



A Study of The Paradigm Shift in The Land Ownership and The Provision of Land Grants in Ancient India

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Article History	Abstract
<p>Received: 06 June 2023 Revised: 05 Sept 2023 Accepted: 15 Nov 2023</p> <p>CC License CC-BY-NC-SA 4.0</p>	<p><i>The present research paper deals with the concept and the dynamics of land ownership and the provisions of land grants in Ancient India. The theoretical concept of the ownership of the land and the land grant underwent tremendous changes and transformation in this period. The private ownership of land with rights of alienation in Ancient India secured through land grants was mainly religious in nature and were enjoyed by the priestly class. In course of time the private ownership of the land became an important constituent of the social structure. However, this was not applicable for all the landholding classes. The other sort of assignees was under the strict control of the rulers. Their land was liable to be confiscated and transferred. In the later Gupta age land and the proprietary rights in the land grew in importance and was at the helm of all social, cultural, religious, economic and political activities till the establishment of Delhi Sultanate. The land grants were given to officers and religious groups and establishments in exchange of services rendered to the state which are indicatives of economic crisis in the period on the one hand and on the other denotes that land in this period was a medium of social mobilization and social position. The society became more stratified and complicated. The primary and the secondary sources used in this paper are immense and varied in volume and content. Epigraphs, inscriptions, coins, cowries, texts all have been used to prepare a monograph to shed light on this important aspect which in many ways shaped the social, political, religious and economic history of the country.</i></p> <p>Keywords: Landownership, Land Grants, Private Ownership, Stratified Society, Social Mobilization, Epigraphy</p>

1. Introduction

Chronic In almost all societies irrespective of time and space ownership of land has been of great value and its possession has been considered a great status. Further the land when received as gift by the ruler has been a matter of pride and privilege. The concept of the rights over the land either of a community or of an individual or even of a ruler in the region has been characterized by imperceptible changes which crisscrossed through commune control to private ownership. Till the early Vedic age, the significance of the land as wealth and property was not established.¹ A mild beginning of the importance of land as an item of wealth emerged in the post Vedic age. However, in the late 800 BCE with the dominance of agricultural activity, land's importance grew to a significant level. The practice of land grants which became quite vogue after the 5th century was thus unknown and despised in the early Vedic age. In the Vedic literature even, we find the prohibition on gifting the land to anyone. The communal control on the land denotes the tribal nature of the society in the Vedic period. Land grants were thus strictly forbidden in the Vedic texts, the *Shatpatha Brahmana* testifies this statement.² In *Mahabharata* we find that lands cannot be given away even to the sacrificial priest on the sacrificial plea. Obviously, this information is in direct contrast with practice of sale, purchase and giving land to the Brahmins in the later times.

In Post Vedic age, there were changes in approach towards the land now the lands were no longer held in common. Occasional references of grants of land also were now heard. The sale and purchase of land also has been noticed. Although in many Brahmanical text we find the criticism of such practices but an important change had already been taken place. Another important phenomenal change was identification of the labor in association with land was also noticed. In

Manusmirti which is a later text linked labor with land which is responsible for making it cultivable. A very important change in the very concept of rights over the land in Ancient India has been observed and that is in the position of king with respect to land. In the Rigveda, the chief god *Indra* was beseeched for the king's lot *Bhaga* however in the later Vedic age, the king himself became collector.³

