

**INHERITANCE OF PROPERTY AMONG THE WAR KHASI
OF EAST KHASI HILLS DISTRICT**

**SUBMITTED IN PART FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF PHILOSOPHY IN ANTHROPOLOGY**



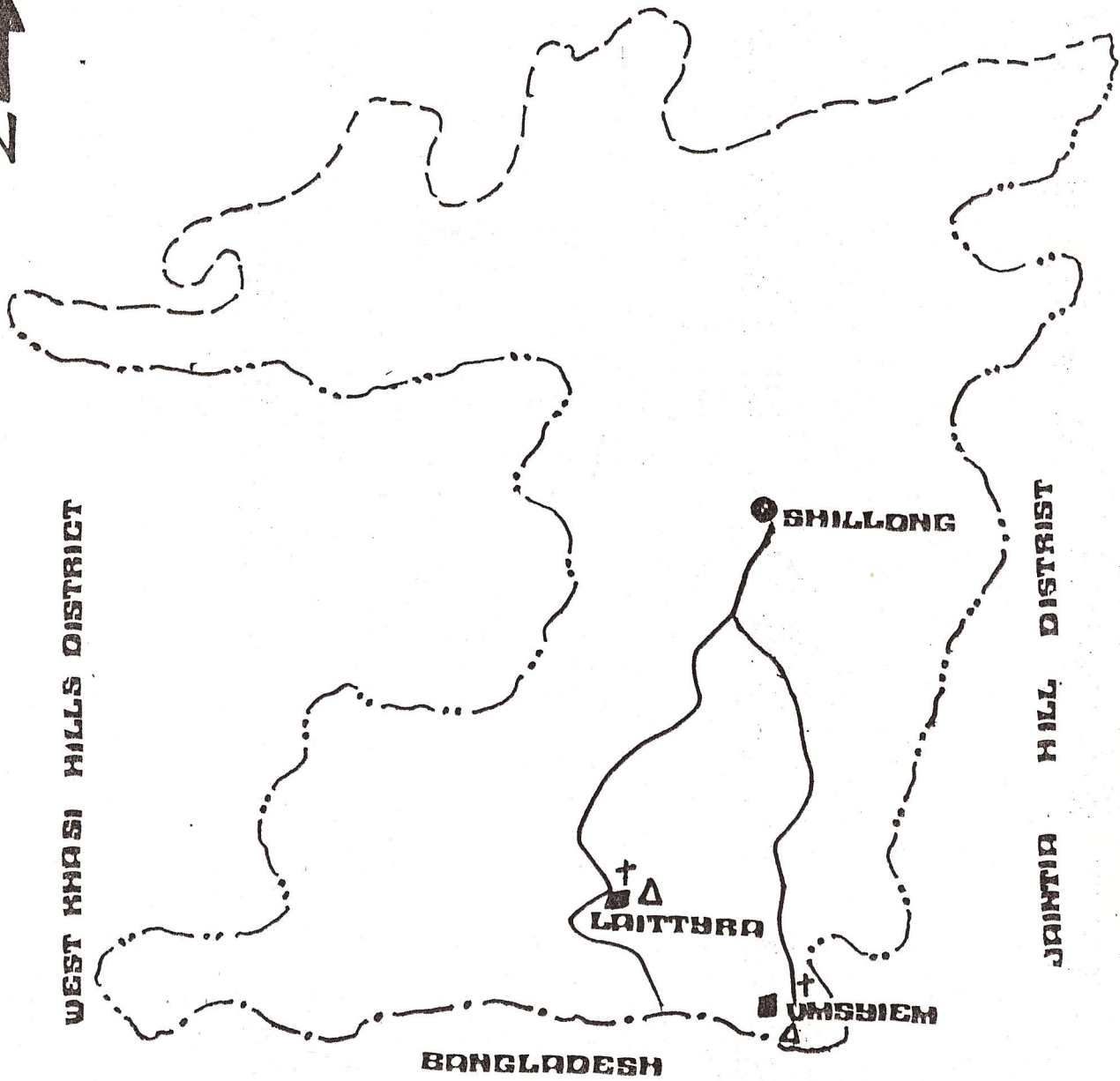
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1993



