

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 8 | Issue 6
2025

© 2025 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

Stridhan: Women's Property Rights and Judicial Protection in India

SAMRA NOOR¹

ABSTRACT

The doctrine of stridhan—the property a woman receives and keeps in her own right—remains one of the more resilient protections for women's economic autonomy under Hindu law. Once rooted in classical texts and marriage rites, the concept now operates within a modern legal architecture shaped by the Hindu Succession Act, criminal provisions addressing misappropriation, and decades of judicial interpretation. This article traces the movement of stridhan from ritual category to enforceable legal right, examines how courts have negotiated ownership claims in the messy reality of marital breakdown, and evaluates why legal recognition often fails to produce effective restitution. Focusing on key Supreme Court rulings, most notably Pratibha Rani v. Suraj Kumar and Maya Gopinathan v. Anoop S.B., the analysis shows that Indian jurisprudence consistently affirms a woman's exclusive title to stridhan while simultaneously exposing gaps in proof, procedure, and enforcement that disadvantage vulnerable claimants. The paper argues that doctrinal certainty alone is insufficient: to secure substantive equality, law and policy must close evidentiary gaps, streamline remedies, and adapt to contemporary asset forms. Concrete reforms—improved documentation practices at marriage, faster civil remedies for recovery, clearer prosecutorial guidelines where criminal misappropriation is alleged, and judicial training on gendered evidence—would make the promise of stridhan meaningful for more women.

Keywords: *Stridhan, Dowry Prohibition, Women's Property Rights, Hindu Law, Domestic Relations, Restitution, Enforcement.*

I. INTRODUCTION

Ownership matters. Across legal systems, the ability to control resources shapes autonomy, bargaining power within households, and the capacity to exit abusive relationships. In India, stridhan occupies the intersection of these themes. Historically framed as gifts and movables a woman received at or around marriage, stridhan is now a legal category that confers exclusive ownership on the woman who receives it. That shift—from ritual practice to legal protection—has not, however, removed the many frictions that arise when married life dissolves and valuables remain in the hands of husbands or in-laws.

¹ Author is a Student at IILM University, Greater Noida, India.

Early Hindu legal texts recognised that certain transfers made to a woman became hers in perpetuity. Gifts offered “before the nuptial fire,” tokens of affection from relatives, and items given during the bridal ceremony were each understood to be her property.² Those classical classifications were descriptive of a social order in which ornaments and household goods were the dominant forms of wealth. As property forms changed, and as the State sought to modernise personal law, the legal treatment of a woman’s property also evolved. The Hindu Succession Act, 1956, in its pivotal provision, declared that property possessed by a female Hindu is to be held by her as full owner, dissolving older doctrines of limited estate that once constrained a woman’s authority over property she held.³ Statute and later judicial exposition thus placed the formal power of ownership squarely with women, not with the household or the husband.

The doctrinal clarity at the level of principle, however, does not automatically translate into practical recovery. When disputes arise over bridal jewellery, cash given at marriage, or other valuables, courts must answer fact-intensive questions: Was the item given freely and intended as the woman’s property, or was it paid as dowry in expectation of a marriage? Was the item entrusted temporarily to the husband’s care, or was it converted to his use? Did the woman have independent documentation or witnesses to corroborate her claim? These questions require judges to make delicate inferences about human behavior against a background of marriage, family pressure, and social stigma. The evidentiary burden often falls heaviest on women who lack receipts, who married into households that control finances, or who face intimidation when seeking recovery.

Indian courts have not been indifferent to these realities. In landmark rulings, the Supreme Court has repeatedly insisted that stridhan is the woman’s exclusive property and that mere possession by the husband or in-laws does not translate into ownership. In *Pratibha Rani v. Suraj Kumar*, the Court took pains to define the contours of stridhan and held that wrongful retention may give rise to criminal liability for breach of trust.⁴ More recently, the Supreme Court in *Maya Gopinathan v. Anoop S.B.* reaffirmed these principles and emphasised that while courts should protect women’s property rights, they must also be realistic about evidentiary limitations and avoid speculative inferences in matrimonial disputes.⁵ The Court’s phrasing—acknowledging human complexity in marital breakdown—reflects an attempt to balance legal doctrine with judicial pragmatism.

² 5 Pandurang Vaman Kane, *History of Dharmasāstra* (Bhandarkar Oriental Research Inst. 1962).

³ Hindu Succession Act, No. 30 of 1956, § 14(1) (India).

⁴ *Pratibha Rani v. Suraj Kumar & Anr.*, AIR 1985 S.C. 628 (India).

⁵ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024).

This balancing act is necessary because the law operates in social contexts that are not neutral. A woman's reluctance to litigate, her fear of family ostracism, and the economic dependency that keeps many women from asserting claims are not peripheral facts; they are central to why legal remedies underperform. Evidence poverty—lack of bills, valuations, or independent witnesses—places many meritorious claims beyond reach. Prosecutors and trial judges sometimes conflate stridhan with dowry, treating disputes as criminal dowry offences when the correct legal frame is civil restitution or a charge of criminal breach of trust. And even where courts issue orders for recovery, enforcement can be slow, and the social cost to the woman high.

Understanding stridhan therefore requires combining doctrinal analysis with attention to procedure and enforcement. On the doctrinal side, the modern legal architecture is clear: statutory and judicial developments vest ownership in the woman and protect her right to alienate or use her property as she sees fit. On the procedural side, however, the state's mechanisms for vindicating that ownership—civil relief, criminal prosecution where conversion is alleged, and interim judicial measures—are uneven in their accessibility and effectiveness.

The stakes are high. Property in the hands of women reduces vulnerability, increases options for redress, and changes intra-household bargaining. When stridhan functions as designed, it is a shield and a resource. When it does not, law becomes ceremony without force. For that reason, a comprehensive study of stridhan must move beyond cataloguing case law to ask why doctrine fails in practice for many women, and what reforms could close that gap.

This paper proceeds by first mapping the historical and statutory foundations of stridhan, then analysing the key judicial pronouncements that shape current doctrine, and then confronting the recurrent evidentiary and enforcement issues that undermine effective restitution. It concludes by proposing concrete legal and policy reforms aimed at strengthening the practical effectiveness of stridhan protections so that legal ownership translates into real economic empowerment.

