CHAPTER VII

PROPERTY

In 1835 the Raja of Jaintia was deposed and the Jaintia Hills became a British Territory. No tax was collected by the British. The Dolois of each circle sent a he-goat every year to the agent of the British Government at Cherrapunjee as a sign of submission\(^1\).

While examining the report of Mr. Allen in 1858 A.D. concerning the administration of Jaintia Hills we find that there was (state Raj) land. Part of this land was cultivated for the Raja by his servants and some was held by his officials as service lands. In this manner there existed about eleven (11) doloiships. After the deposition of the Raja there was no longer any managing authority for this kind of land. Therefore some unauthorised persons seized and kept such land\(^2\).

In 1859 the Raja's land was measured in Jaintia Hills. They found a total of 1468 hals\(^3\), equal to 6239 acres in fifteen doloiships. There were 655 hals of land held by the Raja, 207 hals held by Dolois and subordinate

\(^1\) Cantlie Keith - Khasi Law 1974 p.103

\(^2\) Interview with Bah Chism headman of Pokseh village age 65

\(^3\) a hal = 4\(\frac{1}{2}\) acres.
village officials such as Pastors, Basans, peons, village criers, musicians etc. and 212 hals held by Lyngdohs (Priests), 299 hals by chowkidars, 85 hals by puja officials and 7 hals by servants of the Raja.

In 1860 a house tax of one rupee was imposed by the British. This caused a rebellion which was soon quelled. Then fees were imposed on judicial stamps, timber, fisheries etc. There was much discontentment which led to a rebellion in 1861. It was suppressed after 15 months of fighting.

In 1882 Mr. Heath a Subdivisional Officer divided the land into five groups.

1. In the first group there was much hali land, shifting cultivation of rice millet etc. This area was confined to Nartiang, Nongjugi, Mynso, Shiliang, Myntang and Nongphyllut.

2. In the second group there was a larger proportion of hali land. These areas were Muskut, Nongbah, Shangpung and Raliang.

4. Interview with the people of Jowai.
5. hali-land = land with water for cultivation.
3. In the third group there was no hali land. These were Amwi, Rambai, Suhtnga and Nongkhlieh.

4. The fourth was Darrang, Nongtalang, Satpator, Lakadong and Narpuh. This group had groves of betelnuts and pan. It had shifting cultivation of rice and millet. It had no hali land.

5. The north and east of Jaintia Hills inhabited by Mikirs and Kukis were made into the fifth group. There was only jhum cultivation.

Hali land was of two kinds, the first being terraced land to which water was brought by channels from streams. The second was terraced land dependent on rainfall for its water supply. The first kind was cultivated yearly. The second kind after three years of crops was allowed to lie fallow for four or five years.

**INHERITANCE AMONG THE PNARS**

The Pnar society is matrilineal. Descent is reckoned from the mother alone. The children belong to the clan of the mother, not to that of the father. The inheritance is always given to the iing-khadduh.

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6. jhum = shifting cultivation
7. iing-khadduh = yougest female.
Succession to the iing-khadduh is in the following order:-

1. Mother's youngest daughter.
2. Youngest daughter's youghest daughter.
3. On failure of the youngest daughter's stock, the next youngest daughter of the mother.
4. Failing all daughters and their female stocks, the iing-khadduh would be absorbed from the mother's family.

DIVISION OF PROPERTY

A large area may be held by a clan. These portions are again sub-divided within the family. The mother divides her land among her daughters, usually on their marriage, reserving a larger share for Ka khadduh. The older daughters hold these shares as property entirely separated from those of the rest of the family and without any control by ka khadduh. Each can sell her portion without reference to ka khadduh. There is no obligation on the mother to divide her property equally. The ka khadduh has religious and family duties to perform. Additional land may be given for the family religion.

The ka khadduh cannot sell this land except with the consent of the family. There is no right to demand partition of family property.

The property is not divided when it is too small. In that case the youngest daughter takes all. It is also not divided when the mother does not wish to divide.

The inheritance by a male is had when all the members die with the exception of a male. Again if the property has been divided and the females of a stock holding a separate share all die, then a surviving male takes the property. However the brother has a preference before the son.

