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Marriage, Divorce and Responsibilities: A Study on Customary Practices of Khasi and Jaintia Tribes

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ABSTRACT

This study examines marriage, divorce, and spousal responsibilities as customary practices within the matrilineal system of Meghalaya, focusing on the Khasi, Jaintia (Pnar), and Garo tribes. In these societies lineage, inheritance, and identity descend through the female line, yet decision-making authority frequently vests in men, particularly the maternal uncle. The paper analyses how marriage and its dissolution are conceptualised and regulated under largely uncodified customary law, the division of roles and responsibilities between spouses during marriage and after divorce, and whether the system empowers women or produces gender disparity by imposing a disproportionate burden upon them. It concludes that the matrilineal framework is paradoxical: it secures women's identity, inheritance, and social security and removes the stigma of divorce, but it also loads women with the greater share of child-rearing, economic, and domestic responsibility, compounded by the historical absence of legally enforceable maintenance obligations on fathers.

Keywords: *matriliny, Khasi, customary law, Meghalaya, marriage and divorce, women's empowerment*

I. INTRODUCTION

Marriage, a fundamental social unit, takes several forms across cultures. It is an institution that represents a complex relationship between custom, kinship, and law.¹ North-East India, and especially the state of Meghalaya, offers a unique paradigm in the traditional practices of indigenous tribes, one that differs substantially from the mainstream patriarchal structures prevailing in the rest of the country. Meghalaya, which means "abode of the clouds," is home to three principal tribes, the Khasi, Jaintia, and Garo, which are predominantly matrilineal, tracing lineage, inheritance, and identity through the female line rather than the male.² This

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¹ K.M. Chandrakantha, *Tribal Marriage System in India: A Sociological Analysis*, 1(4) INT'L J. RESEARCH & ANALYTICAL REVS. 90 (2014).

² M. Myllemngap, *Inheritance, Identity, and Power: The Role of Women and the Maternal Uncle in Khasi Matrilineal Lineage Systems*, 6(5) INT'L J. FOR MULTIDISCIPLINARY RESEARCH 1 (2024).

particular social structure provides fertile ground for examining how marriage and divorce are conceived and regulated within customary law systems.

Matriliny, from the Latin *mater* ("mother") and *linea* ("line" or "thread"),³ refers to a kinship system in which lineage is established through the mother's line. It is important, however, to distinguish matriliney from matriarchy. Matriliney concerns lineage and inheritance and does not necessarily denote female dominance in the social or political sphere.⁴ In matrilineal society, although women are the inheritors of ancestral property and the keepers of the lineage, authority in decision-making within the family and community generally lies with the men,⁵ particularly the maternal uncle (*u kni*). This paradox reflects a complex balancing of gender roles that runs counter to simplistic ideals of empowerment.

Marriage under the matrilineal system has customary practices that distinguish it from mainstream frameworks. One characteristic of the matrilineal pattern of residence is that the husband lives with his wife's family after marriage.⁶ Furthermore, offspring acquire their identity and clan allegiance from the mother, ensuring the continuance of the maternal line.⁷ The customary laws relating to marriage and its dissolution remain largely uncoded and are transmitted orally from generation to generation, with the Autonomous District Councils, empowered under the Sixth Schedule, playing a crucial role in safeguarding and governing customary practices of marriage and divorce in Meghalaya.⁸ Yet, despite this formal recognition, the absence of thorough codification often results in ambiguity and legal pluralism.⁹

The distinctiveness of Khasi society is also reflected in the roles and obligations of spouses. Men are generally seen as providers and play an advisory role in their natal and marital households. The maternal uncle occupies an important place in family governance, typically holding sway over property and social affairs.¹⁰ The question of women's empowerment in a matrilineal context is difficult and contested. On one hand, women in Meghalaya enjoy

³ *Matrilineality*, ENCYCLOPEDIA.COM, <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/matrilineality> (last visited Apr. 19, 2026).

⁴ A. Jain & Y. Mahmiab, *Power Relations and Family Arrangements: A Study of Matrilineal Khasi Families of Meghalaya*, 1(4) *JUS CORPUS L.J.* 474, 475 (2021).

⁵ Jyoti Shukla, *Matriliny Without Matriarchy: A Descriptive Study of the Khasi Tribe of Meghalaya*, 3 *INT'L J. GLOBAL RESEARCH INNOVATIONS & TECH.* 127, 127-28 (2025).

