



COMPARATIVE ANALYSIS OF THE PRACTICES OF DIFFERENT MATRILINEAL COMMUNITIES IN INDIA

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“(a) firstly upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;
(b) secondly, upon the heirs of the husband;
(c) thirdly, upon the mother and the father;
(d) fourthly, upon the heirs of the father;
(e) lastly, upon the heirs of the mother.”¹

INTRODUCTION TO THE MATRILINEAL SYSTEM OF INHERITANCE

Matriliney refers to the practice of tracing descent through the female line, and an individual belonging to a matrilineal community is considered to be a part of the same descent group as their mother. Under a matrilineal system of inheritance, the property passes from the mother to her children, mostly daughters (depending upon the peculiar customs of the community in question). The remarkable thing about such a system of inheritance is that it is one of the very few recorded in Western history of the country that gave women unprecedented liberty, along with the right to hold property independently, and thus becomes significant and awe-inspiring. Succession of property in India typically devolves through males, and the current system of inheritance in the country is enacted through and codified in the Hindu Succession Act, 1956. This legislation compendiously lays down the law of intestate and testamentary succession followed among Hindus, Buddhists, Sikhs and Jains. Section 15(1) of the said statute states that the property in the hands of a female Hindu dying intestate would devolve in accordance with the provisions of the Act,

The matrilineal system of inheritance moves away from this rule of succession as, in such a system, the property of the woman at first devolves solely upon her children, to the exclusion of the husband. Likewise, the heirs of the mother secure preference over the heirs of the father, and the heirs of the mother, in turn, are given primacy over the heirs of the husband. However, despite a number of other differences, the matrilineal system is not exactly converse of the patrilineal societies. Moreover, such systems of inheritance differ across the communities within which they are in usage.

Additionally, a matriliney may be constitutive of a number of other defining features like the rule of *matrilocal residence*, which means that the husband moves into his wife's village or household after marriage. The convention of marriage is relatively of a feeble nature in such communities, and women tend to have greater sexual autonomy, as compared to their female counterparts in patrilineal and patriarchal societies. In an archetypal matrilineal society, women represent their family, and their children carry forward the name of their clan. The matrilineal systems of inheritance in India are survived by a few communities, in varying degrees, namely the *Nair* community of Kerala, the *Bunts* of

¹S.15(1), The Hindu Succession Act, 1956.



Karnataka, and the *Khasis*, *Garos* and *Jaintias* from Meghalaya.

MARUMAKKATHAYAM AND THE MATRILINEAL NAIRS OF MALABAR REGION OF KERALA

Matriliney in Kerala appears to have developed around the eleventh century of the Common Era (CE), possibly as a result of the protracted war between the Chera and the Chola dynasties in the country, such a practice was firmly established, notably among a caste category called the Nairs in the 1500s.²The Nair community constituted the third and the last of the honoured castes of Kerala who formed the chief militia in Cochin Malabar and Travancore states.³ The matrilineal form of succession followed by the Nairs in the Malabar region was referred to as *marumakkathayam*. The term's origin can be traced from the word *marumakkal*, which when translated from Malayalam means "nephews and nieces".

This system operated in the *tarawad* or the matrilineal household, and was built upon women as it conferred on them autonomy and power with respect to their personal and proprietary rights. It was through women that the *tarawad* name was carried forward from one generation to the next. Partition of the properties in such *tarawads* was prohibited and they were held jointly, as all the children belonged to the mother's

family. "Each member of a *tarawad* acquired an interest in the *tarawad* properties by reason of his or her birth alone and when any member died, the interests of that member would devolve upon the other members of the *tarawad*."⁴"Household was characterized by a fluid structure, and was not spatially locatable to a particular house alone. A large *tarawad* would have a number of branches. It was often possible for women to establish separate branches or households as they had access to their own separate revenues and properties."⁵ By the late eighteenth century, the senior most male member of the *tarawad* was endowed with the title of *karnavan*(one who can be held responsible or accountable), and was made the manning head of such *tarawads*.

The institution of marriage under *marumakkathayam* was quite flexible and loose, and was thus heavily criticised, as the spouses were in no way bound to each other, they continued to reside in their respective households after marriage, and the husband had no responsibility to legally maintain his wife or children. "Plural unions were customary, as polyandry was not only accepted but was the norm, but relations were forbidden with members of the same lineage; even relations with men of any lower caste were not entertained. If a woman was found guilty her *tarawad* was excommunicated until the woman was expelled from the *tarawad*."⁶

²Robin Jeffrey, *Legacies of Matriliney: The Place of Women and the "Kerala Model"*, 77 *Pacific Affairs* 647, 648 (2005), <http://www.jstor.org/stable/40023536>, last seen on 18/04/2018.

³Scariah, Celinamma, *Two images of Matriliney: The Khasi and the Nair*, North-Eastern Hill University, (2000), <http://hdl.handle.net/10603/60758>, last seen on 16/04/2018.

