CHAPTER VII

INHERITANCE OF PROPERTY

The term property can be described as a thing or things belong to somebody. It may be material or non-material, over which ownership is established. According to Children’s Britanica, vol.14, “The word property means either something that belongs to somebody, or else the right that somebody has to own something” (ed. Williams, 1987:79-80). Properties may be private or public.

The concept of property was initiated with the beginning of agriculture during Neolithic time. Since the concept of property raised among mankind, they are trying to earn it, enjoying it and transferring property to others. For transferring of personal property usually certain rules are followed in society. Getting something from the parental generation to next generation is the inheritance. According to Macmillan Dictionary of Anthropology, inheritance of property means the transmission of property following the death of its owner (Seymour-Smith: 1986). By customary rule, in a patrilineal society, a person’s property transmits to his son or sons, on the other hand, in matrilineal society property belongs to mother and it passes to daughters.

The aim of this chapter is to investigate the inheritance of parental property in the Boro and the Garo society of Kamrup district and to focus on the position of women on the basis of property obtained. However, in this chapter the study will be confined to landed property only. For this purpose, the researcher had examined how the parental
property of the respondents were distributed and who were the recipients. The data are presented in tabular form and analysed. Apart from this, the researcher had taken interview and carried out group discussion and studied cases to know the circumstances behind the ways of property distribution or passing of family property. Receiving of parental property by women is considered as status indicator for both the societies. For convenience of analysis it is necessary to know the customary rule of property inheritance in both the societies.

**Inheritance of Property among the Boros**

The concept of property is different from society to society. For the Boros, property is meant to lands, houses, livestock, vehicles and any other sources of income. The land includes agricultural land, forest land, horticultural land and residential land. They have various household belongings, which are not considered as property by the Boros. The belongings like furniture, ornaments, apparels and other necessary objects brought by women in her marriage are not considered as family property. Even, cow, goat etc. if a woman get from her parent’s home, remains her personal property for ever. The members of a household can enjoy it but cannot handover it.

Because of patrilineal social structure, in a Boro household the property belongs to father. The married women are considered owner of husband’s property. By custom of society the parental (father’s) property passes to male children. It is the norm of society that all the male children will get equal share of parental property. The custom of Boro society allows equal right on parental property to adopted son also.
An unmarried daughter can claim equal share of land along with her brothers. A man can give a share of his land to his grandson also. By custom, property of a person having no child will pass on to his brothers. Property of a person having no children, no brother will transmit to his kin members or ‘Bhagi’. Though all sons get equal share of father’s property, society expect a little extra for a disable child. A never married girl is given equal share of property with her brothers. However, these rules are not found in any written form; the researcher has collected these from the village elders of study area by means of interview.

Stating the place of women in the Bodo society Brahma (1992:33) stated “Although the social structure of the Bodos is based on the patrilineal system, the place of women in the Bodo society is high. If there is no male child in a family then the property is distributed among the daughters. They can enjoy such properties even after their marriage”. Further he added “If there is a single female child in the family where there is no male child, then the entire property is owned by her after the death of the father”.

Apart from these general rules of inheritance, the Boros follow certain rules in passing their property considering situations. Though there are some general rule of succession of property a person can distribute his property. A man has liberty to distribute his property at his will. Usually his decision is not objected by his sons or other members of the society. As told by B. Boro, a man of 65 years, somebody may give his land to married daughter also, but it is due to affection only, not as rule. By the rule of society, a married daughter has no right on parental property. He also told that if somebody gives some property to daughter, it is not equal to their sons share. If a daughter is the single child of the family, she gets all of her parental property alone. Among the Boros society do not keep any distinction between an adopted daughter and an own daughter in terms of property inheritance. Families having no sons, distribute their property among the
daughters. In both the cases usually parents think for adopting son in law to one of their daughter, so that they get his support at their old age. A married daughter may be given some property, if she is felt financially disadvantageous or falling in some trouble.

A father usually does not distribute his property during his life time. Some of the parents declare the share of property allotted in the name of children; however it may be handed over or may not be. It cannot be claimed by son even if somebody is willing to own it and make an independent household. Usually after the death of a man, the society distributes his properties.

