



Customary Inheritance Practices of the Khasi Community of Meghalaya

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ABSTRACT:

The Khasi tribe in Meghalaya has a unique matrilineal system where women enjoy full security and the youngest daughter, known as Ka Khadduh, inherits ancestral property. She plays a crucial role in caring for her parents and ensuring the welfare and education of her siblings. Khasi women's are enjoying more rights and respect as compared to other parts of the country. Childrens use to take mother's surname and khasi males move into his in laws house after marriage. Some Khasi men's were protesting against this tradition. According to some of the khasi males ,they are having a secondary status in the society. This paper will delve into the Customary inheritance system of the Khasi community and how it has evolved with modernization, focusing on the roles of the youngest daughter, other daughters, and sons in the inheritance of ancestral property.

Keywords: Customary, inheritance, ka Khadduh, Khasi

1. INTRODUCTION :

The Garo, Khasi, and Jaintia tribes, which constitute approximately 90% of the population in Meghalaya, are the predominant matrilineal tribes in the north-eastern region. The Khasis, the largest ethnic group in Northeast India, are among the few communities left in the world that still follow matrilineal descent.

Different opinions exist within Indian society regarding the status of women in tribal societies. However, in the North eastern region of India, particularly among the khasi tribe of Meghalaya, women enjoy a higher status compared to their counterparts in other parts of the country. The khasi society is commonly known as matrilineal,

where authority, inheritance, and succession are traced through women. Women in this society have the right to choose their partners, cohabit with them, and marry them based on their own choice. Additionally, the norm of matrilineal post-marital residence is prevalent among the Khasi tribe, which is rare in other societies. This unique society also does not face issues such as illegitimate children, child abandonment, dowry, or bride burning. The practice of bride price among the tribe recognizes the importance of women's role in economic activities. In Meghalaya, Khasi women actively participate in trade, which is typically dominated by men in other regions. They also play an active role in natural resource management and environmental protection. Overall, the society in Meghalaya is distinct, and women's emancipation is evident in various aspects.¹

The Khasi tribe, an ancient indigenous group in Meghalaya, has historical ties to the Mon-Khmer people of Southeast Asia. Notably, the Khasis stand out as one of the few remaining matrilineal cultures worldwide. Referred to as *Ki Khun U Hynniewtrep*, meaning "Children of the Seven Huts," the Khasis hold a distinct identity. In Meghalaya, the tribes share a profound connection with nature and possess numerous mythical narratives associated with weaving and the art of loom creation. The weave patterns of the Khasi tribe, along with other tribes in the region, reflect their rich cultural influences.

In societies where women inherit property and pass it down through the female line, it is crucial to explore and emphasize the role and status of women in Meghalaya. The aim of this study is to know the status and role of both Khasi man and a woman in both the family and society. It is essential to analyze the gender roles and responsibilities within the traditional matriarchy, as these changes have shaped the society and impacted the social structure. These changes have also enhanced the role of women, allowing them to contribute according to their abilities. The prevalence and practice of indigenous culture in Meghalaya have provided women with more freedom and self-reliance. Khasi women, in particular, have become powerful agents of women's empowerment and have worked towards achieving gender equality. Through their actions, they have demonstrated the immense value that women hold in society.

2. HISTORY :

Prior to the arrival of the British in the North-East, the Khasi Hills were home to several independent Khasi states, each led by a traditional Chief and supported by an elected Durbar. These states had established trade connections with the people living in the plains of Bengal and the Brahmaputra valley.²

In the early 19th century, the British encountered these Khasi states when they sought permission to create a direct route connecting Bengal with the districts of Assam. After negotiations and offering military assistance to some Khasi states against neighbouring attacks, the British were allowed to establish their headquarters first in Cherrapunji and later in the current capital of Shillong. This enabled them to govern the entire province of Assam

¹ Gitika Das & Abhijit Kumar Bezbaruah, "Social Transition and Status of women among the Khasi tribe of Meghalaya by Survey Method," *Global Research Methodology Journal*, issue 2

² https://khadc.nic.in/archive/historical_background.html

and Sylhet (now part of Bangladesh). Interestingly, apart from the areas where the Khasi states willingly handed over control to the British, the Khasi Hills were never formally conquered or annexed by the British Empire.³

As India's independence approached, the British government offered the Khasi states the option to become a British Crown Colony. However, the Khasi leaders, led by Rev. JJM Nichol's Roy, rejected this offer as impractical. They argued that it would result in a landlocked colony and instead advocated for the preservation of their old-age traditions, customs, cultures, usages, and practices. They successfully convinced the British to grant special protection to the Khasi states in order to safeguard their ethnic identities.

