WOMEN'S AWARENESS OF PROPERTY RIGHTS AND AVAILABLE LEGAL REMEDIES

by

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CHAPTER-1
INTRODUCTION

1.1 Background

Property rights are important for individuals as they ensure they have the right to own, use, inherit, control, transfer and gain from property (land, homes, savings, businesses, livestock etc). Having property rights can give women financial independence and ensure they have protection if they go through a divorce or become a widow.

However, women may experience issues gaining property and controlling it. Although there may be legal protections in place to ensure they have property rights, social norms, imbalanced power structures, lack of education and financial dependence may cause problems. In some situations, women may feel pressured to give up their property due to cultural beliefs within their community that only males can inherit and receive property. They may also not have proof of ownership and may not be involved in decisions regarding shared property.

Women lacking knowledge of their property rights may struggle to identify when they have had their rights infringed and not know how to deal with it. Even if women know their rights they may not know where to go, what evidence they need and how to begin the legal process. There are many methods available to women to seek legal redress such as negotiation, mediation, complaints, legal aid and going to court. However these may be difficult to access due to the cost, distance, complexity and stigma surrounding them.

This study will look at women's knowledge of property rights and legal redress available to them in [insert study location]. It will look at what they know, where they get their information from and any barriers they face. The research will also look at how women's

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knowledge of legal protection relates to their experiences. This may highlight areas where women lack knowledge and help provide legal education, support and policies.[2]

1.2 Statement of the Problem

Although there are laws in place to protect women's property rights, some women may have little knowledge of their rights to own, inherit and keep property and what redress they can seek. Some may know they have a right but may not have the funds, proof of ownership, legal support or confidence to pursue it.[3]

There may be barriers faced by women due to multiple legal systems, discrimination, pressure from family members, fear of conflict and lack of reliable legal information. This can leave women vulnerable to losing their property and may not receive a fair outcome. Without knowing how much women know about their property rights and what redress they can seek in [insert study location], it may be difficult to know what information and support women need. This study will look at how aware women are of their property rights and what redress they know is available.[4]

1.3 Aim and Objectives

To assess women's knowledge of their property rights and legal redress available to them Objectives:

1. To assess women's knowledge of their legal rights to own, inherit, use and control property.
2. To identify where women gain information from regarding property rights.
3. To assess women's knowledge of legal and non-legal redress available if their property rights have been infringed.
4. Identify any social, economic, legal and institutional barriers women face when seeking redress.
5. Recommend ways to increase women's legal awareness and support.

1.4 Research Questions

The study will look at the following questions:

1. How much do women know about their property rights?

[2] INDIA CONST. arts. 14, 15(1), 15(3), 21.
[3] Hindu Succession Act, No. 30 of 1956, § 14, INDIA CODE (1956).
[4] Hindu Succession Act, No. 30 of 1956, § 6, as amended by the Hindu Succession (Amendment) Act, No. 39 of 2005, INDIA CODE (2005).

2. Where do women primarily gain their information from?
3. How aware are women of the redress available if their property rights have been infringed?
4. What are the barriers preventing women from seeking redress?
5. What can be done to increase women's awareness and access to legal support?

1.5 Significance of the Study

This study may benefit women by highlighting any gaps in their knowledge and redress. The findings may help legal aid organisations, community groups and public bodies provide clear and easy to access legal education. The research may also help policy makers and practitioners understand any barriers present and changes that need to be made to provide better services.

In an academic sense this may help research about gender equality, legal awareness and access to justice. It may provide a base for future research in this area or similar communities. The findings should be considered in relation to the chosen location and cannot be assumed to apply to all women.

1.6 Scope and Limitations

This study will look at women's knowledge of property rights and legal redress available in [RANGAREDDY and HYDERABAD]. It will look at what knowledge women have regarding owning property, inheriting property, property during marriage and controlling/using their property based on the local law. It will also look at legal redress such as complaints and going to court.This study will not provide legal advice nor seek to resolve individual property issues. The findings may be limited due to the sample size and make-up, willingness of participants to talk about sensitive topics and availability of reliable records. The findings may also be limited due to differing laws in different jurisdictions.

