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THE EVOLUTION OF STRIDHANA RIGHTS

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ABSTRACT:

The concept of Stridhana, meaning "woman's property," occupies a pivotal position in the historical discourse surrounding women's economic rights in India. This study undertakes a comprehensive comparative analysis, juxtaposing the traditional understanding of Stridhana as delineated in ancient Hindu texts, such as the Manusmriti and Yajnavalkya Smriti, with its contemporary legal interpretations. Historically, Stridhana encompassed gifts received by a woman before, during, or after her marriage, granting her a degree of economic autonomy. However, the inherent ambiguities within these ancient texts led to varied interpretations regarding the extent of a woman's control over her property. This research delves into the transformative impact of modern legal frameworks, particularly the Hindu Succession Act of 1956, which fundamentally altered the legal status of Stridhana. This Act unequivocally bestowed absolute ownership upon women, effectively eliminating the previous uncertainties. Furthermore, this study examines the crucial role of Indian judicial pronouncements, notably landmark Supreme Court judgments, in solidifying women's rights over Stridhana. These judicial interventions have consistently affirmed that any property received by a woman during her marriage constitutes her Stridhana, thereby reinforcing her absolute right to manage, sell, or gift it. The analysis highlights the significant shift from the ambiguous interpretations of ancient texts to the clear and comprehensive legal provisions of modern legislation. This evolution marks a transition from limited control to absolute ownership, reflecting the evolving societal attitudes towards women's economic empowerment. This research also addresses the critical distinction between Stridhana and dowry, emphasizing the former's nature as freely given gifts, contrasting with the coercive and illegal nature of the latter. By tracing the trajectory of Stridhana, this study elucidates the dynamic interplay between ancient traditions and modern legal reforms. It underscores the ongoing efforts to rectify historical inequities and ensure the economic security of women in India. The study concludes that the modern legal interpretations of Stridhana represent a significant advancement in women's property

rights, reflecting a progressive societal shift towards gender equality and economic empowerment. This analysis contributes to a deeper understanding of the evolution of women's property rights within the context of Indian legal and social history.

Keywords: Stridhana, Ancient Hindu Law, Limited Ownership, Modern Legal Interpretation, Absolute Ownership.

1. INTRODUCTION:-

Before 1956 women's property divided into two Categories are women estates and Stridhana. After the Hindu Succession Act 1956, abolished the women estate under Section 14. Generally women estate in family law refers to the women's property right and inheritance right within the family particularly in Hindu law in India. The word stridhana is derived from 'stri' means women and 'dhana' means property. The literal meaning of the word stridhana is women's property. The Hindu Succession Act 1956, granted women equal inheritance right in parental property and the concept of limited ownership where abolished and it is converted to their rights to absolute ownership. Indian law clearly distinguishes between Stridhana and Dowry, which is a woman's absolute property received voluntarily. Dowry, which is an illegal demand made as consideration for marriage. The legal framework strongly protects a woman's rights over her Stridhana through various acts and judicial pronouncements, while strictly prohibiting the practice of dowry.

2. ORIGINS OF STRIDHANA IN ANCIENT TEXT:-

According to the origins in ancient text there are about 80 different rishis or writers of smritis, the texts as stated by the below named eight rishis are the only ones to which reference is made by the commentators in their disquisitions on the definition of stridhana those 8 sages are Manu, Narada, Vishnu, Katyayana, Apastamba, Vyasa, Devala¹ and yajnavalkya these 8 sages were defined stridhana.²

According to manu smriti enumerate six kinds of stridhana are:-

1. Adhyagni – Gift made before nuptial fire.
2. Adhyabhanika - Gift made at bridal procession.

¹ It means food and vesture as constituting a women's estate.

² Mulla, Hindu law, 208(lexis nexis, Harayana,22nd edn.,2016).

3. Pritidatta - Gift made by affection
4. Padavandaika - Gift made to a woman when she make obeisance at the feet of elders.
5. Gift made by the father - Gift made by the mother
6. Gift made by the brother

In addition to the above mentioned list According to Vishnu are:-

1. Adhivedanika – Gift made on supersession.
2. Anwadheyaka - Gift made by husband's relation or her parent after marriage.
3. Sulka – marriage fee.
4. Gift from sons and relations.

Vishnu doesn't make any specific mention of gift at the time of bridal procession.

