



Study about Streedhan, Rights of a Woman over her Streedhan, and Description in Section 406 IPC

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Abstract : The principal sources from which property can be acquired by a Hindu female are inheritance, partition, gifts, bequests, adverse possession and property given in lieu of maintenance.

As regards property acquired by a Hindu female from other sources, the question whether such property is Streedhana or not is to be determined by the status of such woman and the school to which she belongs. According to the Dayabhaga and Mithila schools, gifts or bequests from strangers during coverture are not Streedhana. But, according to the Dayabhaga, if the woman survives her husband, such property becomes Streedhana after the husband's death.

In the former State of Bombay (now, Maharashtra and Gujarat), property inherited from a female has been held to be Streedhana (*Gandhi Maganlal v. Bal Jadab*, 24 Bom. 192) However, the Bombay High Court has also held that if the property is inherited from a male into whose family the female entered by marriage, such property is not Streedhana. (*Gangadhar v. Chandrabhagabai*, 17 Bom. 690)

- During her maidenhood, a Hindu female could dispose of her Streedhana at pleasure. If she was a minor, of course, she could do so only through her guardian.
- During coverture (i.e., when she was married), a Hindu female could dispose of saudayika Streedhana, i.e., gifts from relatives (as distinguished from gifts from strangers). As regards non-saudayika Streedhana, i.e., gifts from strangers, as well as property earned by a woman by her own labour, the woman's authority over such Streedhana was subject to her husband's control, although the husband enjoyed no ownership over such property.
- During widowhood, a Hindu female could dispose of her Streedhana (of every kind) at her pleasure, and it was immaterial whether the property was acquired before or after the husband's death.

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Under all the schools of Hindu Law payments made to a Hindu female in lump sum or periodically for her maintenance and all the arrears of such maintenance constitute Streedhan. Similarly, all movable or immovable properties transferred to her by way of an absolute gift in lieu of maintenance constitute her Streedhan.

Rights of a woman over her streedhan

The bride has got an absolute, exclusive dominion over all her Streedhan, received during the marriage. This includes both movable and immovable property, while she has the power to sell, alienate or give it away as she pleases both during her lifetime and thereafter. Her husband and in-law's family members have no rights over a woman's Streedhan. We need to understand that the marriage expenses and dowry are not Streedhan as held in *Ashok Laxman Kale vs Ujwala Ashok Kale*.

It is usually practical and preferable that any girl especially educated girls of today maintain a list of their Streedhan has also become capable of looking after their own Streedhan in terms of its security such as opening a bank locker in their single names for the purposes of storing jewellery and instruments of money, property etc. or keeping it under their lock and key.

Misappropriation of Streedhan under IPC Section 406

Misappropriation of Streedhan by the husband's side is a crime punishable by the provision of law described in IPC Section 406 ("punishment for criminal breach of trust"). The offence itself is described in Section 405, while sections 407 to section 409 describe punishments for criminal breach of trust in certain specific relationships. The spectrum of relationships covered by these other sections include the relationship between sender and carrier of property or goods, and between an owner of property and his employee, and between owner of property and banker, and between public and public servant, and between an owner of property and his attorney or agents. While 406 prescribes 3 years simple or rigorous imprisonment, both 407 and 408 prescribe 7 years simple or rigorous imprisonment, and section 409 prescribes very serious sentences of ten



years to life imprisonment. 406 can be more correctly described as "punishment for criminal breach of trust simpliciter" in the light of these undoubtedly severe sections.

Latest SC Verdict

Women can claim Streedhan even after separation from husband: Supreme Court

The court said ‘streedhan,’ a gift in gold valuables given to a woman by her family, is her “exclusive and absolute property.”

A Bench, led by Justice Dipak Misra, said a husband had only a qualified right over a woman’s ‘streedhan’ — the right to use it in times of distress. The court clarified the law while pronouncing a judgment on Friday (November 20) in the case of a woman who wanted her ‘streedhan’ back from her husband’s custody after they were judicially separated.

Judicial separation is a period of suspension of marriage granted by the court. This time may be used by the couple to explore the possibilities of reviving their broken marriage. If the result is negative, the court annuls their marriage with a decree of divorce.

Castigating the High Court for depriving an “agonised and perturbed wife” of her absolute right over her ‘streedhan,’ the Supreme Court said she had every right to invoke the domestic violence law to protect herself from both domestic and economic abuse she suffered at the hands of her in-laws.

The court held that the 2005 Act was a “beneficial as well as assertively affirmative enactment for the realisation of the constitutional rights of women and to ensure that they do not become victims of any kind of domestic violence.”

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