About the inheritance of property in Boro society, Sri G. Boro, 80 years, a retired school teacher told that in case of early death of a man, his widow remains as the custodian of her husband’s property. The property of the man will pass to his son or sons at their maturity. However if a widow goes back to her parent’s house permanently, and marries somebody, she losses right over husband’s property, but her sons will remain heir of father’s property, where ever he may be.

The field study reveals a custom that among the Boros few families maintain specific rule when they adopt a son-in-law. By this rule an adopted son-in-law is accepted as own son and he is allowed to own the in-laws properties jointly with his wife. But the property is never registered to his name. If somehow the son-in-law leaves his wife, he loses right over wife’s property. The property distribution patterns of the Boros are reflected in table 7.1A.
Table 7.1A shows that, 20% men received their parental property alone and 57% receive along with their brothers. The parental property of 21% men was distributed among their all brothers and sisters. Among the women informants it is seen that, 12% received their parental properties alone. It is seen that 64% women’s parental property were passed to their brothers only. On the other hand, the parental property of 20% women was distributed among their brothers and sisters. Further more, the table exhibits 4% of women’s parental property was distributed among their sister’s only. The 2% men are not getting any property as they are living with their father.

Above table has given a scenario on inheritance pattern of parental property among the Boros of study area. Moreover, a few cases were collected from the field. The following case studies will highlight the pattern of property distribution and will help to understand the place of women in terms of inheritance of parental property.
Case 1

Informant: Sri B. Boro, 65 years, male, married and cultivator

As told by B. Boro, aged 65yrs., a cultivator of Bhogdabari village, he was the eldest son of late G. Boro, who owned 20 bighas of agricultural land and a teak garden of about 3 bighas and 2 residential plots of about 3 bighas each. Late G. Boro had four sons including the informant and three daughters. Among the brothers, B. Boro is cultivator and all his brothers are service holders. One day father called the sons and distributed his lands among his sons. As a share of father’s property B Boro got five bighas of agricultural land, one residential plot and one teak garden. A pair of bullock was also given to him. His father advised him to settle independent household and handed over the lands. His father also gave him the money for constructing a new house for him. His father did not keep any property in his name and decided to stay with other sons. Informant B. Boro told that his sisters were already married away, and they were married to financially sound husbands, so his father did not allot any land to his sisters.

Case 2

Informant: Sri A. Boro, 65 years, male, married, cultivator

The following information were given by Sri A. Boro while the researcher enquired. Late J. Kachari, the father of informant A. Boro, owned 11 bighas of agricultural land and 4 bighas of horticultural land in household campus. He had three sons K Boro, A. Boro and C. Boro and only daughter K. Boro. Sri K. Boro got three bighas of agricultural land and one bigha of residential land from his father and began independent household. Other two sons of J. Kachari including the informant remained with their father. After the death of their father all lands of father came to them. Suddenly C. Boro,
the youngest brother, who was unmarried, died out and then all the remaining land came to the informant. But he has given a portion of the dead younger brother’s share to his brother K. Boro. His sister was already married away, so no land was given to her.

Case 3

Informant: Smt R. Boro, 65 years, female, widow, housewife and cultivator

Late M. Boro, husband of informant R. Boro owned 14 bighas of agricultural and 3 bighas of residential land. Late M. Boro and informant R. Boro have three sons and four daughters. M. Boro had died about 20 years ago and his properties are in the custody of wife R. Boro. Now two of her sons got married and Smt R Boro has given about 4 bighas of land to each of them, of course she distributed it in presence of society members. She also gave them about ½ bighas of homestead to each of them. Later on three of her daughters also got married. Now one unmarried son and one unmarried daughter are living with her and they have the properties of 6 bighas of agricultural land and 2 bighas of homestead. Smt R. Boro told that, if the daughter remains unmarried the remaining property will be equally distributed between the son and daughter.

Inheritance of Property among the Garos

In Garo society property means lands and other material objects of the household. The residential lands, agricultural lands, jhum plots, the horticultural plots, houses, vehicles, cash amount, all are property for a Garo household.

The Garos follow certain customary rules regarding the inheritance of family property. In Garo society property of a family belongs to motherhood and it passes through female line. “A daughter of the parents inherit the latter’s property and after her one of her daughters inherit it” (Choudhury, 1969:38). Furthermore, all the daughters of
the family do not equally inherit family properties. Usually the youngest daughter of the family who is considered to be the most favourite is selected as nokna or heiress of the family property. On this topic Majumder (1966:13) stated, “Usually parents of girls bring a son in law for only one of their daughters, other girls are married away”. It is nokna who is the sole heiress of family property. In this regard Bordoloi (1991:9) stated that without the consent of the heiress, the other sisters who are generally elder ones, cannot even live under the same roof. However, they get parental property as sanctioned by the parents.