SKETCH MAP OF EAST KHASI HILLS DISTRICT

ASSAM



WEST KHASI HILLS DISTRICT

JAINTIA HILL DISTRICT

BANGLADESH

- BOUNDARIES :**
- HEADQUATER** ● **ROAD** —
 - INTERSTATE** - - - **VILLAGE** ■ **SCHOOL** △
 - INTERDISTRICT** ····· **CHURCH** †
 - INTERNATIONAL** - - - -



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CERTIFICATE

This is to certify that the thesis entitled "INHERITANCE OF PROPERTY AMONG THE WAR KHASI OF EAST KHASI HILLS DISTRICT" prepared by PERSARA LYNGDOH was done under my supervision.

This thesis or a part thereof has not been submitted to this University or any other University earlier for any other degree of any prize.

SHILLONG

THE 30TH NOVEMBER 1993

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ACKNOWLEDGEMENT

I would like to express my gratitude to Dr.T.B.Subba, Reader in the Dept of Anthropology, North Eastern Hills University, Shillong, and to other teachers who guided me in this study. My special thanks also goes to Bristina Wanniang and Happiness Syiem who have accompanied me to the field and also to all the respondents who were very helpful.

Finally, words fail to express my debt and gratitude to my parents, who have encouraged me in completing this thesis.

Shillong,
The 30th November, 1993

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CHAPTER I

INTRODUCTION

The present study is on the inheritance of property among the War Khasi of Meghalaya. It is bounded on the north by Goalpara, Kamrup, Nowgong and Karbi Anglong districts of Assam and on the east by the district of Cachar and North Cachar Hills on the west and south by the district of Mymensingh and Sylhet of Bangladesh. The southern border is the country's international border as well. It is about 496 kilometres long and separates India from Bangladesh.

The total area of this state is 22,429 square kilometres with a population of 17,60,629 persons (1991 Provisional census). The state is now divided into seven districts. They are; (1) East Khasi Hills District (2) The West Khasi Hills District (3) Ri Bhoi Hills District (4) Jaintia Hills District (5) East Garo Hills District (6) West Garo Hills District (7) South Garo Hills District. The Khasi Hills are predominantly inhabited by the Khasis, the Jaintia Hills by the Jaintias or Pnars and the Garo Hills by the Garos.

Shillong, the capital of Meghalaya, is situated at an elevation of 1,496 metres above sea level. It is also the headquarters of the North Eastern Council.

The Khasi Hills, which form the Central and Eastern parts of Meghalaya are characterized by imposing plateau, rolling grassland, hills and river valleys. The southern face of the plateau is marked by deep gorges and abrupt slopes. The climate of Meghalaya is largely controlled and influenced by the season-winds from the Bay of Bengal as in other parts of the North East.

The Khasis are believed to be descendants of one of the early people to have migrated from Indo-China. Thus their language belongs to the Mon-Khmer family of Languages. The major sub-tribes of the Khasis are the Bhoi, the War and the Lyngngam. The Bhois inhabit the northern Meghalaya, the Lyngngam area is on the western part and the Wars are concentrated on the Southern slopes of the Khasi Hills. Since it is not possible to cover the entire Meghalaya and all the Khasi tribes, I have restricted myself, for the purpose of the present study, to the War Khasi of the East Khasi Hills District.

The War Khasi area runs along the southern portion of the East Khasi Hills District. According to the census of 1991, the East Khasi Hills District with an area of 5196 square kilometres and including its headquarters or Shillong has a population of 6,57,160 out of which 3,41,216 are males and 3,15,944 are females.

It is desirable to mention here that the Khasi society as a whole has evolved with the concept and doctrine of Ka Khein Kur Khein Kha or the 'Kinship System.' The acceptance of the same is the binding force for them it makes them different from the neighbouring peoples in many respects. There are certain precepts which reveal the deep insight and perception of their forefathers. One of the fundamental precepts is; Ka tip briew, tip Blei, ka khein kur khein kha ka long tynrai ka niam bad ka imlang sahlang; ka seng muluk ka seng jaka; ka sain hima ka sain sima; bad ka synshar ka bishar jong u khein Khasi Khara.