II. DOCTRINAL DEVELOPMENT AND JUDICIAL EXPOSITION

The idea that a woman could hold property in her own right has deep roots in the texts that shaped early Hindu law, but those roots grew in uneven soil. Classical jurists described specific categories of presents and acquisitions that a woman would keep as her own—ornaments received at the marriage ceremony, gifts given by parents or relatives, and property acquired by a woman through her own exertions. Those lists made sense in a world where moveable

wealth—jewellery, clothing, household items—was central to a woman's economic security and where ownership was often shown by physical possession. Yet the same traditions existed inside a social structure that placed the household, not the individual woman, at the centre of economic life. As a result, the textual recognition of a woman's property often sat uneasily beside practical limits on her freedom to deal with that property.⁶

The colonial period changed the terms of that tension. Administrators and judges, working from translated manuscripts and pandit opinions, tried to systematise personal law for a vastly different polity. In practice, that effort sometimes flattened the more flexible aspects of customary practice into rigid categories. Treatises written in the nineteenth century reflected this ambivalence: they acknowledged stridhan as the woman's wealth while still describing constraints on its exercise that echoed paternalist instincts. The courts, too, were inconsistent. In some instances they allowed a woman to part with her stridhan freely; in others they insisted on male oversight or interpreted female ownership through a guardian's lens. The result was a patchwork legal landscape where the same term—stridhan—could mean quite different things depending on which bench or province heard the case.⁷

The decisive turning point came after independence, when the state set about reconciling personal law with constitutional ideals of equality. The Hindu Succession Act of 1956 was a blunt instrument meant to do two things at once: to modernise succession law and to dismantle legal disabilities that disadvantaged women. Section 14(1) is short and stark: property possessed by a female Hindu is to be held by her as full owner, not as a limited owner. That formulation removed doctrinal barriers that had historically restricted a woman's power over property she possessed. It also reframed stridhan. No longer merely a ritual category, stridhan could be read as part of a general statutory commitment to women's ownership.⁸

Court decisions in the decades that followed took that statutory language seriously. The Supreme Court's reading of Section 14 in cases such as *V. Tulasamma v. Sesha Reddy* treated the provision as a substantive expansion of women's proprietary autonomy. Judges began to interpret the old categories of stridhan against the new statutory background, viewing gifts and matrimonial presents as part of a larger set of assets that a woman could freely own and dispose of. That interpretive move had consequences beyond abstract doctrine: if the woman's ownership is absolute, then possession by the husband or by in-laws is, by itself, insufficient to defeat her title. Courts could, therefore, treat wrongful retention as actionable rather than as a

⁶ 5 Pandurang Vaman Kane, *History of Dharmasāstra* (Bhandarkar Oriental Research Inst. 1962).

⁷ Gooroodass Banerjee, *The Hindu Law of Marriage and Stridhan* (Thacker, Spink & Co. 1879)

⁸ Hindu Succession Act, No. 30 of 1956, § 14(1) (India).

family quarrel best resolved informally.⁹

But law and social practice do not always move together. The law's formal protections clashed with two stubborn and practical problems. First, the line between voluntary gifts and coerced transfers is not always easy to draw. The Dowry Prohibition Act sought to criminalise payments made as consideration for marriage, yet in practice the difference between a gift made out of affection and a sum given because of pressure or expectation could be blurred. That blurring generated two kinds of error: it sometimes led to the criminalisation of disputes that were essentially civil claims for restitution, and it sometimes enabled families to escape culpability by labelling coerced transfers as voluntary gifts.¹⁰

Second, evidentiary realities are unforgiving. Most matrimonial presents are not recorded on invoices; photographs and witness testimony exist in varying quality; and memories fade. A woman who finds herself asking a court to recover bridal jewellery after separation will often face demands for proof that would be reasonable in commercial litigation and disproportionately difficult in the domestic sphere. The Supreme Court itself has acknowledged this problem. In recent rulings the Court has urged judges to evaluate matters on the preponderance of probabilities in civil proceedings and to avoid requiring a level of documentary proof that common domestic practice simply does not produce. That pragmatic stance recognises the problem without lowering the evidentiary standards to the point of inviting false claims; it asks judges to focus on patterns of conduct and corroborative indicia rather than on formal paperwork alone.¹¹

The jurisprudential high point in this line of reasoning is *Pratibha Rani v. Suraj Kumar*. There the Court confronted a situation familiar to many practising lawyers: a woman alleged that ornaments and other valuables, given to her at the time of marriage, were kept by her in-laws after she was ejected from the matrimonial home. The High Court had quashed the criminal complaint, treating the matter as a civil dispute. The Supreme Court reversed. Drawing on classical categories and modern statutory context, the Court made two claims that have endured. It insisted that *stridhan* is the woman's exclusive property and that the husband, in mere possession, acquires no title; and it held that wrongful retention may amount to criminal breach of trust. The pragmatic logic was simple: where restitution is difficult to enforce through civil process, criminal sanctions can provide an effective deterrent against conversion of a woman's

⁹ *V. Tulasamma v. Sesha Reddy*, (1977) 3 S.C.C. 99 (India).

¹⁰ Dowry Prohibition Act, No. 28 of 1961 (India).

¹¹ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (discussing standards of proof in civil matrimonial matters).

property. The judgment thus fused doctrinal clarity with instrumental enforcement thinking.¹²

That instrumentality has its limits. Using criminal law as a backstop for property disputes introduces new complications. Many stridhan claims arise against the background of alleged cruelty or harassment; often, complaints under the provision now known as Section 498-A and allegations of dowry and stridhan loss are lodged together. When property disputes ride on the coattails of domestic cruelty claims, trials can become battlegrounds for marital acrimony rather than focused inquiries into conversion. Moreover, criminal proceedings are slower and can be bitter; they can punish defendants without necessarily restoring the stolen property. The judiciary has responded by cautioning against reflexive criminalisation and by encouraging courts to weigh the available remedies carefully, preferring civil restitution where it is likely to be effective and using criminal charges when misappropriation is clear and deliberate.

The recent decision in *Maya Gopinathan v. Anoop S.B.* revisited these themes with the benefit of contemporary social understanding. The Court reiterated that stridhan remains the woman's property in the fullest sense and insisted that this principle stands even where the woman's father or other relatives attempt to reclaim the property from the in-laws without the woman's consent. The judgment also made two pragmatic moves. First, it acknowledged that husbands may use a wife's property "in times of distress" while stressing that such use does not create ownership and that the moral responsibility to return the property can, in some circumstances, be translated into legal liability. Second, it emphasised the civil standard of proof and warned trial courts against drawing inferences on scant material. Those admonitions implicitly reflect the difficulties of evidence in domestic contexts: the Court asked lower courts to be neither credulous nor hypertechnical, but to examine the totality of circumstances and to extract reliable inferences from the record.¹³

Across these cases a few threads appear repeatedly. The first is doctrinal insistence on exclusive female ownership: marriage is not a transfer of title. The second is procedural realism: courts cannot require business-grade proof for domestic exchanges, and they must be willing to draw reasonable inferences. The third is pragmatic enforcement: when civil remedies are insufficient, criminal law may step in to secure restitution or punish conversion. Together, these threads represent a coherent judicial approach that tries to marry principle with practicality.

Nonetheless, the system sometimes fails those it seeks to protect. Women who lack independent means or who face social ostracism may not pursue litigation; those who do often run into slow

¹² *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (India) (Fazal Ali, J.).

