

The dotted line

With messy high profile divorces taking centre stage and couples battling it out over property and finances, there's a growing need for pre-nuptial agreements to be legalised.

Rhea Dhanhoora tells you what you need to know about them

>> Pre-nuptial agreements may not be legalised yet but with their growing popularity, perhaps it's time for them to make their way into law books



Hollywood stars have set the bar for pre-nuptial agreements pretty high. From Catherine Zeta-Jone's pre-nup to Michael Douglas entitling her to millions per year in the event of a divorce, to stars such as Brad Pitt and Angelina Jolie signing an agreement to share money and custody of their children even though they're not married, Hollywood has set a trend of pre-nups that are growing in popularity. While pre-nups are currently binding by law only in the state of Goa, several couples are growing more aware of them and signing them regardless. We find out if it's time to legalise pre-marital agreements in the country.

WHAT IS A PRE-NUP?

Pre-nuptial agreements or pre-nups are documents signed by both people in a relationship in order to set a clear distinction for division of property, custody and finances in the event of a divorce. While couples in the country can sign a pre-nup right now, the contract can be challenged in a court of law (except in Goa, because it follows

the Portuguese Civil Code). Associate partner for ANZ Lawz, Osama Suhail tells us, "The trend is picking up but has a long way to go. The problem is its legal validity. In India, it's clear that any agreement contrary to the law of the land is null and void, so if the pre-nup differs from marital laws, it cannot stop the operation of the law."

WHY IS IT EVEN AROUND?

If it isn't legal, why do couples still jump on the pre-nup bandwagon? Osama tells us, "If your pre-nup keeps into account the law of the land and is signed in adherence with marital laws in the country, then as a document it can make divorce proceedings easier."

SIGN ON THAT LINE

As women, why would we want to sign a pre-nuptial agreement? Osama explains, "There's a positive side when it's written up in compliance with the legal framework of the country, especially from a woman's perspective. The essential problem a woman will have is the hassle of a court case,

proving what she is entitled to in the form of alimony or amenities. Often, she loses the roof over her head and her financial stability. If there's a document signed by both parties stating she will be entitled to a minimum sum plus amenities, a pre-nup could work. It's a good piece of evidence that can make divorces cleaner and less of a hassle."

WAITING FOR GO

While we wait for the pre-nup to become as legally binding as it is abroad, divorce lawyer Ansuja Dutt says, "I've been a lawyer for 40 years and I have mixed feelings about pre-nups. The basic problem is that our approach to marriage is not materialistic. People don't get married to be financially secure. Love and emotion are still the basic ingredients. So I don't support basing the institution of marriage on money. Having said that, and having experienced several battles in court of how women suffer and how they need financial help and get cheated, I believe it would provide provisions to make it easier for women, which I wholeheartedly support."

<< DEAR GRACE, I HAVE A PROBLEM...

Dear Grace,
I am embarrassed to admit this but I think the really old owner of my local supermarket is flirting with me. I can hardly avoid him because I need food! He's almost always there and I've tried shopping at other places but eventually go back and he says, "Oh, where have you been. I missed you!" He gives me discounts (which I refuse) and keeps the best pieces of fruit for me. I used to think it was sweet but now dread the store. Should I say something or just learn to live with his flirty ways? My husband and two daughters think it's hilarious!

Dear Embarrassed Shopper,
After I finished laughing, I tried to sympathise and failed. It seems a little creepy but is easily solved. Bring your husband to the store as often as you can. Let him interact a little with your kirana-romeo. Ignore him by talking on your phone or listening to music. Chances are he'll outgrow his crush on you the minute a hotter neighbour starts shopping there (and won't you miss the best pieces of fruit then).

Send your questions to womansworld@aftermoondc.in

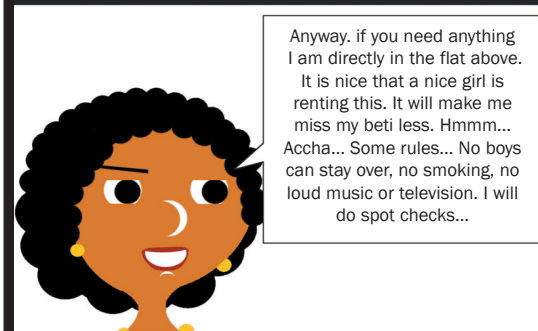
Gynelle Alves

<< SOS: SOLVE OUR SITUATION!
Think you can fix our readers' complicated problems? Read on...

I am 29 and was recently given a promotion at work that required me to move to Mumbai. For the first six months I shared a place with an old school friend but have recently found a great apartment to rent...



It is a great flat! And close to work. So I signed a one year contract.



She then went on and on with the rules. I am far from being a party girl but I resented the fact that in spite of paying the rather steep rent, she was acting more like she was a hostel warden and not a landlady!

But, she was overall sweet I thought... then within the first week of living in my new place...



Bumping into me coming in from out all the time. Like she had been waiting on the steps for me!



Then my mum came to visit. She is a big worrier and wanted to see how I had settled in. She was here a day when, on returning home from work, I walked in and...



My mother was actually asking her to keep an eye on me. Like I was not working and supporting myself and AN ADULT!

"My landlady's stalking is already quite intrusive. With my mother's kind permission I dread to think about how bad it is going to get. Or what will be 'report' worthy in my landlady's opinion! What do I do?" - Nydia

- a) Since Nydia can't break the contract without losing her deposit, she must try and tolerate this for a year.
- b) Nydia must talk seriously with her mother and tell her that she should trust her and not ask a complete stranger to spy on her. That she should tell Mrs. Landlady that she is a responsible person.
- c) Mrs. Landlady is acting this way because she is worried about her own daughter. Be friendly but explain that she is an adult and can take care of herself. Being stalked is not in the contract!

LAST WEEK: Mrs. Dias should pick Option B.

Send your solutions to womansworld@aftermoondc.in