

# **Protection of Women from Domestic Violence Act, 2005**

## **(Section 18- Protection Order)**

The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from-

- (a)** committing any act of domestic violence;
- (b)** aiding or abetting in the commission of acts of domestic violence;

**(c)** entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person,

**(d)** attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

**(e)** Alienating any assets, operating bank lockers or Bank Accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her Stridhan or any other property held either jointly by the parties or seperately by them without the leave of the magistrate;

**(f)** causing violence to the dependants, other relatives or any person who give the aggrieved person assistance form domestic violence;

**(g)** committing any other act as specified in the protection order.

**2.** A protection order may contain an order prohibiting the respondent from committing any act of domestic violence or aiding or abetting therein, entering the place of employment of the aggrieved person or attempting to communicate in any form whatsoever with the aggrieved person without the leave of Magistrate alienating any assets, operating Bank Lockers or Bank Accounts belong to both the parties jointly or to the respondent singly, including her stridhan or any other property held jointly or separately by them, causing violence to the dependants, other relatives or any person giving the aggrieved person assistance from domestic violence or committing any other act as specified in the protection order.

# Stridhan Property

**3.** The law regarding gifts before marriage or wedding gifts or post-nuptial gifts is well-settled. These gifts constitute Stridhanam, literally meaning women's property.

The position of stridhan of a Hindu married woman's property during coverture is absolutely clear and unambiguous; she is the absolute owner of such property and can deal with it any manner she likes: she may spend the whole of it or give it away at her own pleasure by gift or will without any reference to her husband. Ordinarily, the husband has no right or interest in it with the sole exception that in times of extreme distress, as in famine, illness or the like, the husband can utilise it but he is morally bound to restore it or its value when he is able to do so.

4. In the case of a Stridhana holder, after the death of a daughter the property reverts back to the mother, but the next heir of the *Srtidhana* holder is the daughter's daughter, and the daughter's daughter takes it is not as the heir of her mother, but as the Stridhanam heir of her grandmother.

**Thank You**