¹³ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024).

processes and uncertain enforcement. Lower courts occasionally apply *Pratibha Rani* and its progeny unevenly, and some judges remain wedded to older notions of joint family ownership. A related and problematic pattern is the strategic invocation of stridhan claims in family disputes. Since a stridhan claim can trigger criminal consequences, it can be—and occasionally is—used as a tactical weapon in matrimonial litigation. Such misuse produces vociferous backlash and complicates the task of separating genuine claims from manipulative ones.

Reform proposals that have surfaced in academic and policy debates fall into three broad categories. One set of suggestions focuses on documentation: encouraging the practice of recording jewellery and valuables at the time of marriage—photographs, lists, and valuations—so that claims can be proved more readily. A second group advocates procedural reforms: faster civil mechanisms for restitution, interim orders that secure assets pending trial, and clearer guidance for magistrates on when to entertain criminal charges for breach of trust. A third cluster of ideas addresses awareness and access: legal aid clinics, outreach in rural areas, and training for magistrates and police on the particular evidentiary dynamics of stridhan disputes. Each of these proposals has merit; together they aim to close the gap between law’s promise and lived reality.¹⁴

Historically, stridhan has survived because it responded to a genuine social need—the recognition that women require and deserve material resources of their own. The modern law has amplified that recognition into legal entitlements, but entitlements without enforcement are precarious. The work of courts—to interpret, to adapt standards of proof, to fashion interim remedies—has been central. But the law’s effectiveness ultimately depends on the institutions that implement it: police sensitive to gendered harms, magistrates equipped with practical tools, and litigants with access to both information and counsel. Doing justice in stridhan cases, then, is not only a matter of doctrine; it is a matter of systems.

III. EVIDENTIARY STANDARDS, ENFORCEMENT GAPS, AND SOCIO-LEGAL DIMENSIONS

Courts have long recognised the principle that a woman’s stridhan belongs to her alone; the real struggle takes place at the point of proof and enforcement. When a woman asks a court to recover bridal jewellery, household valuables, cash or other items after separation, she is not simply invoking a principle of property law — she is asking a system built for documentary

¹⁴ Bina Agarwal, *A Field of One’s Own: Gender and Land Rights in South Asia* 17–22 (Cambridge Univ. Press 1994).; Law Commission of India, Report No. 207: *Laws Relating to Marriage, Divorce and Custody* 45–47 (2008).

transactions to vindicate the factual memory of domestic life. The forms of proof most readily available in family contexts are informal: photographs taken at the wedding, testimony from relatives and neighbours, contemporaneous letters, or the parties' own admissions. Unlike commercial transactions, there are rarely invoices, serial numbers, or bank records to clinch ownership; gold jewellery and household goods are moved, worn, gifted and hidden in the ordinary course of married life. Judges, therefore, are routinely asked to translate gestures of family life into legal fact.

Indian courts have developed pragmatic tools to bridge that gap. Where tangible documentary proof is absent, courts will often rely on circumstantial evidence and the cumulative weight of conduct. A wedding photograph showing the wife wearing particular ornaments is admissible as corroboration; the presence of the same ornaments in the accused's house after the estrangement is evidence of retention; an admission by a relative that the articles were taken and kept supplies a strong link. The Supreme Court has repeatedly enjoined lower courts to evaluate such patterns rather than to treat the absence of an invoice as fatal.¹⁵ That admonition recognises the asymmetric evidentiary reality faced by many women: asking them to produce commercial-grade proof in a domestic dispute would deny the remedial reach of *stridhan* in precisely those situations where law ought to protect the vulnerable.

At the same time, judges have not abandoned basic rules of fairness. A careful forensic approach remains necessary to sift honest disputes from manufactured claims. Courts have therefore emphasised corroboration: independent testimony, contemporaneous records, or physical evidence that ties the claimed articles to the complainant. Where the accused can show continuous possession long before the matrimonial rupture, or where there is credible proof that an item was gifted away or legally transferred, courts will decline relief. The standard adopted in civil recovery proceedings is the preponderance of probabilities; in criminal prosecutions for breach of trust the standard is the criminal standard of proof — beyond reasonable doubt — which imposes a higher hurdle. The coexistence of these two standards in adjacent forums creates practical complexity: a plaintiff may succeed in civil recovery on probabilities but fail in criminal proceedings where the prosecution cannot prove dishonest misappropriation to the required degree.

Because of this duality, litigators frequently pursue parallel tracks: a civil suit for recovery and a criminal complaint for breach of trust. Civil remedies are ordinarily preferable when the object is restitution; they allow the court to order specific return or monetary compensation and

¹⁵ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024).

typically proceed on a faster track. Civil courts can also grant interim injunctions or direct police assistance for the physical recovery of goods. Criminal proceedings, by contrast, serve a deterrent and punitive function; they come into play where conversion is deliberate and clear or where civil processes have been repeatedly frustrated. The Supreme Court has held that criminal law should not be used as a blunt instrument to settle matrimonial scores, but it has also recognised that, in many cases, criminal sanctions are necessary to prevent the erosion of the woman's right to property.¹⁶

Practical enforcement is another significant fault line. Even when a court declares that articles are the woman's stridhan, executing that decree often encounters obdurate resistance. Accused relatives may conceal jewellery, sell it, or transfer it to third parties; contempt proceedings and attachment orders are helpful but they are slow and can generate new rounds of litigation. The local police play a crucial role: they can locate goods, help in inventorying and seizing items, and assist in peaceful recovery. But police practice is uneven. Investigating officers sometimes treat stridhan complaints as domestic quarrels and are slow to act; at other times, they mechanically register FIRs and initiate criminal processes without adequate scrutiny, which burdens courts and antagonises parties. Judicial recognition of these policing realities has prompted some High Courts to issue procedural directions guiding the police on inventorying bridal articles and on distinguishing *prima facie* cases where immediate action is warranted from those requiring deeper inquiry.¹⁷

Another recurring procedural instrument is the use of affidavits and inventories. Courts have accepted sworn lists of articles as *prima facie* evidence where photographs and independent testimony are lacking. In some jurisdictions, magistrates have been encouraged to record the complainant's statement carefully, to attach photographs, and to order quick preservation steps such as deposit of the disputed articles in court custody or with a neutral custodian. Such interim measures can be decisive: securing the evidence early reduces the risk of concealment or dissipation and improves the prospects for final restitution. The courts' willingness to craft such pragmatic remedies demonstrates a sensitivity to the domestic dynamics that make late proof difficult.

But these remedies are patchwork rather than systemic. In many marriages, the giving and

¹⁶ *Pratibha Rani v. Suraj Kumar & Anr.*, AIR 1985 S.C. 628 (1985) (holding that wrongful retention of stridhan may amount to criminal breach of trust).