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1.7 Definitions

Property Rights: Legal rights to own, use, control, transfer, inherit and gain from property.

Legal Awareness: Knowledge of your legal rights, duties, processes and where to go for support.

Legal Redress: Processes or actions that can be taken to resolve an infringement of your rights. This could include court orders, complaints, mediation and compensation.

Access to Justice: The ability to gain information, support and a fair process to resolve your legal issue.

Women: The female participants of the study.

1.8 Structure of the Study

This study consists of 6 chapters. Chapter one will introduce the problem, objectives, questions, significance, scope and definitions.

Chapter two will look at the conceptual and theoretical framework.

Chapter three will look at the relevant legal and institutional framework.

Chapter four will look at relevant literature. Chapter five will explain the research methodology. Chapter six will present and discuss the findings, conclude and provide recommendations.

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CHAPTER-2
CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1 Understanding Property Rights and How They May Come in Different Forms

Property rights are legal and social rights that allow individuals to own, use, control, dispose of and gain from property. This can include land, property, animals, savings, business and household items. This could be having your name on the title document but could also include the right to live in the property, make decisions regarding its usage, earn income from it, stop others from getting rid of the property and to sell, give away or inherit the property.[5]

There are different types of property rights. Individuals can have ownership rights giving them legal control over the property/asset. They can have usage and possession rights allowing them to live in, grow crops or use the property. They can have control rights allowing them to make decisions over how they manage the property. Inheritance rights allow the individual to inherit property if the owner passes away. Marital property rights allow individuals to own assets gained before or during the marriage. The type of property rights an individual has depends on the legal system in place and can be affected by legal, customary, religious and community practices.

It can be helpful to consider formal and substantive property rights. Formal property rights are those which are set in law and legal documents. Substantive property rights are those which can be applied to in practice. For example, women may have legal rights to inherit the land however they may lack knowledge, funds to get legal help or support from their community.

2.2 Understanding Women's Property Rights

Women's property rights are the rights to gain, own, use, control and dispose of property/assets equally to men. Individual property rights are those that relate to women owning property in their own name or gaining property independently. This can give women independence, security and can help them make decisions within the household and community.

Marital property rights relate to property that was owned prior to marriage or gained during the marriage. This can be seen as separate property, joint property or matrimonial property depending on the jurisdiction. Women may contribute to matrimonial property through paid work, running a business, doing unpaid work at home, caring for children or helping their partner. This depends on the local laws.

[5] Hindu Marriage Act, No. 25 of 1955, §§ 24–25, INDIA CODE (1955).

Inheritance rights refer to women being able to inherit property from a deceased relative. This could be their spouse, parent or another family member. These rights can be set in law, wills, customary practices or religious laws. In practice women may be pressured to give up their inheritance, not be involved in family decisions or there may be issues with documentation. The study should look at the laws in place and how women are made aware of their rights.[6]

2.3 Understanding Legal Awareness

Legal awareness is when an individual understands their rights, responsibilities, laws and how to enforce their rights. This can include knowing how to put their claim in writing, where to get advice, what steps to take in a dispute and if they can get legal aid.

Understanding legal awareness can help women understand when their rights are being breached and can make them make informed decisions when seeking help. This can help women feel more empowered to make decisions within their family and community. However, this does not guarantee women can fully utilise their rights. This can depend on the resources they have, legal support, feeling safe and how well their rights can be enforced. This therefore is an important factor to consider.[7]

2.4 Factors Affecting Women's Awareness and Utilisation of Rights

Women's awareness and ability to utilise their property rights can be affected by a range of factors. This can include their level of education, literacy, income, employment, having access to a phone/internet and having access to legal information programmes. Women living far away from legal aid, courts and government may struggle to get advice.

Social and cultural factors can also affect women's awareness and ability to utilise their rights. Women may not be informed due to pressure from the family, gender stereotypes, reliance on male family members, fear of conflict and community practices. There may be barriers due to language, disability, age, migrants and lack of identification/ownership documents.

