OWNERSHIP OF LAND

The ownership of land in early India is still the matter of controversy. Various theories have been propounded both for and against the king ownership of land in early India, this is still knotty problem for scholars. There is hardly any unanimity among the scholars on this issue. Because the literary and Archaeological sources are not only confusing but also conflicting. These sources have been interpreted by scholars to suit their respective point of view. The Vedic evidence prove beyond doubt that the office of the king was the supreme commander in battle. Indra is the divine prototype of the saviour and conqueror, who rise to kingship. But, here the question arises. Was the Vedic king the owner of the land of his realm? In the absence of categorical statement in the Vedic literature, we have to view the question in the light of the political development that took place in the fullness of time. The most important function of the king, as we observed was to fight in order to protect his own people. In Rgveda the king Purakutra is described as anardhādeva. The over all ownership of
land for all practical purposes normally subject to the payment of the kings dues, or we may describe it as joint ownership, the king leaving his partners free to dispose of their land as got his share of the produce unimpaired. *Balikrt* or the payment of tributes to the king is mentioned as early as the *Rgveda*. Private ownership strictly limited to the right of enjoyment, or property. So, that extent is traced to the *Rgveda*.

But in later Vedic period little change was noticed, where king seems to be assumed some type of over all authority over land. It is evident that the application for land was made before the king. The gifts were made as an act of merit and *Bhūmidana* was considered sacred in the later Vedic period. The evidences may be multiplied in support of the fact that by the time of *Upaniṣads* royal ownership had to be accepted. Such grants with accompanying privileges created a special class of beneficiary as a result of which the real cultivaters were turned into tenants. In later Vedic literature king (Indra) is mentioned as the divine prototype of the idolised leader of war and protector. The *Artharvaveda* address the monarch:-"of lion aspect, do thou the goes devour all the claim (vis) of tiger aspect, do the thou beat down the foes,
sole chief having Indra as companion having conquered, seize thou on the enjoyment of then that play the foes." The growth of kingdom and the need for the coalescence in land of limitless horizons promoted the doctrine of universal conquest and universal ruler. In later Vedic India, king performed Áśvamedha sacrifice and marched on their neighbour. In the Aitareya Brāhmaṇa, ekarat¹⁰ is mentioned ruler of the whole earth or Sarvabhauma bordered by a ocean and Taittiriya Saṃhitā.¹¹ states that the petty chiefs were the tributary of the greater. Such as adhirājā, Smarāṭ imply feudatories who were reduced to vassalage. In Artharvaveda¹² Pariksīt is described as a god among men, and Satapatha Brāhmaṇa¹³ represents the king as the manifestation of Prājapati, and Indra¹⁴ is described lord of land. Thus an earthly king is referred to as human Indra¹⁵. The Artharvaveda¹⁶ mentions a king as the overcomer of people¹⁷ indeed as Satapatha-Brāhmaṇa¹⁸ states that courage leads to mastery over the peasantry. The Aitareya-Brāhmaṇa¹⁹ refers to the Vaisya, as tribuary to another and at last it seems that the king can remove the Vaisya without any cause from his land. The Satapatha Brāhmaṇa²⁰ states that the king is regarded as the owner of whole land and Kṣatriya’s right was considered to land. The cultivators seem to be reduced to
tenancy.

We notice further change in ownership of land which differs from the earlier conception. All ownerless land is described as kings land is the Jātakas. The king could replace these cultivators from his holding who had been declared defaulters. During Buddhist period king used his right over land quite effectively and cultivators used to get their land from the king for which they paid tax. He could increase the tax according to his own will. The grant of land to religious advisers and establishments proved the king ownership of land, and donees seem to be enjoyed the revenue of the villages granted by the king. Grants might be tenable for life. Gautama too states that king should be considered as a owner of the land.24

We come to know from the Arthaśāstra that king exercises the ownership authority over all land.25 It is stated that pastures, plains and forest were not subject to individual ownership. Right of alienation by the peasants by sale, mortgage gifts were subject to state interference. The king right to receive a fine for the damage done to the farmers crop suggest that the king had control over all land.26 Kautilya
advocates the means by which king could dispose these who debar tenants from cultivations.27 The Arthasastra tells us that crown land (Sītā) was cultivated by the free working class without any claim to land. The officials enjoying Sita land had no ownership. This land constituted the greater portion of the cultivated area28. Thus Kautilya and Megasthenes29 state that all land belonged to state. But many scholars are of the opinion that Kautilyan age experienced private ownership of land, but we must bear in mind the rights here are limited and does not convey any other interpretation.

