CHAPTER-II

LAND OWNERSHIP AND LAND TENURES.
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Ownership means Svātva of Swāmitva. As such ownership of land means Svātva or possession of land by the State or individuals. There is a clear distinction between possession and title. Yajna-valkyī and Brhaspati have clearly explained the distinction between the two. The right of transfer by different means like sale, gift and mortgage is the essential quality of ownership. Title itself and enjoyment (Āgama and Bhūkti) are the two essential requisites of ownership.

Infact, ancient literature of India and some foreign records on it contain such diverse facts about the ownership in the land that it is highly difficult to arrive at any specific conclusion. References are there about the royal, communal and individual or family ownership of land. So far, right over the land is concerned diverse views are expressed on the question of sale, mortgage and gift of the land. Various references in the inscriptions refer the above right to the crown, community and individuals as well. Probably, all these systems were prevailed and were distributively followed in different parts of India according to suitability.
The question of land ownership in Orissa in our period of study is much interesting. Rival opinions are expressed by the scholars regarding it, though their views are more or less substantiated by references from ancient texts and inscriptions.

However, we should not ignore the fact that ownership of land was not same in all parts of Orissa. Because Orissa in ancient time was divided into different political units and Socio-economic development took place there at different times. This is added by the paucity of source materials.

So far evidences are available land was owned by different categories of land holders. They were -

1. The State or land owned by the crown.
2. Created land holders (owners).

1. State ownership or land owned by the crown --

The native law of India has always recognised agricultural land as being crown's property. The king was the ultimate authority of land in his kingdom. We can trace the ownership of land by the crown from our ancient texts and inscriptions.

However, there is no unanimity of opinion among scholars regarding the ownership of land during
ancient time. While a group of scholars support the crown ownership of land, another group asserts that private ownership of land existed in ancient India. Both the views are based on the study of Manusmruti.

According to Manu, the earliest law giver of India, "the king is the Lord of the land." Bhaṭṭasvāmi declares "King is the owner of both land and water." The argument of royal ownership is also supported by Gautama, and Brhaspati. The Nālandā plate of Samudragupta and Bhitari pillar inscription of Skandhagupta also support the view of royal ownership. The theory is again supported by the Siwāni plate of Vakaṭaka King Pravarasena-II.

The king was the sole authority of land of his kingdom. The grant of land made by corporation had to be approved by the reigning king but it affixed its characteristic seal to the character. In indicates the amount of power wielded in the State. The theory of taxation reserves the proprietary right of the kings on land. Thus Hindu theory on property right is vested in the Sovereign of the land. It is better explained by the fact that, a tax of fifty percent is fixed on mines; for it is like treasure trove which belongs both to the state and to the person who finds it. A protection tax
thus, is demanded, as the king is regarded as the protector of the whole land upper & sub-part. Medhātithi, who has explained the Mānava code also entitled the king to his share as the protector and guardian of the land against enemy. Quoting to Greek writer strabo R.K. Chaudhury holds that, "the whole of the country is of royal ownership and the farmers cultivate it for a rental in addition to paying a fourth part of the produce." On the testimony of a passage in the "Milinda panha" it has been asserted that all towns, ports, mines were under the ownership of the king.

According to Didorous, "Land in Ancient India was the property of the crown and no private individual was permitted to own it." Thus, the king was the protector of the bhūmi (land) and water (Jaāla) as told by the learned in the Sāstras. Its recognition establishes the royal claim over whatever wealth therein.

The royal ownership of land in Orissa, the region of our study, is substantiated by the issue of tax free land grants by kings of different dynasties to brāhmaṇas, temples, Vihāras, Vassals and Officials. Again donation of land by donors other than kings required to obtain a permission from the king who had
the only right to make the grant rent-free.\textsuperscript{18} More over at the time of giving a village as gift, the kings themselves transferred the right on land, water, forest, animals, catching of fish and tortoise etc. to the donee.\textsuperscript{19} It reveals that if the land was not owned by the crown, transfer of such comprehensive rights was outside the power of the monarch.

Again every ancient village possessed a headman called Grāmika or Grāmanī appointed by the king. The Grāmanī was entitled to a portion of the produce of the crown land i.e. the land owned by the State.\textsuperscript{20} Not only this but also the fact was that only king had the right to appropriate the heirless property. In the Bondā plates of Tivara deva, the transfer of this right to the donee by the king is described as "Aputrika Venibhojya."\textsuperscript{21} Brhaspati\textsuperscript{22} and Nārada\textsuperscript{23} have also asserted the right of the king on the heirless properties of the people except that of the Brāhmaṇas. The king exercised overriding authority over confiscated land.\textsuperscript{24} All these evidences refer to the royal ownership of land.