Legal factors can also affect women's awareness and utilisation of their rights. Women may feel reluctant to seek a remedy due to high costs, long timeframes, lack of legal aid, difficulty in raising a complaint, how officials treat them and fear of discrimination, retaliation and a bad outcome. This can all overlap with each other. For example, women with a low income may not have access to legal services. They may also not approach legal services due to pressure from society.[8]

[6] Protection of Women from Domestic Violence Act, No. 43 of 2005, §§ 17, 19, INDIA CODE (2005).
[7] Protection of Women from Domestic Violence Act, No. 43 of 2005, § 26, INDIA CODE (2005).
[8] Dowry Prohibition Act, No. 28 of 1961, § 6, INDIA CODE (1961).

2.5 Theoretical Framework

Feminist Legal Theory

This looks at how gender inequality can be reflected and replicated in laws and legal systems. It highlights how women do not always have the ability to utilise their rights despite having equal rights. This can be applied to property rights to help look at how laws, social pressures and power imbalance within families can affect women's ownership, control and inheritance. This can also encourage consideration of whose experiences are recognised in law and if they can access remedies.

Rights Based Approach

This sees women as having rights and the state and relevant institutions as having obligations. This looks at key principles such as equality, non-discrimination, participation, accountability and access to justice. This can help look at if laws and institutions recognise women's property rights and provide information, protection and effective remedies. This can also help look at if women can be involved in decisions affecting their property and receive meaningful remedies.

This provides a framework to look at the inequalities and obligations of institutions. Specific legal standards should be identified depending on the chosen jurisdiction.

2.6 Conceptual Framework

This study suggests there is a relationship between women's legal awareness, access to remedies and outcomes. Women's legal awareness may affect if they are aware their rights have been breached, understand their options and seek help. Access to remedies may depend on if they can get legal aid, it being affordable, distance, having documentation, responsive institutions and support from society. This could lead to women regaining/retaining their property, resolving the dispute, not being unlawfully evicted or still not being able to enforce their claim.

However, this can be affected by social norms, financial resources, power within the family and effective institutions. This means legal awareness is one factor that can affect this. This has helped shape the questions asked, data collected and analysed.

CHAPTER-3
LEGAL AND INSTITUTIONAL FRAMEWORK

3.1 Constitution and Legislation

The constitutional and legislative framework will provide women with their legal rights to own, use, manage and transfer property. A country's constitution may provide women with rights such as equality, no discrimination, dignity and rights to own property. This can be very useful when women face discrimination.

Legislation will help ensure people have legal rights provided by a constitution. There maybe laws relating to land, marriage, divorce, inheritance, family matters, housing and anti-discrimination. Some areas will also have laws in place that require consent from both partners to carry out certain transactions on their family home, and ensure property owned during the marriage is shared. Consider what laws are in place for the region you are researching and who can make a claim.

Laws may not be clear and easy to access. If there are conflicting laws, discriminatory laws or unclear customary rights, women can find it hard to understand what their rights are.

3.2 Property Rights in Marriage and After Separation/Divorce

Marriage can affect property rights through the matrimonial property regime. The property can be joint property, separate property or split into pre-nuptial and post-nuptial property depending on the country. The legal system may recognise non-monetary contributions from a spouse such as childcare, domestic duties and support for a partner's career/business.

Depending on the type of marriage, whether it is legally registered, whose name is on the title and whether it is inherited or gained during the relationship, women may have rights to property. If registration is key then a spouse may struggle to make a claim if their name is not on the documents despite contributing financially or through unpaid work.

After separation/divorce women may struggle to make claims. Women may have rights to divide marital property, receive maintenance, have temporary occupation of the family home and prevent the sale or transfer of property. However, women may not know what rights they have and may not be able to afford to make a claim. Consider what laws are in place and whether they recognise different types of contribution.[9]

[9] Indian Succession Act, No. 39 of 1925, §§ 29–30, INDIA CODE (1925).

3.3 Rights to Inherit and Own Property

There are laws relating to how property is passed on after someone has died. Women may have rights to inherit from their daughter, wife, mother or other relative. However, there may be laws in place that affect their rights. These may include statutory, customary, religious beliefs and how the deceased was married/related.

Although laws may state there is no discrimination women may feel pressured to give up land, housing or other property to male family members due to customary rules. Women may not have the knowledge, documents, representation or access to the process to inherit. Conflicts may occur around who can inherit, validity of the will and joint ownership.

