

Quadrant II – Transcript

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Module Name: Matrilineal Joint Family

Module No: 9

Welcome students, I'm Pearl Monteiro from V. M . Salgaocar College of Law. My topic for today is matrilineal joint family. It's under family Law 2, joint Family Module 9.

The outline of this module is the matrilineal joint family. After listening to this, you will be able to understand the concept of a matrilineal joint family. Now, firstly, most of us are familiar with patrilineal family or patriarchal family. Patrilineage when we trace our ancestor or our family through our father. And matrilineal is when we trace our ancestry or our relations, or our family through our mother.

Matrilineal is not the same as matriarchal. Matrilineal means the relationship is traced through the mother, but matriarchal means the mother is the head of the family. There is a difference in the two. In matrilineal we only trace the relations or the kinship. In matriarchal the real power or the authority or decision-making is with the mother.

In India there are matrilineal societies, mainly with the Khasi In Meghalaya and the Nair in Kerala. Now matrilineal society has a different pattern of residence than what we normally observe. There are three patterns of residence in matrilineal family. One is the duolocal residence where the husband and wife occupy different homes which is followed by the Nair community of Kerala. The other two are matrilocal wherein the husband moves in with the wife's family that is followed by the Khasi or the Neolocal with a couple set up a new

residence close to the wife's maternal residence. This is also followed by the Khasi. The Khasis follow this particular form of residence because the children belong to the tribe of the mother and it is the duty of the mother and the mother's people to look after the children. So, for practical reasons it is advisable for them to reside either with the mothers' people or close to the mother's people.

The Khasis are a group of people inhabiting the state of Meghalaya in northeast India. They follow typically the matrilineal society, but there is a dispute whether they are matriarchal or not. Now in the Khasi family, the most important role is played by the youngest daughter. She is known as the Khadou. She is the heir apparent. That is, she's the one who's supposed to succeed to the family property. She is the family priest; the largest share of the family property belongs to the Khadou. She performs all the family ceremonies and propitiates the family ancestors. She also takes care of old parents, grandparents, unmarried relatives, as well as orphaned children. She is the custodian of the family property and the ancestral house. She is entitled to the family jewellery and everything associated with the house. However, she cannot sell the house without the consent of her sisters. If the Khadou dies she is succeeded by the next youngest daughter and so on. The other daughters of the family also get a share of the mother's property, but the Khadou gets the maximum. It is also the duty of the other daughters to pool their resources to maintain and repair the ancestral house of the Khadou in the times of need. The men may cultivate the land that is, they cultivate the land of their mother and they give the produce of the land to the mother, who then divides it among the other members of the family. The men also have a role to play in their sister's house. That is, they act as advisers and counsellors and mediators. They enjoy authority and status in society. They don't, however, own ancestral property.

Now, inheritance, a woman inherits ancestral land from her mother and any land which is inherited has to follow the rules of inheritance. The rule of inheritance states that the land passes from mother to younger daughter, and so on. All the other daughters are entitled to maintenance from the produce of the land. Thus, it is always the women who own the ancestral landed property. If a woman doesn't have daughters, she may adopt a daughter. If that also is not possible, then it goes to her younger sister. And is inherited by the Sisters, youngest daughter, and so on. If she doesn't have sisters, then it reverts to the Mother's Sisters and their family descendants. The head of the families tripartite, unlike the Patriarchal Society in this territory, in this there are three heads, the mother as the center of the family. The mother's brother, as the legal advisor and representative towards outsiders and the father. The father is a person of paramount psychological importance. He legally doesn't hold any position except that of an honored guest. Now there is a legislation which regulates the self-acquired property of a Khasi and allows him to dispose it off by will. The will is governed by the provisions of the Indian Succession Act. However, the exception is that the Khasi normally cannot will his property to a non-Khasi except for religious, charitable or such purposes. But there also Khasi has to be a member or at least a beneficiary.

The next system of matrilineal society is in South India. It is known as Marumakkatayam and Aliasantana. Marumakkatayam is followed in Travancore, Cochin, Malabar. Aliasantana applies in South Canara. It is mainly followed by non-Brahmin castes. Now Aliasantana and Marumakkatayam are a body of custom and usage. The outstanding feature is that it is based on the matriarchal or matrilineal society and the inheritances through nephews and nieces.

The descent or kinship is traced through a common female ancestress. That is, the ancestry is through the female line. The joint family of Marumakkatayam is called as Tarwad. It is based on the matriarchal system. It consists of males and females all descended in the female line from a common ancestress. Initially a Tarwad consists of mother and her children, both male and female, who live together with joint right in property. As it expands, the male and female descendants of its female members are added to that are worn. Every member with a male or female has equal right in the Tarwad by virtue of being born in it. On the death of one of its members, his or her interest devolves to the other members, by survivorship. No individual member could claim a right to partition or separation of his share. However, this has been changed by legislation. After legislation, the share was to be a certain as per capita, that is per head and not per stirps, that is not per branch.

The head of the family in the Marumakkatayam the senior most male member, is known as Karnavan and he has the right and power to carry on the family management. If there is no adult male, then the senior most female member known as Karnavati has the power to carry on the family management. In the Aliasantana system, the eldest male member is known as Ejman, and the eldest female member is known as Ejmanthi.

In this system, whoever is senior most, irrespective of whether male or female, is entitled to carry on the family management. This is the vital and only difference between the two systems.

Now inheritance question only arose in case of individual property or property of an extinct Tarwad. Courts have held that the self-acquired property of a male lapses to the Tarwad and forms a part of its property. Now here Tarwad refers to his mother Tarward and the self-acquired property of a female descends on

her own issues and in default of them devolves to her mother and her descendants.

Now, the present situation is that the Kerala Joint Hindu family System (Abolition) Act 1975 abolished the Marumakkattayam system in Kerala. So, in Kerala we no longer have a joint family system where every member has a right by birth. Not only that, the laws of succession have been changed by the Hindu Succession Act 1956. Today, the preferential heirs of a male dying intestate are mother, widow and children. Testamentary succession has also been recognized.

Thank you.