⁶ Myllemngap, *supra* note 2, at 4.

⁷ A. Roy, *The Land Where Women Prevail: Khasi Matrilineality and Emergent Social Issues in Meghalaya*, 1(1) *ANUDHYAN: INT'L J. FOR SOCIAL SCIENCES* 84, 86 (2016).

⁸ P. Symon & D. Poddar, *Customary Marriage in Khasi Tribe: Deconstruction of the Dissolution*, 9(1) *NUJS J. REGULATORY STUDIES* 2 (2024).

⁹ T. Tombing, *Marriage and Divorce Law Among Indigenous North East Tribes of India: A Comparative Study of Mizoram and Meghalaya*, 2 *NLU L. REV.* 38, 38-56 (2017).

¹⁰ Das & A. Mohanty, *The Power of Women: A Study of the Tribes of Meghalaya*, 4 *INT'L J. OF INTERDISCIPLINARY & MULTIDISCIPLINARY STUDIES* 5, 5-7 (2016).

comparatively better social security, inheritance rights, and authority within the family. On the other, their exclusion from political institutions such as the *Dorbar Shnong* (village council) and the restricted extent of their participation in formal decision-making indicate structural constraints on their empowerment.¹¹ Moreover, women generally bear substantial social and economic responsibilities, such as maintaining family cohesion and managing ancestral estates, which can place considerable strain on them notwithstanding their high status.¹²

II. OBJECTIVES

To examine the concepts of marriage and divorce as distinctive customary practices within the matrilineal system of Meghalaya.

To analyse the roles and responsibilities of spouses following marriage and after divorce.

To assess whether such a system empowers women or creates gender disparity by imposing a disproportionate burden upon them.

III. RESEARCH QUESTIONS

How are marriage and divorce conceptualised and practised under the customary laws of the matrilineal tribes of Meghalaya?

What are the roles and responsibilities of spouses within the matrilineal system, both during marriage and after divorce?

Does the matrilineal system empower women, or does it create gender disparity by imposing a disproportionate burden upon them?

IV. DISCUSSION AND FINDINGS

A. How are marriage and divorce conceptualised and practised under the customary laws of the matrilineal tribes of Meghalaya?

i. Marriage customs and practices

Clan exogamy: the most basic norm is strict exogamy, that is, one must marry outside one's own clan. Marriage within the clan is termed *sang* (an unforgivable sin) and results in social ostracism and the loss of inheritance rights.¹³

Residence patterns. Matrilocality or uxorilocality:¹⁴ traditionally, the groom leaves his natal household to reside in the house of his wife.

¹¹ Jain, *supra* note 4, at 486.

¹² Das, *supra* note 10, at 5-7.

¹³ Myllemngap, *supra* note 2, at 4.

¹⁴ Shukla, *supra* note 5, at 128.

Visiting husband: a distinctive custom of the Pnar (Jaintia) is that the husband works for his own mother's house and visits his wife and children only at night.¹⁵ Among the matrilineal tribes of Meghalaya, marriage and divorce are governed by customary laws that emphasise the continuity of the clan and the centrality of the woman and her maternal relatives.

Types of marriage. Traditional and modern forms of marriage vary according to economic status and religious affiliation.

Traditional Khasi and Pnar forms:¹⁶ *Pynhiar Synjat* is the most elaborate and formal type, ordinarily reserved for the well-to-do. It involves the exchange of rings (*synjat*) of gold or silver. The resulting union is regarded as historically indissoluble, and remarriage is not permitted even upon the death of a spouse. *Lamdoh* is a respected type of marriage similar to *Pynhiar Synjat* but without the exchange of rings. *Iadih Kiad* (*Iadih-Kiah*) is a simpler form for those of modest means, involving the consumption of fish or liquor rather than elaborate meat dishes. *Bia Pynrong* is a modern Pnar term for a "colourful wedding" accompanied by music, dancing, and a feast. *Bia Khap* is a simple marriage in which the husband was fully absorbed into his wife's clan; this variety is now extinct because it left the man without a natal clan to return to if the marriage failed.

Ia-Shong:¹⁷ the most frequent form of union today is the informal union (cohabitation, or *ia-shong*), in which a couple lives together without a formal public ceremony. Because its principal aim is procreation to enlarge the clan, it is socially tolerated.

