



# Examining the Evolution of Land Ownership and Grants in Ancient Indian History

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## Abstract

The complex dynamics of Ancient Indian land transfers and ownership are explored in this study work. It takes a look at the historical development of land grant systems and the theoretical notion of land ownership. Historically, the priestly class was the most common holders of private property with alienation rights. Private land ownership, however not universally applicable to all landholding groups, became an important part of the social structure as time went on. On the other hand, there was another set of land assignees who were subject to the rulers' tight supervision and who had their land confiscated and transferred. From the latter half of the Gupta era until the rise of the Delhi Sultanate, property and proprietary rights in land were fundamental to many facets of society, including economics, politics, culture, religion, and society at large. Land gifts were often given to religious organisations, officials, and other public servants as a token of appreciation for their work for the state. The economic hardships of the period and the significance of land as a symbol of social power and prestige are both mirrored in this practice. As a result, social stratification and complexity increased. A variety of primary and secondary materials, including as texts, epigraphs, inscriptions, coins, and cowries, are consulted in this research work. This monograph provides new insight into a crucial topic by bringing together these varied sources.

**Keywords-** Historical Land Tenure, Vedic and Post-Vedic Land Practices, Agrarian Social Structure Epigraphic Evidence in Land Studies, Land Ownership, Ancient India, Land Grants, Feudalism, Agrarian Economy

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The value and prestige associated with land ownership have always been high in almost every culture, across all eras and continents. Additionally, the king has always taken great pleasure in the territory he or she got as a gift. There have been subtle shifts, from communal management to private ownership, in the idea of who has legal claim to what property in the area, whether it a community, an individual, or even a ruler. Land was not seen as valuable property until the early Vedic period.<sup>1</sup> After the Vedic period, a subtle recognition of land's value as a kind of wealth began to develop. But as agriculture became the dominant economic activity in the late 800 BCE, the value of land increased dramatically. Land grants, which gained popularity around the fifth century, were consequently unknown and even hated by the early Vedic period. The restriction against donating land to anybody is also seen in the Vedic writings. One sign of the tribal character of Vedic civilization is the communal control of the land. Accordingly, the Shatapatha Brahmana attests that land gifts were outlawed in the Vedic scriptures.<sup>2</sup> Even the sacrifice priest's appeal for land cannot be granted in the Mahabharata. The practice of selling, buying, and donating land to the Brahmins in subsequent periods is obviously at odds with this knowledge.

Land use changed after the Vedic period because people no longer considered it communal property. There were now sporadic mentions of land grants as well. Land transactions have also been noted. An major shift has already occurred, even though several Brahmanical texts criticise such behaviours. There was also a remarkable shift in the perception of labor's relationship to land. A subsequent work, Manusmirti, established a connection between work and the land, the latter of which is accountable for cultivating it. In Ancient India, there was a significant shift in the idea of property rights, specifically in relation to the king's status relative to land. Although the king would subsequently become the collector in the Vedic era, Bhaga, the lot of the monarch, was besought of the principal deity Indra in the Rigveda.<sup>3</sup>

By stating that "the realm is of him who clears it first and a hiran who hunts it first" during the Smirti era, Manu, the Law giver, established the basis for private property. This was the beginning of the concept of private property. Moreover, the phrase is reminiscent of a significant economic concept that was prevalent at that time period. Linking labour to the title of the property right of the looks fairly reasonable and possible at a period when they had access to a huge stretch of land that was accessible to them. In continuing with Manu, important ancient philosophers and lawgivers such as Medhatithi and Vigneswaran continue to uphold their opinion that "an occupation with statutory title is the evidence of the proprietorship of each and every piece of land."<sup>4</sup> It is possible to make the assumption, in line with these presumptions, that the ownership of certain landed holdings existed up to the point in time when the evidences of ownership have not been clearly proven. In this scenario, the purchaser was the one who was responsible for making inquiries on the authentic ownership of the tract, rather than the seller. As a result, the ancient lawgivers and intellectuals made it very plain that the monarch is not permitted to take ownership of a piece of land or seize it if the property has been occupied by at least three extended generations in a row. Sukra, an additional significant contemporary thinker and lawgiver in Ancient India, is of the opinion that in the circumstance in which a tract has been enjoyed by a person for more than or at least twenty years, and if a hereditary claimant does not claim the land, then the land in this circumstance does not belong to the hereditary owner. Accordingly, on the other hand if a tract of farm is being utilised by the person or his kula ,then if the original or the rightful owner comes back even after 100 years then the king should instead of awarding proclaimed him as criminal and should be punished in that manner.<sup>5</sup> Again, this phrase hints at a shifting economic climate in which land and labour were inseparable, the most important element working against the exclusive right over the tract. There seems to have been an ancient agreement that all members of a community or tribe should have equal claim to the land, but then there was a radical change in how people saw ownership of land and the beginning of

Sacrifice Brahmanas get land as a gift. Prithivi objected when Vishwakarma Bhuvan donated land to the sacrificial Brahmanas after the Yagna's completion, as mentioned in the post-Vedic book Aitrya Brahmana.<sup>6</sup> These narrative are the manifestation that the donations of tract without the approval of the village or the grama in the post Vedic Period. From what we can tell from the historical records, it seems that private ownership of the property had not yet been established and that it was still under community authority. Any kind of property, including land, is invisible if it serves to sustain human life, according to the Dharmashastras, which Gautama authored. In Mimamsasutra, we find the references in which the communal control over the land has been explained. The monarch is expressly forbidden from donating or gifting the land in that passage. There was a dramatic shift in the nature of land ownership and the practice of land gifts in the fourth and fifth century. A number of inscriptions, in addition to the Smritis, attest to changes that were occurring throughout the aforementioned period of history. As time went on, the concept of communal land ownership and the distinction between various types of property became less important. The king's ownership of all kinds of land was guaranteed by the categorization of lands, which was done for several reasons. Land transfers to Buddhist and Brahmanical monks, purohitas, and shramanas began during the Satvahna era, nevertheless.<sup>7</sup> The emphasis placed on land grants throughout the fifth and sixth centuries, on the other hand, resulted in basic conceptions surrounding ownership of land being altered. During that period of time, the sociocultural and political climate was influenced by the surrender of an increasing number of royal privileges.

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

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The majority of the Early Vedic culture was pastoral, and throughout this time period, cattle were the most significant source of income. There are direct references and prayers for Pashu, which was a name that was used for all different kinds of cattle. These references and prayers provide light on the role of pastoralism in the early Vedic economy. The term "Gomat" was used to describe to rich individuals throughout the Vedic period. This term literally meant they were people who had cattle. In addition, we come across words such as gavishti, gavesan, and so on.<sup>8</sup> 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.<sup>9</sup> 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 6<sup>th</sup> 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.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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. <sup>14</sup> 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.

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### 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.<sup>15</sup> *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. <sup>16</sup> 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 1<sup>st</sup> 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<sup>17</sup> 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.<sup>18</sup> 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, bhumichchhidranyaya etc.*<sup>19</sup> 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.<sup>20</sup> 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.

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### 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* <sup>which</sup> 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. <sup>21</sup> *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.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> 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.

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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.<sup>25</sup> 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 6<sup>th</sup> 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.<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> The land grants were overwhelmingly religious in nature but the land grants secular in nature were also not unknown.

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.<sup>29</sup> 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.<sup>30</sup> 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 6<sup>th</sup>- 7<sup>th</sup> 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*.<sup>31</sup> 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.<sup>32</sup> 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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