¹⁷ *Charu Soneja v. State (NCT of Delhi) & Ors.*, CRL.M.C. 2050/2021.; Bureau of Police Research & Development, Ministry of Home Affairs, Government of India, *Women's Safety and Security: A Handbook for First Responders and Investigators in the Police* (handbook explaining steps for recording complaints, preserving evidence, inventories and first-response measures).

receiving of gifts is a ritual without paperwork. A policy fix that has been suggested repeatedly — and with practical merit — is a simple registry at the time of marriage or an optional inventory system for bridal goods. A non-invasive scheme would allow the bride and her family to record, for their own protection, the list and photographs of significant valuables, to be kept in a secure government or court-administered repository. Such a registry would not be mandatory — imposing compulsion at the altar would be unwise and culturally insensitive — but if widely adopted it would lower transaction costs for later litigation and reduce the evidentiary disadvantage faced by women who are separated from their possessions.

There are also doctrinal challenges at the edges. Courts still grapple with how to treat gifts that appear to be made to the couple or to the household rather than to the woman singly.¹⁸ Custom may sometimes specify that a particular article is meant for the “house” rather than for the wife personally; in such situations the proof burden requires judges to look to intention, context, and practice.¹⁹ Similarly, modern forms of assets raise new questions: bank accounts opened in the wife’s name but financed by parental funds, digital wallets, and investments bought jointly during marriage require courts to decide whether to treat these as stridhan where the initial source was parental gift.²⁰ The textual categories of classical law are useful starting points, but they do not map neatly onto the economic realities of twenty-first-century India.

The prosecutorial system also requires reform. Where criminal complaints are lodged, prosecutors and magistrates should be attuned to the dual aims of deterrence and restitution.²¹ Prosecutors can adopt a calibrated approach that preserves the criminal character of deliberate conversion but encourages early mediation where the facts are disputed and recovery seems feasible. Training sessions for police officers and magistrates on the subtleties of stridhan cases

¹⁸ P. V. Kane, *History of Dharmasāstra* (Vols. I–V) (Bhandarkar Oriental Research Institute & Motilal Banarsidass reprint eds.) (discussing classical categories of gifts and household property and the role of intention and custom in traditional Hindu law). (available in library editions; *Vaddeboyina Tulasamma v. Vaddeboyina Sesha Reddi*, (1977) 3 S.C.C. 99 (discussing limits of classical categories under modern law)).

¹⁹ *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (holding that courts must look at circumstances and intention when determining ownership of matrimonial articles); *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (reaffirming that gifts to the bride are the bride’s absolute property and emphasising the inquiry into provenance and intention). Available at: https://api.sci.gov.in/supremecourt/2022/22430/22430_2022_2_1501_52614_Judgement_24-Apr-2024.pdf (last visited Nov. 14, 2025).

²⁰ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (discussing monetary transfers and jewellery at marriage and the question whether particular transfers constitute stridhan); *Smt. Vandana Tiwari v. Manish Tiwari* (Feb. 16, 2024) (Family Court/High Court discussion of bank withdrawals used to finance marriage and their treatment in restitution claims), available at <https://indiankanoon.org/doc/116012402/> (last visited Nov. 14, 2025).

²¹ Law Commission of India, Report No. 243: Section 498-A, IPC (Aug. 2012) (recommending procedural safeguards and magistrate/police screening to prevent abuse of criminal process in matrimonial disputes); *Arnesh Kumar v. State of Bihar & Anr.*, (2014) 8 S.C.C. 273 (S.C. July 2, 2014) (establishing arrest and magistrate-screening guidelines that are routinely invoked in matrimonial/criminal complaints). Available at: <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081023.pdf> (last visited Nov. 14, 2025).

— how to take inventories, how to separate civil from criminal elements, and how to preserve evidence — would produce immediate dividends in case handling.²²

Access to justice is the final, decisive variable. Many women do not pursue stridhan claims because they cannot afford lawyers, fear family alienation, or lack information about their rights. Legal aid clinics, pro bono networks, and targeted outreach through family courts and women's groups can change this calculus.²³ Family courts, in particular, are well placed to integrate property questions with maintenance and domestic violence claims; a one-stop procedural design reduces fragmentation and the costs of parallel litigation.²⁴ Where family courts are operationally robust, they can provide interim orders for recovery, mediate disputes over lists of items, and coordinate with police for enforcement — all within a less adversarial framework than the criminal forum.

The combined effect of better documentation, procedural innovation, policing guidance, and access to legal assistance would be to make stridhan not just a principle on paper but a practical resource for women. The law already acknowledges the right. The challenge is institutional: to build predictable, proportionate, and fast pathways for restitution, without converting every property dispute into a criminal battle. The judiciary has shown a capacity for pragmatic remedies; the next step is to systematise those remedies so that they are available uniformly across jurisdictions and accessible to the women who need them most.

In short, evidence and enforcement are the twin pressures that determine whether stridhan operates as a meaningful right. Courts have adapted evidentiary rules to family life's informalities; they have fashioned interim measures and sometimes invoked criminal law as a backstop. Yet these responses remain uneven and ad hoc. A policy approach that blends voluntary documentation, judicial inventory procedures, clearer prosecutorial guidelines, police training, and expanded legal aid would convert doctrinal promise into enforceable reality.

²² Bureau of Police Research & Development (Ministry of Home Affairs, Govt. of India), Women's Safety & Security: A Handbook for First Responders and Investigators in the Police (handbook on inventorying, evidence preservation and first response procedures), available at <https://bprd.nic.in/uploads/pdf/Womens%20Safety%20and%20Security%20A%20Handbook%20for%20First%20Responders%20and%20Investigators%20in%20the%20Police.pdf> (last visited Nov. 14, 2025); *Arnesh Kumar v. State of Bihar & Anr.*, (2014) 8 S.C.C. 273 (directing careful application of arrest/screening principles by police and magistrates).

²³ National Legal Services Authority (NALSA), Legal Services to Women Scheme (scheme materials and NALSA helpline information describing legal-aid outreach and schemes to assist women), <https://nalsa.gov.in/womens-assistance/> (last visited Nov. 14, 2025).

²⁴ Family Courts Act, 1984, No. 66, §§ 7, 9, 13 (India) (establishing family courts to promote conciliation and to decide ancillary property issues within matrimonial proceedings); Allahabad High Court, Return of 'Stridhan' must be decided within matrimonial proceedings, not via separate application under Section 27 HMA, (discussing Section 27 and family-court integration), reported in SCC Online Blog (June 3, 2025), <https://www.scconline.com/blog/post/2025/06/03/stridhan-recovery-must-be-under-hindu-marriage-act-allahabad-hc/> (last visited Nov. 14, 2025).

Without such institutional work, ownership remains fragile, and the social independence that stridhan is meant to protect will continue to be more aspirational than actual.