The Greek scholars have supported the state ownership of land. Strabo states:" The whole of the land is the property of the state and husbandmen till it on the condition of paying one fourth of the produce"30. Diodaros says "All land is royal land". He adds further that individual was not allowed to possess any land. A similar opinion is expressed by Arrian.31 Thus they tried to prove the existence of state ownership of land during this period.

The King Aśoka freed the village of Lumbini from Bali are reduced one sixth to one eighth. The word udbalike conveys the sense of freedom from Bali or
tribute. The Atthabhāgiye to the eight part of the share of the land. Thus it shows that king was the real owner of all land. Manu mentions seven lawful means of acquiring property, inheritance donation, purchase, conquest, landing at interest, the performance of work and the acceptance of gifts but land is not mentioned. The king right to receive rent (Sādabhāga) shows that the king was the real owner of the land. Nārada and Brhaspati also support the theory of royal ownership of land. Nārada suggests that in default of all heirs, wealth should go to the king, and he uses the word Bhoga in connection with the ownership of land. Kāavyāna, describes king as the owner of the soil and entitled to one sixth for that very reason.

The Sātavāhana land grants have the following immunities, such as immunity from interference (āpavesa) exemption from salt tax (alonakhādaka) and exemption from the police and magistrates of the district (arāthasainayika). These had to be paid by the revenue paying tenants. The Nāsik cave of Vāshisṭhaputra Pulumvi records that the village has been given to be owned by Bhikṣū of fraternity —— the Bhandayaniyas dwelling in the king’s caves to produce a perpetual rent for the care of the cave meritoriously.

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excavated"40. We notice the king Gautamiputra Śātakर्नि made a grant of one hundred nivartanas to mendicant ascetics with certain ememptions.41 The donor is king. This charter has three distinct features. The village is assigned to be owned by the Bhiksūs to produce a perpetual rent for the cave with certain immunities and the king right being renewed to abrogate the grant and substitute another in its place. The inscription of Gautamiputra Śātakर्नि refers to royal field out of which the grant was made with certain custsomy immunities. The Karle Buddhist cave Inscription of Aabhadata, records the gift of village to monks and boasts of his gifts to Brāhmaṇa.42 We come to know from Sātavāhana inscriptions that which supply some information about private ownership of land and gifts of the small units agricultural lands owned by the individual but it does not preclude the possibility of purview of such land.43 In the sense of buying and selling of lands, private proprey in land. Thus it depended entirely upon the incidence of buying and selling in general.

The royal ownership of land in early India is evident from the some of the Gupta and Vākāṭaka Inscription. The supreme authority of the crown is distinctly clear from the inscriptions of South and
North India. From the Samudragupta to the last king of the dynasty. It is admitted fact that without the supreme right of ownership over land, the king could not have made such lavish donation. Such as the Gaya and Nālandā copper plate of Samudragupta\textsuperscript{44} the Bhitari pillar inscription of Skandagupta\textsuperscript{45} Khoh copper plate of Hastin\textsuperscript{46} Khoh copper plate of Sarvanātha\textsuperscript{47}, Āranga copper plate of Mahājayarāja\textsuperscript{48} and Raypur copper of Mahāsvarāja\textsuperscript{49}, Siwanī copper plate of Pravarasēna II,\textsuperscript{50} Mahārāja copper plate of Hastin,\textsuperscript{51} Karitali copper plate of Jayanātha,\textsuperscript{52} Khoh copper of Jayanātha\textsuperscript{53} and other records support the royal ownership of land over the above the right of royal ownership of the king reserved certain prerogative right over the donated land or villages, especially the right of imposing fine on thieves etc.\textsuperscript{54} We come to know from the Chamak copper plate of Parvarsēna II records that the king had the right of consigication.\textsuperscript{55} It is evident from the Vākāṭaka records that even when donations were made, the absolute right was not bestowed the donees. Many south Indian Inscriptions refer to the royal ownership of land. The Šasankota plate of Madhavarman\textsuperscript{56} the Kaṇḍarsala grant of Madhavarman II\textsuperscript{57}, the Kūḍlūr plate of Harirvarman\textsuperscript{58}, the Kūṭalūa grant of Madhavarman II\textsuperscript{59}, the Nonamangala plates of Madhavarman II,\textsuperscript{60} and Cūkuṭṭur grant of Simhasrvarman.\textsuperscript{61} The Mercaro plate 319
of Avinita\textsuperscript{62}, the Bangalore Museum and Šervguna\textsuperscript{a} Inscription of Durvinita\textsuperscript{64}, also reflected the king ownership of India.