In the Smirti period, Manu, the Law giver affirms that “the realm is of him who clears it first and a *hiraṇ* who hunts it first” and thus laid the foundation of private property. The statement is also suggestive of an important economic doctrine of the period. At a time when their vast stretch of land was available linking labor to the title of the property right of the seems quite practical and feasible. The prominent ancient thinkers and lawgivers like Medhatithi and Vigneshwaran in continuation with Manu stand by their conviction that “an occupation with statutory title is the evidence of the proprietorship of the land.⁴ In accordance with these assumptions, it may be assumed that the ownership of some landed possessions existed unto the time when the evidences of the ownership has not been clearly established. Here the obligation to inquire the into real ownership of the tract was on the purchaser and not on the seller. The Ancient lawgivers and thinkers thus made it clear that possession of a land cannot be taken away or confiscated by the king if the property is under use for at least three consecutive extended families. Another important contemporary thinker and lawgiver in Ancient India, Sukra holds the view that in the condition where for more than or at least for twenty years a tract is enjoyed by a person and if a hereditary claimant doesn't claim then the land in this condition does not belong to the hereditary owner. Accordingly, on the other hand if a tract of farm is being used by the person or his *kula*, then if the original or the legal owner comes back even after 100 years then the king should instead of rewarding declared him as offender and should be punished in that way.⁵ This statement is again suggestive of a changing economic situation where labor was linked with land and it was the most vital factor which was detrimental for the proprietary right over the tract. This seems that in Ancient times there was general consensus that land belonged to the entire *vis* or the tribe but there came a paradigm shift in the very concept of rights in landed property and it was also the beginning of gift of land to sacrificial Brahmanas. *Aitrya Brahmana* which is a post Vedic text mentions the protest of *Prithivi*, when after the completion of the *Yagna*, Vishwakarma Bhuvan made a donation of land to the sacrificial *Brahmanas*.⁶ These narrative are the manifestation that the donations of tract without the approval of the village or the *grama* in the post Vedic Period. It may be assumed in the light of the historical information gathered from the texts that the land was still under communal control and private control was not yet established. In the *Dharmashastras* Gautama laid down the principle that any type of property is invisible, if it supports the lives in which land is also a part. In *Mimamsasutra*, we find the references in which the communal control over the land has been explained. Very explicit reference is there which prohibits the king from giving away the land as gift or donation. Both, land ownership and the phenomenon of gifting the land underwent a considerable change from the 4th and 5th centuries afterwards. Besides the Smritis, several inscriptions are also testimonials to transformations that were taking place in the mentioned historical phase. Communal ownership in land was gradually losing its significance and the reference of different varieties of land. The classification of lands was done for varied reason and to ensure the ownership of the king on all types of lands. The Satvahna period, however is known for the beginning of land grants to Buddhist and Brahmanical monks, *purohitas* and *shramanas*.⁷ The accentuation of land grants in 5th and 6th centuries, however changed fundamental concepts regarding the ownership in the land. Surrendering more and more royal

rights have affected the socio-cultural, political milieu of the time. It has ushered a new era of closed agrarian economy and in this period, we find the presence of a hierarchy of rural elites like *mahasamantas*, *samantas*, *rajas*, *ranauts* with a subdued peasantry in which forced labor, *visti* was also making its presence.

Significance of land as Module of wealth of in the Vedic Age-

The Early Vedic society was predominantly pastoral and, in this period, cattle constituted the most important wealth. The significance of pastoralism in the early Vedic economy is evident from the direct references and prayers for *Pashu*, a term which was used for all types cattle. The wealthy man in the Vedic age were referred as *Gomat*, which literally meant those who possessed cattle. We also come across terms like *gavishti*, *gavesan* etc.⁸ These terms were used for raids and search for cattle. All these descriptions imply that in the early Vedic age, cattle constituted the chief object of wealth and lands had no significance in the material wealth. Pasture lands were

held in common and the evidences for the significance of land are very scarce or even non-existent. Agricultural activities reference is very few in the early Vedic age. Archaeological evidences corroborated with textual references about agricultural activities, agricultural produce and the land started appearing only in later Vedic and the post Vedic age. The only reference of *yav* is found in the Rigveda probably it was a common term used for barley and wheat.⁹ Around 1000 B.C.E and later when agricultural activities increased with the help of Iron tools, when the fertility of the Indo- Gangetic plain was exploited the importance of land increased. With growing importance of agriculture, the importance of land also increased. During this period, we don't come across any evidence to suggest the proprietary rights in land. Instead, the communal control was well established.

Land ownership and the practice of land gift in the Post Vedic age and in the age of Buddha-

