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দাপ্তরিক গোপনীয়তা আইন ও তথ্য-অধিকার

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Land Administration in Ancient Bengal

Md. Abdul Alim*

Abstract

Once a land of agriculture in Bengal had a very complicated system. The soil of the Indus Valley is fertile as any other land in the world. So far as we know from Hindu common law that the right to the occupation of land vests in the person who first makes a beneficial use of the soil. In the present paper an attempt has been made to analyze the characteristics and management of land in ancient Bengal. In that period land was plenty and many villages were in the process of formation that no one would undertake to clean a spot unless he has to enjoy it on a permanent basis.

Introduction

The history of the land laws of a country is intimately connected with its political and geographical history. Geological evidence indicates that most of the land of Bangladesh was formed 1 to 6.5 million years ago during the tertiary era. Human habitation in this region is, therefore, likely to be very old. The soil of the Indus valley is alluvial, as any other land in the world and there was a decidedly monsoon rainfall in the Indus basin at that time, which allowed more cultivation.¹ Moreover, Agriculture has flourished in Bengal under all changes of dominion and from the period of the Rig-Veda it was practiced where field is frequently mentioned and the produce carried home in carts.² The organization of life on Bengal was very similar to the mode of life elsewhere in northern India- on the upper Indus and in the middle reaches of the Ganges. Our knowledge of the system of land tenure in this province in ancient times is vague and incomplete. It is not possible to draw any comprehensive picture about land management in Bengal.

Political features of ancient Bengal

Bangladesh can be proud of its rich ancient civilization. In the past this was a very rich and developed region. Travelers like Fa Xien in the 5th century, Hieun Tsang in the 7th century, Marco Polo & Ibne Batuta in the 14th century all left their impressions glorifying this place. They all were impressed by the general prosperity of the land and its wealthy cities with their palaces, temples and gardens. One of the earliest foreign references to Bengal is mention of a land named Gangaridai by the Greeks around 100

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¹ Damodar Dharmanand Kosambi, *An Introduction to the Study of India an History* (Bombay: Popular Prakashan, 1975). P-67.

² Mrs. C. SPEIR, *Phases of India Civilization* (Delhi: Cosmo Publication, 1973), P. 151.

BC. The word is speculated to have come from Gangahrd (Land with the Ganges in its heart) and believed to be referring to an area in Bengal. For example, Diodorus Siculus (90 BC–30 BC) states that, "...Gandaridai, a nation which possesses the greatest number of elephants and the largest in size."³

From the 6th century BC, most of Bengal was a part of the powerful kingdom of Magadha, which was an ancient Indo-Aryan kingdom of ancient India, mentioned in both the Ramayana and the Mahabharata. Magadha was the seat of the Maurya Empire, founded by Chandragupta Maurya, which extended over nearly all of South Asia and parts of Persia and Afghanistan under Ashoka the Great; and, later, of the powerful Gupta Empire, which extended over the northern Indian subcontinent and parts of Persia and Afghanistan. It was also one of the four main kingdoms of India at the time of Buddha, having risen to power during the reigns of Bimbisara (544–491 BC) and his son Ajatashatru (491–460 BC). Magadha spanned to include most of Bihar and Bengal. Magadha formed one of the sixteen Mahā Janapadas (Sanskrit word which means 'great country'). The Magadha Empire included republican communities such as Rajakumara. Villages had their own assemblies under their local chiefs called Gramakas. Their administrations were divided into executive, judicial, and military functions.⁴ Bimbisara was friendly to both Jainism and Buddhism and suspended tolls at the river ferries for all ascetics after Buddha was once stopped at the Ganges River for lack of money. In 326 BC, the army of Alexander the Great approached the boundaries of Magadha. The army, exhausted and frightened by the prospect of facing another giant Indian army at the Ganges River, mutinied at the Hyphasis (modern Beas) and refused to march further east. Alexander, after a meeting with his officer, Coenus, was convinced that it was better to return.