IV. REMEDIES, INSTITUTIONAL GAPS, REFORM PROPOSALS, AND CONCLUSION

When the courts declare that particular items are a woman's stridhan, the legal question that follows is not merely theoretical: how does a claimant convert judicial pronouncement into physical recovery and practical redress? The available remedies run across two distinct legal arenas—civil law, which focuses on restitution and compensation, and criminal law, which aims at punishment and deterrence. Each avenue has strengths and limits; together they form the remedial architecture that must be calibrated carefully if stridhan is to be more than a doctrinal promise.

Civil remedies are the most straightforward path for recovering stridhan. A plaintiff can bring a suit for the return of specific movable property or for monetary compensation measured by the market value of the items. Courts have the power to order specific restitution, grant interim relief such as injunctions, and direct attachment or sale of assets to satisfy decrees. The civil forum is, in many cases, better suited to the claimant's primary objective: regaining the property or being compensated for its value. Civil courts, moreover, apply the preponderance-of-probabilities standard, which is often the realistic evidentiary threshold in domestic disputes where documentary proof is scarce. The ability to secure interim preservation orders—such as court custody of disputed articles or directions to police to inventory and safeguard goods—greatly increases the effectiveness of civil relief when it is used early and decisively. Yet civil remedies suffer three predictable shortcomings: litigation costs, procedural delays, and enforcement hurdles. For many women, especially those without independent means, the expense and time of civil litigation deter pursuit; for those who do litigate, a favorable judgment may still be hard to enforce if respondents conceal or dissipate assets before executory steps can be taken.

Criminal remedies operate under a different logic. Sections 405 and 406 of the Indian Penal Code create liability for criminal breach of trust, and the Supreme Court's jurisprudence has treated wrongful retention or conversion of stridhan as falling within this scaffold in appropriate cases. Criminal prosecution has two principal advantages. First, it brings the coercive power of the state to bear; an FIR can compel investigation, searches, and arrest where warranted. Second, the criminal label carries deterrent force that civil decrees lack. The Court in *Pratibha Rani* drew precisely this inference: where civil processes may be too slow or ineffective to deter

conversion, criminal law may be an essential backstop to protect the woman's property rights.²⁵

But criminalisation has costs. The criminal standard of proof—beyond a reasonable doubt—makes successful prosecution more difficult than civil recovery. Moreover, many stridhan disputes co-exist with surrounding allegations of matrimonial cruelty, dowry demands, and domestic violence (often prosecuted under Section 498-A IPC, and under the Dowry Prohibition Act). When criminal law becomes the primary vehicle for property redress, trials can become arenas for aggravated matrimonial warfare, delaying recovery and entrenching social divisions. There is also the risk of over-criminalisation in marginal or ambiguous cases and of incentivising strategic FIR-filing as a litigation tactic. For these reasons, courts have urged a calibrated approach: criminal remedies should be reserved for clear cases of dishonest misappropriation or when civil remedies are demonstrably inadequate, and magistrates should exercise case screening carefully before allowing protracted criminal processes to proceed.²⁶

The coexistence of civil and criminal pathways imposes significant procedural demands on courts, police, and prosecutors. Effective relief depends on prompt preservation of evidence, prudent exercise of investigatory powers, and coordination between civil and criminal forums. Unfortunately, institutional performance is uneven. In many local police stations, complaints alleging loss of stridhan are mishandled either because officers characterise them as “family disputes” that require mediation or because they mechanically register criminal cases without adequately preserving the scene or items. Magistrates, on their part, sometimes issue arrest warrants that create more procedural fog without advancing the recovery of goods; other times they decline to act for lack of *prima facie* material. This implementation gap is as consequential as doctrinal debate: even the most robust legal doctrine cannot protect women if investigatory and enforcement institutions are indifferent or inconsistent.

Several procedural and institutional fixes are therefore both necessary and feasible. First, police training is essential. Investigating officers should be trained to distinguish between mere matrimonial acrimony and plausible criminal misappropriation; to take early inventories; to preserve evidence; and to coordinate with civil courts for interim preservation orders where appropriate. Inspector-level officers and magistrates should receive clear, short practice guides that set out steps to be taken on receiving a stridhan complaint: record a careful statement, secure photographs and descriptions, issue immediate preservation directions if there is a risk of dissipation, and, where necessary, assist in the physical recovery of articles. Some High Courts

²⁵ *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (India).

²⁶ *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (India).

have already issued local directions to this effect, and those models can be systematised and disseminated more widely.²⁷

Second, civil procedural reform can improve speed and effectiveness. Family courts, where they exist, should be empowered explicitly to deal with stridhan claims as part of their suite of matrimonial remedies. A streamlined, family-court-focused track for stridhan claims—incorporating early interim orders, rapid discovery or preservation steps, and a bias toward mediation where recovery is feasible—would reduce costs and delay. Where family courts are overburdened, district courts should adopt standing practice rules that prioritise property preservation motions in domestic cases and set short hearing windows for interlocutory relief.

Third, a modest, optional registry or inventory mechanism at the time of marriage would materially improve proof. The registry need only be voluntary and aimed at lowering the evidentiary friction that currently disadvantages claimants. A low-cost, government-administered repository for photographs and itemised lists (with an attestation option by a notary or magistrate) would provide an evidentiary anchor for later disputes without disrupting cultural practices. Such registries have precedent in other contexts—voluntary marriage certificates that include inventory annexures—and the administrative burden would be relatively small compared with the social benefits of faster, less contentious litigation.²⁸

Fourth, legal-aid and awareness programmes should target stridhan specifically. Many women do not bring claims simply because they do not know the doctrine exists or because they fear social repercussions. Legal-aid clinics attached to district courts and family courts can provide quick counselling, help prepare inventories and affidavits, and assist in filing early preservation petitions. NGOs and women's groups can partner in community outreach, making information available in local languages and demystifying procedural steps.

Fifth, courts should refine evidentiary expectations through reasoned guidance. The Supreme Court's instruction to rely on preponderance in civil matters and to seek corroboration rather than documentary perfection is sound; lower courts would benefit from pattern rulings that list typical admissible corroborative forms—photographs, contemporaneous family testimony, entries in old diaries, bank transfers tied to jewellery purchases, grooming testimony from neighbours who saw the items, or even expert appraisals linking fragments or designs to items in possession of respondents. While judges must remain vigilant against manufactured claims, articulating a menu of acceptable proof will reduce ad hocism and make outcomes more

²⁷ Hindu Succession Act, No. 30 of 1956, § 14(1) (India).

²⁸ Indian Penal Code, 1860, §§ 405–406 (India).

predictable.

Sixth, prosecutorial practice requires calibration. Public prosecutors should be given short checklists to decide when to prosecute stridhan misappropriation: is there credible evidence of theft or sale? has there been an attempt to conceal or dissipate? are civil remedies exhausted or impractical? Where prosecution is appropriate, plea bargaining frameworks could incorporate restitution clauses that prioritise return of goods or compensation as part of negotiated outcomes, thereby aligning the criminal process with the victim's restitution interest.

