

Stridhan:

As indicated by the name itself 'Stridhan' means that 'Dhan of the 'Stri'. Thus, it literally means the woman's property.

Stridhan according to Smritis:

Manu enumerates the six kinds of Stridhan:

- (1) Gifts made before the nuptial fire;
- (2) Gifts made at the bridal procession from the residence of her parents to that of her husband;
- (3) Gifts made in token of love;
- (4) Gifts made by the father;
- (5) Gifts made by the mother;
- (6) Gifts made by the brother.

The first kind of Stridhan has been explained by Katyayana as adhyagni, or gift made before the nuptial fire. The second kind of Stridhan has been explained by Katyayana as those made through affection by her father-in-law and mother.

The third kind of Stridhan has been explained by Katyayana as those made through affection by her father-in-law and mother-in-law (prtidatta) and those made at the time of her making obeisance at the feet of the elders (padvandanika).

All the commentators, however, have agreed that the above enumeration by Manu was not exhaustive. Vishnu added the following to that list:

- (1) Gift made by a husband to his wife on supersession, that is, on the occasion of his taking another wife (adhive danika).
- (2) Gifts made subsequent to the marriage.
- (3) Sulka or the gratuity for which a girl is given in marriage or the bride's price.
- (4) Gifts from sons and relations.

The second kind of Stridhan has been explained by Katyayana as those made after marriage by the relatives of her parents and the husband (anwadheyaka).

Katyayana's definition of adhyagni gifts before the (nuptial fire) and that of adhyavahanika (gifts as the bridal possession), it appears, are wide enough to include gifts from strangers prior to coverture.

But he expressly excludes from the category of Stridhan, gifts made by strangers during coverture, as also property acquired by a woman during coverture by mechanical arts, which he as, will be subject to the husband's dominion. The words "husband's dominion" evidently indicated the gains of arts and gifts from strangers either during maidenhood or during widow-hood were not excluded from being Stridhan. According to him the rest is pronounced to be Stridhana.

Thus according to the texts, expression, "Stridhan" was not used in its etymological sense of "female's property" and its only gifts obtained by a woman from her relations and her ornaments and apparel which constitute her stridhana and the only sorts of gifts from strangers which come under that denomination are presents before the nuptial fire and those made at the bridal pro-cession. But gifts did not obtain from strangers at any other time nor do her acquisitions by labour and skill constitute her Stridhana.

Vijnaneshwar, the author of Mitaskhara, in his commentary says:

"That which was given by the father, by the mother, by the husband or by the brother; and that which was presented by the maternal uncles and the rest at the time of wedding before the nuptial fire; and a gift on a second marriage or gratuity on account of supersession; and, as indicated by the word adya (and the rest) property obtained by.

(1) Inheritance (2) Purchase, (3) Position, (4) Seizure, e.g., adverse possession, (5) Finding,

Judicial trend towards Stridhan:

In Pratibha Rani v. Suraj Kumar, the Supreme Court observed that Pratibha Rani was tormented and denied stridhana by her in-laws. Pratibha Rani's parents had fulfilled the demands of her in-laws by giving gold ornaments, Rs 60,000 cash and other items to her husband's family. Few days after marriage, her in-laws started harassing her for dowry and

kicked her out of the house along with her two minor children without providing any money for their survival. She had lodged two complaints against her husband and in-laws under Section 125 of the Code of Criminal Procedure, 1973.

The lower court favored her in the judgment but the High court reversed the judgment. Later, the apex court gave the judgment in her favor. The Supreme Court said that the joint holding of a stridhana property by husband does not constitute any co-ownership. The Court further said that a woman can file a suit against her husband if he denies returning stridhana property under Section 14 of the Hindu Succession Act, 1956, as well as under Section 27 of the Hindu Marriage Act, 1955. The Pratibha Rani case is the only remarkable judgment which discusses the concept of stridhana and the applicability of Section 405 of the Indian Penal Code, 1860.

In the case of Bhai Sher Jang Singh v. Smt. Virinder Kaur , Punjab & Haryana High Court stated that if a woman claims property, ornaments, money, etc. which were given to her at the time of marriage, then the husband and his family members are bound to return back such property. If they deny to return back the property, then they will have to face strict punishment. The Court held that Bhai Sher Jang Singh and his family had committed an offense under Section 406 for committing criminal breach of trust as they had dishonestly misappropriated the ornaments which were the stridhana that Virinder had given to her husband for safe-keeping.

In Santosh v. Saarswathibai , the ambit of Section 14(1) of HSA was expanded to include not only the land which is in the possession of the Hindu female, but also the land over which she has the right to possess.

Conclusion:

The enactment of the Hindu Succession Act is a welcome step towards strengthening the property rights of Hindu women. As a part of this Act, women are given certain privileges that have been denying them for decades. It is also a colossal step in the defense of women's rights, as it has abolished a woman's disability to gain and keep land as its absolute owner. Section 14 of the Hindu Succession Act, 1956 has definitely been a safety guard for the women especially the Hindu women. It has provided women with those rights, which were denied to her for centuries.

This section removes the disability of a female to acquire and hold property as an absolute owner and to convert any estate already held by a woman on the date of commencement of this act as a limited owner, into an absolute estate. In case of her death intestate, she becomes a fresh stock of descent and the property devolves by succession on her own heirs.