If a woman of the family does not have a daughter, she might adopt one of the daughters of her sister as nokna and the later will inherit the women’s property, and it is a common practice of property inheritance among the Garos. A women’s property never pass to her sons even though she has no any daughter. Also by the norm of Garo society, men do not inherit property. “No men may possess property, unless he has acquired it by his own efforts” (Playfair, 1998:71). When asked by the researcher, Mrs A. Marak (age 29 years) of Singpara village told that, even what a son earns in his parent’s house is not allowed to take with him after marriage. But a married man can exercise his authority over wife’s property. A man can give his own earning or property to anybody he likes.

The man who marries nokna of the house is called nokrom of the family. Customarily, the nokrom is selected from one of the father’s sister’s son of the nokna and it is the most preferred matting among the Garos. But now-a-days this type of marriage is very rare among them. However, the most dearest or the youngest daughter of the family is taken as nokna and her husband become the nokram of the family. Among the Garos, the nokna owns the house, and it is expected that the nokna and the nokrom will take care of nokna’s parents, at their old age. But if a nokna does not like to reside with her parents and wants separate household with her husband, she loses the place of nokna. In such a situation another daughter of the family is placed as nokna of the household. Not only this,
to maintain the place of *nokna*, a daughter has to remain faithful to her husband. If a woman become unfaithful to her husband or she is divorced by her husband, she loses the place *nokna* as well as the rights over property. The occurrence of such events also causes transferring of *nokna* to another daughter of the family. However, *mahari* of the mother get involved in situations like selection of *nokna*, distribution of property etc. When a couple die without leaving any daughter after them the *mahari* of the deceased woman select a *nokna* for the family from their own *mahari*. The following table is showing the property distribution pattern of the Garos of study area.

Table: 7.1B

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Men</th>
<th></th>
<th>Women</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Numbers</td>
<td>%</td>
<td>Numbers</td>
<td>%</td>
</tr>
<tr>
<td>Sole receiver</td>
<td>7</td>
<td>7</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>All brothers</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All sisters</td>
<td>89</td>
<td>89</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>All brothers and sisters</td>
<td>3</td>
<td>3</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Not distributed</td>
<td></td>
<td></td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>No land</td>
<td></td>
<td></td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

As seen in table 7.1B, 7% men of Garo society received their parental property alone, while only one percent man received his parental land sharing with his brothers. As seen in table 7.1B, a larger portion (89%) of men’s parental property was passed to their sisters only. All the brothers and sisters of family had received parental property in case of 3% men only. In case of women respondents 19% women received their parental property alone; while a 48% woman’s parental property was passed to all of their sisters. All brothers and sisters of the family got parental land in case of 26% women.
The above table has highlighted the scenario of passing property to Garo women. Moreover, to know women’s position in terms of property among the Garos the following case studies are cited.

Case 4

Informant: Smt. P. K. Sangma, 26 years, female, married, shop keeper and housewife

Informant Smt. Sangma told that her husband, J. S. Marak of Singpara is the only son of the parents. He has one sister only. Smt P. Sangma belongs to a poor family of Dhupdhara area. They liked each other and the parents arranged their marriage. But, J. Marak’s parents are not agreed to send the son to mother-in-law’s house. Smt Sangma told that it was due to affection of the parents. So after consultation of both the parties the married couple stayed in boy’s (groom’s) house. After 3 years of their marriage the boy’s parents has given him about 2 Bighas of residential land, and now they are living in independent household. On the other hand, J. Marak’s sister is residing in parental house as ‘nokna’. She is getting all the remaining parental properties, and her responsibility is to take care of her parents.

Case 5

Informant: Sri F. Sangma, male, 58 years, married, ex-army, presently cultivator

Sri F. Sangma told that his father late D. Marak, was a High School teacher. Late D. Marak had two sons and two daughters. He was not in favour of matriarchal system in Garo society and wanted change in the system.