However, we should not forget the other side of the Medal that, we have definite evidences
Thus, probably at the beginning, different communities were ruling over different parts of India and the land was owned by them. Gradually it was replaced by family ownership of land. With the growth of royal power unclaimed areas of land were brought under the authority of the crown. The tribal land was converted to king's land. The hereditary divine right kingship helped the monarch to exercise control over most part of land which was mostly fallow and uncultivable. Even the kings enjoyed prerogative rights over the land owned by private land holders. So, the state or crown became the ultimate owner of a major part of land and partially titular owner over others. Pastures, plains and forests were not owned by private people. People having private lands enjoyed hereditary rights. So long as state revenue was paid by them; but the donee of the royal land except that of Brahmadeya, agrahāra, and Devadāya had limited title over their plots of land.

Dr. V. A. Smith, a celebrated historian on ancient India has recognised agricultural land as crown property and has quoted a passage of Arthasastra that, "those who are well versed in the śāstras admit that the king is the owner of both land and water and the
people can exercise their right of ownership over all other things except the above two."

2. **Created Land holders**:

The created land holders with usufructuary rights over the land formed a major class in the land structure of Orissa. During our period of study, brāhmīns, merchants' associations, officials, religious institutions were donated lands by the monarchs for various purposes. All those lands which made the donees absolute owners of the donated lands were virtually tax free. In almost all the cases those lands were not cultivated by them but by a class of cultivators who had no land of their own; however they possessed plough, herds of cattle and labour to cultivate on share cropper basis. Thus, the donees formed the created intermediaries who had usufructuary right over land on the authority of royal charter.30

These land holders who were created by the monarchs exercised a vast control over their lands. Moreover we have one or two references of the alienation of donated lands by them, though it was not the normal practice. The transfer of gift village Goṭeikeḷā by "Kamala Vana merchant Association" to the temple of keśava and Āditya is a clear example of the alienation...
of donated land. The sale of land is also substantiated by the purchase of a hut by Ananda Prabhā from the Saṅgha.

Moreover the sīrpur plate of vāsaṭā disallowed the donee to sell, donate or mortgage the donated land. It restricts the right of the donees to sale, donate or mortgage the gift land. Such prohibitions were not necessary if the general rule was not to alienate or sell the gift lands.

However, the alienation of donated land was not frequent. On the other hand the kings possessed some prerogative rights over the donated lands. Even, in one case the donated land was again donated by the king. Inspite of all these the donees were the master of the donated villages. They had every right to collect taxes, fines, impose new taxes, and enjoy everything in its four boundaries like the kings.

3. The public and private land holders:

This is the third category of proprietors on land structure. We have certain positive evidences of land hold by the community or people as a whole. Those holdings were of various sizes and the people cultivated lands with the help of their plough serds & cattle in common and had common rights in the waste, pasture and woods land etc.
Land in ancient time was occupied by tribes or people together is substantiated by the mention of the land of the Utkalas, land of the Andhras, land of the Bharatas, land of the Pundras, land of the Kalingas etc. in the Mahābhārata. Apastambha, Baudhāyana, and Katyāyana equate, the word 'people' with 'Nation' as the Bharatas, the 'Kurus', the 'Pāṇchālas'. A detailed study of it and also as speculated by Katyāyana reveal that, "land in ancient time was occupied by people in combine; since the area was not fixed at that time, the region in which they were living and was occupied by their people as a whole was called by the name of their tribes. It is confirmed by the Taittiriya Saṁhitā of Kṛṣṇa Yajurveda which says, "O" Bharatas", in place of the people. The people were living there without any divided or undivided right. All cooperate in tilling and raising the crops and storing the same in a common granary for common use.

Public or Communal ownership of land is also substantiated by other records. Nearchos, the Greek writer mentions that "various groups cultivated land in Common on the north-west on the basis of kinship." A grant of King Dharmāditya, refers to a type of tenure called Prakṛtya dharma expresses a kind of public ownership of land.

The concept of private ownership of land also prevailed during the period of this study. The positive
evidences of private ownership during the Gaṅgas, led us to think that some process relating to this aspect was going on during the pre-Gaṅga period. Again there are certain definite references to private land holding during the said period.

Private land holding means possession of land by private man. The collection of revenue by the kings from the peasant supports this theory. The maxim of the fallow land, Bhūmichchhidranyāya* is a direct evidence of individual i.e. private ownership. Bhūmichchhidra itself means land unfit for cultivation and people who brought such land under cultivation for the first time were recognised as the owners of that land by the law of “Bhūmichchhidranyāya.” Moreover orders were issued to the donees of tax free land not to encourage the revenue paying subjects of other villages to immigrate into their tax free villages, for it was a loss of royal revenue. All these establish the theory of private ownership of land at any form. It is further evident from a passage of ‘Manusmruti’ which states that, "field belonged to him who cleared away the timber and a deer to him who first wounded it with an arrow."