Ownership of property may mean women have the right to register, own, use, rent, sell, inherit and transfer. Having documents to register property may help women prove they own it. However, the process may be complicated and expensive. Consider what laws are in place in the area you are researching to ensure women have rights to own and inherit property.[10]

3.4 International and Regional Human Rights Instruments

International human rights instruments set standards to ensure women have equal rights. CEDAW ensures states take action to eliminate discrimination against women. This includes family and economic matters. The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights ensure equality, no discrimination and rights. Regional human rights instruments may also provide extra protection depending on the country. These can help with law reform, policy and interpretation. How effective they are will depend on the country. Some may have direct access to the treaty whilst others require legislation to implement. Explain which instruments the country has ratified and how they relate to the country.[11]

3.5 Legal Claims

Women may have several options to claim their property.

Negotiation and Alternative Dispute Resolution

Women may try to negotiate or mediate with the other party. This can be a quick and cheap option to help maintain family/community relations. However it may not be fair if it is not

[10] Special Marriage Act, No. 43 of 1954, §§ 21–21A, INDIA CODE (1954).
[11] Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, § 2, INDIA CODE (1937).

voluntary and both parties can express themselves. They should consider the power imbalance and if they are intimidated into accepting an unfair agreement.

Complaining to a body

Women may be able to complain to a land registry, local authority, inheritance office, ombuds or equality body. They may also be able to ensure the records are correct. This can be a useful option if the issue relates to registration, documents or official actions. The powers they have will vary depending on the country. Women may need help finding the correct body to complain to and providing evidence.

Going to Court

Courts can help decide who owns the property, interpret laws, issue injunctions, return or divide property and review decisions made by an official body. The party may appeal the decision using the appropriate process. This can be an authoritative option but can be expensive, time consuming, far away, complicated and women may fear retaliation. Legal aid and representation can be vital.

3.6 Bodies Involved

The bodies involved may include courts, land registry, local government, legal aid, police, human rights commission, women's affairs and community organisations. Women may be able to receive help from a lawyer or paralegal to understand their legal options, create documents and go through the process. Community organisations may provide legal education, referrals, mediation and advocacy.

To effectively ensure women's property rights are protected they need to work together. Women may need to go to multiple bodies to gain documents, advice and make a claim. If they are unsure of who is responsible or cannot access the service they may give up. Consider if there are bodies available, affordable, responsive and trusted by women in the research area.[12]

3.7 Lack of Rights

Women may not have the rights to their property due to a lack of legal knowledge, social pressure, discriminatory customary beliefs, poverty, lack of identity/ownership documents and

[12] Legal Services Authorities Act, No. 39 of 1987, §§ 12–13, INDIA CODE (1987).

lack of legal aid. Institutional barriers may include delays, costs, complicated processes, poor enforcement and lack of knowledge regarding equality of genders.

Consider the specific situation in your research. Are women aware of where they can go? Are they safe to make a complaint? How do the bodies treat them? Do they actually help them regain/protect their property? This will help explain why women may not always have secure property rights due to the laws.[13]

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[13] Code of Civil Procedure, No. 5 of 1908, § 89, INDIA CODE (1908).

CHAPTER-4
LITERATURE REVIEW

4.1 Research around Women's Understanding of Property Rights

Research into women's property rights looks at the extent to which women understand their property rights. This usually includes whether they understand that they have a right to own property; they have an understanding of how they can claim property (inherit); they have an understanding of how they can involve themselves in decisions about property in marriage; they know where to go to for help. It also includes knowing where to get advice, the process they need to follow, any documentation involved, cost and time factors.

Various studies show that women often have varying levels of understanding about their property rights. Whilst some may have a general awareness that they have a right to own property, they may not know about the specific aspects of their property rights such as inheritance, property in marriage, land registry or solutions to property dispossession. Their awareness may also depend on their age, level of education, location, income, relationship status, and whether they have had any previous experience of property issues.