Christian marriage. Weddings are held in a church and officiated by a certified minister or priest. These are administered under the INDIAN CHRISTIAN MARRIAGE ACT, 1872.¹⁸

Garo specifics: the *a-kim* bond is a principle linking two lineages through successive intermarriages to preserve stability. Under the *nokrom* system,¹⁹ in certain situations a substitute husband (*nokrom*) must marry both his mother-in-law and the daughter (the heiress) in order to succeed to his father-in-law's position.

ii. Forms and procedure of divorce

Divorce (*ka pynlait tnga*) is socially acceptable and does not carry the significant shame inherent in patriarchal settings.

¹⁵ P.P. Borah & G. Phukan, *Social Status of Women in Meghalaya in North East India*, 7(8) J. CRITICAL REVIEWS. 3351, 3353 (2020).

¹⁶ Symon & Poddar, *supra* note 8, at 5.

¹⁷ Symon & Poddar, *supra* note 8, at 5.

¹⁸ Tombing, *supra* note 9, at 38-56.

¹⁹ Das, *supra* note 10, at 5-7.

Traditional procedure (*ia pylliat san shyieng*):²⁰ mutual consent is required, both parties agreeing to separate voluntarily. In the ritual, the pair exchange five cowries or coins (*san shyieng*) before witnesses. The wife gives them to the husband, who returns them to her with his own five; the wife then hands back all ten, and he casts them on the ground, symbolising the severed tie. A public proclamation follows:²¹ a town crier announces the divorce throughout the village so that prospective suitors know that both parties are again free to be courted. As a simple separation, a man may leave his wife's house and return to his mother or sisters. In Pnar custom, a man must wait three days before attempting to return to his family; returning sooner marks him as a "man of no worth."

Christian divorce is governed by the INDIAN DIVORCE ACT, 1869 and requires official court proceedings and legal grounds such as adultery, desertion, or cruelty.

iii. Emerging trends

Christianity and civil law: the introduction of Christianity has led to a number of ceremonies being transferred to church weddings, in which the role of the father has been enhanced, although the maternal uncle continues to be recognised. Compulsory registration: the MEGHALAYA COMPULSORY REGISTRATION OF MARRIAGE ACT, 2012 was enacted to provide legal security to women, particularly those in live-in relationships who might otherwise be deserted without any maintenance. Inter-marriage: some disapprove of Khasi women marrying non-tribals. Controversial measures such as the Khasi Social Custom of Lineage (Second Amendment) Bill, 2018 have recently been passed²² to deprive such women of their Scheduled Tribe status and associated benefits.²³

B. What are the roles and responsibilities of spouses within the matrilineal system, both during marriage and after divorce?

The division of authority between spouses among the matrilineal tribes of Meghalaya is distinctive. It maintains a balance between household preservation on one hand and public representation and provision on the other.

i. Roles and responsibilities in marriage

²⁰ Tombing, *supra* note 9, at 38-56.

²¹ Tombing, *supra* note 9, at 38-56.

²² *KHADC Passes Bill to Prevent Khasi Women from Marrying Non-Khasis*, SHILLONG TIMES (July 25, 2018), <https://theshillongtimes.com/2018/07/25/khadc-passes-bill-to-prevent-khasi-women-from-marrying-non-khasis/>.

²³ Kavita N. Soreide, *Changing Land Rights in the Khasi Hills of Meghalaya: A Gendered Approach*, in *INDIGENEITY, LANDSCAPES AND HISTORIES: A DIVINING OF CULTURAL MEMORIES IN SOUTH ASIA* 145, 152 (A. Linkenbach & V. Verma eds., 2022).

The system rests on a "virtual triple division" of family responsibility: the mother tends the hearth and home, the father provides for wife and children, and the maternal uncle (*u kni*) manages the economic and legal concerns of the clan.²⁴

Role of the wife (the mother and custodian). In terms of lineage and identity, the wife is the "mistress of the household"²⁵ and the source of the family name and line (*Long Jaid na ka Kynthai*). As property custodian, chiefly through the youngest daughter (*Ka Khadduh*), her role is to serve as custodian, rather than sole owner, of ancestral property, to perform family rites, and to propitiate the ancestors.²⁶ In domestic management, she is the householder and keeper of the home (*Ka Kmie ka iing*), called upon to nurture and raise the children of her own clan line.²⁷ In her contribution to the economy,²⁸ although responsible for family affairs, women are also active in the market economy, running small enterprises or working in the fields.