Apastmbha is of the view that the land owner could let his land against a certain share. Kauti-lyya advises the revenue collector to maintain a proper
account of private lands for the purpose of land revenue. It clearly supports private proprietary right on land.

Regarding the aspect of ownership many ancient experts on Hindu laws regard the land as people's property. They have deny the royal proprietorship of land and favour for private ownership.

On private proprietorship Mādhava, an expert on Hindu law says, "Though the king may give the land as gift for he possesses it, land is not his property because sovereignty is for protection and growth only. Therefore it is not given." About sovereign king he again says, "Sovereignty is for correcting the wicked and fostering the good. Hence land is not king's wealth."46 According to Bhaṭṭadīpikā, a sovereign king has no proprietary right on land( Mahā-prithivi) though conquest produces such right over personal property, house, cultivated land( Kṣetra) and the like of the enemy. As his right is to govern his kingdom, so also to the conquered land for which he collects taxes from the cultivators and fines from offenders. He has no other right over land...... however house fields owned by purchase and the like may be given as gift.47

On the issue of conquest land Hindu lawyer Nilakantha says, that, "Conqueror acquires many rights
but not ownership. The King's right is confined to the collection of taxes and the gift of land by the king is not the giving away of land; rather a mere creation of allowance. Hence by an emperor the whole country and by a provincial ruler the whole province is not a subject of gift.  

Kātyāyana also expresses the view that the king is only entitled to receive one sixth share of the produce and not in any other way.

All the above views are agreed to the point that the king is a mere servant getting his wages in taxes. A servant can't claim the property guarded by him as his own because for his work he receives salary.

The Jātaka says, that the king's authority is limited to magisterial duty that he held nothing more than that and that he is not the owner of the kingdom. Dealing with the question of ownership K.P. Jayaswal altogether gives a negative view for crown's proprietary right on land and favours for private ownership. Referring to the provisions of sale of land, acquirement of proprietary right, gift of land by private individuals he says, the crown had no proprietary right on the soil rather the subjects were the owner of the land. To strengthen his view he has presented the
view of cole-broke on mimāṃsa, "that at certain sacrifices called "VISWAJIT" the votary is enjoined to bestow all his property on the officiating priests. Question arises here that whether a paramount sovereign shall give all the land including pasture ground, highways and the sites of lakes and ponds? A universal monarch the whole earth! A sub-ordinate prince the entire province over which he rules." His answer to it is: "The monarch has no property in the earth, nor the sub-ordinate prince in the land. By conquest kingly power is obtained on property in house and field which belonged to the enemy. The maxim of the law that the king is the Lord of all excepting sacerdotal wealth, concerns his authority for correction of the wicked and protection of the good. His kingly power is for the government of the realm and extirpation of wrongs; and for that purpose he receives taxes from husband men and levies fines from offenders. But right of property is not thereby vested in him, else he would have property in house and land pertaining to the subject abiding in his dominions. The earth is not the king's, but is common to all beings enjoying the fruit of their own labour." To strengthen it he presents the picture of coronation ceremony of the kings and analyses there is not even an atom of suggestion in that chain of formulae and symbolism to imagine kingly proprietorship in the land of the realm.
According to Jaimini, it belongs to all alike; although a gift of a piece of ground to an individual does take place, the whole land can not be given by a monarch, nor a province by a subordinate prince but house and field acquired by purchase and similar means are liable to gift.54

Besides the above references to land ownership by private individual, we have a number of instances of land gift and sales by private individual and institution. Early literature of India give proof of it. The provisions given by law-books for sale of land also reveal that the king was not the sole owner of soil. The villagers tilled their own land though the king claimed formal ownership over it.

Inscriptions clearly refer to the existence of private land held by individuals, temples and fief holders.55 The Gupta title deeds inscribed on copper plates and registered at the District Officers Office whose seals they bear, clearly proves private ownership.56 The lands owned by individuals could be sold, bought, mortgaged or donated with all proprietary right.57 Donation and sale of lands by private men substantiate the above fact.
The donation made by Shresthiyasa and the rich citizen name Dodhaka furnish instances of grants made by private individuals. As recorded by the Madras Museum plate of Narendra Dhavala a private man named seda purchased some land from Shilabhañja-deva paying some rupyakas. After some years seda sold the same land to three brāhmaṇas by taking an amount of rupyakas.

The velicerlā plates of pratāprudra Gajapati clearly expresses the right of private ownership on land. It is also fit to be sold or mortgaged or donated with all proprietary rights, is quite clear from the velicerlā plate "of Pratāprudra Gajapati." Private ownership and its sale in the form of Kraya-sāsana or Srāvana Patras are also evident from other inscriptions.