The Khasi male's in the earlier days, faced numerous conflicts with neighbouring communities, leading to a situation where Khasi men had to leave their homes to protect their families and battle rival tribes. During their absence, the women stepped up and assumed responsibility for both personal possessions and communal areas, giving rise to a matrilineal system within the community.⁴

3. INHERITANCE SYSTEM:

There is always a controversy regarding whether Khasi society is Matrilineal or Matriarchal society. So first of all, we have to know the meaning of matrilineal and Matriarchal. In a matrilineal society, lineage or descent is traced from the mother, and children inherit the family name of the mother. Additionally, after marriage, residence is matrilocal. Furthermore, daughters have the right to inherit family property. Unlike matrilineality, matriarchy goes beyond descent and inheritance through the mother. It signifies a system where women hold power in various aspects such as resource allocation, exchange, production, as well as socio-cultural and political domains. Even though the Khasi society follows matrilineal practices, it is not matriarchal. Khasi women are excluded from their traditional councils (Durbur Shnong) and cannot be elected as the Headman of these councils (Rangbah Shnong) due to the male-centric nature of the term 'Rangbah'. 'Gender' encompasses the rules, norms, customs, and practices that transform biological distinctions between males and females into socially constructed disparities between men and women, resulting in unequal opportunities and life chances for the two genders.⁵

The Khasi woman holds a significant role as the caretaker of the family and the guardian of both their material and spiritual well-being, known as the kur. Typically, the youngest daughter or ka-khadduh inherits the ancestral property of the family. If the youngest daughter has passed away, then the next youngest daughter will become the rightful heir and custodian of the ancestral property. In the absence of such a daughter, the responsibility falls upon the elder sister to inherit the ancestral property.⁶

³ Ibid

⁴ Ibid

⁵ Gitanjali Ghosh, *Gender Preference in Customary Inheritance Laws of the Khasi Tribe in India-Myth or Fact?*, 2021, https://www.researchgate.net/publication/349588802_GENDER_PREFERENCE_IN_CUSTOMARY_INHERITANCE_LAWS_OF_THE_KHASI_TRIBE_IN_INDIA-MYTH_OR_FACT (last visited on 9th March, 2024)

⁶ Thangzakhup Tombing, *Redefining the Narratives of Inheritance of Property Among the Mizo, Khasi and Paite Tribes of North East India: A Critical Legal Analysis*,

It is crucial to understand that husbands do not possess the right to inherit ancestral property, even if they are the only surviving member. They are only granted temporary possession of the property during their lifetime, and upon their demise, it reverts back to the wife's family clan.

In a traditional Khasi family, sons are considered the sons of their mother, while the mother belongs to her own mother and so forth. Khasi males play a significant dual role as providers and protectors of the Khasi family in two distinct capacities. Their status as a son in their mother's family is separate and unique from their status as a son when they become part of their wife's family.

Before marriage, a Khasi male has the responsibility of being the breadwinner and protector of his mother, sisters, and younger brothers. After marriage, he becomes the son of his wife's mother's family and assumes the role of the head of the family, along with his wife and children. His duty towards the new family is to provide and protect their well-being, property, and religious practices.

In his wife's household, upon the birth of children, he takes on the role of the executive head of the family, responsible for earning a livelihood to support his family. In his mother's household, he is an integral part of the family as a maternal uncle, and his role as an advisor is crucial in making important decisions for the family during both good times and hardships. Therefore, in a Khasi family, the maternal uncle, known as "the Kni," holds the symbolic head position, while the father serves as the executive head.⁷

2.1 Role of youngest daughter:

There is a special role reserved for the youngest daughter, known as ka khadduh. As the custodian of the property, she remains in her childhood home even after getting married. She lovingly takes care of her parents and, in due course, assumes the responsibility of being the head of the household after her mother's passing. She needs to take care of the unmarried siblings, physically disabled siblings and it's her duty to support financially the whole family members at the time of distress. It is her responsibility to care for family members facing hardships such as disability, the loss of a spouse, divorce, and more. She brings the family together at the ing-seng (foundation house) for important rituals, organizes religious ceremonies, and supports her maternal uncles during these events. In the event of her passing without a surviving daughter, the eldest sister will inherit the ancestral property, followed by the youngest daughter of that sister. If there are no daughters or female descendants, the property will then pass on to the mother's sister, the mother's sister's daughter, and so forth.