More concrete evidence of Bengal becoming an independent political entity is found in the 6th century, with the first recorded independent king of Bengal - Shashanka - reigning around 606. The first Buddhist Pala king of Bengal, Gopala I came to power in 750 in Gaur by election. This event is recognized as one of the first democratic elections in South Asia since the time of the Mahā Janapadas. The dynasty's most powerful kings, Dharampala (reigned 775–810) and Devapala (reigned 810–850) united Bengal and made the Pala family one of the most important dynasties in ninth-century India. Internecine strife during the reign of Narayanpala (reigned 854–908) and administrative excesses led to the decline of the dynasty. A brief revival of the kingdom under Mahipala I (reigned 977–1027) ended in battle against the powerful, South Indian Chola kingdom. The rise of the Chandra dynasty in southern Bengal expedited the decline of the Palas, and the last Pala king, Madanpala, died in 1161. The Malla dynasty emerged in Bengal in the seventh century, although they only rose to

³ Wikipedia the free encyclopedia, "History of Bengal", 17 November 2006 > [www.en.wikipedia.org/wiki/History of Bengal](http://www.en.wikipedia.org/wiki/History_of_Bengal) > accessed on 3.April.2007.

⁴ Ibid.

prominence in the 10th century under Jagat Malla who moved his capital to Vishnupur. Unlike the Buddhist Palas and Chandras, the Hindu Mallas worshipped first the Hindu god Shiva, then the Hindu god Vishnu. The Mallas built temples and spectacular religious monuments during their rule in Bengal. Under the Sena dynasty, which lasted from 1095 to 1260, Bengali emerged as a distinct and important language in northern India, and Hinduism began to displace older Buddhism.⁵

Geographical feature of Ancient Bengal

Human life in Bengal has been deeply influenced by the rivers and variations in the monsoon climate. The northern boundary of the province reached the Himalayas as early as the time of the Gupta Kings. From very ancient times agriculture has been the main source of the livelihood of the vast majority of the population of the territories that constituted the Bengal province as of 1911, and in the two parts into which this province was subsequently divided as independent Bangladesh and West Bengal under the Indian Union. The pattern has been more or less the same in other parts of the sub-continent. But the fact that almost entire Bengal constitutes a flat, alluvial plain traversed by three mighty rivers, the Ganges, Brahmaputra and Meghna and their innumerable tributaries, with plenty of rainfall, make agricultural operations relatively easy. Consequently, population pressure on agriculture has been particularly heavy in this region.⁶ The development of the Ganges-Brahmaputra *delta* that began 125 million years ago after the fragmentation of the Gondwanaland since the early Cretaceous is still continuing. The history of the *delta* which is complex can be understood in terms of Gondwanaland break-up, Indian plate movement, collision of the Indian plate with the Burmese and Eurasian plate, development of the huge mountain range of the Himalayas, development of the Ganges-Brahmaputra river system and Sea level changes in several historical periods and tectonic activities over millions of years.⁷

The most important part of this area constitutes the ancient land of Pundravardhana of which Varendri was a well known district. West of another branch of the Ganges, namely the Bhagirathi or the Hooghly lies the extensive region of Burdwan Division the Vardhamana Bhukti of the days of yore. The most characteristic physical feature of Bengal is its river-system. The two mighty rivers, the Ganges and the Brahmaputra, with their numerous branches and tributaries have played a large part in shaping its destiny.⁸ The Ganges enters the province of Bengal at the point where the low-lying Rajmahal Hills almost touch its water. The course of the Padma is difficult to trace accurately its various channels. Reality is that at first Padma flowed past Rampur

⁵ R. C. Majumdar, *The History of Bengal* (Dacca: The University of Dacca, 1943, Vol-1), P. 2-12.

⁶ Wikipedia the free encyclopedia, "History of Bengal", 17 November 2006 <www.en.wikipedia.org/wiki/History_of_Bengal> accessed on 3 Apr'l, 2007.

⁷ JF Lindsay et al, *Sequence Stratigraphy and The Evolution of The Ganges-Brahmaputra Delta Complex*, American Association of Petroleum Geologists Bulletin, 75, 1991.

⁸ R. C. Majumdar, *The History of Bengal* (Dacca: The University of Dacca, 1943, Vol-1), P.2.