All the above discussion led us to conclude that private land holders were there and they formed a major source of royal revenue. Hence, "We possess conclusive evidence to show that in the post Buddhist period at any rate the ownership of the cultivable land was vested with the private individuals; the state could not interfere in it except for the non-payment of the land tax. What is claimed for the average cultivators was thus not a land rent but a land tax."
Thus, in the period of this study, all these different forms of ownership were in a definite shape. However, the communal ownership of land was more, or less replaced, though village pastures, śmaśānas (cremation ground), village jungles, roads, tracts, ponds etc. were held by the villagers in common under royal recognition. So far royal ownership of land is concerned probably to avoid its contradiction with private ownership, king's authority on the soil as the protector of the life and property of the people, his proprietary right on the whole land has been declared by Hindu Laws and text books.

If we look at it with a different vision it seems there is no contradiction between royal and private ownership of land. Because ownership of land by private individuals has never been an absolute right. The state always has the last say in this matter even to-day, what ever might have been the position in theory.

**LAND TENURESHIP**

Tenure means period of ownership. Land tenure-ship means the system of ownership and enjoyment of land by cultivators. The terms and conditions on which land is held or owned by the farmers or cultivators are called land tenureship.
Land tenureship in ancient Orissa is a matter of much debate. The records of the period do not throw any considerable light on it. Only the land grants of the period contain some such terms which suggest that they were applied for land tenureship. Again these terms are also not free from discussion. The different form of land tenures found from inscriptions were applied mainly to the land of created land holders. It was not applicable for royal land and so far the private owners are concerned they were not disturbed on their land so long taxes and dues were paid regularly.

Epigraphic records contains many such terms that were applied for land tenureship. They were Bhūmichchhidranyāya, Agrahāra, Brahmadeya, Devadāya, Akṣhayanīvi, Nividharma, Karasāsana etc.

Bhūmichchhidranyāya :-

Like other regions of India the term Bhūmichchhidranyāya is found in different copper plate charters of Orissa. Kauṭilya used the word for the land unfit for cultivation—means "fallow land." Valijayanti of Yādava Prakāśā also expresses the word in the same meaning.
In the opinion of R.G. Bhandarkar and Buhler, 'Chhidra' means 'hole'. Literally it is correct but so far the land grants are concerned this view seems to be incorrect. Although its dictionary meaning is hole, according to the commentary on Amarkosa, 'Chhidra' means 'defect' as well. It means that defect in land or defective type of land may also be called bhūmichchhidra. So what does defective land mean? The land unfit for cultivation because of jungle, rock, sterile soil, marsh etc. is treated as defective. A person who brought such land under cultivation under the principle of Bhūmichchhidra was entitled as the owner of that land. Thus, bhūmichchhidranāya was a custom according to which, a jungle or fallow land brought under cultivation by the person for the first time was exempt from rent. As waste land is gradually developed and brought under cultivation, grants according to bhūmichchhidra principles entitle a donee to make improvement on land when and where possible on his own initiative. So far exemption of taxes from it, is concern scholars like A. venis, P. Bhattacharya and N. R. Ray say, bhūmichchhidra may not mean a revenue-free grant.
Again the term was not always applied in the same sense. From 5th to 7th century A.D., bhūmi-chchhidra was used in the grants of those villages and lands which were respectively settled and cultivated. Under this system the whole village which obviously contained both cultivable and uncultivable lands was granted by the Bhauma rulers. Further those villages were inhabited by different people like Tantavāyas, Sauḍhikas and Gokūṭas. Such villages inhabited by people are also known to us from the order of Mahārāja Subandhu in early 5th Century A.D.; where he has informed the people of a village about the donation of that village under the tenureship of bhūmi-chchhidranyāya. Thus, here probably the term expresses that the donee has the same right over the donated land as one who brought a fallow or waste land under cultivation for the first time.

Besides, in Orissa we have some copper plates like kumārisiṅghā plates of someswara-II, the Teluguchoda inscriptions of Kośala, sāntigrām grant of Dāndi Mahādevī, the Dhenkanal grant of Tribhuvana Mahādevī, the Narasapatam plates of Vajrahasta-III and many others that describe the term bhumichchhidra-pidhānanyāya instead of bhūmi-
chchhidranyāya. This is a peculiar term found exclusively in the inscriptions of Orissa. Scholars have given different views while interpreting the term. But the view of D.C. Sircar is acceptable. In his opinion it is the compensation of the loss of land owing to various causes to the donee by making free gifts, some of them. It may however stated by him that it has the same meaning with that of bhūmi chchhidranyāya.

As a system of tenure what we have learnt from the Khoh, copper plate that bhūmi chchhidranyāya was a permanent land tenureship. Its confiscation was prohibited and the donated land was freely handed down from generation to generation.