He brought daughter-in-law for his son F. Sangma. The daughter in law was a Garo girl of Rani Area. One son of D. Marak left for wife’s house. D. Marak had given almost all his property to his son F. Sangma. It is about 4 bighas of residential land with
parental house, and about 16 bighas of orange garden. Also he had given 2 bighas of land to each of his daughter, who were already married. As the prime heir of parental property, the informant F. Sangma looked after his parents till their death.

**Case 6**

Informant: Sri B. Marak, 70 years, married, ex serviceman, Cultivator

Sri B. Marak and his wife Smt W.N. Sangma of Singpara village have three daughters and two sons. He told that his family property includes his wife’s property, which was about 10 bighas of land and others are his own income. Presently his family property is about 67 bighas of land including residential land; agricultural land, orange garden, other horticultural plot and jhum plot etc. B. Marak told that his sister’s son was brought as son-in-law or *nokrom* for his eldest daughter. Now she is residing in his house with her husband and children. The second daughter has gone out after marriage. The third daughter is still not getting married. Both his sons have gone out as son-in-law of other’s family. As Marak told they have given about 2.5 bighas agricultural land and 2 jhum plots to second daughter and about 3 bighas of horticultural land to each son. He is keeping about 2.5 bighas agricultural land and 2 jhum plots for youngest daughter and the remaining are for the eldest daughter, the *nokna* of the family. This case shows the exercise of customary rule of property inheritance as well as exercise of different practice i.e. passing property to sons in Garo society.

**Case 7**

Informant: Smt A. R. Marak, 29 years, married, undergraduate, High School teacher

Smt A. Marak is the eldest granddaughter of her household. A. Marak told us that at present she is living with grandfather, grandmother, one maternal uncle, her husband
and her baby. Her grandparents have three daughters, including her mother and a son. Her mother is the eldest daughter of the family. Her father is a service holder and so her parents are living away with their children. The informant’s grand parents had given about 2.5 bighas of agricultural land and about 2 bighas of horticultural plot or bagan to the second daughter. The youngest daughter was the nokna of the family and she and her husband lived permanently with parents. But the old couple (grandparents) get unsatisfied with daughter and son-in-law’s behaviour to them. So the mahari organised meeting and transferred all the responsibility of household to eldest daughter of the couple, i.e. to informant’s mother. The youngest daughter is now living in separate household. She is given about 2.5 bighas of agricultural land and about 4 bighas of horticultural land. The eldest daughter being the true heir of the house got about 12 bighas of agricultural land, 2 horticultural gardens and the original house of the family with campus. Being the daughter of the eldest daughter or nokna of the household, my informant is residing in grandparent’s house, looking after grandparents, her mentally retarded uncle and their properties. Her husband has own business; also he looks after the farms of the family.

During field survey the researcher found a household where there are three members only, a widow aged 70 years, her unmarried son and a niece. Here the son is the present heir of the widow’s property and after him property will pass to his niece.

**Discussion**

Among the Boros the 20% sole receivers among the men are the only sons of the families. On the other hand, the 12% sole receivers of the women respondents are the only child of the families. Receiving of parental property by all brothers indicate a very normal
process of property distribution of the patrilineal societies, i.e. passing property to sons. The table 7.1A has exhibited that a large section of the men respondents are getting parental property along with their brothers only. Property of the families having son were distributed among the sisters only. There are 4% such women among the respondents. In case of small section of women of both the societies, parental property was passed to both brothers and sisters, or it can be said to the sons and the daughters of the families. They belong to the families who have children of both the genders. However, considering the way of property succession it is understood that the daughters of the families are not getting equal share with their brothers. The son inhabiting with parents are not getting property yet, but it will automatically pass to him after the death of parents.

The above cases show that in normal circumstances the property of a person is distributed equally among the sons and usually father’s decision is final. Few fathers (head of the family) pass their property during his life time. Married daughters are usually not given share of parental land, but if parents feel about financial constrain in their life, father help them by providing land. The case 2 shows that in special circumstances, the rule of passing equal share of property to all sons may not be followed properly in practical life. From the case 3 it is seen that a widow has the authority to transfer the deceased husband’s property. Also the informant’s (Mrs. R. Boro) decision to giving equal share to the son and daughter under the condition that she remains unmarried reflects the society’s custom of giving share to never married daughters. Such custom indicates parent’s care for a daughter. The case 1 of chapter VI also is an example of passing property to daughters. In Bhogdabari there are instance of passing property to adopted daughter. So it indicates that daughter’s position in Boro society is next to son in terms of inheritance of property.