Role of the husband (the father and protector). As provider, the husband is traditionally the breadwinner (*U Kpa ba lah ba ai*),²⁹ expected to leave the house to protect and provide for his wife and children.³⁰ As progenitor, he is revered as the provider of the "seed" for procreation, enabling his wife's clan to thrive.³¹ In terms of public and political authority, politics and village administration are regarded as masculine domains; men represent their families in the village council (*Dorbar Shnong*), from which women were traditionally barred from decision-making.³² As for the "matrilineal puzzle," men face dual loyalties.³³ A husband also often resides in his wife's home (matrilocality) or, among the Pnar and Jaintia, follows a "visiting husband" arrangement in which he works for his mother's house by day and joins his wife at night.³⁴

ii. Roles and responsibilities post-divorce

Divorce (*ka pynlait tnga*)³⁵ is socially acceptable and is generally effected by mutual agreement with modest rites, such as the exchange of five cowries or coins (*san shyieng*).

²⁴ Das, *supra* note 10, at 5-7.

²⁵ Borah & Phukan, *supra* note 15, at 3351-53.

²⁶ Sibani Sarmah, *Customary Inheritance Practices of the Khasi Community of Meghalaya*, 12(3) INT'L J. OF CREATIVE RESEARCH THOUGHTS g102, g102-10 (2024).

²⁷ Das, *supra* note 10, at 5-7.

²⁸ Monika Singh et al., *Traditional Gender Roles and Changing Practices in the State of Meghalaya*, 1(2) DU J. OF UNDERGRADUATE RESEARCH & INNOVATION 154, 170 (2015).

²⁹ Borah & Phukan, *supra* note 15, at 3351-52.

³⁰ Sarmah, *supra* note 26, at g102-10.

³¹ Myllemngap, *supra* note 2, at 4.

³² Queenbala Marak, *People, Societies, and Cultures in Meghalaya: A Review of Anthropological Researches from the Beginning to Recent Times*, in SOCIAL SCIENCE RESEARCHES IN NORTH EAST INDIA 288, 288-312 (K. Jose & B. Das eds., 2017).

³³ Borah & Phukan, *supra* note 15, at 3351-53.

³⁴ *Id.* at 3351-53.

³⁵ Symon & Poddar, *supra* note 8, at 6.

Custody and lineage:³⁶ under maternal custody, children live with the mother and her clan. Because legitimacy derives from the mother's line, no child is rendered illegitimate by a divorce. In terms of clan continuity, the children take the mother's name and position within her lineage; a divorce therefore does not alter the clan arrangements.

Financial and maintenance responsibilities. As a moral obligation (*ai bai bam*),³⁷ maintenance for children was traditionally regarded as a moral obligation rather than a legal right. A father may give *ai bai bam* (money for food) to his children, but this is frequently left to his discretion, and the children seldom claim it publicly. As to property, the husband ordinarily leaves the wife's household upon divorce and has no right to the ancestral property of his wife's clan.³⁸ The MEGHALAYA SUCCESSION TO SELF-ACQUIRED PROPERTY (KHASI AND JAINTIA SPECIAL PROVISION) ACT, 1984, however, allows parents to make wills providing for more flexible distribution of self-acquired property.

Social status and remarriage. There is no social stigma: divorced persons may remarry without being socially ostracised. A town crier may even proclaim a divorce, informing the village that both parties are again unattached and available to be courted. As to the separation period, in traditional settings a man may simply leave his wife's house and return to his natal family.³⁹ According to Pnar custom, a man who calls a witness to effect the separation must wait three days before seeking to return to his wife; returning sooner signals that he is "not a man of worth."

iii. Trends and changes

Modernisation is strengthening the position of the nuclear family. In many urban Khasi households, the standing of the father as head of the house is being enhanced at the expense of the maternal uncle.

C. Does the matrilineal system, post-divorce, empower women or create gender disparity by imposing a disproportionate burden upon them?

The post-divorce condition of women in the matrilineal system of the Khasi, Pnar, and Garo tribes is paradoxical. The system empowers women by preserving their identity and lineage, yet it simultaneously produces a gendered imbalance by burdening women with disproportionate economic and domestic responsibilities.

i. Social security and identity: empowerment

³⁶ Tombing, *supra* note 9, at 38-56.