A common theme throughout the research is that women may have a legal right but not have the knowledge of the law, what evidence is needed, or where to go to claim their property. Increasingly research into women's property rights looks at how women have legal awareness, access to advice, confidence in the institutions and feel empowered to take action without incurring significant social or financial costs.[14]

4.2 Social, Cultural and Economic Constraints

The literature shows that social norms often impact on women's understanding and claiming of their property rights. Women may live in communities that have an understanding that property belongs to men or that women should look to their husband/family for advice and decisions. This may mean they are unlikely to question, assert their rights, or challenge a relative's claim. They may also feel that their legal rights conflict with customary expectations.

Family relationships can cause women to be constrained. Women may feel that if they pursue an inheritance or property in marriage, it may cause conflict, rejection, or loss of financial support. If the person in conflict is their spouse, parent, sibling or in-law, they may feel an

[14] Family Courts Act, No. 66 of 1984, §§ 7–9, INDIA CODE (1984).

increased pressure to keep family relationships intact. This may prevent them from seeking advice.

Women may also face economic constraints. They may have a low income, no independent transport, unpaid caring responsibilities or may be reliant on their partner/family. This may limit their access to legal aid offices or courts. Low literacy, language barriers, disabilities and little access to phones/internet may cause difficulties with accessing legal information. Women living rurally may also be further away from legal services causing additional costs with travel. These factors can compound meaning women with a low income and low confidence with legal institutions may be less likely to seek information.[15]

4.3 Access to Legal Information and Legal Aid

Research highlights the importance of ensuring women can access, understand, relate to and trust legal information. The law and legal processes can often be complicated and not easy to understand by non-experts. Information may be more useful if provided in local languages and explained practically. For example, where to go, what documents to take and what to expect.

Legal aid can help women understand their rights and prepare the necessary documentation. It can assist with communicating with the institutions and providing representation. However, legal aid may not be easily accessible with many services based in urban areas. There may also be limited staffing/funding, criteria to qualify, and lack of awareness of the service. Women may be worried about bringing stigma, backlash or pressure to drop their claim.

The literature shows that whilst women may have a general message around their rights, to really assist them they may need individual advice. Talking to a lawyer or trained advisor can help them understand how the law relates to their specific issue. Referral systems may be needed to ensure women can access the necessary help from community advisors, legal aid organisations, administration bodies and courts.

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4.4 Women's Experiences of Property Issues

Studies have shown that women often face property issues such as being excluded from land, not being able to inherit, their assets being transferred/sold without their consent, disputes around joint property, or losing their homes due to separation/death of their spouse. This can cause women to feel insecure with their housing, lose income, disrupt their children's education and become more reliant on their family/former partners.

[15] Mediation Act, No. 32 of 2023, INDIA CODE (2023).

Women will often decide what action to take based on what they believe they will gain and the risks involved. Some women may choose to negotiate/mediate as this can be cheaper, quicker and keep family relationships intact. Others may not find this suitable if there is a large power imbalance, pressure or there is a risk that their agreement will not be honoured. Going through formal processes can give an enforceable decision but may be expensive, time consuming with complex processes and can cause stress.

Research has shown that there is no one solution that will suit all property issues. Whether women can easily and fairly access solutions depends on whether they can freely access the process, understand what is happening, receive independent advice and enforce their decision. Findings from one area may not be applicable to another as legal processes, customary expectations and available services may vary.[16]

4.5 Community Organisations, Media and Legal Education

Community organisations can help women with access to legal information. This can be done through workshops, advice services, referrals and peer support. Local women's groups can be particularly useful as they can talk about their rights in a familiar setting and identify any barriers they have that aren't recognised by formal institutions. Community leaders can also help ensure women are treated fairly but should not replace independent legal advice.

The media can be used to increase awareness of legal issues through radio, TV, print media, mobile phones and social media. Campaigns may help to overcome any misconceptions but the message may be generalised. Women may not be able to access this if they don't have reliable internet, a personal phone or digital skills. Legal education will be most useful if it is accurate, relevant to the local area, repeated and has a clear source of help.[17]

4.6 Empirical Research

Empirical research is often undertaken using surveys, interviews, focus groups and case studies. Surveys can be used to identify how aware women are and how responses vary depending on demographics. Interviews and focus groups can give insight into what women understand about their rights, why they may not want to claim and what their experiences are with legal/community processes. Case studies can show how issues developed and how the institution responded.