The inheritance by the male is subject to the following restrictions.

1. He holds the property for life only. His children do not inherit as they belong to the clan of their mother not to the clan of their father.

2. A male can take a female Kur, related from the female side, as the keeper of the property during his lifetime and as the successor to the property on his death.

9. Ibid ....... p. 14
10. Interview with the people of Puriang
She need not be and usually is not a khadduh. If he does not do so, ka khadduh is his death.  

3. If he be a minor, a member of the family, selected by the body of kurs, must be guardian of the property.  

4. He must keep the property intact. If it be land, he has no power to sell it; if it be ornaments, he must keep for his kurs and not give them to his own wife and children.  

5. The profits of his labours from the property can be used for his wife and children.  

If a female has a separate share but has no daughters, she can choose a female of the family or clan as heir to herself and as keeper of her house after death. This is called Rap-iing. Again if the property has fallen upon a male, he may choose a female of the family to take core of the family house, to perform the family worship and to be his heir after death. Here the female is called non-rap-iing, the helper of the house. On the death of the nong-rap-iing, her successor as nong-rap-iing is the female who would ordinarily succeed to her property.  

11. Ibid  
12. Kurs = relatives  
INHERITANCE OF SELF ACQUIRED PROPERTY OF A
FEMALE BEFORE MARRIAGE

A female before marriage nearly always resides in the house of her mother or female kurs. Her earnings are considered as part of the family earnings. If she dies leaving any property which can be distinguished as separate (this might happen if she had left her home to work elsewhere) her mother, or failing the mother, the nearest female kur takes it. Here the order of succession is the same as for ancestral property.

A woman after marriage may acquire property by her own efforts. On her death, succession to it is the same as for a divided share of ancestral property. If the children are minors a kur is the guardian of their property. Among persons who live by cultivation, wife and husband work together. These joint earnings descend as if they were the wife's earnings.

When a wife dies before her husband and leaves children and the husband remains in the house of his dead wife, the children have no power to take all this jointly earned property and to drive away the father.

14. Interview with Bah Chism headman of Pokseh village age 65. He is a Pnar.
15. Ibid.
The earnings were as much his as hers.  

INHERITANCE TO SELF-ACQUIRED PROPERTY OF A MALE

Before marriage self-acquired property of a man who dies goes to his mother. After marriage the usual habit among the Pnars is that the man does not go to live in the house of his wife but lives and works with his mother. Therefore the mother or kurs inherit it.

There are also exceptions. If the ceremonies of kit khih and ri-shieng are performed, the wife can get a portion of the self-acquired property of her husband on his death. Kit khih means when a couple have got children and have been living for a long time, then by mutual agreement of the wife and the mother or nearest relative of her husband, the wife can get a monopoly of the income of her husband by a ceremony called kit-khih. In such case the wife sends a gonrd (u klong) full of liquor to the mother of her husband or his nearest relative and then the husband is at liberty to give and gives a part of his income to his wife. After two or three years the

16. Interview with the people Jowai.
17. Ibid
18. In some doloiships half, in the others one-third etc.
19. U Klong = gourd
wife again sends for the second time another u klong with liquor, for getting the monopoly of the income of her husband, to his mother or nearest relative. Then the husband leaves the mother's house and goes to that of his wife and the mother must give some property to the wife, and then the husband works for his wife and gives his whole income to her and then the wife cannot remarry and must also deposit her husband's bones in her family urn. If she violates this custom i.e. remarries any one, then she will have to return all property belonging to her husband to her relatives.

INHERITANCE AMONG CHRISTIANS

At the advent of Christianity in the Hills, a convert was considered as "sang" and lost all claim to property. There was no inheritance from christians to non-christians and vice-versa. At first conversion to christianity separated a man from his kith and kin. He was outcasted. He succeeded to no property from his relatives. Property to which he was entitled went to his next of kin. By and by this hostility ceased and christians were allowed by social custom to inherit from non-christians. It is now a settled law that christians can inherit from non-christians.