⁴*Id.*

⁵G. Arunima, *A Vindication of the Rights of Women: Families and Legal Change in Nineteenth-Century Malabar*, *Studies on South Asia Understandings and Perspectives Series* 114, 115-118 (1998).

⁶MoothedathMayadevi, *Women and Marriage in Marumakkathayam*, 4 *International Research Journal of Social Sciences* 32, 33 (2015).



“A Nair girl had to go undergo two forms of marriages – *talikettukalyanam* and *sambandham*, while the former was a pre-puberty marriage, the latter was a union that she could make after attaining maturity with a man of her own caste or higher than her. For conducting the ceremony of *talikettukalyanam*, the Nairs of neighbouring and adjacent villages formed a group of lineages called *enangan*. Every few years each lineage held a grand ceremony during which immature girls of one generation was ritually married by men drawn from their *enangan* lineages, and lasted four days. This ceremony assumed significance as it marked various changes in the social position of a Nair girl; she was given the status of a women.”⁷ The ceremony of *sambandham* is extremely straightforward and uncomplicated, the bridegroom presents a *pudava* (cloth) to the woman as a gift, in the presence of the senior most lady of the *tarawad*. Such marriages are based on mutual consent and are thus easily dissoluble at will.

ALIYASANTANA SYSTEM OF INHERITANCE FOLLOWED BY THE BUNTS OF KARNATAKA

Aliyasantana was a system of matrilineal inheritance practiced in the erstwhile South Canara region of Karnataka among the *Bunts*, *Billavas*, and some other non-Brahman communities in the country. “The Bunts are the customary inhabitants of the coastal districts of Karnataka, and are divided into matrilineal septs called *Bali*. Members of the same *Bali* did not intermarry, as marriage between the same

gotrawas prohibited.”⁸ Akin to the *marumakkathayams* system of inheritance, the matrilineal system of succession, governing the Bunts, of *aliyasantana* is also inherently favourable towards acquisition and accumulation of assets by women. “The eldest member of the family was called the *yajaman*, the eldest female was the *yajamanthi*. The senior-most resident, whether male or female, was entitled to deal with issues related to the running of the household. Children formed a part of their mother’s family, and maternal uncles were given precedence over paternal uncles in such communities.”⁹

On marriage, the bride-groom leaves his parental home and moves into his wife’s parental home and becomes a member of that household. Till the time he is married, a man is responsible for managing his family property; upon marriage, he also becomes responsible for the maintenance of property held by the household of his wife (as he becomes a member of this household) and simultaneously assists in supervising and overseeing his mother’s/sisters’ properties.

“Male children do not have the right to inherit ancestral property from their parents under *aliyasantana*, as all such property is inherited by the females. As per the custom, all ancestral property is owned by women

⁸M. Raghuram, *Bunts feels at home wherever they are*, DNA INDIA (Apr. 19, 2010, 09:54 AM), <http://www.dnaindia.com/lifestyle/report-bunts-feel-at-home-wherever-they-are-1373019>, last seen on 18/04/2018.

⁹*Aliyasantana- where the accent is on women*, DECCAN HERALD (Jun. 15, 2012, 10:37 PM), <https://www.deccanherald.com/content/257244/aliyasantana-accent-women.html>, last seen on 18/04/2018.

⁷*Id.*



and registered independently in their name. While the custom specifies that these households should live as joint/undivided families, women can choose to partition her property among her daughters and bequeath them with pieces of land on which they can build their own homes and live independently. On the death of a woman, her property will not go to her husband, but will directly go to her daughters. Such a system of matrilineal inheritance does not restrict or bar men belonging to these communities from owning/selling property at all. They are entitled to earn their own incomes and build up their own assets. This becomes their self-acquired property and it is up to them to decide whom they want to bequeath it to. Women acquiring property for themselves under *aliyasantana* is slightly unusual as their custom traditionally protects and guarantees them full rights to their ancestral property, and when they do, majority of them bequeath it to their daughters, thereby making it ancestral for subsequent generations, and ensuring that these properties devolve down the female parentage.”¹⁰

MATRILINEAL INHERITANCE FOLLOWED IN THE MEGHALAYAN REGION

Meghalaya is recognized to be the only society in India where women are known to play a more important role in the social

system than men. The major tribes – *Khasi* and *Garo*, follow the matrilineal system. Women have a dominant role to play in the matrilineal society of Meghalaya. “Amongst the Khasis, descendants of a grandmother along with the *khadduh* (youngest daughter) and the ancestral house usually constitute *ling* (family). *Khadduh* is eligible to inherit the ancestral property, if she dies without a daughter surviving her, her next older sister inherits the ancestral property, and after her, the youngest daughter of that sister. Failing all daughters and their female issues, the property goes back to the mother’s sister, mother’s sister’s daughter, and so on. The *khi* (eldest living brother) exercises authority in all matters. Family and clan organizations centre round the mother in which capacity she acts as the custodian of the ancestral property. The youngest daughter is not the sole heiress, but she is a mere custodian of ancestral property. Ancestral property cannot be divided, mortgaged or sold without the unanimous decision and consent of all the members of the clan or family.”¹¹