**Brahmadeya**

Brahmadeya means gift to the brāhmaṇas. Brahmadeya was a type of tenure granted to persons associated with pious activities. Those who performed sacrifices (ṛtvika), spiritual guides (āchārya), priests (purohita) and those learned in the Vedas (storiya) were under this system of land tenure. It means those donees were brāhmaṇa by their caste. The brāhmins were also granted with agrahāra villages, but brahmadeya was something different from that. As recommended in the Arthasastra brahmadeya lands free from all taxes were granted to pious brāhmaṇas when the king wanted to either establish a fresh village.
or to reconstruct the ruined one. According to Buddhaghosa brahmadeya grant carried judicial and administrative rights. The donees could not alienate brahmadeya lands by sale or mortgage to the people of other castes. All the privileges granted were meant for the brāhmaṇas only.

Moreover in such tenure the donees were not to be disturbed and the deed of the gift fully stated the terms and conditions of immunity from taxes and gave in the traditional way the svatva of Svāmitva conferred on the donee i.e. the actual proprietary right. In very few cases the inscriptions mention the grant as Brahmadeya. The tekkāliplates of Indravarman and peddadugam plates of Śrī Sattrudāmanadeva are clear examples of it.

Besides there are a number of copper plates which were granted not as agrahāra but to the brāhmaṇas learned in vedas and Sāstras and performing different pious activities. Since they were not granted as agrahāra but brāhmaṇas were the donees, they are taken as brahmadeya grant. The Bāranga plates of Umāvarman, the Rithāpur plates of Bhavattavarman are two examples among them.
Lands granted by it were exempted from taxes and fines (adandakarani). As stated by Radhakrishna Chaudhury, the Dighanikāya does not refer to any exemption on this land. But in course of time royal facilities were granted and they were exempted from taxes.

The creation of brahmādeya was, sometimes in area of clan settlements and the task involved superimposition of certain superior rights over the primeval communal ownership of land. Moreover since the brāhmaṇ- as were not cultivators themselves the mode of agrarian organisation involved in brahmādayas was of an entirely new kind. It was a system of relation between a class of non-cultivating organisors of production and the class of primary producers. Agriculture in clan settlements had not involved such mutually antagonistic classes since it was based on the co-operative labour of clan members who were agnatic kins or affinal relatives. So the expansion of the brahmādeya mode of agrarian system into clan settlements means the dissolution of primitive agriculture on the one hand and the transformation of clan settlements on the other. Such a process could hardly have been peaceful.
Brahmadeya grants were very often appropriated by the śudras as evidenced from South India. During the pāndya rule in south, due to aggression many ekabhoga brahmadeya lost their privileges and the brāhmaṇas had to flee in the wake of the aggression. It seems that the crisis provided the native with an opportunity for appropriating the brāhmaṇa lands and thereby resist their penetration. The first evidence of such encroachment noticed in the Dalavaypuram plates which mention that, a portion of the gift village 'comacikkuricci' as ekabhoga brahmadeya was appropriated by the śudras. The restoration of such appropriated land required force which could not be done by brāhmaṇas. So they sought the help of the kings who considered it a pious act. But there was appropriation of brahmadeya land in corporate form and it happened only in early stage when it was in ekabhoga form. The above type of appropriation of brahmadeya land however, is not found in Orissa, the region of our study.

Agrahāra:

Agrahara type of tenure was the exclusive right of the brāhmaṇas. It was an abode of the leading
The kings in ancient time thought it essential to patronise the brähmaṇas for the diffusion of knowledge and āryan culture. So they issued land grants to the brähmaṇas in the shape of agrahāra. It was granted because during that time Sanskrit, the language of the state and vehicle of Dharma Śāstras, was confined to the brahmin class. Hence, agrahāras were granted to brähmaṇas who were really devoted to the study of ancient scriptures and as such the role of agrahāra was basically to promote learning and āryānisation. Almost all the charters issued by the kings and others were to the brähmaṇas and are examples of this type of tenure. The Kathā-sarita-sāgara refers to several agrahāra villages which appear to be settlement of the brähmaṇas. They are Bahusuvargaka (situated on the bank of the river Ganges) Mahānvṛ-kaśaghāta (situated in the Anga desa), Brahmaghati (one situated on the kālandi and the other in Kusumapura), village Mayūrasālmala granted to 205 brähmaṇas was an agrahāra as indicated in the Nidhanpur copper plates of Bhāskaravarman. 

In our region of study, almost all the grants were of agrahāra type. The Vrihatprosthā grant of Umāvarman donated the village Vrihatprosthā as an agrahāra. Village Sakunaka was granted as an agrahāra by Mahārājā
Anantaśaktivarman in his Sakunaka grant. The Bobbili plates of Chandravarman donated the village Tiritthaṇa vāțaka as an agrahāra. The Śīripuram plates of Anantavarman, Chicacole plates of Nandaprabhaṇjanavarmāṇ, the Taṇḍivāda grant of Śrī Pṛithivimahārāja, Terāsingha plates of Tuṭṭikara, Sumandala plates of Dharmarāja are few examples of agrahāras.