During the 6th century B.C, there appeared new approach to material life. In this period big monarchical states and *nagara* were coming into existence in Gangetic valley. The ensuing age is as referred as age of second urbanization where cities witnessed brisk commercial activities. The Buddhist texts refers the presence of certain landlords living in cities but their holdings were in the rural areas.¹⁰ The presence of these landlords were beneficial for the States as they contributed in the economic prosperity of the monarchical states. References of *Anathpindika* and *Kosiyagotta* who were not only the big merchants but also the landlords who had considerable influences on the kings. The Jaina sources like the *Uttradhyaana sutra* mentions *Khetta*, a terminology used for farming land an important item of wealth.¹¹ The other source *Barhatkalpa bhasya*, however mentions agricultural land as ten kinds of wealth. These all are indicative of the private possession of the land. The rise and the existence of the Monarchical states in the Gangetic basin has now introduced new orientation in the land and the proprietary rights in the land. The monarchical states like Magadha and Koshala were fast expanding states. The tribal oligarchies were gradually incorporated into the fold of these states. The monarchical states were required of revenues for maintaining the army and vast apparatus of administration. The Monarchical states received the maximum share of revenue from agriculture and in this condition the lands were quite important to the state and thus subletting the rights over land was in rare practice. In *Arthashastra*, Kautilya mentions a word *Swayam* which he uses to denote the proprietary right in reference to sale and purchase of a territory. In the Mauryan period lands on the basis of ownerships were divided and were clearly demarcated.¹² Any attempt to encroach was highly despised and was a punishable offence. Kautilya seems to be in favor of the state control over all cropping tract. However, on the other hand it did not subscribe to the notion that the all types of lands should be controlled by the king. In *Arthashastra*, numerous types of land holdings have been discussed in details. The two types of landholdings are worth to be mentioned here, viz. the *Rashtra* and the *Sita* types of landholdings.¹³ The *Rashtra* types of lands were the descendant of the former tribal oligarchies and these tribal entities or the republics have been won over much before the Mauryan. These territories were beyond the direct control of the state. The only obligation was probably to pay taxes to the Mauryan empire. We come across the other variety of land holdings and that was the *Sita* territory. The other type of land holding was the *Sita* holdings. *Sita* lands were those territory which had been made cultivable by eliminating the forests with the support of forest dwellers. From here, we can trace the position and functioning besides the contributions of such in the economy of the Mauryan. *Sita* land was under the strict state control and such land neither could be sold or transferred. But on the other hand, such land could be given on lease but without the right of alienation. Thus, in the Mauryan period, there were various types of lands and their existed varieties of land rights. *Kulavagga Jataka* explicitly states that for the first time Manu, the law giver has mentioned that the King has the foremost right and the proprietary rights in soil. ¹⁴ However, such notion again doesn't subscribe the idea in which the king was the considered the sovereign authority who has the control in all types of the soil. He made a distinction where he said that the kings owes because he is the protector of people and the territory. This assumption was vogue for a longer period in ancient India and even continued to a later period of history.

Land ownership in Post Mauryan, Gupta and the Post Gupta Age—

Land ownership concept in Post Mauryan, Gupta and in the Post Gupta Age further evolved and got accentuated. In the immediate Post Mauryan era, the absolute proprietary rights in land were rarely found. Both Manu and Gautama have recommended individual proprietary rights which suggests the individual rights in land on the basis of religious merit. The Buddhist text *Divyavadana* gives a detail account of farmers in Magadha, Sravasti, Kosala etc. who were not tied to any bound but were independent and had the right of sale, purchase and alienation.¹⁵

Milinda Panho also narrates about the independent farmer in the Gangetic basin who cleared the dense forests in the vicinity and made the area cultivable. *Milinda Panho* also confirms that the cultivatable land was not given in grants or gifts but on the other hand it describes the *Nagara* which were under the

possessions of kings probably because of the strategic reasons. Besides the *Nagara*, minerals were fully under the control of the King. **16** The vitality and the significance of these was thus primarily responsible for a different nature of control. In Deccan, the Satvahnas probably had a different kind of proprietary rights in the land. In the Satvahana kingdom we find the evidences of lands where the individuals had a right. Land during this period was given to Buddhist monks and Brahmans but the evidences which could suggest that lands were given in grant for secular purposes are rare if not scarce. The earliest epigraphic reference which denotes the grant of a village to the sacrificial priests comes from 1st century, in Maharashtra on the occasion of *Ashvamedha* sacrifice. In the period of Shakas and the Kushans we find a continuation of land ownership. *Rudraman's Girnar***17** Inscription is in corroboration of the conviction that the State had the all the power in land but on occasions some rights are surrendered during the land grants.

Land ownership or the occupancy rights in the Gupta period

By and large the State had exclusive rights in land in this period. During this period, the occasional land grants to the officiating priests has now emerged quite regular. The *Pahrapur copper plate* inscription, 478 CE of the period Buddhagupta states that in order to acquire spiritual merit the King donated the land.**18** This statement suggests that the state enjoyed untold power and authority in soil. The conviction further validated through the statement that there were elaborate official procedures to get the land grants, which confirms the fact the ownership of the King. Contemporary inscriptions confirms that while the king donated the he retained exclusive rights in the tract. Here it is suggested that although the territory in villages or countryside purposes were belonging to the gentry, however but the theoretical ownership in these tracts were of the state. During the post Gupta period there were various types of land tenures of which the evidences come from the inscriptions. Some of these land tenures were like this *nivi dhrmas, nivi dharma akshyana*