During Gupta period the system of land grant came to be more and more marked. The King’s proprietary over the village is implied in many inscriptions. In making gifts people used to buy land and whole process from the Baigham copper Inscription of the time of the Kumāragupta I reveals that the revenue free lands were purchased and after being properly surveyd and measured, were donated to the Brāhmaṇas as the permanent endowment.\textsuperscript{65} The Dāmodarpur copper plates Inscription refers to the sale of the state land for the purpose of making gifts.\textsuperscript{66} The ownership of the king over the land is evident from various other records of the Gupta period. In the Dhanaid copper plate Inscription.\textsuperscript{67} It is stated the donee wanted land with the right of alienation. Sometimes king also created intermediaries on the land. In the copper plate Inscription of Mahārāja Dharasēṇa II of Vallabhi \textsuperscript{68} we come to know that a village containing cultivable land was donated by the king to another person and another intermediary was created in a Vallabhi grant.\textsuperscript{69} The declaration of the grant was made to all the royal officers and village headman. All formalities were observed to ensure that no
injustice was done in course of transaction. Sometimes, specific purpose were inceable mentioned in the grant. The state had the certain rights ovoer the property and the purchaser and the purchaser was allowed only the usufructuary right over land. The post Gupta inscription further testify to the existence of royal ownership of land. We further notice from the Madhubana copper plate of Harsavardhana that he ejected the possissor of the land and issued a new grant in favour of two persons, the Bansakhera plate confirm this contention too. Some scholars support the royal or state ownershipof land in early India. They qoute early Indian literary and inscriptioned sources in support of their arguments. S.K.Maity, is of the view that the supreme power was vested in the crown and individual legal ownership of land was derived from the king and subject to his final authority. L.Gopal suggests that the private ownership in agricultural land. He states that the state had proprietary right over certain field: He received revenue from the peasants as the wages for the protection is afforded to the people. Agricultural land generally belonged to him who cultivated it. His statements seem to be contradictory. B.P. Majumdar holds the view that land was regarded as a social trust and the state did not allow the owner to waste the valuable gifts of
nature". His statement indicates that state had the control over land. Although he does not accept the royal ownership of land. R.S.Sharma is of the view that during Gupta and post Gupta, the reference to royal ownership of land cannot be ignored. But the evidences for crown ownership of land are evident in pre Gupta legal texts and inscriptions. Although there are references to private ownership of land in our literary and archaeological sources. We can safely conclude that the archaeological and literary sources confirm the king’s ownership of land. So it is clear that the king was the ultimate owner of the land in early India.
NOTES AND REFERENCES

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3. Ibid., IV. 42.8-9.

4. Ibid., III. 31.15; IV. 41.9; VIII. 49.2; X. 33.6; 179.2.

5. Taitt. Sa$m. ii, III. 2.3.2. Mait. Sa$m, 11.1.9.


7. Chānd. up. IV, 2.4-5. Śāt. Br. XIII. 7.15.
12. A.V. XX. 127.7.
15. Ibid., III. 46. Āit. Br. VII. 23.1.
16. Ibid., VI. 98.2.
22. Ibid., 11.240, IV. 169, 224, 329, 400, V.98.
23. Ibid., 1.135, II. 428-29, III. 105, 229, IV. 437, VI. 344.
24. Gautama. XI.1

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26. Ibid., III. 10m IV. 10.

27. Ibid., VII. 11.

28. Ibid., V.1.


31. Ibid.

32. R. Thapar, A.D.M. op.cit., p. 261. "Rumminedi Pillar Inscription"


34. Nār. S. XIII. 51.


37. Ibid., XI., 84-85.


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41. Ibid., Nos. 1105, 1125, 1126, El, VIII, pp. 67-74.

42. Lüder, No. 1099.

43. Ibid., Nos. 1163, 1166, 1167.


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47. Ibid., Nos. 28-31, pp., 125-35.

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49. Ibid., No. 41, p. 196.


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54. Ibid., No. 5, p. 29, No. 12, p. 47. No. 22, p. 100, No. 25, p. 112. p. 119.


57. Ibid., No. 2, p. 4.
58. Ibid., No. 4, p. 10.
59. Ibid., No. 9, p. 30.
60. Ibid., No. 10, p. 34.
61. Ibid., No. 7, p. 23.
62. Ibid., No. 17, p. 61.
63. Ibid., No. 18, p. 66.
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66. Ibid., No. 22, pp. 282-83.
71. Ibid., No. 55, p. 235.
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