

## STRIDHANA: A CRITICAL APPROACH

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### ABSTRACT

*This paper primarily focuses on the Stridhan and the Property rights of a woman. It continuously focuses on the various aspects of the Stridhan. It commences with the introduction to the concept of Stridhan and where it came from. As it moves on it discusses the object and scope of Article 14 of the Hindu Succession Act. It also discusses in detail the nature and the object of Article 14 of the Hindu Succession Act. As it moves further in its approach, it discusses the meaning of the term property and acquired property as well. It also discusses the meaning of the term Possession and that it is different from ownership. It talks about the various aspects of the Stridhan and the women's estate. It discusses in detail the powers of a Hindu female over her woman's estate. It then discusses the different ways from which a woman can acquire a property or what are the various sources of a woman's property. It moves on to discussing the recent and the latest judgements that have been passed in or opposite to the condition of women. Last but not the least, the paper concludes with the certain set of recommendations and suggestions regarding how the status of women, when it comes to the succession of the property can be enhanced and elevated to the level of men and that the position of women be brought equal to men, as far as the succession rights are concerned.*

### RESEARCH METHODOLOGY

#### SCOPE AND OBJECTIVE OF THE STUDY

The object of the study is to analyze the disadvantages meted out to an Indian Women when it comes to her succession rights and especially focussing on the concept of Stridhan . A study of the provisions of the Hindu Succession Act is conducted to find out the types of such discrimination and then various attempts have been made to make suggestions which can bring reform in the condition of Indian women to enable them to be in equal line with the men in the country, so far as the concept of succession is concerned. The study is limited to the concept of Stridhan and the analysis of Section 14 of the Hindu Succession Act.

#### RESEARCH METHODOLOGY

The methodology adopted is largely analytical and descriptive. Reliance has been placed largely on secondary sources like books and articles. The lectures and classroom discussion have been rich with valuable pointers and gave direction to the research.

#### CHAPTERIZATION

This project has been divided in five chapters. It consists of following chapters, Introduction (Chapter I), Object, Nature and Scope of Section 14 of the Hindu Succession Act (Chapter II),

Stridhan and Women's Estate (Chapter III), Sources of a Woman's Property(Chapter IV), Recent Judgements (Chapter V) and Conclusion (Chapter VI)

### **RESEARCH QUESTIONS**

1. What is the Stridhan and what is the scope, nature and objective of the Section 14 of the Hindu Succession Act ?
2. What is Stridhan i.e. what constitutes or comes within the ambit off the term "Stridhan" and the Woman's Estate?
3. What are the sources of a woman's property ?
4. What are the recent judgements and our own opinion about the same?
5. What is the conclusion drawn from the research done ?

### **HYPOTHESIS**

Stridhan is a concept of property given to the woman when she is married. In this research paper we will try to know whether Stridhan is the same as above stated or it involves something more into it. Also what are the legal necessities and to what extent can she hold the estate she is currently having . Also, whether she can possess or acquire the property and till what extent. According to us, before the knowledge of the topic, the woman can or is able to hold the property so far as she is in possession of it . We were really interested to know about the concept of Stridhan and the woman's estate as we acknowledge certain events in day to day life that arouse the hidden curiosity in us.

### **MODE OF CITATION**

A uniform system of citation is followed throughout in the contents.

## **CH- 1 INTRODUCTION**

This paper intends to analyse the Section 14 of the Hindu Succession Act and the concept of Stridhan. It also discusses how the above mentioned section i.e. the Section 14 of the Hindu Succession Act, have brought a fundamental change in the concept of women's estate and the stridhan. Under the Hindu Law, property held by a woman can be divided into two categories i.e. the Stridhan and the Non-Stridhan. Stridhan was the absolute property that a woman had, which she could leave, throw or even alienate at any time she felt like according to her own wish or discrepancy. There was yet another exception to it, she could alienate her property but with an exception of her husband's dominion during distress. It was necessary for her to formally write in the papers of her property that the property she withheld or had will be entrusted to her own legal heirs. Thus, she served as a fresh stock of descent in respect of her Stridhan property. Well, when on one side the property she withheld as her stridhan could be sold and she had the disposition to sell, mortgage, lease, gift or even put it in the will, there was the existence of the another strand of thought that the property a female inherits from a male or a female, it will be regarded as the Non Stridhan property and over which she would have no disposition of sale, mortgage, gift, lease or will, according to all schools of Hindu law except the Bombay School. The estate that was held by the female was known as the "Woman's Estate" in which she could only be living and could represent no personal interest in the property beyond her own personal life. The alienation of property can only be done in certain cases, i.e. when there is a necessity or an exigency for religious purposes. which again means that even the right to alienate the Stridhan, the right is not absolute and is accompanied by certain restrictions and limitations. Under the Hindu Women's Right to Property Act, 1937, the old Hindu Law of all the schools of thought was amended so as to give greater and absolute rights to women but unfortunately it could not do much about it and gave only certain limited rights to the women as far as the issue of alienation of the property and the rights of women when it comes to the property is concerned. As the statute gave only a limited interest to the women in the property, it came to known as the "Limited Estate". Later on in 1956, the Parliament decided to enact a different legislation known as the Hindu Succession Act conferring absolute property rights on women through section 14 of the same statute.