The Banskhera and Madhuban plates of Harṣa refer to the donation of villages Markatasāgara and Somakūṇḍaka as agrahāras to two brāhmins in each case. The donees were probably not living in the donated villages and even if so, the villages were not only inhabited by brāhmaṇas but also by other castes. So agrahāras as stated by R.C. Choudhury, was not necessarily inhabited exclusively by the brāhmin families. It was simply a grant made to the learned brāhmaṇas for their subsistence. in Orissa though it was the exclusive right of the brāhmaṇas, during the Gaṇgas agrahāras were granted to vaishyas people alongwith the brāhmaṇas. Such grants were however called vaśyāgrahāra.

Sometimes agrahāras were granted as religious gift is substantiated by the Gunaighar grant of 6th C. A.D. to Buddhist vihāras. It was granted as agrahāra. All these facts establish that agrahāra though exclusively
meant for brāhmaṇa people were sometimes inhabited by people other than brāhmaṇas.

Regarding agrahāra, R.C. Choudhury says, "agrahāra as a grant was ceased with the beginning of Pāla rule and then during the senas and gāhadavajas. It is because noland grants of Uttar Pradesh, Bihar, Bengal and Assam of that time refer to such grants." However so far Orissa was concerned even long after the period of our study i.e., during the Gaṅgas and Gajapatis agrahāra system of land donation was prevalent.

The agrahāra was granted with its four boundaries unaffected and with all the land and water contained in it and exempted from all taxes, so that it would last as long as the sun, the moon and the earth stand. Thus, it was a permanent, irrevocable grant free from official interference and entry of troops, and the donee was entitled with the rights to enjoy the taxes, royalties and others.

However, there is reference at least in one copper plate that agrahāra village was not exempted from taxes. It means that agrahāra grants did not always enjoy immunity from all payments. On one occasion, a Vaiśāpava king granted a locality to some brāhmaṇas on the payment of a rent of 200 paṇas. Except this in none of the copper plates of Orissa we have such reference. Thus, we
can't say anything about the said matter at present.

Akṣhayaniṇī or Nividharma :

Nividharma otherwise called Akṣhayaniṇī or Apradādharma was an important type of tenure in Orissa. In ancient India the system was popular among the Sātavāhanas, Kushānas, Sakas, Abhiras and Guptas. So far the meaning of the term nivi is concern K.P. Jayaswal is of the opinion that it means documents or despatch and Akṣayanivi thus, means permanent document. But, Basak does not agree with him for Amarakoṣa uses the word nivi as a synonym for paripāna and muḷadhana. The Abhidhāna chintāmaṇi of Hemachandra also uses muladṛavya as a synonym of nivi.

All these show that, it was a permanent tenure as long as the sun, moon and stars exist. However, the donees were not the proprietors of the land. It means the power of transfer, sale and end of the tenure was not given to the donee which was vested in the hand of the State. Thus, the system expresses the perpetual enjoyment of revenue by the grantees without the actual transfer of proprietary rights.

Although sometimes monarchs made donation under this system as known to us from the Hindol plates.
of Bhauma king Subhakaradeva in which a village named Naddilo was donated. Primarily it was followed when a person purchased a piece of land from the king to donate. Anandaprabha's purchasing of a hut from the Sangha to donate, followed this system. The purchase of Tadesvaragrama by Seda from Silabhānjadeva by Kraya Sāsana is another example.

Generally this system is termed as nividdharma in the inscriptions. But the plate of Lokavigraha Bhattāraka of 6th C.A.D. describes it as Aksayanividharma. Both the tenures carry similar meaning and Aksya is added to the later only to give more emphasis to its perpetuality.

Devadāya :-

Devadāya means gift to the Gods. It is also called temple land. So it was the donation of land to the deities of worship. The temples and vihāras of Orissa were granted with lands for different activities and worship of the gods. These lands were free from all royal taxes and tortures. Many examples of this type of tenure can be cited. The glazing plate of Bhanuvardhana donated land to god Maṇināgēśvara Bhaṭṭāraka. Śrī Sivagupta's Gandheśvara temple inscription donated land and village to god Gandharvesvara (Lord Śiva). The Lodhia plate of Mahāshivagupta granted
land to īsānesvara bhattāraka while Sīrpur stone inscription of Sivagupta donated land to god Śiva. In his chicācole plate king Satyavarma granted the village 'Taru' to the village deity Śiva through brāhmin Kamalāsana bhattāraka. The Santa-bomāli plates of Indravarman granted a piece of land measuring two haḷas in village 'Haribhata' to deity īsāmesvara bhattāraka in Dantayavagu for the purpose of providing offerings to the deity and also for the repair of the temple. Deity Nārāyaṇa Rañabhi-todaya was granted with a piece of land by Hastivarma in his Narasiṅhapallī copper plate. King Bhānu-datta donated a village to deity Mañināgabhattāraka of chahakmvaka or Ekāmvaka in his Kanāsa copper plate. Likewise the Malhār plate of Mahāsīvagupta donated land to Buddhist Bhikshyu and vihāras.