Boalia through the "Chalan Bil" the Dhaleswari and the Budiganga rivers past Dhaka into the Meghna estuary. Of the numerous rivers in Northern Bengal Tista River at first ran due south from Jalpaiguri in three channels, namely the Karatoya to the east, the Punarbhaba to the west and the Atrai in the centre. The Atrai passing through Chalan bil joined the Karatoya and the united stream fell into the Padma near Jafargonj. The Karatoya was once a large sacred river and we still have a Karatoya Mahatmya which bears testimony that its banks stood by the city of Pundravardhana(now Bogura district) whose antipathy reaches back to the Maurya period. On the basis of the position of the rivers it is very difficult to determine the geography of ancient Bengal. The frequent changes in the courses of rivers have been responsible for that. It makes the other regions comparatively lower and water logged. Many people hold the view that the vast Sunderbans had once been a populous tract but were depopulated by the ravages of nature and the depredations of marauding peoples like the Maghs and the Portuguese.⁹ Six century Epigraphic evidence proves that Kotalipara near Gopalganj in the district of Faridpur was once a thriving seat of civilization and possibly a center of sea-borne trade and commerce. So, the history of land laws of Bengal has been intimately connected with development of its political and geographical history. Different rules and governments came and established different land tenures. But our knowledge of the ancient system of land tenure is extremely vague and incomplete.

Crops in Ancient Bengal

The most important feature of the agrarian economy during the ancient, medieval and the British periods was that crop production remained the most dominant sub-sector of agriculture. Three other sub-sectors of agriculture viz livestock, fisheries and forestry were relatively unimportant. Needless to say, the pattern remains the same even today. A whole variety of crops was grown, and in the official publications issued by the British government these were mentioned under three heads *bhadoi* (autumn), *aghni* (winter) and *rabi* (spring) corresponding to their harvesting time. The crops included paddy, jute, wheat, jowar, barley, sugarcane, tobacco, oilseeds, potato. Rice was the most important and one of the oldest crop. The earliest reference to this crop is found in the Mahasthan Brahmi Inscription belonging to the third or the second century BC. This crop is also mentioned in several other literary sources: *Kalidasa Raghovngsa*, *Ramcharita*, *Casapala*, and *Saduktikarnamrita*.¹⁰

Inscriptions, particularly those issued by the *Sena* rulers, contain description of paddy fields. Thus, the Anulia copperplate of Laksmansena mentions the harvest of *sali* rice in autumn. The same inscription tells us that the king gave away to Brahman's several villages containing lands producing paddy. Another reference to this crop is found in the Edilpur copperplate. In this inscription paddy is referred to in general term as *sali*.

⁹ Ibid, PP. 2-7.

¹⁰ R. C. Majumdar, *The History of Bengal*, P.2.

However, this is only one of the best of the many varieties grown in different early settlements of Bengal-*Vanga, Varendri, Gauda, Purnavardhana or Pundra, Radha* and *Samtata*. There are also references to a large number of other crops grown in ancient Bengal cotton, barley (*yava*), mustard, sugarcane, and pulses like *kalai* and *mug*. Cotton was the most important commercial crop. Different sources refer to its cultivation in ancient Bengal. Apart from these crops a large number of vegetables and fruits were also produced. The following vegetables are mentioned in the sayings of Khana brinjal, long gourd, radish, arum, chilli, turmeric, and patal. Fruit trees like mango, jackfruit, pomegranate (*dalimba*), plantain, Modhuka, date (*kharjura*), citrom (*vija*), figs (*parkali*), tamarind, and cocunut were also widely grown. The mango and breadfruit are mentioned in a large number of Pala and Sena inscriptions.¹¹

The Chinese traveler Hiuen-tsang who visited Bengal in seventh century AD refers to the abundant growth of *panasa* in Purnavardhana. This crop is also mentioned in Govindapur copperplate of Laksmansena and the Calcutta Sahitya Parisad copperplate of Visvarupasena. The Plan-tain(banana) tree is frequently depicted in Paharpur terracotta plaques. From the inscriptions of Khadga, Chandras and Varmans and those of the Senas it is clear that from the eighth century onwards coconut was extensively grown.¹² Betel-leaf and betel nuts were also grown. Betel leaf cultivation was in the hands of a class of people known as Barai or Barujivi. These crops were exported to other parts of India. Another product used mainly for construction of houses, baskets and sunshades was bamboo. Ramcharit describes Varendri as a land of excellent flowers of countless varieties including *asoka, kesara, madhuka, kanaka, ketaka, malali, nagakesara* and *lotus*. Trees which supplied medicines or fruits such as *amlaki, triphala, haritaki* were also cultivated in ancient Bengal. The basic livestock of the peasants was cattle, used for ploughing, transport and various dairy products. Wealth was sometimes measured in terms of the number of cattle in one's possession. Certain expressions in Pala and Sena land grants suggest that pasture grounds produced various kinds of grass for livestock and these were usually located near villages. Villagers sometimes employed communal cowherds who drove the cattle branded with the owners' marks every morning to the pasture and waste beyond the fields under cultivation and returned with them at dusk. Milk, curd and butter were important articles of diet. The flesh and bones of the cows were used for manuring, while cow dung was used both as a fuel and manure. Among various other animals represented either in sculptures or referred to in inscriptions and literary sources mention may be made of buffaloes, horses, goats, sheep, deer, monkeys, boars, jackals, lions, tigers, etc. A whole variety of fresh water and sea-fish was available in abundance and fish constituted an important item of the diet of the people.¹³