[16] Hindu Succession Act, No. 30 of 1956, § 23 (repealed by the Hindu Succession (Amendment) Act, No. 39 of 2005, § 4, INDIA CODE (2005)).

[17] Vineeta Sharma v. Rakesh Sharma, (2020) 9 S.C.C. 1 (India).

There are limitations to the evidence. Not all studies measured awareness in the same way. Some asked if they had heard of the law whilst others asked if they could recognise their rights or explain how they could claim. Self-reported awareness may not show they have an understanding. The research may also have a limited sample size or focus on a specific area meaning findings cannot be generalised. Women may also be more informed if they have already had contact with legal services.[18]

4.7 Gaps in Research

The literature has shown that women's property rights are impacted by legal processes, social norms, economic factors and accessibility. However, more context specific research is needed to understand how women understand their specific rights, what solutions they know about and what is preventing them from taking action. This study will look at how aware women are of their property rights, what legal and non-legal solutions they know about, where they can access information and their experiences with relevant institutions. It will also look at how women vary and identify practical solutions to help women access reliable information and effective solutions.

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[18] Prakash v. Phulavati, (2016) 2 S.C.C. 36 (India).

CHAPTER-5
RESEARCH METHODOLOGY

5.1 Research Design

This research could be undertaken using a mixed methods design. Quantitative methods could be used to measure women's understanding of property rights, access to legal information and experiences of property disputes. The qualitative methods could be used to explore how women understand property rights, how they exercise property rights, any barriers they face when trying to exercise their property rights and their experiences of remedies.[19]

A cross-sectional design would be suitable if you are collecting data at one point in time. This would provide a snapshot of knowledge and experiences. However, this does not provide causality between the variables. You may also wish to undertake a documentary analysis of legal information to identify what property rights and remedies are provided within relevant laws, policies and institutions. This will help provide a comparison between what is available and what was reported.

5.2 Location and Target Population

The research will take place in [RANGAREDDY and HYDERABAD]. Including any relevant urban or rural aspects, population characteristics and availability of legal/administration services. This will help provide context to the area and how women can access information and resolve property disputes.

The target population could be any adult female who owns, co-owns, inherits or claims to property rights. Women who have had property disputes. And women who perhaps may be impacted by property issues relating to marriage or inheritance. Key informants could be included depending on the research questions. For example, legal aid providers, lawyers, community leaders, local authorities, women's organisation representatives and any relevant court/administration staff. The criteria for inclusion should be clearly outlined. Including age, location and any experience needed.[20]

5.3 Sampling and Sample Size

A multi-stage sampling technique could be used. Firstly, the areas where the research is taking place could be sampled to ensure relevant variation such as urban and rural locations.

[19] Danamma v. Amar, (2018) 3 S.C.C. 343 (India).
[20] Ganduri Koteshwaramma v. Chakiri Yanadi, (2011) 9 S.C.C. 788 (India).

Secondly, participants could be sampled from households, community organisations, legal aid services etc. If there is a reliable sampling frame then probability sampling (simple random/systematic) should be used to improve representativeness. However, if there is no sampling frame then non-probability sampling (purposive/convenience) could be used although this should be acknowledged.

Purposive sampling would be suitable for interviews. As participants should have relevant knowledge or experience. The sample should be justified based on the aims of the research, resources available, population size and variety. Qualitative interviews can continue until enough depth and common themes have been gathered by the research team. However, the sample should be calculated or justified using an appropriate method. The researcher should also outline how participants were sampled and how many were included.[21]

5.4 Data Collection

Primary and secondary data could be collected. Primary data could be collected via questionnaires, interviews and focus groups with relevant participants and key informants. Secondary data could be collected from constitutions, statutes, regulations, court cases, government policies, official reports, legal aid and relevant academic research.

Documents should be chosen based on relevance, authority, date and relation to the study area. The researcher should consider if it is law, policy guidance, practice or academic research. This ensures that the legal provisions are not taken as evidence that property rights are being consistently applied.