A Garo family is headed by the mother of the house but the father is responsible for providing sustenance. The daughter of the family carries the clan name throughout her life, whereas the son takes up his wife's clan name after marriage. In Garos, one of the daughters, not necessarily the youngest, is selected as heiress to inherit the parental property. If there is no female inheritor within the immediate family, the property passes to the daughter of the mother's sister. Sons cannot inherit any portion of ancestral

¹⁰Suchitra&HemaSwaminathan, *Asset Accumulation Among Matrilineal and Patrilineal Communities: A Case Study of Coastal Karnataka*, IIM BANGALORE, https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=IAFFE2010&paper_id=44.

¹¹MebadaWankaLyngdohNongbri, *Basic foundations of Khasi culture: Continuity and Change*, North-Eastern Hill University SHILLONG 146, 152-58 (2006).



property. “The heiress is called *nokna* and her husband is called *nokrom*. Marriage is strictly exogamous among the Garos and husband and wife must belong to different septs and motherhoods. The marital customs and rituals of the Garos are based on matrilineal principles in which descent is always traced from the mother’s side. In Garo society, marriage establishes a perpetuating relation and a customary contract between the respective *ma'chongs*(families) of the principal male and female of a household.”¹²

COMPARATIVE ANALYSIS OF THE MATRILINEAL PRACTICES OF THESE COMMUNITIES

The common thread that binds the *Nairs* and *Bunts* from South India with the Meghalayan communities of *Khasis* and *Garos* is that they are all matrilineal communities in essence. However, the practices and customs followed amongst these three communities are fraught with differences.

The essential differentiation between the matrilineal practices of *marumakkattayam* and *aliyasantana* of the South is that the senior most member whether the *yajaman* or *yajamanthi* is entitled to carry on the family management in the latter, while the *karnavan* has the right and power to carry on the family management in the former. Likewise, self-acquired property of a female member in *marumakkattayam* descended to her own issues and in the absence of her issues, it devolved to her mother and her descendants. In case of males, if the

property had not been disposed of during his lifetime, it would lapse to the *tarawad*. In *aliyasantana*, there is no distinction as to the devolution of property of a male or female member.¹³

The customs and rituals of the Garos and Khasis also differ from each other. While the principle of *ultimo geniture* is followed among them, (the Nairs do not follow such a principle) selection of the youngest daughter as heiress is not compulsory among the Garos, unlike in the Khasi society. “Garo practiced matrilineal inheritance, matri local post-marital residence, a preference for cross-cousin marriage, acceptance of pre-marital sex by women, but adultery by women is punished, while the Khasi practised matrilineal inheritance, matriloal and duolocal post-marital residence (in which the husband lives in a separate house while the wife stays at her parents’ residence), an aversion to cross-cousin marriage, and again, acceptance of pre-marital sex by women, but adultery by women is punished.”¹⁴ Polyandry was peculiar to the Nairs. Comparably, the matrilineal Nairs from the Malabar region presented the highest degree of descent group solidarity. Among the Khasis, the property group is formed by a descent group at a shallow level, while among the Garos it is maintained by the cooperation of two local lines.

¹³ManitaDoshi, *The Marumakkattayam and Aliyasantana System*, LEGAL SERVICE INDIA, <http://www.legalserviceindia.com/articles/mds.htm>.

¹⁴ BINA AGARWAL, *A FIELD OF ONE’S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA* 196-98 (South Asian Studies 58, Cambridge University Press 1994) (2003).

¹²Shri Anjanjyoti Borah, *Changing Status of Matrilineal Garo Society; a case study of the Resubelpara Development Block under East Garo hills district of Meghalaya*, GU 31, 82-90 (2010).



General dissimilarities among these communities also include fission of the Khasi *ling*, unlike the Nair *tarawads* that continue to remain joint. The *tarawad* also did not allow the husbands of the daughters to live with them, in contrast with the Khasi and Garo. Similarly, the central position acquired by the mother in a household among the Khasi was more pronounced than in Kerala and the *u Kni*, the mother's brother who receives a position of authority, was rarely accused of overbearing authoritarianism unlike the *karnavan*. Nair matriliney is an off-shoot of the rigid caste hierarchy in Kerala, the Khasi matrilineal pattern, on the other hand, is casteless and classless.¹⁵

Due to various socio-political and economic reasons and in the face of the powerful currents of social change from the colonial rule, the matrilineal system crumbled in Kerala paving way to the formation of a patriarchal society. For the Khasi society, matriliney has been the norm since time immemorial, and even today it has been able to retain its structure despite encountering technological advancements and in the face of modernity.

¹⁵Scariah, Celinamma, Two images of Matriliney: The Khasi and the Nair, North-Eastern Hill University, (2000), <http://hdl.handle.net/10603/60758>, last seen on 16/04/2018.