20. Information collected from Sr. Catherine Susngi-Jowai (Nongbah)
21. Urn = Ri-shieng = placing of bones beneath the clan stone.
22. Taboo
SUCCESSION OF A CHRISTIAN KHADDUH

According to the Pnar custom the youngest daughter inherits because she has the charge of the family idols. She is the family priestess. Her duty is to perform the family ceremonies and propitiate the family ancestors. At present the custom is if the youngest daughter becomes a convert to a new religion she would retain her own personal share of the family property but would have to give up the additional share which devolved on her in her capacity as family priestess.

The old custom has of late years undergone an evolution which most probably is due to the fact that the present generation is not aware of what the old customs were and apparently are under the impression that a change of religion does not affect the right of heirship.

WILLS AND GIFTS

There is no power to make a will. A desire exists especially among educated males, for a change in the law.

24. Interview with the people of Puriang
25. Cantlie Keith - Khasi Law 1974 p. 64
To this effect a request was made. The request was that self-acquired property can be disposed by will. But then the Deputy Commissioner 1918 Mr. Dentith was against the will.

The necessity for settlement of shares both in ancestral and acquired property, among children in order to prevent disputes. Therefore the division of property by the parent in his or her life time is possible. Information to the children given by the parents of the share which the parent wishes them to get after his or her death is also possible. Nowadays this may even be by a written document, although it has only a moral and not a legal effect. The parents or grand-parents always express their wishes when they do not divide their property in their lifetime. The children and family members should respect these wishes if equitable and they are considered by society to have failed in their moral duty if they refuse to carry them out. The youngest sister, with the advice of the experienced male members, can if she wishes divide the property after the death of the mother, giving separate shares to her sisters which they hold in full control.

26. Interview with Bah Peter Sullai age 42 Jowai.
Gifts of ancestral property from the heirs cannot be made without the consent of the heirs. Gifts of self-acquired property can be made by the acquirer in his or her life-time without the consent of the heirs. However it is said that an unmarried man cannot make a gift of property acquired by him while living with his mother in her house.

**RI RAID AND RI KYNTI LANDS**

Ri Raid lands are lands set apart for the community over which no persons have proprietary, heritable or transferable rights excepting the right of use and occupancy. Such rights revert to the community when a person ceases to occupy or use the land for a period of more than three years consecutively. Heritable and transferable right over Ri Raid lands exists when the occupant has made permanent improvements on the land. But even these rights lapse if he completely abandons the land owner such a period as the Raid Durbar deems long enough.

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27. Ibid
Ri Kynti lands are lands set apart from the time of the founding of the elaka for certain clans with proprietary heritable and transferable rights over such lands. They also include any part of Ri Raid lands which in later times were bestowed upon a person or a family or clan for certain service rendered to the elaka.


1. The entire Ri Raid land is the property of the people of the Raid.

2. Every member of the Raid has the right to cultivate everywhere (the vacant) as much as he can.

3. The land belongs to the person who cultivates it as long as he does so.

4. If a person leaves the land unclutivated for more than three consecutive years, it reverts to the Raid.

5. A plot of land allocated to a person to cultivate but on which he does no work within 3 years, reverts to the Raid.

29. Ibid

30. elaka = village

31. Raid = Kur
6. There cannot be outright sale of land.

7. Ka Nongmei-Nongpa reverts to the Raid if left uncultivated for seven consecutive years.

8. The properties of an extinct family goes back to the custody of the Syiem for the people of the Raid.

9. If a person of Raid "A" goes to settle in Raid "B" his lands like wet paddy fields gardens etc. in Raid "A" which he wants to keep even if he settles in Raid "B" will remain his and no one can take them away from him provided that they are not lands which the village cultivate for community purposes.

10. Any village may set apart or reserve any land for cultivation of the community as a whole for common community purposes.