All these lands donated to the temples and vihāras were not cultivated by them but by lay worshippers who paid taxes and supplied other needful to the temples and vihāras. As said the lands of the vihāras were cultivated on the share copper basis by the lay Buddhist devotees giving the vihāras 2/3 to 3/3 of the produce. It was a permanent and irrevocable tenure. During the Eastern Ganga and Gangas this type of grant was called as Devāagrahāra.
Bhogagāmas:

The officials of the State and members of royal family or purohitas were granted with lands for the payment of their salary. Those lands were in the shape of bhogagāmas. This tenure was not free from taxes and tenureship was tenable during the period of service, after which it was reverted to the state. It means it was not a permanent and hereditary tenure and the donee had no right to alienate.

Lands granted to royal servants as reward or remuneration for their service were also termed as Vṛttis, jita vasttus or fief land. Mahāvastu refers to one Senāpati grāma, a royal grant made in lieu of service. Janmejaya-I donated four villages to his Minister Sadhārana. Yasodatta the minister of war and peace of Devānanda III, the Nanda ruler was Kāyastha by caste. He was granted with a village by his king. Sripūṇja, the feudatory of Udyotakesāri assumed the title pāñcha dasapallikādhipati. The title indicates that probably the jagir received by him from the king was comprised of fifteen villages. Even military officials received grants in return of their services. The Rājaguru and Kāladesin (astrologer) also received land grants in lieu of their services as preceptor and calendrier maker respectively.
Kara Sasana:

Kara Sasana or rent paying land was another kind of tenure in which the person holding the land was required to pay an amount fixed by the State as tax. An example of this tenure is the two Kara Sasanas issued by King Janmejaya-I of South Kosala. Here he fixed the annual revenue of two villages Vakavedda and Pasitala as eight and five silver pieces. The Deogaoon grant of Janamejaya-I and Kamalpur plates of Karnadeva are two other examples. The Talcher grant of Gayadatungra also refers to a Kara Sasana. Here a village is granted to three brahmanas with a tax of four rupya pala. So far other conditions are concerned this tenure was more or less similar to tamrasasana except the payment of taxes.

In addition to the above, some other types of tenures were probably in vogue in Orissa. However we have no concrete evidences to show that they were current in Orissa. Their prevalence in the neighbouring kingdom led us to think that in some form of those were followed in Orissa. Those tenures were Atithya, ayudhiya, parihritisarvapidha, acatbahapatrapvesha, akinc tapragahyaha, acandrarakaksitisamanakaatam etc. Atithya was the land given to the officials for the management of almhouses and other pious acts. Ayudhiya was the land granted on condition of a regular supply of troops in lieu of taxes. Parihritisarvapidha a tenure
current in Assam held that the donated land including its people were free from all sorts of oppressions as seems to royal dignitaries and officials.\textsuperscript{149}

\textit{Açāṭabhāṭapravesaḥ} is a tenure under which donated land will not be entered by the persons called cāṭas and bhāṭas.\textsuperscript{150}

In akincita Pragrahyah type of tenure nothing was taken from the donee by the donor by way of revenue, tax, presents etc. in consideration of the grant made.\textsuperscript{151} \textit{Açandārkakṣitīsamakāḷāḥ} is a tenure which indicates that land was granted till the existence of the moon, the sun and the earth implying thereby the permanent and heritable nature of the grant.\textsuperscript{152} The land tenures followed in Orissa had both merits and demerits.

First, the donation of tax free lands was a great loss to the royal treasury for which the kings were to collect taxes from other sources to compensate the loss. As a result taxation over the people was excessive and oppressive.

Secondly, the permanent donation of lands mostly to the brāhmins gave rise to a land holding brāhmin aristocracy. As a result, other people mostly remained landless which created social discrimination among the people of different castes in the Society.
Thirdly, the donated lands were not cultivated by themselves but by a class of landless peasants. But the brāhmaṇa had superior right over that land on the authority of the royal charter. As a result they disposed them off when they liked and became the lord of those people.

Fourthly, people living in the donated villages were reduced to the position of semi-serfs. Because along with the village different subjects living there were also donated by the kings. The Dhenkanal grant of Tribhuvana Mahādevī is an example of such donation.