Beyond these procedural reforms, several doctrinal clarifications would enhance predictability. Courts should affirm explicitly that stridhan includes modern asset forms if they were given or intended for the woman at marriage or were acquired as her separate property thereafter. Bank accounts held in the woman's name but funded by parental gifts, digital wallets created from parental transfers, and gifts of shares or mutual funds should not be treated as per se outside the stridhan ambit merely because the asset class is new. Doing so requires careful fact sensitivity—tracing the source of funds and the declared intent at the time of transfer—but a doctrine that evolves with asset forms will remain relevant and protective.

Finally, a broader policy conversation is needed about the interplay between criminal and civil remedies. Parliament and state governments might consider procedural devices—statutes or rules of court—that encourage hybrid outcomes: quick interim civil preservation, coupled with expedited criminal proceedings limited to cases where evidence indicates deliberate conversion. Such hybrid tracks could give victims the best of both worlds: fast preservation and the option of criminal deterrence where appropriation is egregious.²⁹

The normative stakes of these recommendations are not abstract. Stridhan matters because it is a concrete resource that reduces women's economic vulnerability.³⁰ Reclaiming a set of ornaments may be the difference between a woman who can sustain herself and one who must return to an abusive household. Judicial recognition of stridhan establishes dignity, but dignity without enforceability is fragile.³¹ By focusing on procedural pragmatism—preservation, speed, evidence menus, registries, police training, and legal aid—the law can make doctrinal rights

²⁹ *V. Tulasamma v. Sesha Reddy*, (1977) 3 S.C.C. 99 (India).

³⁰ Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* 17–22 (Cambridge Univ. Press 1994).; Law Commission of India, Report No. 207: *Laws Relating to Marriage, Divorce and Custody* 45–47 (2008).; U.N. Women, *Progress of the World's Women 2015–2016: Transforming Economies, Realizing Rights* 48–55 (2015) (documenting links between women's asset ownership and reduced vulnerability).

³¹ *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (India) (affirming that stridhan is the wife's exclusive property and emphasising the remedial need for restitution); *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (reaffirming the wife's absolute title and noting enforcement challenges).

meaningful.³²

In sum, the remedial architecture available today provides both civil and criminal routes to relief, and the choice between them should be guided by the victim's restitution interest, the practicability of recovery, and the available evidence.³³ The institutional reforms suggested here are modest, administrable, and likely to have outsized effects on the enforceability of stridhan. They aim not to rewrite doctrine but to align institutions with doctrinal commitments so that ownership translates into recovery.³⁴

The law of stridhan has travelled a long distance: from classical inscriptions to colonial ambivalence, to statutory reform and modern judicial affirmation. The Supreme Court's decisions—most notably *Pratibha Rani* and *Maya Gopinathan*—have preserved the central insight that marriage does not extinguish a woman's proprietary rights and that wrongful retention can be actionable. Yet the gap between principle and practice persists because of evidentiary obstacles, institutional unevenness, and social constraints. Closing that gap will require judicial temperance, administrative attention, and policy choices that prioritise restitution and access over procedural technicalities.

It is not enough to declare that a woman's jewellery is hers; the law must provide predictable, affordable, and efficient pathways to its recovery. That practical mandate should shape reform: procedural rules that favour early preservation, modest registries that reduce evidentiary friction, police and prosecutorial training that differentiates civil from criminal claims, and robust legal-aid outreach that empowers women to assert their rights. These reforms will not eliminate matrimonial conflict, but they will ensure that when a woman asks for the return of her stridhan, the state's response is prompt, proportionate, and effective.³⁵

³² Law Commission of India, Report No. 207: Laws Relating to Marriage, Divorce and Custody 45–47 (2008) (recommending procedural safeguards and documentation to assist matrimonial property claims); Bureau of Police Research & Development (Ministry of Home Affairs, Govt. of India), *Women's Safety & Security: A Handbook for First Responders and Investigators in the Police* (handbook on inventorying, preservation, and first-response procedures), available at <https://bprd.nic.in/uploads/pdf/Womens%20Safety%20and%20Security%20A%20Handbook%20for%20First%20Responders%20and%20Investigators%20in%20the%20Police.pdf> (last visited Nov. 14, 2025).

³³ See Hindu Succession Act, No. 30 of 1956, § 14(1) (India) (statutory affirmation of female ownership); Indian Penal Code, 1860, §§ 405–406 (India) (criminal breach of trust provisions frequently invoked in stridhan conversion cases).

³⁴ See Flavia Agnes, *Women's Rights and the Law: Rewriting the Equitable Distribution Paradigm in India*, 44 *Econ. & Pol. Wkly.* 47, 50–52 (2009) (arguing for institutional and procedural reforms to make property rights accessible and enforceable for women); Law Commission of India, Report No. 243: Section 498-A, IPC (Aug. 2012) (discussing magistrate and police screening and the need for calibrated criminal/civil responses in matrimonial disputes).

³⁵ National Legal Services Authority (NALSA), *Legal Services to Women Scheme* (materials and practical guidance on legal-aid outreach), <https://nalsa.gov.in/womens-assistance/> (last visited Nov. 14, 2025).

V. INSTITUTIONAL FAILURES, PROCEDURAL REFORM, AND THE FUTURE ENFORCEMENT OF STRIDHAN RIGHTS

When courts declare that particular objects are a woman's stridhan, the legal consequence pledged by the doctrine should be immediate and practical: the recovered articles should be returned, their value compensated, and the claimant's economic autonomy restored. In practice, however, the remedial landscape presents an uneasy duality. Remedies are available in civil law, where the aim is restitution and compensation, and in criminal law, where the aim is deterrence and punishment. Each route reflects different assumptions about the purpose of law. Civil jurisprudence treats stridhan primarily as property to be restored; criminal jurisprudence treats its wrongful conversion as a betrayal of trust warranting state sanction. Reconciling these perspectives requires first acknowledging the specific objectives claimants bring to litigation: many women seek nothing more than recovery of their personal ornaments and possessions, which, in many circumstances, are essential to their immediate subsistence and dignity. Where civil courts can provide speedy preservation and restitution, they should be the primary forum for resolving stridhan disputes; where civil relief is unlikely to secure a return, or where there is clear evidence of deliberate sale or dissipation, criminal sanctions serve a necessary complementary purpose.³⁶

Civil recovery actions can be crafted to reflect the realities of domestic exchange. The courts can and have recognised that matrimonial presents are rarely accompanied by invoices or formal receipts, and therefore evidentiary rules must be interpreted to allow for a combination of circumstantial and testimonial proof. A wedding photograph showing a bride wearing specific pieces, consistent descriptions by independent witnesses, contemporaneous statements by family members, and the presence of the same items at a particular address after separation collectively constitute probative material that a trial court may evaluate on the preponderance of probabilities. The civil standard of proof appropriately reflects the remedial aim: an order for restitution or for monetary compensation need only be supported by a balance of probabilities so as to enable rightful owners to reclaim property without subjecting domestic practices to unrealistically commercial evidentiary expectations.³⁷ Equally important is the civil court's capacity to fashion interim remedies designed to secure the contested articles from dissipation. Where early preservation orders are used responsibly, the court converts abstract ownership

³⁶ *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (India).; *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024) (India).