According to Katyayana also goes with the manu views and he define that first 3 enumerated by Manu gifts subsequent and sulka mentioned by Vishnu. Importance on katyayanans on adhyagni and adhyavahanika these both are the gift from strangers. These definition for accepted by all the schools including Dayabhaga school³. However katyayana expressly excludes from the category of stridhana. Gift from strangers during coverture as also property acquired by a woman by mechanical arts. Undoubtedly gift from strangers made before nuptial fire or bridal procession considered as stridhana.

According to Yajnavalkya defines stridhana as what was given by the father, the mother, the husband, or a brother and received before the nuptial fire or presented to her or her husband marriage to another wife and the rest in denominated stridhana. So that which is kindred, as well as her marriage fee and anything bestowed after marriage.

3 Dilip Kumar Sarkar Versus Kalpana Neogi 2023 SCC OnLine Cal 2284, in this case it was observed that the Classification of stridhana.- Stridhana according to Dayabhaga school (§ 120) may be divided, for the purpose of succession, into four classes are :

- (1) Shulka, ie, a present to induce the bride to go to her husband's house. Shulka devolves in the order mentioned in § 146, sub§ (2);
- (2) Yautaka, i.e., gifts made at the time of marriage. This term has been interpreted by the High Court of Calcutta as including not only gifts made before the nuptial fire (§ 113, sub-§ (1)), but gifts made during the continuance of the marriage ceremonies, i.e., the ceremonies beginning with shraddha and ending with that of prostrating before the husband. It is conceived that it includes gifts from strangers made before the nuptial fire and at the bridal procession;
- (3) Gifts and bequests from the father made after marriage. (Gifts made by relations after marriage is called anwadheyaka. The present class relates to anwadheyaka from father);
- (4) Ayautaka, i.e., gifts and bequests from relations made before or after marriage. This class includes gifts and bequests from the father made before marriage, but not those made after marriage. The later come under the third class. Gifts from the father at the time of marriage fall within the second class.”

It is therefore clear and apparent from the principles applicable to the Dayabhaga school of Hindu Law, that the female married Hindu can have no other source of income than those enumerated herein above.

Simply, Smriti says only the gift from obtained by women from her stranger and relation before nuptial fire or at the bridal procession considered as stridhana. According to mayuka old sages and smriti writers expresses stridhana as kind of property. According to commentators on stridhana, law interpreted through commentators writings. When determining the meaning of specific schools of thought, courts should consider the interpretation of authorities within that school⁴. Judges cannot impose their own interpretations on smriti texts. If a particular interpretation has been accepted as law within a school, it must be take as it is law of that school and administer it as such⁵

3. COLONIAL AND PRE-INDEPENDENCE LEGAL INTERPRETATIONS⁶:-

Under British colonial rule, Hindu law underwent significant reinterpretation. Judicial Decisions Courts often ruled that property inherited by a woman from her male relatives was not considered Stridhana and would pass to her husband's heirs upon her death. Hindu Women's Right to Property Act, 1937, Granted limited rights to Hindu women over their husband's property, but did not fully recognize their autonomy over Stridhana. These developments marked a departure from the original scriptural principles, reflecting colonial influences on Hindu law.

S.14 has been retrospective effect before it was limited estate it converts existing women estate into stridhana or absolute estate. They were two essential conditions are:-

- Ownership of the property must vest in her.
- She must be in possession of the estate when the act came into force.

Firstly, if a Hindu female has no title to the property. She cannot be an absolute owner, even though she is in possession of that property. The Supreme Court has stated that the word “possessed” has been defined under S.14 in broad sense “the state of owning or having in one’s hand or power.”⁷ Thus, a Hindu female cannot claim title to it. This applies to property possessed by Hindu female, regardless of whether the property was given in lieu of maintenance.

⁴ Salemma V. Latchman (1898) 21Mad 100,p.102.

⁵ Collector of Madura v. Mootoo Ramalinga.(1868) 12 MIA 397,p.436.

⁶ Dr.Paras Diwan’s, Family Law 459(Allahabad Law Agency, Harayana,11th edn., reprint: 2019)

⁷ Gummalapura taggina matta kotturuswami v. Setra veeroawa AIR 1959 SC 577.