Thakur (1997) stated that among the Deoris of Assam, properties of father passes equally to all sons. But if a man dies without any survivor his property usually goes to the
nearest agnatic relations but not to his wife and daughters. Among the Boros also such rules are there in the society, but the study shows that father’s property goes to the daughter, if he has no son.

Now there is Government rule on succession of property. “The Hindu Succession Act, 1956 provides equal share to women in the properties of their father. Section 14 of the Act gives women the right to acquire absolute ownership of property” (Sumanlata, 2005). Regarding the abidance of Government rule some village elders told that they are obliged to follow it, if somebody demands. But as nobody demands, the society is following their own customs.

The above study reveals that among the Boros daughters are the natural heir in absence of son. It also reveals that though the property of a Boro family automatically goes to sons, however the daughters are not allowed to remain in distress; if necessary they are well attended.

On the other hand, in Garo society as seen in table 7.1B, the 89% of men respondents’ parental properties were inherited by their sisters only. This shows the prevalence of the customary practice of property inheritance among the Garos. All brothers got parental property in very rare cases. There are instances of receiving parental property by both sons and daughters. There are few women who received parental property alone and they are the nokna of the families. Receiving of property by all sisters also shows the practice of society’s norm where nokna get the lion’s share and other sister’s get as sanctioned by parents. Among the Garos the nokna is the real heiress of family property, the other daughters have to depend on the favour of parents. The parents who are financially weak cannot give property to all daughters except the nokna, and others get nothing.
Regarding receiving of parental property by sons and daughter, field investigation reveals that now a days many Garo boys are not willing to leave for wife’s house, rather they like to live in parent’s house. Even occasionally parents of few boys propose girl’s parents to send their daughter to boy’s house after marriage. Such parents pass on their land to sons. On this point Sri S. D. Marak , 50 years, married male of Borphekpara told that he brought his wife to his mother’s house. Marak got about 4 bighas of land from his parents and his sisters are also getting father’s land.

The report of sole receiving of parental property by 7% of men respondents is an unusual record of property transmission in Garo society. It indicates certain changes in their traditional norm. By customary rule women having no daughter adopt a girl from her own clan, usually her sister’s daughter. Sometimes clan arrange such daughter for adoption and by norm, that adopted daughter inherits the fostered mother’s property. Inheritance of property by son of the family indicates the decreasing trend of such system now a day. After discussion it comes to knowledge that, presently few Garo girl go away of their family by marring boys of Boro and Rabha tribe of neighbouring villages. There are several instances of such marriage bond. The girl who left for husband’s house does not get her family property. There are instance of marriage between Garo girl and caste Hindu boy, where both are highly educated. Now they are living in the husband’s parental house in a patriarchal family. Such changes in trend are the causes of passing property to male child of the families. In this regard a man, named A. Marak, aged 61 years, married, told that he had no sister, his brother left to his wives’ house after marriage and so he got all the property of the family alone.

Enquiry reveals that, presently the families having no daughter, like to pass their property to sons. Some parents out of affection do not want to send their sons to wife’s
house. Sons of rich family also dislike leaving to parents in laws house. Thus it appears that among the Garos the system of inheritance is related to events of marriage.

The case 4 and case 5 are the example of passing property to sons as well as to daughters. It reveals that at different situation parental property passes to sons. The case 4 indicates that due to weak economic condition of the informant’s parents, the married couple are allowed to stay in boy’s house. Later on the boy’s parents gave land to their son.

The case 6 shows that the parental property was distributed among the daughters and sons. In a Garo society a woman inherit parental property, husband utilize it and look after it as his own property. Few husbands enlarge family property by own effort. The case 7 shows how mahari take care of the elders and their property. It also shows that an heir of a family may get changed. In other words the noknaship of a family may be withdrawn from one daughter to another at negligence to caring of parents and at misbehaviour to latter. A newly accepted nokna enjoy the ownership of parental property.

The investigation shows that though due to various reasons few men of Garo society are getting parental property it is not the norm of society. Though some of the Garo men get parental property in certain circumstances, it has no impact on general property inheritance by women. Being the actual heir of parental property, the women of Garo society are always in higher position than the men of their own society. Also it appears that the Garo women are better placed than the Boro women in terms of property inheritance.