³⁷ Symon & Poddar, *supra* note 8, at 9.

³⁸ *Id.* at 6.

³⁹ Tombing, *supra* note 9, at 38-56.

Custody and lineage: in this system, children always remain with the mother's clan (*kur*). Divorce does not affect the validity of the children's status; there is virtually no notion of "illegitimacy."⁴⁰ A child's identity rests on the mother's line, whether or not the parents are married. No stigma: far less social stigma attaches to divorce or widowhood than in patriarchal societies. A woman remains the head of her family, and it is relatively straightforward and socially accepted for her to remarry.⁴¹ The family safety net: the extended matrilineal family functions as a "welfare organisation." The youngest daughter's (*Ka Khadduh*) ancestral home commonly provides shelter for divorced or abandoned women, whom maternal uncles and brothers are traditionally obliged to support.⁴²

ii. Disparity: the unequal load

Economic liability: women may retain the children but assume full responsibility for their care.⁴³ The husband generally returns to his mother's or sister's home following a divorce, commonly departing the marital home with no continuing obligations to his former wife or children. Absence of maintenance: traditionally, maintenance (*ai bai bam*)⁴⁴ is viewed more as a moral than a legal obligation. Fathers may assist their children on their own terms, but the children seldom demand such support explicitly. Historically, the absence of compulsory registration of marriages made it impossible for women to claim support in law, leaving many single mothers impoverished. "Matriliney without matriarchy": women are the "progenitors" of the clan, but men (the maternal uncles) traditionally exercise de facto power over property management and political decision-making (the *Dorbar*). This leaves women with a "titular" position within their lineages, without the public agency to negotiate their socio-economic standing.⁴⁵

iii. Modern transitions

Legal reforms: the MEGHALAYA COMPULSORY REGISTRATION OF MARRIAGE ACT, 2012 sought to correct these discrepancies by conferring legal validity on marriages, thereby enabling deserted women to seek maintenance and shelter. Clans and kinship: modernisation and the rise of the nuclear family have eroded the traditional function of the maternal uncle. This has sometimes reinforced the father's position as provider, but it has at other times left divorced women more isolated where the father chooses to abandon his obligations.

⁴⁰ Das, *supra* note 10, at 5-7.

⁴¹ Tombing, *supra* note 9, at 38-56.

⁴² Sarmah, *supra* note 26, at g102-10.

⁴³ Symon & Poddar, *supra* note 8, at 6.

⁴⁴ *Id.* at 9.

⁴⁵ Shukla, *supra* note 5, at 127-29.

V. CONCLUSION

The matrilineal system of the Khasi, Jaintia (Pnar), and Garo tribes of Meghalaya reflects a distinctive socio-legal order in which marriage and divorce are firmly rooted in customary norms designed to ensure the continuity of clans and social cohesion. Marriage is a culturally sanctioned institution bound up with lineage, identity, and kinship; it is not merely a contractual union but a social institution. Clan exogamy and matrilineal residence are among the practices that reinforce marriage.⁴⁶ Divorce, by contrast, is legally uncomplicated, socially acceptable, and largely free of shame, reflecting a flexible attitude towards marital breakdown in these communities.⁴⁷

The system further exhibits an ordered but uneven division of duties, with women as the guardians of lineage, property, and household stability, men as providers and public representatives, and maternal uncles wielding considerable power in clan affairs. This balance is dramatically altered after divorce: women remain custodial and family-bound, while men retreat to their natal families with few lasting duties.⁴⁸

The inherent paradox of the matrilineal framework secures for women social security, inheritance rights, and dignity, particularly by removing the shame of divorce and by perpetuating the maternal lineage. Yet the burden falls disproportionately on women, especially in relation to child-rearing, economic responsibility, and household upkeep, a burden compounded by the absence of legally enforceable obligations on fathers. In sum, the matrilineal system of Meghalaya presents a complex reality: it both empowers women and constrains them, conferring identity and protection while imposing substantial socio-economic duties.

⁴⁶ Sarmah, *supra* note 26, at g102-10.

⁴⁷ Myllemngap, *supra* note 2, at 1-5.

⁴⁸ Shukla, *supra* note 5, at 127-29.