Secondly, the applicability of S.14 (1) female should be in possession of the property on the day of the HSA came into force.⁸ The SC and HC expressed the term property and possessed. The term possession is co extensive with the ownership.⁹ Thus, whenever the woman has the ownership of property vested in her, she will be deemed to be in its possession¹⁰. But if her possession over the property is that of a trespasser, or of a licensee, she cannot said to be in the possession of the property. The term property means bundle of rights exercisable by the owner in respect thereof within its purview both corporeal and incorporeal rights. The only requirement is that she would be in possession of the property. It is immaterial whether her husband died before coming into force of the Hindu widow right to property Act 1937. In the case of *Sumerchand v. Sardha ram*¹¹, under an arrangement of 1958 among the member of the joint family of two brothers, "P", the widow of one of the brothers was allowed to take the rent of a shop and live in the tabela. "P" also had a daughter "D". Soon thereafter "P" gifted the shop and tabela to her daughter. "P" died in 1972. "D" sold the shop and tables to one "S" in 1973. The alienation to "S" was challenge. Rejecting the contention that "P" was absolute owner of the property Bahari, J. observed that "the first part is concerned it is necessary that the female should be in possession of the property on the day of the HSA came into force. It is the acquisition of the property which may be before the enforcement of the said Act or thereafter which is in the second part of the section. If the female was not in position of the property the second part will not attracted."

The learned Judge referring to *Dayasingh v. Dhan Kaur*¹² said that since "P" was not in possession of the property in 1956, her possession could not be converted into full ownership. The Sub-section 1 of section 14 is not applicable since "P" was given these properties after the coming into force of the HSA, 1956. The Sub-section 2 which applied and thereafter she would take the property with the conditions with which it was given to her. But when a widow was living in a princely status succeeded to her husband's estate, she took it as limited estate under the Mitakshara Law¹³ By virtue of this section her estate got enlarged into full estate.

*Dharamawati Bai v. Shiv Singh*¹⁴ in this case it has interesting feature all the supreme court

⁸ *Sumerehand v. sardha ram.*

⁹ *Kottuswami v. vierawa* (1956) SCJ 437.

¹⁰ *Eramma v. veerupanna* AIR 1966 SC 1879.

¹¹ AIR 1991 P&H 103.

¹² AIR 1974 SC 665.

¹³ (The Act of 1937 was not in force).

¹⁴ AIR 1991 MP 18.

cases to date on section 14 sub section 1 and sub section 2 were cited and an attempt was made to confuse the matter though it was a simple case. On the date of person in 1920 his widow came into force into possession of her husband's properties. Mutation entries also showed her possession. When the Hindu section Act 1956 came into force her limited estate become her absolute estate. Thereafter she alienated the property. Obviously the alienation was valid. Dr. Singh, J., held so as and observed that "it was immaterial that she acquire the property by inheritance or devise or at a partition or in lieu of maintenance or in other manner. The requirement is that her possession should be lawful."

3.1 POST-INDEPENDENCE LEGAL REFORMS:-

Post-independence India witnessed significant legal reforms enhancing women's property right. Hindu Succession Act, 1956, Section 14¹⁵ declared that any property possessed by a Hindu woman, including Stridhana, is her absolute property, irrespective of its source. Hindu Succession (Amendment) Act, 2005. Granted daughters equal rights in ancestral property, further empowering women in matters of inheritance. These legislative changes aimed to align legal practices with the original intent of Hindu scriptures regarding women's property right.

According to Sub-Section (1) of Section 14 of the said Act makes it clear that it applies to properties acquired before or after the commencement of the said Act. Any property so possessed was to be held by her as full owner thereof and not as a limited owner.

The Explanation to Sub-Section (1) of Section 14 of the said Act defines the meaning of "property" in this Sub-Section to include both movable and immovable property acquired by the female Hindu by inheritance or devise or a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, or by her skill or exertion, or by purchase or by prescription or in any other manner whatsoever, including stridhana. The Explanation is quite expansive.

¹⁵ Section 14 Property of a female Hindu to be her absolute property.—

(1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.

Explanation.—In this sub-section, "property" includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as stridhana immediately before the commencement of this Act.

(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."

Sub-Section (2) of Section 14 of the said Act is in the nature of a proviso. It begins with a ‘non-obstante clause’. Thus, it says that “nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court...” etc. where a restricted estate in such property is prescribed.