This precept teaches that the Khein kur khein kha or the kin-ship system is the foundation on which the society is

built. This fundamental precept has largely influenced the customary laws of the Khasi concerning the use, control and transfer or sale of property and wealth among them.

With regard to the transfer of property in the Khasi society, it is important to note how the Khein kur khein kha or the kinship system prevailing in the Khasi society has shaped the inheritance laws.

(Inheritance is a term which is associated with property. It means the procedure for transference of property from one person to another.) In the Khasi society, they have corporate as well as private properties. With regard to inheritance, the system is matrilineal and collateral in the case of some Wars, which is the main problem of this study.

As in the case of most tribal societies, so also among the Wars their customs and traditions have always remained oral and transmitted from one generation to another orally. It is still largely so. The first ever attempt at putting the customary laws on property in a codified form was in an article published in the newspaper U Nongphira (No.192) in 1914.

With regard to the traditional custom regarding the transference of property, it is necessary to examine the different types of property obtained in the Khasi society. They are: (1) Ka Nongtymmen or the ancestral property. (2) Ka Nongkhyraw or personal property (3) Ka kamai khyraw or wealth generated by the male members before marriage. (4) Ka mar ka mata or ornaments and heirlooms. (5) Ka khyndew ka shyiap or ancestral landed property. (6) Ka lynnong lyngwait or acquired landed property. (7) Ka Iing seng or the original house of the clan.

(8) Ka mar tymmen or the ornaments and heirlooms which are jointly owned and which are inseparable. (9) Ki riam ka iing or the personal share of the parents which must remain as a part of the ancestral property.

Being matrilineal, the general rule is that property is inherited by females but in many War Khasi villages both sons and daughters are found to have equal share in the property of their parents though the youngest daughter inherits the largest share. In other words, they practise female ultimogeniture.

Operationalization of Concepts of Property and Inheritance.

According to E.B. Tylor 'Inheritance' is defined as "the procedures that apply to the transmission of property, such as matrilineal or patrilineal depending upon whether the male or female line is followed. The rules of inheritance say that a person is obliged to his relatives who should approved of his decision to dispose of his property. 'Property' is defined as "things over which persons have a totality of rights. Property can be held by a person, a kinship group or a society. Ideas on property cannot be separated from the social fabrics in which they are found. Different rules may hold for different kinds of property."

According to Mitchell, 'Property' "is closely associated with the term ownership but this suggests that property consists of a right or rights by a person over things or person"

Inheritance is a term which is associated with property. It means the procedure for transference of property from one person to another. Private property is property owned individually in which the owners has unlimited rights. Corporate proper

-ty denotes instances of shared rights. and the ownership is collective. The authority in managing these properties is vested in groups which have a single entity.

It may be stated here that 'inheritance' has a legal connotation but in the War Khasi society this concept has to be absolved of this connotation specially when it comes to ancestral or clan properties. This is because such properties are not appropriate word for such properties is instodianship but since we deal here with all kinds of property private ancestral and clan the word inheritance is loosely used in the case of all such properties.

Survey of Literature

Pranab. K. Das. Gupta in Life And Culture of Matrilineal Tribe of Meghalaya (1984) deals with the tribal life on sprawling southern slopes of Meghalaya. This study focusses on the Wars, their history, geography, environment, material culture, economy, politic, religion and social structure. He seeks to demonstrate how the matrilineal endogamous Wars, despite many similarities with the Khasis are different in dialect, political organisation, social custom and manners. This ethnographic study of the War embraces almost every facet of the War life and culture.

He has pointed out that though the descent and residence are matrilineal and matrilocal, children of both sexes inherit the parental property equality. Only the ancestral or patental house goes to the youngest daughter where she lives with her husband and parents. Landed and other properties are usually shared equally by the children; but if a brother or a

sister is poor, a larger share is given to him or her. The rules for division of property depend on the number of marriage alliances a man or woman has entered into.

