, these women are denied of their actual rights to property as daughters of the natal families but are allowed to live in the premises till life time.

## 2.2. Family Size, Incomes, Poverty and Vulnerability:

Table 6 presents the distribution of participants according to the family size and incomes.

**Table 6. Distribution of participants by family size and incomes**

Family size and incomes					
Family size	Income levels				Total
	<500	500-1500	1501-3000	3000-4000	Percentage
Single		3	3		6
Two		16	9	9	34
Three	3	18	11	9	41
Four	1	8	2	3	14
Five		1		4	5
Total	4	46	25	25	100

The data indicates that single women either widows or divorced, tend to live independently as nearly two third of them live separately and only one third of the participants live in joint families with their parents.

The family size and income levels were sought which are indicators of economic status of the widows' households. The average family members are 3 among the participants' families. About 76 percent of these participants are having two to three

family members including them. The average incomes of the participants are Rs. 1555/- About 75 percent of these women are “poverty level” and earn an income less than Rs. 3000/- per month. 73 percent of the participants having 2-3 members are earning less than Rs. 1500/- per month. This indicates the acute vulnerability of these widows. The average family income of the participants with two earning members were Rs. 2984/- per month.

### 2.3. Young Widowhood and its implications:

Table 7 provides the information on size of family and age at widowhood of participants.

**Table 7. The distribution of participants by size of family and age at widowhood**

Family size	Size of Family & age at widow					Total Percentage
	Age at widow					
	<20	21-30	31-40	41-50	>50	
Single		1	3	2		6
Two	1	20	8	5		34
Three	1	15	17	5	3	41
Four		4	6	3	1	14
Five			4	1		5
Total	2	40	38	16	4	100

Women are more likely than men to be widowed for two reasons. First, women live longer than men. Like in any other communities, Muslim women marry older men although the gap slowly reducing among the educated people.

Widowhood presents a myriad of economic, social and psychological problems, particularly in the first year or so after the death of the spouse. A major problem is economic hardship. When the husband was the principal breadwinner, his widow becomes deprived of the income on his demise.

Islam has given the men the role of “protectors” of women, whether it is wife, mother, sister or other female relatives. When the husband dies, then the women so far who were dependent on their husband are forced to take up an employment for survival. Since most of them are from poorer strata of the community, the elderly parents are also unable to support them monetarily. Since the nuclear families are becoming more common these days, the brothers also live separately with their spouses and children and unable to support the widowed sisters.

**Conclusion:**

On the whole the study had revealed that Muslim women are married at early ages and become widows in Mid thirty years. Though Islam recommends for education and employment for all irrespective of gender, in reality the Muslim women are not getting adequate education and as a result of it are forced to get employment in unorganized sectors earning a low income which makes them to be in a vicious circle of poverty. The property rights are unequal and only 9 percent of women had their share of property. The Government should consider providing free housing to single women and make reservations such that these women can get a shelter for security. The women should also be educated on their rights such that they can claim their rights to property as per Islam.

**Findings & Conclusions:**

1. The average age at marriage was 18 years, the average age at widowhood was 34 years and the average age at the time of the study were 43 years among the participants.
2. The educational level of the participants show that majority of women from poorer sections have studied up to Middle school level as 91 percent belong to this group.
3. In the absence of adequate education and attaining widowhood at young age the women were forced to take up an employment in unorganized sector and most of them are found to be engaged in vending earning an income less than Rs. 1500/- per month. The average income of the participants are Rs. 1555/- per month and average family income with 2 earning members were found to be

Rs. 2984/- per month. Again most of these women were in the age group of 21-40 years.

4. Most of the participants were living below poverty level. One third was dependents to the natal families.
5. The ownership of property depicts the picture about their property rights within the families. Around 9 percent of the women stated to own the houses against 67 percent who did not own any property. Around 24 percent of the women stated that they lived in the shared housing with their family members of natal families.
6. This also reflects the fact that these 24 percent of the women are denied of their share in the property rights from the natal families. Shared houses are a unique feature of South Indian Muslim families where the women do not have any rights over the property and allowed to live with the will of the owner of the house who are mostly their natal family members.
7. Among those widows, who own property, the dependents are found to be having ownership than that of working women, as 6 out of 9 women own the property. Majority of the vendors did not own property.
8. It is recommended that the Government housing schemes shall include reservations for single women/ widows such that the women could live with dignity and social security.
9. It is also recommended that women should be made aware of their rights to property and claim their rights, besides making the law stringent in enabling the women to get their share.

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