

Khasi Inheritance of Property Bill, 2021

November 4, 2021

In news-Recently, the Khasi Hills Autonomous District Council (KHADC), in Meghalaya announced that it would introduce the 'Khasi Inheritance of Property Bill, 2021.

Key features of the bill

- It is aimed at “equitable distribution” of parental property among siblings(both male & Female) in the Khasi community.
- Another provision would let parents decide who they want to will their property to.
- It prevents a sibling from getting parental property if they marry a non-Khasi and accept the spouse’s customs and culture.
- If implemented, the proposed Bill would modify an age-old customary practice of inheritance of the matrilineal Khasi tribe.

A note on matrilineal system

- In this system, **lineage and descent are traced through the mother’s clan.**
- It means children take the mother’s surname, the husband moves into his wife’s house, and the **youngest daughter (khatduh) of the family** is bequeathed the full share of the ancestral or the clan’s property.
- The khatduh becomes the “custodian” of the land, and assumes all responsibility associated with the land, including taking care of aged parents, unmarried or destitute siblings.
- **Custom also dictates that the khatduh cannot sell the property, without permission of her mother’s brother (maternal uncle) since he technically belongs to the**

mother's clan, through which descent is traced.

- It applies only to ancestral or clan/community property, which has been with the family for years.
- On the other hand, self-acquired property can be distributed equally among siblings.
- In this traditional set-up, if a couple does not have any daughters, then the property goes to the wife's elder sister, and her daughters.
- If the wife does not have sisters, then the clan usually takes over the property.
- **The three tribes of Meghalaya – Khasis, Jaintias, and Garos practise a matrilineal** system of inheritance.

The Khasi Hills Autonomous District Council (KHADC)

- KHADC is a body under the Sixth Schedule of the Constitution.
- It does not have the power to legislate.
- The 6th Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states.
- Paragraph 12 A of the Sixth Schedule gives the final right of passing a law to the state legislature.

Extra reading: <https://journalsofindia.com/khasi-tribe/>