He has also dealt with the system of landholding and seng or a cognatic group consisting of both male and female members descended from a common ancestress.

Among the War khasi clan and Seng are two different social groupings. A clan is strictly exogamous and matrilineal, i.e, an individual is affiliated to his or her mother's clan, while a Seng is a cognatic group and is non-exogamous.

Hamlet Bareh (1967) has discussed the evolution of the Khasi society, the matrilineal form of social organisation, the megalithic and religious aspect. He has presented the Khasi history based on all available sources and given a detailed account of both the political and cultural life of the people from the earliest time to the present day. He has also given special stress on art and cultural heritage.

As for 'inheritance' Bareh says; it is purely matrilineal in organisation, but the Wars on the southern sides of the District are an exception to the rules where both males and females own, control and possess property, and therefore observe both patrilineal and matrilineal custom.

Sir Keith Cantlie's Notes on Khasi Law (1974) has made a distinction between the custom of the Wars, both Khasi and Synteng and the highland people is that War children take definite share when they inherit, the difference between Khasi Wars and Synteng Wars is that among Khasi Wars the males as well as females inherit.

With regard to the inheritance of ancestral property of a female, he says that the children, whether male or female, inherit equal share and the youngest daughter gets the parental house.

Division of the property is usually made soon after the death of the mother, but sometimes there is a delay for as long as several years because they have to first settle the expenses made during the funeral.

The Seng land belongs to a group of families descended from a common ancestress. Every such family has a right to cultivate the Seng land. There is a Seng durbar (council) which manages the land and allots plots for utilisation to the eligible families and decides disputes.

In Customary Law And Justice In the Tribal Areas of Meghalaya (1982) the Indian Law Institute has classified property into ancestral (Nongtymmen) and personal (Nongkhyndraw). Ancestral property cannot be alienated, except with the consent of the whole clan or family. But personal property can be alienated and the clan or family has no control over its transfer or sale.

Amongst the Wars generally both sons and daughters have an equal share in the property of their parents. Division of property generally takes place only after the death of one of the parents. But if they have no children, own or adopted, the shares of the husband and wife, which are generally equal, go to their respective relatives.

Thus in the case of many War villages the children, whether male or female, inherit equally, though the eldest

child is given an additional piece of land and the youngest daughter the family house.

In a study of the Land System of Meghalaya (1984) : the Law Institute of Eastern Region has pointed out that the chief difference between the Wars and other Khasis is that in the case of the former the children inherit equally.

P.R.T. Gurdon, in his The Khasis (1907), gives a systematic account of the people, their manners and customs, their ethnological affinities, law and institution, religious beliefs, folklore and theories as to their origin and language.

With regard to the War land of inheritance of property, Gurdon says that it differs greatly from that of the Khyntiam Khasis. In the War country the children inherit both ancestral and acquired property in equal shares with the exception that the youngest daughter is given something in addition to her share of the property as also amongst the Khasis.

Objectives :

The main objectives of this research are (1) To study the system of inheritance of property among the War Khasis and (2) To examine how the collateral inheritance system derives compatibility in a unilineal system.

Methods :

For the purpose of the present study, fieldwork was conducted in two purposely sampled villages of which one had unilineal descent as well as inheritance system, whereas the other had a unilineal descent but collateral system of inheritance. First a house to house census was conducted which was followed by interview of the heads of households about

inheritance of property. The interview was based on an interview guide but it was not strictly adhered to. Both males and females were given equal attention with regard to interviewing them. As a War Khasi myself, I have also used my own knowledge and personal observations in the preparation of this thesis.

Plan of the Thesis

The present thesis is divided into five chapters :-

Chapter I deals with the problem, survey of literature, objectives and the method of the present study. chapter II introduces the War Khasis. Chapter III The War Khasi kinship organisation. Chapter IV deals with the system of inheritance in the two ^{War} Khasi villages, and chapter V concludes the findings of the study.

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