But the thing is that, she is just a mere custodian of the ancestral property, it is the maternal uncle's who has the authority over the ancestral property according to their Customary Inheritance System. ka khadduh cannot sell or alienate the property without having consultation with the maternal uncle.

https://www.researchgate.net/publication/352736537_Redefining_the_Narratives_of_Inheritance_of_Property_Among_the_Mizo_Khasi_and_Paite_Tribes_of_North_East_India_A_Critical_Legal_Analysis (last visited on 9th March, 2024)

⁷ Ibid.,

However, now a days ,mother's are sharing the ancestral property to all the children irrespective of the gender. But it depends on the family but their customary practices doesn't allow it. The property shared to the other daughters are their individual absolute property. Khadduh doesn't interfere with it.

Moreover, though property has been shared to the son's now a days but according to the custom they can hold the property during the lifetime only.

Below the researcher has discussed the inheritance rights of khasi male and the role of maternal uncle's in the ancestral property.

2.2 Role of maternal uncle's :

In the Khasi community, the maternal uncle, affectionately referred to as “kni,” holds a vital position in the nurturing and guidance of his sister's children. He assumes the role of a trusted mentor, offering valuable counsel, unwavering support, and continuous guidance as they navigate through life's journey. Moreover, he may also shoulder specific ceremonial and cultural duties within the family and community, especially during significant occasions like weddings and funerals.

The Khasi social system, despite being matrilineal, has a unique blend of patriarchy where the maternal uncle holds authority over the family members. He plays multiple roles as an adviser, mediator, disciplinarian, and helper in times of need. Traditionally, the maternal uncle is the focal point of authority and economy, serving as the backbone of the entire family or clan. He oversees his sisters' children and ensures the well-being and integrity of the clan. In recent years, there have been noticeable changes in the Khasi social system as the father of the family is gradually taking on the patriarchal role traditionally held by the kni.⁸

Thus, Each male member of the Khasi community takes on a dual role within their family structure, serving as both a father figure and an uncle. The avuncular authority is primarily held by maternal uncles, known as U Kni, which is a fundamental aspect of the matrilineal system of the Khasi people. Maternal uncles are seen as moral and spiritual guides for their nieces and nephews. They hold power and control over lineage property, with the youngest daughters acting as custodians and trustees of such property. The uncle is the central figure of authority in this community.

2.3 Khasi males Authority over Ancestral Property and self Acquired property:

Khasi males doesn't have any kind of authority over the ancestral property..If the family has no daughters ,most of the family use to adopt a daughter .Though some families are sharing the property to all the children but the son's can hold that property during his lifetime only.

⁸ <https://www.scribd.com/document/481982298/FROM-MATERNAL-UNCLE-TO-FATHER-pdf> (last visited on 9th March,2024)

In case of Self Acquired property khasi males have the following criteria:⁹

1. Unmarried Khasi males who reside with their mothers have control over the properties they acquire. A portion of the property is allocated to the mother, while the rest is considered the individual's personal possession. In the event of the individual's demise, the properties will revert back to the mother, and if she is not alive, they will be transferred to the nearest female kur.
2. Following the traditional matrilineal custom, once a Khasi man gets married, he moves into his wife's house. Consequently, any property he acquires through his own efforts is primarily utilized for the support of his wife and children.
3. The husband has the authority to dispose of the properties and money he has earned through his own hard work.
4. In the unfortunate event of the wife's demise during the husband's lifetime, the property will be inherited by the youngest daughter. If there are no daughters, the property will then pass on to the youngest son. After the son, the properties will be returned to the kur.
5. If an unmarried Khasi male does not have any children, upon his death, the widow is not entitled to the entirety of the self-acquired properties. She is only entitled to half of a portion of the properties. This is because the kurs of the husband utilize the money and property to cover expenses related to the funeral ceremony.