## **CH-2 OBJECTIVE, NATURE AND SCOPE OF SECTION 14 OF THE HINDU SUCCESSION ACT**

All this while in the introduction, we have been talking about the property, possession and what not. Before moving any further let's discuss their meanings and their legal meanings as well.

### **MEANING OF THE TERM "PROPERTY"**

In a layman's sense, property is a piece of land which is owned by an individual and he is in possession of the same. In the legal language property is really different from the mentioned above.

It is ,the ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others. In this code, the thing of which there may be ownership is called "property".<sup>1</sup>

Referring to especially the Hindu Succession Act, Section 14 sub clause (1), the expression clearly takes in every kind of property and includes 'movable and immovable property'. The monetary value of the property that has been compulsory acquired under the land acquisition act is also property for the purposes of this section. the right of a woman to share on partition is itself property.

### **MEANING OF THE TERM "ACQUIRED PROPERTY"**

In a layman's language, an acquired property might be some property which is acquired by someone. In the legal language, acquire means to the action of buying or gaining the possession of property.<sup>2</sup> So, acquired property would mean a property that is bought or gained and has been taken possession of. There are obviously different methods by which a woman can acquire a property. The legislature intended to cover all the methods of acquisition of property by a woman known to Hindu Law as it is existed prior to the commencement of the act and if the property so acquired was possessed as a Limited Estate or Widow's Estate, it is now enlarged into an 'Absolute Estate'.

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### **MEANING OF THE TERM "POSSESSION"**

In a layman's language, the term possession is a very commonly used and it generally means getting hold of something. The detention and control, or the manual or ideal custody, of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by the another who exercises it in one's place and name. That condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all the other persons.<sup>3</sup>

### **SCOPE**

Section 14 of the Hindu Succession Act has brought about a major change or we can also name it as a fundamental change in the concept of women's estate.

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<sup>1</sup> Black's Law dictionary on the meaning of the term "Property"  
<http://thelawdictionary.org/property/>

<sup>2</sup> Black's Law dictionary on the meaning of the term "Acquire"  
<http://thelawdictionary.org/acquire/>

<sup>3</sup> Black's Law Dictionary on the meaning of the term "Possession"  
<http://thelawdictionary.org/possession/>

Section 14<sup>4</sup> provides that any property possessed by a Hindu female, whether acquired before or after the commencement of this Act shall be held as the full owner thereof and not as limited owner

(1) Sub section 1 of Section 14 further explains that 'property' includes both movable and immovable property as far as this sub section is concerned. this could be acquired by her by inheritance, partition, gift, or will or acquired in lieu of maintenance or arrears of maintenance or acquired by her own skill or expertise or exertion or by purchase or by prescription or any other manner whatsoever, and also any property held by her as Stridhan immediately before the commencement of the said Act. It is immaterial of how it is obtained, whether by inheritance of the deceased husband's separate property or of his share in corparcenary property by virtue of the provision to section 6 of the Act, or by demise of her deceased husband or gift from a relative or any other person, and whether before, at or after her marriage.

The sub section (2) of this section, provides that a Hindu female shall not be entitled to hold any property as an absolute owner if she has acquired the same by a 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 any other instrument or the decree order or award prescribe a restricted estate in such a property.

Thus Section 14 has abolished women's estate by converting it into a stridhan and a woman's estate and has converted existing woman's estates into full estates. It has introduced some major fundamental changes in the traditional Hindu law of property of women.