³⁷ Hindu Succession Act, No. 30 of 1956, § 14(1) (India).; Indian Penal Code, 1860, §§ 405–406 (India).; The Dowry Prohibition Act, No. 28 of 1961 (India).

into enforceable custody; where those orders are neglected or delayed, the right to property becomes an empty declaration.

Criminal law supplements civil remedies by imposing responsibility where expectation of good faith custody is breached in a manner that suggests dishonest intent.³⁸ The Indian Penal Code supplies the relevant scaffold: breach of trust, in its criminal form, requires proof that property entrusted into another's care was dishonestly misappropriated or converted.³⁹ The particularity of matrimonial fact patterns poses challenges for this mode of redress because courts must draw a line between custodial possession arising from marital sharing and the dishonest intent necessary for criminal liability.⁴⁰ The Supreme Court's jurisprudence has moved towards an interpretive posture that treats the husband's or in-law's possession of stridhan items as custodial, and that refuses to allow mere possession to transmute into title; where deliberate sale, concealment or alienation is shown, criminal prosecution is appropriate.⁴¹ Using criminal law where conversion is blatant serves not only to punish wrongful conduct but to deter future misappropriation: the existence of effective criminal sanction improves the bargaining position of women within households and reinforces the seriousness of stridhan as a protected interest.

et criminalisation is an imperfect instrument. Trials are slow, prosecutions can stall for lack of evidence beyond reasonable doubt, and the stigma attached to criminal litigation may deter victims who seek swift restitution without prolonged public conflict. There is also a risk that criminal processes will be weaponised in ongoing matrimonial disputes, turning a focus on property into a proxy for other marital grievances. For these reasons, courts have insisted on cautious application of criminal remedies: where *prima facie* evidence shows deliberate and dishonest conversion, criminal law may be invoked; where the evidence is ambiguous and the claimant's objective is restitution, civil relief is preferable. The practical effect of this approach is to place interim preservation and restitution at the heart of stridhan protection, reserving criminal sanction for cases that reveal a pattern of dishonest misappropriation or strategic concealment that civil law cannot correct.

Institutional realities significantly influence whether these doctrinal choices will protect women in practice. The effectiveness of any remedy depends on prompt investigation, disciplined

³⁸ Indian Penal Code, 1860, §§ 405–406 (India) (criminal breach of trust and punishment).

³⁹ Indian Penal Code, 1860, §§ 405–406 (India) (elements of criminal breach of trust); *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628 (India) (judgment treating wrongful retention of stridhan as actionable under criminal breach of trust where dishonest misappropriation is shown).

⁴⁰ *Pratibha Rani v. Suraj Kumar & Anr.*, A.I.R. 1985 S.C. 628; *Maya Gopinathan v. Anoop S.B.*, 2024 INSC 334 (S.C. Apr. 24, 2024).

⁴¹ *V. Tulasamma v. Sesha Reddy*, (1977) 3 S.C.C. 99 (India).

preservation of evidence, and coordinated action by magistrates, police and civil judges.⁴² Inadequate frontline policing—officers characterising complaints as private family matters rather than as reports of potential misappropriation—throws away early opportunities for preservation and recovery.⁴³ Conversely, overzealous registration of FIRs without proportional inquiry burdens courts and can convert property disputes into protracted criminal fights.⁴⁴ A more effective institutional response must therefore strike a careful balance: training of police officers to identify when preservation steps are warranted, and training of magistrates to screen criminal complaints for *prima facie* substance while ordering preservation measures that protect the victim's patrimony pending fuller adjudication.⁴⁵

The need for reform is practical rather than merely doctrinal. To begin with, civil procedures must be adapted to the domestic context. Family courts and civil benches should adopt expedited interlocutory procedures for preservation orders in stridhan disputes, including short timelines for inventorying contested items and placing them in court or neutral custody.⁴⁶ Such interlocutory regimes should standardise the form of inventories, require photographic annexures where possible, and mandate early listing on the court's calendar. Those measures reduce the window in which respondents can dissipate assets and render final decrees more meaningful. Critically, the state should support these procedural adaptations with resources: dedicated court clerks for family property matters, local registries to receive voluntary inventories at the time of marriage, and simple administrative systems for preserving seized items outside court hours.⁴⁷

If the law must also address the poverty of documentary proof that many claimants face, then modest preventative measures are justified. Voluntary registries of matrimonial inventories, accessible at a nominal administrative fee, would reduce later evidentiary friction without

⁴² Charu Soneja v. State (NCT of Delhi) & Ors., CRL.M.C. 2050/2021, Order dated Jan. 3, 2022 (Delhi High Court).; Bureau of Police Research & Development, Ministry of Home Affairs, Government of India, Women's Safety & Security: A Handbook for First Responders and Investigators in the Police, available at <https://bprd.nic.in/uploads/pdf/Womens%20Safety%20and%20Security%20A%20Handbook%20for%20First%20Responders%20and%20Investigators%20in%20the%20Police.pdf> (last visited Nov. 14, 2025).

⁴³ Arnesh Kumar v. State of Bihar & Anr., (2014) 8 S.C.C. 273 (Supreme Court of India) (guidelines for arrest and magistrate screening in matrimonial cases); Law Commission of India, Report No. 243: Section 498-A, IPC (Aug. 2012), available at <http://lawcommissionofindia.nic.in/reports/rep243.pdf> (last visited Nov. 14, 2025).

⁴⁴ Law Commission of India, Report No. 243: Section 498-A, IPC (Aug. 2012), available at <http://lawcommissionofindia.nic.in/reports/rep243.pdf> (last visited Nov. 14, 2025).

⁴⁵ Law Commission of India, Report No. 207: Laws Relating to Marriage, Divorce and Custody (2008), available at <http://lawcommissionofindia.nic.in/> (last visited Nov. 14, 2025).

⁴⁶ Family Courts Act, 1984, No. 66, §§ 4–13 (India); Law Commission of India, Report No. 207: Laws Relating to Marriage, Divorce and Custody (2008) (recommendations on family courts and procedural safeguards), available at <http://lawcommissionofindia.nic.in/> (last visited Nov. 14, 2025).