3.MISCONCEPTION TOWARDS KHASI SOCIETY :

The Khasi inheritance laws are not codified, leading to a misconception that the youngest daughter automatically inherits and possesses all the property. However, it is important to note that the youngest daughter, known as “Ka khadduh,” does not have absolute inheritance rights as seen in other legal systems. Instead, she is considered a limited heir and acts as the custodian of the ancestral property, known as “Ka Nongjri Ka Nong Sumar.” The management of the property is entrusted to the maternal uncle (U kni) and subsequently to the eldest nephew. It is crucial to understand that the youngest daughter cannot dispose of the ancestral property without the unanimous consent of her sisters and without consulting the maternal uncle.¹⁰

Khadduh does not simply inherit property and enjoy it. Along with property comes a set of responsibilities that she must fulfill. She has the duty of performing religious ceremonies as she holds the religion (Kabatiakaniam). Her house, known as ‘Kaingseng’, serves as a gathering place for family members to witness these ceremonies. Additionally, she is responsible for performing the death rites of her parents and other family members. She carefully places the bones of the deceased under the clan’s stone (Mawbah) as their final resting place. Khadduh also has the obligation to take care of her parents for as long as they live. Furthermore, she must look after her

⁹ Kusum ,P.M Bakshi, '*Customary Law and Justice in the Tribal Areas of Meghalaya.*' (N M Tripathi Publication,1982)pg 101

¹⁰ Gitanjali Ghosh, “*Gender Preference in the Customary Inheritance Laws of the Khasi Tribe in India-Myth or Fact*”https://www.researchgate.net/publication/349588802_GENDER_PREFERENCE_IN_CUSTOMARY_INHERITANCE_LAWS_OF_THE_KHASI_TRIBE_IN_INDIA-MYTH_OR_FACT(last visited on 13th March,2024)

unmarried and disabled siblings, as well as her widowed or divorced sisters and the children of her deceased siblings. In summary, family members who are unable to support themselves and have no children to support them have the right to be provided for at Khadduh's house, known as 'iing khadduh'. The matrilineal inheritance laws of the Khasi people have evolved partly due to men frequently being called away for extended periods to engage in battles with neighbouring communities.¹¹

4. RECENT CHANGES AND MOVEMENT TOWARDS MATRILINEAL SYSTEM :

Change is an unavoidable aspect of any society, so as Khasi society, changes are often brought about by the rise of nuclear families and the process of modernization.

The initial resistance against the Khasi inheritance system began in Cherrapunjee in 1960 by a group of Khasi men known as Ka Seng Iktiar Longbriew Manbriew. Led by J. Darningstone Lyngdoh of Mawmluh Village, these educated and forward-thinking men aimed to promote patrilineal inheritance and descent. However, the women of the village drove the men away from their meetings, causing the movement to falter. The Meghalaya Youth Organisation and Durbur of the Hynriew trep in 1978 demanded property disinheritance if Khasi women did not adhere to group endogamy's, SRT also known as Syngkhong Rympei Thymmai, is a men's rights organization that aims to achieve a fair distribution of property among all children, regardless of their gender. Their main objective is to challenge the existing matrilineal system and promote a patrilineal structure within the Khasi tribe. Keith Pariat, a former president of SRT, asserts that the Khasi men have been enduring a sense of despair due to the matrilineal system. They struggle to find a true sense of belonging, both in their parental home and in their relationships with their mother-in-law. Pariat highlights that Khasi boys often abandon their education around Class V-VI, engaging in carefree activities with friends, indulging in alcohol and drugs, playing the guitar, and tragically succumbing to an early demise by the age of 40.¹² The Meghalaya Legislative Assembly passed the *Meghalaya Succession to Self-Acquired Property (Khasi and Jaintia special provision) Bill* in 1984, which received presidential assent in 1986. This Act allowed Khasi parents to distribute their self-acquired property through a will to any of their children, regardless of gender. Although this Act granted inheritance rights to Khasi males, it was limited in scope, focusing only on self-acquired property and not ancestral properties. The Maitshaphrang movement represents a recent push for equal property distribution regardless of gender. The passing of the Meghalaya Equitable Distribution of Self Acquired and Ancestral Property Bill has been a recent demand, marking a significant movement against traditional practices. Another contentious issue surrounding customary laws was the decision of a District Autonomous Council to pass the Khasi Social Custom of Lineage Amendment Bill 2018, granting authority to the Durbar of Seg

¹¹ ibid

¹² <https://m.economicstimes.com/news/politics-and-nation/how-some-men-want-to-change-meghalayas-matrilineal-society/articleshow/72309605.cms>

Kurs for issuing Khasi Clan certificates. This bill stipulates that without a Clan certificate, no Khasi Tribe Certificate will be issued.