11. Villages have a right or use of timber for their own needs from the village forests.

12. A house site reverts to the Raid if a person dismantles it and leaves the place.

13. The Raid can reserve one choice forests for the common benefit of the Raid.

32. Interview with Rev. Sngi Lyngdoh age 59 - Mawlai.

33. Ibid.
GOVERNMENT LANDS

The British Government purchased and leased lands for the establishment of the towns. Then the Syiems entered into an agreement with the British Government for the purchase of land. The Government land are:

1. Land purchased by the Government and reserved for public purposes.
2. Land purchased by the Government and available to private persons for building purposes.
3. Land purchased by the Government and deemed unsuitable for building purposes, but available to private persons for purposes other than buildings.
4. Lands which are the property of private persons.

PYNKAM

Pynkam is an ancient custom whereby a Pnar any time during his or her lifetime issues verbal instructions in the presence of witnesses about the disposition of his/her properties to take effect after death. It can be altered, modified revised or revoked by the donor at any time.

35. Ibid
36. Ibid
Any kind of dispute between member of a family is first brought to the notice of the durbar 'Kur' for settlement\(^1\). The durbar is constituted of the elders of the family (Ka iing) or of the branch of clan (Ka kpoh) or of the clan itself as a whole (Ka Kur) depending upon whether the dispute is between the family or members of a branch of clan, or members of the branches constituting the clan. They are known as durbar iing, durbar kpoh, or durbar kur respectively. The efficiency of the durbar iing, durbar-kpoh or durbar kur lies in the fear of a side which does not bow down to its ruling for an amicable settlement is being cut off by the rest of the family, kpoh or clan as the case may be. Taking a dispute to a village durbar creates a "sang" against a party which does so\(^2\). The traditional village durbar is now replaced by a village council or village court set up by the district council under the Jaintia Hills Autonomous District Administration of Justice Act/Rules\(^3\). It is the practice of the village durbar also to persuade the parties, at first, to come to an amicable settlement knowing that,

\(^1\) Interview with Simon Pawa age 35 Jowai.
\(^2\) Ibid.
\(^3\) Rymbai R.T. Report of the Land Reform Commission p. 44.
according to custom, there would be a total break up among the members of the family, kpoh or kur if the case proceeds.

The dissatisfied can take the dispute to the Raid durbar within the Raid. The Raid durbar is a durbar of a group of villages to which the village of the disputants belong and which is one of the groups constituting an elaka. The head of a Raid durbar in either an elected chief from among the headmen of village constituting the raid, or one elected by the male adults of the entire Raid of the constituent villages or a hereditary chief under the elaka who is elected by the male adults of his clan and is sometimes known as a Syiem Raid, Basan. The dissatisfied can go to the durbar of the elaka presided over by the chief the elaka where the representatives of the hereditary clans known as Myntries, Lyngskors and Basans sit. In some elakas the elders from Raids or heads of the Raid also sit in the elaka durbar called Durbar Shyiem or Durbar Lyngdoh depending upon the name by which the elaka is known. The disputes in olden times ended at the durbar of the elaka, called durbar syiem or

40. Ibid
41. Ibid p. 44
durbar Lyngdoh. Now it goes to the highest court of appeal in the land the supreme court depending upon how far the parties can go.

A durbar Hima which is above the durbar Syiem may be compared to what we call now a parliament. It lays down laws concerning the entire elaka. Literally every adult male of the elaka can attend. In practice, however, this durbar is generally attended only by the chief, the hereditary representatives of the clan constituting the elaka and also the village elders generally deputed by the village itself after consultation in the village durbars. This durbar Hima does not hear appeals against judicial decision of a chief in durbar.

LOSS OF RIGHT OF INHERITANCE

A person loses the right of inheritance if she or he commits any of the following offences.

1. Marriage within the kur or within the prohibited degrees of kindred.

2. Commission of incest with a kur or within the prohibited degrees of kindred.

42. Interview with Rev. Kangla age 59 Jowai.
3. Commission of adultery, murder or theft.
4. Living an immoral life causing disgrace to the family.
5. Going to litigation against ka iing, kpoh or kur.
6. Marriage against parental consent.
7. Disobedience to parents or misconduct disapproved by parents.
8. A widow marrying or living with another man within a year of the husband's death, in which case the property of the husband inherited by her goes to her children only.
9. Non-payment or non-contribution of a share of the expenses of religious ceremonies among those who still perform such ceremonies as a clan or kpoh.