5.5 Data Collection Techniques

Questionnaire/Survey

A structured questionnaire can be used to gather information on participants' demographics, socio-economic status, knowledge of property rights, access to legal information, knowledge of remedies and experiences of owning property or having disputes. The questions should be written clearly and neutrally. They should not assume that participants have experienced a property dispute. Knowledge questions could be included to see if participants know basic property rights and which institution they should go to. Self-assessment questions can be included. The questionnaire should be piloted with a small group of people to improve clarity, length and cultural appropriateness.

[21] V. Tulasamma v. Sesha Reddy, (1977) 3 S.C.C. 99 (India).

Interview/Focus Group

Semi-structured interviews can be used to gather information on how participants understand property rights, decision making around property, access to advice and responses to property disputes. Interviews with professionals and community representatives can help gain information on processes and common barriers. Focus groups can help identify common beliefs within the community however, should not be used to ask personal and sensitive questions. Participation should be voluntary and private interviews can be offered.[22]

Documentary Analysis

A checklist can be used to gather information on the legal protections, criteria, processes, remedies and institutions. This should include any relevant constitutional and statutory provisions, international or regional standards and guidance on processes. The legal analysis should be restricted to the specified jurisdiction and time frame.

5.6 Variables and Key Measurements

The main outcome variables could be legal knowledge, ability to identify a remedy/institution and exercising property rights. Legal knowledge can be measured using factual questions. This can be summarised using a clear scoring system. The independent/explanatory variables could be education, age, income, marital status, location, access to media, access to legal services and involvement in community organisations.

Other measurements could include ownership/claiming of property, type of property, property dispute and barriers to accessing help. Definitions and coding rules should be identified. The difference between factual knowledge, confidence, access to information and remedies should be identified.

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5.7 Data Analysis

Quantitative data can be analysed after validation, coding and using descriptive statistics. This could include frequencies, percentages and averages where appropriate. Cross-tabulations can be used to compare legal knowledge/access between relevant groups such as education level and location. Appropriate statistical analysis can be used if there is a large enough sample and appropriate design to identify any associations. The findings should not be presented as causal relationships unless the design allows this.

[22] Mary Roy v. State of Kerala, (1986) 2 S.C.C. 209 (India).

Qualitative data can be analysed after transcription and anonymisation. This could involve familiarisation, coding, theme creation and comparison between themes. Documentary analysis can be organised into themes around legal issues, remedies and institutions. Triangulation can be used to compare survey findings, interview responses and legal provisions. Similarities and differences can be identified.[23]

5.8 Validity, Reliability and Trustworthiness

Validity can be improved by ensuring the questions in the survey relate to the research questions. Having knowledgeable supervisors/practitioners review the questions. Piloting can identify issues with unclear questions and practical issues. Reliability can be improved by using consistent methods, clear instructions and clear coding.

Trustworthiness can be improved by having clear documentation, consistent interview guides and ensuring interpretations are supported by the data. Participants can be asked to clarify any factual summaries where appropriate. Comparing different data sources can help identify discrepancies.[24]

5.9 Ethical Issues

Ethical approval should be gained from the relevant ethics committee and where needed by local authorities. Participants are given clear information about the research, that it is voluntary, any possible risks and that they can refuse to take part. Informed consent should be gained.

Confidentiality should be maintained by ensuring data is anonymised, stored securely and only those with access to identifying information have it. Property disputes can cause family conflict so interviews should be private and sensitive. Researchers should not promise legal outcomes and provide information on the correct support services if requested.

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[23] Ministry of Women & Child Dev., Gov't of India, Handbook on Sexual Harassment of Women at Workplace (2015).

[24] U.N. Comm. on the Elimination of Discrimination Against Women, General Recommendation No. 29: Economic Consequences of Marriage, Family Relations and Their Dissolution,30–34, U.N. Doc. CEDAW/C/GC/29 (Oct. 30, 2013).

CHAPTER-6

FINDINGS, DISCUSSION, CONCLUSIONS, AND RECOMMENDATIONS

6.1 Findings

This section should follow the same order as outlined in research questions and objectives. should begin by briefly describing your research participants (age, marital status, education level, employment, location etc.) Only include details that will help the reader understand how aware the participants were of their property rights.Used tables and charts to present your findings from your survey. Some quotes can also be included.

