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Khasi Inheritance of Property Bill, 2021

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Why in News

Recently, the **Khasi Hills Autonomous District Council (KHADC)** in Meghalaya announced that it would introduce the '**Khasi Inheritance of Property Bill, 2021**'. The bill is aimed at "equitable distribution" of parental property among siblings in the Khasi community.

If implemented, the proposed Bill would modify an age-old customary practice of inheritance of the matrilineal Khasi tribe.

Note:

- KHADC is a body under the **Sixth Schedule** of the Constitution.
- It does not have the power to legislate.
- Paragraph 12 A of the Sixth Schedule gives the final right of passing a law to the state legislature.
- The Sixth 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.
 - This special provision is provided under **Article 244 (2) and Article 275 (1) of the Constitution**.
 - It provides for **autonomy in the administration of these areas through Autonomous District Councils (ADCs)**, which are empowered to make laws in respect of areas under their jurisdiction.

Key Points

- **About Matrilineal System of Inheritance:**

- The **three tribes of Meghalaya — Khasis, Jaintias, and Garos** — practise a matrilineal system of inheritance.

In this system, **lineage and descent are traced through the mother's clan.**

- In other words, children take the mother's surname, the husband moves into his wife's house, and the **youngest daughter (khatduh)** of the family is entrusted 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.

- This inheritance tradition **applies only to ancestral or clan/community property**, which has been with the family for years. The **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.**

- **Effect of this System on Women Empowerment:** Women activists have often pointed out that the matrilineal system in Meghalaya rarely empowers women.

- **Issue in Custodianship:** Custodianship is often misconstrued as ownership vested in just one person, that is the youngest daughter.

- This custodianship comes with the responsibility to care for aged parents, unmarried or destitute siblings and other clan members.
- Moreover, the custodian cannot buy or sell the land, without taking permission from her maternal uncle.

- **Matrilineal is Not Matriarchal:** People often confuse matrilineal with matriarchal, where women function as heads.

- While women may have freedom of mobility and easier access to education, they are not decision makers in Meghalaya.
- There are barely any women in positions of power, in politics, or heading institutions.

- **About the Bill:**

- **Provisions:**

- The proposed Bill is envisaged to **provide the “equitable distribution” of parental property among siblings – both male and female.**
 - The Bill would **let parents decide** who they want to will their property to.
 - It **would prevent a sibling from getting parental property if they marry a non-Khasi** and accept the spouse’s customs and culture.

- **Need For the Bill:** Over the years, a few groups have protested the system of property inheritance, saying it “**disinherits**” men, and pressed for equitable property distribution between all children in the family.

- **Impact:** This would modify an age-old customary practice of inheritance of the matrilineal Khasi tribe.

The legislation is aimed at **economic empowerment based on the principle of equitable distribution of property.**

Source: IE