5.OBJECTIVE OF THE STUDY:

- 1.To study the role and status of khasi women and man in terms of inheritance.
2. To analyse and study the traditional Customary inheritance laws of the Khasi community.
3. To study the recent movement towards the matrilineal inheritance structure .

6.LITERATURE REVIEW:

Over an extended period of time, anthropologists and social scientists have conducted numerous research studies on the Khasi community of Meghalaya. The publication of ‘The Khasi’ by P. R Gurdon in 1907 marked the beginning of well-documented literature on the Khasi tribes, providing detailed insights into their domestic life, origins, laws, customs, folklore, religion, and languages.

‘The History and Culture of the Khasi People’ (1967) by Hemlet Bareh delves into the historical and cultural aspects of the Khasi community, tracing their journey through the formation of Meghalaya as a separate entity from Assam. This comprehensive work also explores topics such as literature, education, culture, and ethnography related to the Khasis.

In 1979, P.R. G Mathur contributed to the body of knowledge with his book ‘The Khasi of Meghalaya’, focusing on tribalism and religion. Through his analysis, Mathur sought to elucidate the persistence of tribal characteristics despite interactions with Islam over an extended period of time.

In the year 1967, Chi Nakane, a japanese anthropologist makes a well-known effort by making a comparative analysis of both Garo and Khasi matrilineal structure in her book ‘Garo and Khasi: A Comparative Study in Matrilineal System’. She finds out that matrilineal system of both the community works differently, as there is a difference in regard to the matrilineal structure and descent principle with reference to each other.

One more great achievement is the publication of ‘Matrilineal Kinship’(1961) edition by David M Schiender and Kathleen Gough whereby it discusses about the distinctive features of matrilineal descent. Schiender observes that matrilineal as well as in other kinds of descent group’ authority in case of joint activity of the descent group is allocated to male members’.This makes matrilineal society structurally different from the patrilineal society.Wheareas Gough critically examine the variations in matrilineal descent system.

Animesh Roy in his article ‘Discord in Matrilineality. Insight into the Khasi Society in Meghalaya’ (2018) attempts to analyse the roles and responsibilities of both Khasi man and women in respect to their participation in the social,

economic and political spheres under the matrilineality. He also critically examines the prolificacy of the Village Administrative Bill of 2014.

Sasikumar in his book 'Matriliney Among the Khasis, A Study in Retrospect and Prospect' (2019), discusses the social structure of the Khasi community in detail by considering both historical and present perspectives. He also tries to understand the structural alignment, considering the roles and responsibilities of both male and female members. He also makes an well known attempt by choosing a comparison of Khasi community with that of Nair matrilineal system of Kerela. He has also attempted to compare the khasi matrilineal society with other matrilineal societies, like Kurichians of Kerala, Rabha etc.

Malwin Stone Passah in his book 'Domestic Violence and Matrilineal Society' (2019) tries to prove that women in khasi matrilineal community also faces domestic violence. He tries to be pointed out that Domestic Violence should be understood not only in terms of physical violence but also it includes discrimination, deprivation, intimidation, exploitation and other means like economic and social inequality.

7. RESEARCH METHODOLOGY:

The research methodology used in this academic paper consists of both doctrinal and analytical approaches. Data and information pertaining to the topic have been gathered from a variety of secondary sources, including books, articles, newspapers, websites, and journals.

8. CONCLUSION:

The Khasi community has a rich history as one of the oldest surviving matrilineal societies in India. Despite the common belief that the youngest daughter inherits the ancestral property alone, it is important to note that she is actually a limited heir and acts as a custodian of the property. Any decisions regarding the property must be made with the permission of her maternal uncle, who oversees the management of the estate. It is crucial for the Government of Meghalaya and Autonomous District Councils to introduce legislation to codify Khasi customary laws, ensuring the preservation of this unique matrilineal system. Reforms and re-evaluations of traditional practices should only be done to protect and uphold Khasi society, maintaining gender equality and the balanced distribution of power between men and women. The recent actions by KHDC to revoke tribal status from Khasi women and their children if they marry non-Khasis is a regressive step that goes against universal human rights.

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