Awareness of property rights

Described how aware participants were of their property rights; this includes possession, use, control, transfer and inheritance. Are they aware of their property rights or do they have detailed knowledge? They may know they have the right to inherit property as a woman but may not understand how, what documents are required or what to do if their right is not upheld.

Include how many/what percentage of the participants were aware of the correct property rights and any misunderstandings. Try to compare how aware participants were based on their education, age, marital status, urban/rural etc. Please do not say this is due to their characteristics unless your study shows this.

Interviews can help to explain your findings. They may have mentioned that they are aware of their property rights based on family tradition, marriage customs and community expectations. Include some short quotes from your interviews with participants.[25]

Awareness of remedies

How aware were participants of where to go if their property rights were breached?

They may know they can negotiate, mediate, complain to an administration body, use a legal aid service, contact the police/local authority or take them to court. Did they know what the body was called or how to contact them, what evidence is required and what the cost/time may be?

Which remedies were the most and least known?

[25] Universal Declaration of Human Rights arts. 2, 7, 17, G.A. Res. 217A (III), U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

They may have mentioned they know there are courts but do not know how to file a case, have a lawyer or appeal.[26]

Sources of legal information

State what sources your participants mentioned they accessed to gain legal information. This may include family, community leaders, local bodies, lawyers, government offices, radio, TV, social media, school or public legal awareness campaigns. Which sources were most commonly used and were they seen as reliable?

If possible, compare this to their level of knowledge. Those who have attended legal awareness sessions may have more knowledge. Also mention if they had information in their local language and whether they could understand and utilise this.

Barriers to accessing help

This may include cost, distance, lack of knowledge, lack of documents, language barriers, fear of reprisal, stigma, wanting to maintain relationships with their family, reliance on a spouse or family members and lack of trust. What were the most common barriers and did they vary between participants?

The qualitative data can help to show how these barriers affect participants. They may have mentioned they know there is legal help available but cannot get to an office, cannot afford the cost or are worried about their family not wanting them to seek help. Please note that not all women will have the same experience.

6.2. Conclusion

This section should give a brief conclusion to study and answer the main research problem. What has the evidence shown about the knowledge of property rights, understanding and access to remedies and what were the main barriers? Keep this within the scope of data.

A key finding may be that without women being able to understand, access and have a fair and quick outcome they may not find legal protection meaningful. If your findings back this up you can mention how their awareness and enforcement are linked. If they can easily access information they may feel more confident to seek help. If they have responsive bodies they may feel more confident in the legal system.

[26] Convention on the Elimination of All Forms of Discrimination Against Women arts. 2, 15–16, Dec. 18, 1979, 1249 U.N.T.S. 13

6.3. Recommendations

Public legal awareness campaign

Those in charge of the relevant government bodies, legal aid services and community groups should provide ongoing practical information to help increase understanding of property ownership, marital property, inheritance, what documents are required and how to complain. This should be done using simple language, local languages and in an accessible format for those with various literacy levels. This can be done through community sessions, radio, mobile services and online. Choose the best option based on accessibility in the local area and what the participants prefer.

Accessible legal aid & referrals

Legal aid services and public bodies should provide an affordable and accessible legal aid service. This should include those in less accessible areas. There should be clear referral pathways between community bodies, administration bodies, legal aid services and the court. They should have clear information on cost, timeframes, documents required and what support they can offer. If appropriate confidential legal aid and referrals should be offered to those experiencing pressure from their family.

Training on relevant bodies and community leaders

Those dealing with complaints and property issues should have training on the relevant law, anti-discrimination, confidentiality, respectful communication and referral processes. Community leaders and mediators should understand the limits of informal solutions. They should not put pressure on women to give up their legal rights or put them in an unsafe situation. Training should focus on the fact that mediation is a choice and they should be able to access independent legal advice.

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Better enforcement & dispute resolution

Institutions should aim to make processes simple, clear written information, minimise unnecessary delays and be transparent with outcomes of complaints. Administration and court processes should be affordable and accessible. Monitoring systems can be put in place to monitor complaints, time frames, outcomes and common barriers. This should include data that protects their privacy. Dispute resolution should have measures in place to ensure they are not pressured and have access to formal review/appeal if needed.

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