### **OBJECTIVES**

When such a fundamental change has been brought in and the amendment has been made, it must have been made with certain objectives and keeping in mind the various advantages that this amendment could bring in the future and to the women who really need it. The objectives of this section are mentioned below :-

- To remove or vanish all the disability of the Hindu women to acquire and deal with the issues related to the property, that is, all the property that a woman acquire will be her absolute property and she has the full discretion to it.
- To convert the existing woman's estate to the Full estate.

It also incorporates various other provisions as well. They are appended below :-

(a) Any property acquired by a Hindu female after the commencement of the Act will be held by her as her own absolute property, which means that the rights which were not given to her regarding her own property will now be considered to be her own and in full discretion to it.

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<sup>4</sup> Section 14 of the Hindu succession Act,

(b) Any property held by a Hindu female as a Woman's estate and is in her possession will also become her property.

(c) But if at all, any property is covered by the provision of Sub section (2) neither (a) or (b) above will apply. In other words, if any property is acquired by a Hindu female by way of gift or under a will or any other instrument under a decree or order of a civil court or under an award, and the terms of the gift, will or any other instrument or the decree order or award prescribe a restricted estate in such a property, then she will accordingly have the discretion over it. This means that even after giving her the complete discretion over the property if the source through which the property is acquired by the woman, mentions any of the limitations then she would have the discretion over only the part that belongs to her and over which she has complete discretion.

(d) The requirement of being possessed in Subsection (1) of the Hindu Succession Act applies only to the woman's estate existing at the time of the commencement of the Act; this obviously cannot apply to the properties acquired by her after the act had already brought into force or in other words after the commencement of the Act.

(e) the definition of the term property contained in the explanation applies to both the types covered under (a) and (b) parts.

(f) This section has qualified retrospective application. It applies retrospectively to those woman estates which were in the possession of the Hindu female when the Act came into force and it does not apply to those woman's estate over which she had no possession when the Act came into force. To such estates the old Hindu law continues to apply.

### **NATURE**

This portion of the Ch- 2 will be discussing about the nature of the section 14 of the Hindu Succession Act. Now, what do we mean by nature of Section 14. By this we mean that whether it is retrospective in nature or prospective in nature.

In sub section (1) of this section it is stated that any property possessed by a female Hindu whether acquired before or after the commencement of this Act shall be held by her as its full owner. Which thereby means that no matter what, once she proves that the property acquired is hers, she has full or complete discretion to it. The provision is retrospective in the scene that it enlarges the Hindu woman's estate even in respect of the property inherited or held by a woman as a limited before the act came into force. It enlarges the scope for the Hindu women to acquire a property and eliminates to some extent hurdles that she faced due to the old Hindu law. Where a woman has acquired a property before the act but she was not in the possession of it on the date of the commencement of the Act, the question arises, whether this provision operates and gives her full, ownership in that property as held by her as a limited owner. According to the analysis of the authors mentioned above, the woman should have the full ownership even if she was not in possession of the same, at the time of the commencement of the Act. this is so because, even if she was not in possession, but she still acquired the property and it was assumingly done through

lawful means, so therefore the woman should have had the complete discretion in the property and be considered as the owner of the full property having complete discretion over the same.

In the case of *Ramswaroop singh v. Heeralal Singh*<sup>5</sup>, it was held that even if the woman alienated the property when she was not in possession of the same at the time of the commencement of the Act, she is full owner, as she was initially, at one time, possessed of the property.

Also, the Supreme Court in the case of *Kotturu Swami v. Veeravva*<sup>6</sup>, held that where a woman is possessed of a property, immaterial of the fact whether it is in her actual or constructive possession, though she has acquired the property before the act, she becomes the absolute owner. If she alienates the property subsequent to the commencement of the act, the revisionary cannot question it though the alienation is not for any religious purpose or for legal necessity of the family.