⁴⁷ National Legal Services Authority (NALSA), Legal Services to Women Scheme (materials on legal-aid infrastructure and court-linked services), <https://nalsa.gov.in/womens-assistance/> (last visited Nov. 14, 2025).

imposing a cultural burden on families.⁴⁸ Such registries should be explicitly voluntary, non-compulsory, and private to the extent possible to preserve social sensibilities; they would, however, provide a neutral record that courts could treat as highly probative evidence of ownership if contested months or years later. The legal architecture could treat registry entries as admissible contemporaneous evidence that, when corroborated by secondary indicia, strongly supports restitution. The registry is not a panacea, but it addresses a recurring cause of failure—the absence of reliable evidence at the moment of dispute.⁴⁹

Legal aid and informed access are equally essential to translating doctrine into recovery. Many women do not invoke stridhan rights simply because they do not know that those rights exist or because they lack the means to press them. Legal-aid services tailored to family courts can change that calculus by providing immediate counseling, helping to prepare inventories and affidavits, and by explaining the relative advantages and disadvantages of civil and criminal pathways. Where claimants are assisted in framing their remedies around the primary aim of restitution, courts can focus resources on preservation and recovery rather than on protracted criminal trials that satisfy the expressive function of the law but fail to secure material restitution.

Another necessary reform concerns prosecutorial practice. Where criminal charges are warranted, prosecutors must be trained to prioritise restitution in plea negotiations and to seek sentences or orders that include compensation and recovery clauses. The criminal process, in this design, becomes a lever for tangible redress rather than an open-ended condemnation of marital opponents. At the level of the magistracy, judges should adopt an integrated view: where criminal proceedings are lodged alongside civil petitions, courts should coordinate to avoid contradictory interim orders and to ensure that preservation measures are uniformly respected across forums.

Doctrinally, the courts can also help by clarifying the ambit of stridhan in relation to contemporary assets. The classical lists that speak of gifts “before the nuptial fire” or ornaments received at bridal ceremonies retain conceptual weight, but they should not be read as exhaustive in an era of bank accounts, mutual funds and digital wallets. Courts should therefore adopt a purposive approach that traces the source of funds and the declared intention behind transfers or acquisitions. If a bank account is opened in the wife’s name with parental funds

⁴⁸ Bina Agarwal, *A Field of One’s Own: Gender and Land Rights in South Asia* 17–22 (Cambridge Univ. Press 1994); Law Commission of India, Report No. 207: *Laws Relating to Marriage, Divorce and Custody* 45–47 (2008).

⁴⁹ Law Commission of India, Report No. 207: *Laws Relating to Marriage, Divorce and Custody* (2008), available at <http://lawcommissionofindia.nic.in/> (last visited Nov. 14, 2025).

given to her at marriage, a purposive reading supports treating those funds as stridhan for restitutionary purposes; the same logic applies to digital transfers earmarked as gifts to the woman. Judicial clarification along these lines will reduce uncertainty and make the doctrine resilient to economic change.

Finally, the state should consider legislative or rule changes that better align civil and criminal remedies. Hybrid procedures that allow for swift interlocutory civil preservation orders coupled with time-limited criminal investigation tracks could reconcile the diverging aims of restitution and deterrence. Such hybrid designs would make criminal prosecution contingent on the existence of deliberate misappropriation after civil preservation has been attempted; they would thus prioritise the victim's material interest while preserving the criminal sanction as a necessary deterrent for willful misconduct.

The normative direction of these reforms is straightforward. Stridhan is not an abstract legal doctrine but a practical asset; its protection requires institutions capable of rapid preservation, evidence-sensitive adjudication, and coordinated enforcement. Ensuring recovery for rightful owners will not only vindicate doctrinal promises but will also advance the broader constitutional commitments of equality and dignity. The recommended procedural adjustments, registries, legal-aid measures, prosecutorial guidelines and doctrinal clarifications are modest in scope but, if implemented, have the potential to convert judicial pronouncements into lived improvements in women's material security.

In conclusion, the law governing stridhan demonstrates a striking evolution from ritualistic categorisation to constitutionally informed property right. The Supreme Court's jurisprudence has been pivotal in insisting that marriage does not extinguish a woman's proprietary rights and that wrongful retention can lead to both civil and criminal responsibility. Yet law alone cannot produce restitution where institutional capacity to preserve evidence, to deliver swift interlocutory relief, and to support claimants is lacking. The institutional reforms sketched here respect the doctrinal commitments embedded in the Hindu Succession Act and in the Court's pronouncements while acknowledging the procedural and social realities that govern domestic life. The work ahead is primarily administrative and procedural: to build courts, police practice, prosecutorial habits and legal-aid outreach capable of translating ownership into recovery. If the state embraces this modest programme, stridhan will cease to be merely a legal ideal and will become a practical bulwark of women's autonomy.

VI. CONCLUSION

The law on stridhan has, over decades, moved from religious-ritual description to a clear legal

recognition of women's exclusive ownership. Statute and precedent together now vindicate the proposition that property received by a woman as stridhan is hers to hold, enjoy, and alienate. That doctrinal achievement is important not only as a matter of property law but as a component of the broader constitutional promise of gender equality: when the law recognises a woman's proprietary autonomy it also strengthens her bargaining position, her ability to exit abusive relationships, and her material independence.

Yet legal recognition, however emphatic at the level of principle, will remain fragile unless supported by institutions that can convert judgments into physical recovery and compensation. The picture drawn by the litigation that reaches courts is revealing: judges repeatedly affirm ownership, but many claimants who win on paper are left to pursue slow, costly, and uncertain execution processes. Evidence poverty, patchy police practice, uneven magistrate screening, and the social costs of litigation together erode the lived protection stridhan is meant to afford. Where civil remedies can be mobilised swiftly to preserve and restore property, they should be the preferred path; where deliberate and culpable conversion is shown, criminal sanction remains necessary to deter and punish appropriation. The task for law and policy is therefore institutional rather than doctrinal: to streamline preservation, to lower evidentiary friction in sensible ways, to train enforcement actors to treat stridhan complaints seriously, and to expand access to legal assistance so claimants can navigate the system.

The reforms recommended in this paper are modest, administrable, and focused on aligning institutions with doctrinal commitments. Voluntary registries, standardised inventory and photographic practices, expedited interlocutory regimes in family courts, police and prosecutorial training, and a more purposive judicial approach to contemporary asset forms would materially increase the likelihood that ownership leads to recovery. None of these measures requires a re-writing of doctrine; all require administrative will and legislative or judicial encouragement to harmonise practice across jurisdictions.

To safeguard women's property rights in a changing economy, courts should make explicit that stridhan can include modern asset classes where the factual record shows an intention to benefit the woman in her own right. Policymakers should ensure that law reform is accompanied by investments in the institutions that make law real for claimants. If those steps are taken, stridhan will cease to be merely a protective phrase in judicial opinions and become, in daily life, a reliable instrument of economic security and dignity for women.