Fifthly, the donation of royal lands led to its fragmentation and then its concentration in the hands of a few top class people. Thus, it gave birth to a feudal class who exploited the people by collecting regular revenues along with additional taxes from different subjects like tantavāya, Saunḍhikas, gokutās and from places like Sakheta, Gulmaka, Ghāṭta, naditara-Sthāna etc.

Finally, at the time of royal weaknesses important feudal lords either declared themselves free from the crown or attempted to make the royal authority puppet in their hands to serve their own purposes.
Having all these bad effects on the Social structure, the system too had certain merits. The donation of lands to brāhmin scholars encouraged them to spread their knowledge and education among the people of the donated villages.

The donation of fallow, waste and forest land led to its reclamation which helped for agriculture. The donees now onwards became a supporter of the king.

The donation of land under atithya, āyudhya to officials led to the defence of the state from bottom to top and welfare activities of the people.

Because of the reclamation of forest, new settlements began and the indigenous people were āryanised.

Rights of the donee over the land:

An interesting thing in the matter of land grants in ancient Orissa was the right thereby transferred to the donee over the lands. Different land grants of the period provide a satisfactory information regarding the rights of the donees not only on lands but also on water trees, well and other things that existed within the four boundaries of the land donated. Further the land grants
of different rulers ruling over different parts of Orissa.

In the tribal region the donees were given with the rights to trees, forest hides, fish, tortoise, ivory, tiger skin, animals etc. along with others, while in the settled area the donee had not only villages with various kinds of taxes and fines but also weavers, brewers, cowhards and others.

Sulki ruler Kilastambha's Dhenkanal plate records the grant of a village. A copperplate of Yasō bhanjadeva of Khīnjalimandala mentions the donation of a tax free village with its trees, creepers, thickets, forests along with the right to fishing and catching tortoise. The two villages granted by Mahābhavagupta IV the somavamsi king (11th century A.D.) refers to the different rights like ahidanda, haladanda and hastidanda. The last somaking someśvara deva granted a piece (plot) of land (Khanda Kṣetra) that existed in a forest area where the right over ivory (hastidanta) tiger skin (vyāghra charma), various animals (nānā vana chara), forest and different trees like tamarind and palmyra have been transferred.

But in the settled region we have a different picture as said earlier. Tribhuvana Mahādevi's Dhenkanal
grant refers to the transfer of rights of the donor over weavers (tantuvāya) brewers (Saunḍhika), cowherds (gokuṭa) and other communities (Prākritikaḥ) in addition to the village with various kinds of dues.

Such grants were made by the Bhaṅjas and the Tuṅgas during this period. This reveals the right of the donee over different subjects who could not take shelter in other villages at anytime on any ground. It was probably to make a regular and adequate supply of working population to run the rural economy.

In the donated land the donee had the right to take fines and collect taxes bhoga-bhāga-kara, hiraṇya, uparikara, nidhi- upanidhi. It is supported by a Somavamsi inscription of 10th Century A.D. Not only this but also future taxes were granted to the donees. But the study of some copper plate grants shows that the donees had no right to extract any new taxes from the people of the area donated.

The donee had no right to encourage the revenue paying subjects of other villages to immigrate into the donated village for it was a loss to the royal treasury. Moreover, the donees were abandoned of the right to appropriate the village land held by peasant free holders, as evident from the inscriptions. Again even after the
donation the kings had certain prerogative rights over the donated land. The donee had no right to alienate the donated land though we have one or two instances already mentioned in this chapter. But such alienation was not frequent and normal.

In the karāśāsana the donee had no right to enjoy the land tax free. In this donation even the religious beneficiaries like brāhmaṇas were required to pay some dues to the donor as tax.

Land sale:

During the period under review sale of land was possible. The Miṇḍāpur charter of Subhakirtti refers that he purchased forty droṇas of land and one droṇa vāpa of homestead (vastu) from the administrative office at TIVIRA to make gift to Damyāsvāmi. As stated in the Urlam plates Gaṅga king Masti Varman purchased two and half halas of land from agrahārika in village Mōṇḍevaka to donate the same to Jayāśārman. A village named Toḍeśvaragrāma was purchased by Seda from bhaṇjadeva by paying some rupyaka. It is known to us from the Madras museum plate of Narendradhavala (10th century A.D.). Some years later Seda resold it to three brāhmaṇas against an amount of rupyaka weighing ten palas, two mashās, and four guṇjas. That Anandaprabha purchased a hut from the Saṅgha (Kritvā Mūlyeṇa saṁghata) is known to us from an inscription
of Sirpur. The restrictions imposed by Vāsaṭā in her Sirpurstone inscription over the donees to sell, mortgage or endow the assignment is an indirect reference to the normal land transaction. All the above are few examples of land transaction in Orissa. Although we have not a large number of examples from the above evidences it is clear that sale, mortgage and alienation of land was possible in our period of study.
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53

64. Because king possesses absolute authority on land.


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