### CH- 3 STRIDHAN AND WOMEN'S ESTATE

Literally, the word Stridhan means, woman's property. But in the Hindu law it has, all along been given a technical meaning. the Smritikaras differ from each other as to what items of property constitute her stridhan. Gooroodaas Banerjee very aptly said :

"The difficulties besetting an enquiry into the question what constitutes stridhan, arise from the fact that majority of the sages and commentators give neither an exact definition of stridhan, nor an exhaustive enumeration, and if the Mitakshara gives a simple and intelligible definition, that definition has been qualified and restricted in its application by our courts in consequence of its disagreement with the view of other authorities".<sup>7</sup>

According to the Smritikars, the stridhan constituted those properties which she received by the way of gift from the relations which included mostly movable property (though sometimes a house or a piece of land was also given in gifts) such as ornaments, jewellery and dresses. All this that is given as a marriage and is probably considered as a dowry , is considered to be the stridhan of the woman. The gifts made to her by the strangers at the time of the ceremony of the marriage or at the time of the bridal procession also constituted her stridhan. Among the commentators and digest writers, there is divergence of opinion as to what is exactly constituted in the term Stridhan or what are the actual elements of the Stridhan. They were usually confused about what can be added to the term and what cannot be added in the term, so therefore even they were not clear about the meaning of the term Stridhan. Vijananeshwara commenting on the words, "and the like" in the Yajnavalkya's text expanded the meaning of the Stridhan by including the properties obtained by the inheritance, purchase, partition, seizure and findings. This expansion wasnot accepted by the privy council, at that time, therefore it resulted into the making of the terminology or the emergence of the concept of Women's estate.<sup>8</sup> Everyone had their own opinion regarding

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<sup>5</sup>ILR 37 Pat 496

<sup>6</sup>1959 Supp 1 SCR 968

<sup>7</sup> Hindu Law of Marriage and Stridhan, (3rd Ed.) 280.

<sup>8</sup> Dr. Paras Diwan, Family Law, Woman's Property, p.453

what should be included within the ambit of the term Stridhan and what should constitute the essentials of it. So, every school of thought had their own opinions.

Now, as we move further into this, we need to know what actually the woman's estate is or what does it comprise of. The following two appended categories of property have been considered as the woman's estate :

(1) Property that is obtained by inheritance.

In Bombay school, property inherited by a female from another female is Stridhan. so, it is like everyone who believes that something should be given to the female, and the female accepts it, it is Stridhan, however this is just another opinion.

(2) Share obtained on partition is Stridhan. This means that if suppose there is a house of 100 acres and there are two siblings, so if the property is divided between the two, Stridhan is the half of the total house that existed, i.e. the 50 acres of land.

The characteristic features of the woman's estate is that the female or the woman takes it as a limited owner. However, she remains the owner of the property in the same way as the owner or the other individual can be the owner of his or her own property, subject to two basic limitations :-

(a) She cannot ordinarily alienate the corpus, and

(b) on her death , it devolves upon the next heir of the last full owner.

In *Janki v. Narayansami*<sup>9</sup>, the Privy council very aptly observed: "Her right is of the nature of right of property, her position is that of the owner, her powers in that character are, however, limited ... So long as she is alive, no one has vested interest in succession."

Her powers of disposal over the property are limited and it is these limitations which go to define the nature of the estate she is holding onto. These limitations are not imposed for the benefit of the person who has interest in the property of the woman after her death, like the son, daughter or even the husband. Even when there are no revisioners, the estate continues to be a limited estate.

The holder of the woman's estate has following **powers** :

(a) Power of Alienation - This means that the female owner being the holder of a limited estate has limited powers of alienation. She can alienate the property only in certain circumstances and not anytime she feels like, as discussed aforesaid. An improper alienation made by her is not void but voidable. In any case, alienation made by her is binding on her during her entire lifetime, as a grantor cannot derogate from her own grant. As the revisioners have no right to get it set aside until the estate devolved upon them, an improper alienation is thus valid and binding on her for the duration of her life.

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<sup>9</sup> (1916) 43 I.A. 207.

(b) Power of Management - This means that the position of the woman in respect is somewhat superior to the Karta. The Karta is merely a co owner off the joint family, there being other coparceners, but she is the sole owner. She has not to look after or bother about others. Thus, she is alone entitled to the possession of her entire estate and she is alone entitled to the entire income arising out of that estate.

(c) Surrender - This means that the woman who owns the estate has the right to renounce the estate in favour of the nearest revisioners.

Another important characteristic of the woman's estate is that the female owner does not form an independent stock of descent in respect of it. On her death, the estate reverts to the heirs or the heir of the last full owner as if the latter dies when the limited estate ceased. Such heirs may be male or female and they are known as the "Revisioners".