In our view the objective of Sub-Section (2) above is quite clear as enunciated repeatedly by this Court in various judicial pronouncements, i.e., there cannot be a fetter in a owner of a property to give a limited estate if he so chooses to do including to his wife but of course if the limited estate is to the wife for her maintenance that would mature in an absolute estate under Section 14(1) of the said Act.¹⁶

The court ruled that the testator, who had ensured his wife's maintenance, only wanted a limited life interest in her estate, with the son inheriting the entire estate after her lifetime, under Section 14(2) of the Act.¹⁷

4. COMPARATIVE ANALYSIS: ANCIENT TEXTS VS. MODERN LEGAL INTERPRETATION

A comparative analysis reveals a dynamic interplay between ancient principles and modern legal interpretations;

FEATURE	ANCIENT TEXTS	MODERN LEGAL FRAMEWORKS
Definition	Primarily gifts received at or around the time of marriage from relatives.	All movable and immovable property received before, during, or after marriage from any source.

¹⁶ https://www.livelaw.in/pdf_upload/jogi-ram-vs-suresh-kumar-2022-livelaw-sc-115-1-408795.pdf.

¹⁷ Jogi Ram v. Suresh Kumar, 2022 SCC Online SC 127.

In this case MM Sundresh, JJ has held that the objective of Section 14(1) of the Hindu Succession Act, 1956 is to create an absolute interest in case of a limited interest of the wife where such limited estate owes its origin to law as it stood then. The objective cannot be that a Hindu male who owned self-acquired property is unable to execute a Will giving a limited estate to a wife if all other aspects including maintenance are taken care of. “If we were to hold so it would imply that if the wife is disinherited under the Will it would be sustainable but if a limited estate is given it would mature into an absolute interest irrespective of the intent of the testator.”

<https://www.scconline.com/blog/post/2022/02/03/can-a-hindu-male-execute-a-will-giving-a-limited-estate-to-a-wife-if-all-other-aspects-including-maintenance-are-taken-care-of-sc-interprets-section-14-of-hindu-succession-act/>

Ownership	Varying degrees of control; sometimes limited, especially for certain property.	Absolute ownership with full rights to manage, control, and dispose of the property.
Purpose	Financial security and independence for women.	Continues to serve as financial security and reinforces women's empowerment and autonomy.
Legal framework	Based on interpretations of Smritis and Dharmashastras.	Codified under the HSA, 1956, and other relevant laws like the IPC and the Domestic Violence Act 2005.
Succession	Specific rules for inheritance of stridhana, often favoring female heirs.	Inherited according to the general rules of succession for a female Hindu's property, as laid down in the HSA.
Dowry	Distinction less clear or not explicitly addressed as a separate illegal concept.	Clearly distinction from dowry, which is a prohibited practice. Stridhana is voluntary, while dowry involves demand and coercion.

This evolution reflects a broader societal shift towards recognizing and upholding women's rights in India.

5. JUDICIAL INTERPRETATIONS:-

Judicial Interpretations on the Evolution of Stridhana Rights in India, focusing on how courts have expanded and clarified women's rights over Stridhana through landmark judgments:

Chinappa Govinda v. Valliammal,¹⁸ the court upheld that property given to a widow as maintenance by her father-in-law constituted Stridhan and was not subject to return to her husband's family. The Privy Council, in **Bhagwandeem Doobey v. Maya Bae**¹⁹, in this case it was observed that property inherited from male relatives does not qualify as Stridhan but falls under the category of "women's estate". Additionally, the Bombay High

¹⁸ AIR 1969 Mad 187.

¹⁹ 11 Moo. I.A. 487 (1897).

Court in **Kasserbai v. Hunsraj**,²⁰ laid down the principle that property inherited from female relatives is considered Stridhan. Meanwhile, the Allahabad High Court in **Debi Mangal Prasad Singh v. Mahadeo Prasad Singh**,²¹ in this case clarified that property obtained through partition is not Stridhan but women's estate, although this distinction became less relevant after the Hindu Succession Act of 1956.

Munni Devi & ors. v. Rajendra & Ors,²²

In this case it was held that pre existing right to maintenance in the suit property that had ripened into full ownership by virtue of section 14(1) of the 1956 Act.

Kesharbai v. State of Maharashtra²³

In this case, a Hindu man died in 1934 as a sole surviving coparcener, leaving behind certain property, which his widow inherited as his sole heir. She was in possession of these properties in 1956 and became an absolute owner. Subsequently, in 1964, she adopted a son and it was held by the court that the property held by the widow was her absolute property and lost the character of a joint hindu family property. Consequently, the adopted son had no right over it by birth.

A.K. Laxmanagounda v. A.K. Jayaram²⁴

In this case court upheld the validity of the alienation on the ground that after the passing of the Act, the limited interest that was bequeathed to her husband, had matured into an absolute interest, conferring on her, the power of disposal over this property, as a full owner.