, *aprada dharma, bhumichchhidranayaya etc.***19** In northern and central part the foremost types of tenures were prevalent and the rest tenures were practiced in the whole of the country. These *land* tenures depict nature of the endowments for example, the perpetual endowment, a perpetual endowment but without the right alienation, land endowment without the administrative rights and those endowment in which the ownership was acquired by making the unused and the barren land, cultivable. The numerous copper plate inscriptions also indicate the prevalence of grants or endowment which were given. There were also certain grants which were given to specific groups of people or to a specific community for some specific causes. The examples of *agrahara grants, devagrahara grants* and secular grants can be sited in the context.**20** Interestingly, in Bengal and eastern region the Land grants were not accompanied with the right to alienate. On the other hand, in Central India, the inscription of Skandgupta suggests that the beneficiary of the grants was authorized to get their land cultivated through the process of sub-infeudation.

Land ownership or the occupancy rights in the Post Gupta period -

Post Gupta Period has witnessed the emergence of an agriculture economy and that is ascribed to the increased land grant practice. It was also the beginning of sub-infeudation. By the end of the Gupta period, the practice was deeply integrated with the governance. However, later in the period, the ownership of the king was evolved in conception. Katyana has clearly indicated that as the king is the theoretical as well as the practical owner, he deserves to get *bhaga* **which** is one fourth of the produce of the land. But at the same he acknowledges the right of a person who lives there for a longer period. **21** *Narad Smirti* echoes the statement made in the *Katyana smriti, Narsingh Purana*, however confirms that real owner of the territory none other than the king. *and* conveys that because of his position, the ruler had the power to either grant or gifting. Supposedly, the religious merit and spiritual gain were the cause behind the land donation, however it is denoting towards a deep social crisis of the period. During this period land grants were given to the priests and the officers of the state in lieu of their salaries and other obligations. The land grants proved to be advantageous as it put the burden of tax collection on the recipients or the beneficiaries of such grants. Such grants were also accompanied with other obligations.**22** Often, usual practice for giving the land grants was that it was given in the outlying areas and the basic objective was to expand the area land under cultivation in hitherto uncultivated or partially

cultivated land. Since it was increasingly difficult for the neo rural elites because of their limitation towards self-cultivation and revenue collection so they delegated this exercise to others. The new lands were now cultivated with the help of sharecroppers. These sharecroppers though cultivated the land and were attached to the land but were not the legal owner of these fields. Another very significant development was that the hitherto mobile cultivators were now turned into the immobile lot. The new developments in the fold of rural economy restricted the mobility of rural folk and the farming community. Against this backdrop we find the emergence of a new axis of power structure with its centre in the countryside. The new agrarian economy had certain characteristics like now grants were made not only in the of barren but also in the areas where agriculture was done since the very beginning. In these areas transfer of tract also accompanied with rights in land. They could also impose *visti* on the subjects and also could restrict peasants' movements. Delegation of the power related to administration of the area along with criminal justice and judicial power made them powerful.²³ The Period was marked by the increase of the rights of the grantees, increase in the volume and the burden of taxes. These all lead to the increase of complex revenue system with regional un-uniformity. In this period thus one of the most important developments and that is feudalism has been noticed. The canvass where Brahmins who were the only beneficiary now got expanded and it went on increasing. All these lead to the emergence of a class of lords to whom historians call, Feudal lords. This practice emerged in fifth and sixth century in Maharashtra and then spread to all parts of India with regional variations. Feudalism and sub-infeudation lead to the adverse effect on the peasants and sharecropper. Forced labor, multiple taxation, exorbitant rate of taxation brought the peasantry or the rural population under acute crisis. Migration of peasants or the rural population has been reported from several areas and a closed economy became dominant.²⁴ It is worth to be mentioned here that besides the textual references in the, there are various epigraphic testimonials that explains the sanctity of the land occupational rights. The donation of the tract had been carefully inscribed in stone and the copper plates with minute information. Usually, the records were prepared in the presence of village officials.