They have certain rights, that they can exercise when it comes to the woman's estate. The revisioners have mainly the following three rights :-

- (1) They can sue the woman holder for an injunction to restrain the waste.
- (2) They can, in representative capacity, sue for the declaration that an alienation made by the widow is null and void, and will not be binding on them after the death of the widow.
- (3) They can, after the death of the woman or after the termination of estate, if earlier, file a suit for declaration (or possession or both) that an alienation made by the widow was improper and did not bind them.

On the other hand, however Section 14 of the Hindu Succession Act, 1956, has abolished the woman's estate, yet revisioners are still relevant in respect of the woman's estate alienated by her before June 17, 1956.

#### **CH-4 SOURCES OF A WOMAN'S ESTATE**

There are many sources from where the woman can acquire the estate and there have been evidences of the same.

##### **(1) PROPERTY RECIEVED IN LIEU OF PARTITION**

The Karta can give some property to a member of the family for his or her maintenance. A Hindu female can also be granted property for the purpose of her maintenance under a family arrangement or a partition. This means that the women can be granted with the property in case where the woman's father or the father in law decides to divide the property among two or the number of children the father or the father in law has.

One of the examples surely prove that. In Chinnappa Govinda v. Vallaimmal,<sup>10</sup> the father in law gave some property to her widowed daughter in law under a maintenance deed or in other fwords for the purpose of her maintenance. Subsequently, in 1960 he died. Since, he died leaving behind the widowed daughter in law, his interest devolved by succession. The daughter in law sued for partition so as to get her share of inheritance. Other members of the family said that she could get her piece of share only if she agrees to include the properties given to her for maintenance in the suit properties. The court held that she need not surrender the properties held by her under the maintenance deed. It was because it was nowhere mentioned by the late father in law that she has to include the other properties as well, so the court decided in her favour.

Section 14 lays down that any property which a Hindu female gets on partition after the commencement of the Act will be her absolute property and any property which she got at a partition before the commencement of the Act will also become her absolute property provided it was in her possession at the commencement of the Act. Another example to support this argument is that in the Kerala High Court in Pachi Krishnamma v. Kumaran Krishnan,<sup>11</sup> observed that the share the woman got on parrtition would be her absolute property on account of her pre existing right to maintenance enlarged to an absolute property by virtue of section 14(1).

### **(2) PROPERTY GIVEN UNDER AN AWARD OR DECREE**

This part of the property will be dealt with an example. In Badri Prasad v. Kanso Devi,<sup>12</sup> where a partition under an award was subsequently embodied in a decree, certain properties were allotted to a Hindu female as her share, the Supreme Court said that section 14(2) did not apply. Their Lordships said that section 14 should be read as a whole and not in parts because the section together seems to be more complementing than the individual parts. It would depend on the facts of each case whether the same is covered by sub section (1) or (2). The crucial words in the subsection are 'possessed' and 'acquired', (the meaning of both the words have been explained earlier too). The former has been used in the widest possible sense in the context of section 14(1). It means the state of owning or having in one's hand or power. Similarly the word acquired has also been given the widest possible meaning. The Supreme Court was of the view that a share obtained by a Hindu female in a partition under section 14(1) even though her share is described as a limited estate in the decree or award.

### **(3) PROPERTY UNDER AN AGREEMENT OR COMPROMISE**

In Mahadeo v. Bansraji<sup>13</sup> and the case of Lakshmidhand v. Sukhdevi<sup>14</sup>, the distinction between both the subsections has been clearly sought. There are certain tests regarding how the distinction ought to be made. The test that if the decree or award is the recognition of the pre existing right then the subsection (1) will apply and if the property is given to the Hindu female for the first time

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<sup>10</sup> AIR 1969 Mad 187

<sup>11</sup> AIR 1982 Ker 137

<sup>12</sup> AIR 1970 SC 1963

<sup>13</sup> AIR 1971 ALL 515

<sup>14</sup> AIR 1970 Raj 285

under an award or decree subsection (2) will apply. It has been applied the acquisition of the property under an agreement or compromise.

#### **(4) PROPERTY RECEIVED IN INHERITANCE**

This part of the project or the research paper deals with any property that a Hindu female has inherited from a male or female relation was taken by her as limited estate except in the Bombay school of thought. Section 14 lays down that any property that a Hindu female inherits from any relation after the commencement of the Act will be her absolute property. On her death only the property will devolve on her heirs under the provisions of Section 15 and 16 of the same act. If at all any property has been inherited by her before the commencement of the Act and if it is in her possession then that property also becomes her absolute property. Nobody can divest her of that property which she is in possession of and has been inherited with, even before the commencement of the Act.