Pratibha Rani v. Suraj Kumar & Anr²⁵

In this case SC observed According to mitakshara and dayabaga school has following items considered as stridhana are Gift made before nuptial fire, Gift made at bridal procession, Gift made by the father, mother and brother²⁶.

²⁰ (1906) 30 BOM 431, p.452.

²¹ (1912) ILR 34 ALL 234.

²² (2022 INSC 589).

²³ AIR 1981 Bom 115 (FB).

²⁴ AIR 2001 Kant 123.

²⁵ 1985 SCC (2) 370.

²⁶ It was held that a husband or in-laws misusing it can be prosecuted under Section 406 IPC (criminal breach of trust). And marked a turning point by giving legal enforceability to property claims by women.

Mulakala Malleshwara Rao and Another v. State of Telangana and Another²⁷

In this case it was clear that the properties gifted to her before the marriage, at the time of marriage or at the time of giving farewell or thereafter are her stridhana properties. It is her absolute property with all rights to dispose at her own pleasure. He has no control over her stridhana property. Husband may use it during the time of his distress but nonetheless he has a moral obligation to restore the same or its value to his wife. Therefore, stridhana property does not become a joint property of the wife and the husband and the husband has no title or independent dominion over the property as owner thereof.”

Tustu Charani v. Kal Kumar,²⁸ in this case Privy counsel opined that Whenever a Hindu testator gave property to Hindu female; he knew that woman under Hindu law took limited estate, and therefore, unless he gave her full estate, it was presumed that she took it as limited estate.

Nathoo lal v. Durga Prasad,²⁹

In this case the SC observes that she took it as limited estate. Does wherever she was given a full estate under any instrument deed, she took it as such.

Chellammal v. Duni,³⁰

In this case Madras High Court held at subsection 2 applied only to return instrument conveying title and would not apply to oral arguments.

Balanda v. Dunichand,³¹

In this case Punjab High court held at the subsection would apply to oral gift also but in this case oral give was incorporated in the mutation papers. Where a Hindu female acquired a limited estate in her husband's land and was in possession of the same when the Act came into force section 14 (1) applied.

²⁷ 2024 SCC OnLine SC 2285.

²⁸ (1874) 2 IA 7.

²⁹ AIR 1954 SC 355.

³⁰ (1971) 1 ML 439.

³¹ AIR 1963 PUNJ 34.

6. CONCLUSION AND SUGGESTIONS:-

“Stridhana : Her Wealth, Right and Her Strength...”

The journey of stridhana from its ancient roots to its modern legal interpretations reveals a fascinating interplay of continuity and change. Ancient texts, while acknowledging a woman's right to certain properties, often framed it within patriarchal structures, emphasizing its role in her maintenance and security within the family. The evolution witnessed in modern legal frameworks, particularly in India, signifies a significant step towards recognizing a woman's absolute ownership and control over her stridhana, aligning it more closely with principles of gender equality and economic empowerment.

However, the comparative analysis also highlights the persistent influence of historical contexts. While modern laws aim to protect a woman's stridhana from claims of her husband or his family, societal practices and interpretations can sometimes deviate from these legal ideals. Issues related to dowry, often intertwined with the concept of stridhana in practice, continue to pose challenges.

In conclusion, the evolution of stridhana reflects a broader societal shift towards recognizing women's economic rights. While significant progress has been made in enshrining these rights in law, ongoing efforts are crucial to ensure their effective implementation and to address the enduring social and cultural factors that can still undermine a woman's rightful ownership of her stridhana. This comparative lens underscores the importance of understanding historical context while striving for a more equitable future.

REFERENCE:-

1. Dr.Paras Diwan's, Family Law 459 (Allahabad Law Agency, Harayana, 11th edn., reprint: 2019).
2. Mulla, Hindu law, 208 (Lexis Nexis, Harayana, 22nd edn., 2016).
3. Flavia Agnes, Family Law and Constitutional Claims, (Oxford University, New Delhi, 1st Published, 2011).
4. Dr. Poonam Pradhan Saxena, Family Law Lecture ,Family Law II, (Lexis Nexis 3rd edn., 2011,
5. <https://www.scconline.com/blog/post/2022/02/03/can-a-hindu-male-execute-a-will-giving-a-limited-estate-to-a-wife-if-all-other-aspects-including-maintenance-are-taken-care-of-sc-interprets-section-14-of-hindu-succession-act/>