The debates in Indian History over the proprietary rights in land and the land grants holds a great significance as the land from the later Vedic Age gradually emerged the most vital factor around which the society economy and polity revolved. The land ownership and the land grants obviously in course of its evolution changed and acquired new dynamics in various phases of history with regional variations and difference but without the change of the undercurrent idea of the ownership of the land underneath the old scriptures of law.²⁵ The basic idea, thus continued with the formation of Muslim rule in India as they hardly changed the fundamentals of rural economic and polity. For a long period, the prominent historians and scholars wrote and depicted the period not taking into account a singular factor but innumerable factors affecting the whole society, polity and economy. The fundamental question that emerges out from the study of the fast-changing situation is that either this period witnessed the Agri- extension, strong rural base or the decimation of state power. Other important question that revolves around the process of urbanization, the rise of rural setups and feudalism. The earliest evidences of the royal land grants come from the inscriptions issued during the Satavahana rule from Deccan. However, the trend of land grants virtually increased in volume by the end of the century. In the last quarter of the 6th century, feudalism was a practice and a force to be reckoned with in the dynamics of the time. It was a period of sub-infeudation.²⁶ This new factor was having its own features and was the indication of change and transformation. The grants which got institutionalized in India during Post-Gupta period and had transformed the society, polity and economy of the time and to the time to come. Indeed, the effect was more on the rural economy, society and polity. Historians claim on the basis of various historical facts and evidences in which the copper plate inscriptions and textual references are the prominent one that the period prior to the later Gupta age, esp. the Mauryan, Post Mauryan and the early Gupta age was a period of long-distance trade, monetary economy, communal ownership of the land, less fragmented society. However, with the onset of middle Gupta age the situation started getting changed and from the later Gupta age, the dynamics of society, economy and polity started taking a paradigm shift.²⁷ The period in study however was marked by closed economy, agrarian economy, agriculture expansion, emergence of rural elites, forced labor, unpaid labor, slavery, decay of the urban centers, private property or the proprietary rights etc. Another important characteristic of the period was the evolution and the consolidation of feudal system which not only continued as an integrated system but also christened society, polity and economy of the country. Many scholars are of the opinion that the institution feudalism originated in India and this articulation is based on the assessment and

evaluation of the largescale donation of the tract to the religious establishment, the religious leaders and then further delegation of civil, judicial and then the other types of the rights which were the sole prerogatives of the rulers.²⁸ The land grants were overwhelmingly religious in nature but the land grants secular in nature were also not unknown.

4. Conclusion

A study of the literary and epigraphic evidences of the land grants suggests that the land grants which were responsible for the evolution and emergence of feudalism were of different nature. There are various types of lands mentioned in the texts and the epigraphic records which were given in grants. The classification of land was based on the utilitarian aspect of the land or the soil. The first was the *urvara* land, it was a fertile land which was usually riverplain like Indo-Gangetic plain, the Cauvery, Godavri and Narmada, Sutlej, Beas.²⁹ Such lands had great utilitarian aspect and was used for agriculture, habitation. The other type of lands was in outlying areas either in the foothills or in deserts where the rainfall was not quite low or even dismal. Amarsimha in his *Amarakosa* gives a description of twelve types of land.³⁰ The description of varied land types in *Amarkosa* is indicative of the classification on the basis of which the lands were usually granted in the period. By the end of 6th- 7th century feudalism was thus an institution in India and the feudal lords were now important constituents of the new social set-up. Worth mentioning that the records of the grants records were containing the information's mentioning the rights, obligations and the un-interfered privileges. In case of non-acknowledgement to the obligations mentioned in the records there were certain warnings also found their presence in *Tmrapatra*.³¹ It has also been stated in these inscriptions that the first generation of beneficiaries will be extended to the children and the grandchildren. The historians and the scholars of the Feudal School of historiography while highlighting the rights, duties, privileges as mentioned in the records suggest that these were the indicatives of gradual power fragmentation and a decline in the strength of the kingship. Now the communal ownership over the various things like pasture ground, water sources etc. have been passed out to the new rural entities in a gradual momentum. In the changed scenario the most adverse effect was on the peasantry and that led to more exploitation and increased subjugation of the cultivators at the hand of these rural elites.³² Further, the sub-infeudation has also created a hierarchy among the rural elites that has weakened the centralized rule. The period of Harsha and Post-Harsha has witnessed more and more rights to the elites or the beneficiaries of the land grants. With the foundation of Delhi sultanate, the rural set up of the earlier period hardly underwent any fundamental change except one and that was the dissolution of rural elites. The new rulers made a serious effort to establish a direct relation with the peasantry because these rulers considered the elites as elements of disturbance and factors of rebellion in the newly founded state. The contemporary writings of Minhaj us Siraj, Barni, Isami and Amir Khusru are the testimonials of ruling class attitude towards these rural elites.

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