#### **(5) PROPERTY RECEIVED IN GIFT**

Under the Act, there is no distinction between the gifts received by her from her relatives or even her own father or from the strangers and at any stage of life, and all the gifts that she receives is her absolute property. Ornaments received by her at the time of her marriage are ordinarily her Stridhan property. A full bench of judges in the case of *Vinod Kumar Sethi v. State of Punjab*<sup>15</sup> held that dowry and traditional presents made to the wife at the time of the marriage constitute her Stridhan, to which she has absolute right over. In *Gopal Singh v. Dile Ram*<sup>16</sup>, a widow having a life estate purported to make a gift of the property before the Hindu Succession Act, 1956 came into force.

#### **(6) PROPERTY RECEIVED UNDER A WILL**

As the title itself says, this portion talks about property received under a will or a registered will. In the case of *Karmi v. Amru*,<sup>17</sup> A Hindu, under a registered will, conferred a life estate on his wife Nihali, with the direction that after the death of the wife Nihali, properties would devolve on Bhagtu and Amru, two of his collaterals Nihali took possession and died in 1996. On her death her heirs claimed the property on the assertion that after the commencement of the Act, Nihali's life estate became her full and absolute estate. It was held that where only life estate is conferred under a will, Section 14(2) will apply, and the estate will not become full estate. But if a will confers on her full estate, she will take absolutely. Properties given under a settlement to the widow which were to revert to the settler on his brother on her death, do not get enlarged into full estate.

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<sup>15</sup> AIR 1982 P& H 372

<sup>16</sup> AIR 1987 SC 2394

<sup>17</sup> AIR 1971 SC 745

## CH-V RECENT JUDGEMENTS

The extent of Section 14 is explained through the following judgements. The following also explains the present scenario, the scope and extent off Section 14 of the Hindu Succession Act.

In the case of *Komalam Amma v. Kumara Pillai Raghavan Pillai*<sup>18</sup>, it was held by the Supreme Court that the concept of maintenance includes the provision for food and clothing. The provision made by giving life interest in the property for residence in lieu of pre existing right to maintenance and Hindu lady acquires far more than vestige of title deemed to sufficient to attract Section 14(1).

In the case of *Gangamma v. G. Nagarathnamma and Ors.*<sup>19</sup>, the Supreme Court held that Hindu female is the full owner of the properties which stand in her name on the date of the commencement of the Hindu Succession Act, and even thereafter. Also, affirmed the view that sub section (1) of section 14 is very large in its amplitude and covers every kind of acquisition of property by a female Hindu. Regardless of whether such property was possessed by a Hindu female on the date of commencement of the Act or was subsequently acquired or possessed, she would be the full owner of the property.

earlier, with reference to remarriage and property of a woman, the Supreme Court in *Cherotte Sugathan v. Cherotte Bharathi*<sup>20</sup>, held that upon the death of the husband, his share vested in his wife absolutely, which could not be subjected to divestment, save and except by reason of a statute. Also, remarriage of the wife cannot be a ground for her loosing right to succeed to her deceased husband's property.

In *Santhosh v. Saraswathibai*<sup>21</sup>, it was held that Section 14 (1) not only takes within its ambit a land which was not only in possession of the female Hindu but also covers the land over which she has the right to possess. Section 14(1) will also be applicable to a land possessed by a female who is Hindu by religion, and the reason for which she got the property was for maintenance.

## CH-6 CONCLUSION

Section 14 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. It is undoubtedly a colussus step for the protection of women rights as the Human rights. 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.

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<sup>18</sup> AIR 2009 SC 636

<sup>19</sup> AIR 2009 SC 2561

<sup>20</sup> AIR 2008 SC 1467

<sup>21</sup> AIR 2008 SC 500

This section enlarges the maintenance rights of women by providing them absolute rights upon it. Giving women their absolute rights is the absolute fresh happy feeling for the women rights activist.

Sub section (2) is an exception to sub section (1) as it states that nothing contained in sub section (1) will apply to any property acquired by way of gift, or under a will, or any other instrument or under a decree, order of a civil court or under an award where the terms of the gift, will or other instrument restricted estate in her. So over all, what can be said is that this section has been a beneficiary for the women.