¹¹ *The agriculture of Bangladesh*, banglapedia.search.com.bd >accessed on 12, April, 2007.

¹² Ibid.

¹³ *The agriculture of Bangladesh*, banglapedia.search.com.bd >accessed on 12, April, 2007.

Epigraphic and literary sources are full of references to the fertility of the soil in ancient Bengal. When Hiuen-Tsang visited Bengal in the seventh century AD, he noticed intensive and regular cultivation of land. His description is corroborated by some of the poems in Saduktikarnamrita. However, all land was not fertile nor served by adequate rainfall. Such land needed artificial irrigation. The numerous tanks in many parts of north Bengal Mahipala, Ramsagara, Pransagara were most probably constructed by the rulers for this purpose. The people also knew the technique of sinking wells for reaching deep-flowing streams. In some cases, they altered the course of rivers so that they could supply canals. They also knew how to regulate the flow of water to make canals overflow and thus swamp paddy fields. William Wilcox calls this ancient system 'overflow irrigation'. Literary sources provide names of different agricultural implements used during this period. These are ploughshares (*fal*), cleavers (*da*), sickles (*kaste*), frames (*pasi*), ladders (*mai*), sticks (*pacanbadi*) and rice-husking pedals (*dhenki*). Most of these implements were made by village blacksmiths and carpenters. Casapala of Ramesvar describes the different processes involved in the manufacture of those implements.

Historical sketch of Land Administration

Chanakya (350-275 BC) was a professor of political science at Takshashila University, and later the Prime Minister of Emperor Chandragupta Maurya, the founder of the Maurya Empire. Chanakya wrote the *Arthashastra*, which covered various topics on ancient Indian in great detail, including various techniques and strategies relating to land. These techniques and strategies were employed by Chandragupta Maurya, who was a student of Chanakya, and later by Ashoka the Great (304-232 BC). Comment on *Arthashastra* that those who are well versed in the *Sastras* admit that the King is the owner of both land and water and that the people can exercise their right of ownership over all other things except these two.¹⁴ The King's primary duty was to protect his people. In return he received the obedience of his people and contributions made by them for the maintenance of royalty, called *bali*. The King also performed the duties of a judge, probably as a court of final appeal in civil justice, while in criminal justice he exercised a wide jurisdiction.¹⁵

Agriculture was the chief occupation of the Rigvedic Aryans. Bulls and oxen were used for ploughing and drawing carts. Irrigation was in vague while manure was also used. A cultivator or ploughman was named as *Kinasa*. The plough agriculture greatly increased the food supply in that time. This meant not only a far greater population but that they lived together in greater units. The Veddah hunters generally roamed about in groups of half a dozen. Moreover, tribal community compelled the food gatherers to

¹⁴ Mridul Kanti Rakshit, *The Tenancy law of Bangladesh*, vol. 1 (Chittagong: Mrinal Kanti Rakshit, 1979), P.1-5..

¹⁵ *Land Laws*, banglapedia.search.com.bd >accessed on 12, April, 2007.

move about from one place to another place for hunting and grazing. Whereas Brahmin cultivation or settlement is fixed or permanent. They did "slash and burn" cultivation. Many more people were not there but they are entirely different kind of people live together with different social needs.¹⁶ People cultivated family holdings which were an inalienable right deriving from membership in a tribal or other community group, and a mark of such membership. Yet a new type of land holding was about to develop because a Brahmin need not have fixed ties with any tribe, through he had always a caste group.¹⁷

In ancient times, the State claimed a share of the produce of the land from the cultivator. The laws of Manu mention one sixth of the gross produce to the legitimate share of the King. During the war and other emergencies, it was increased to one fourth. The native law of India has ordinarily recognized agricultural land as being Crown property and has admitted the undoubted right of the ruling power to levy a Crown rent or land revenue, amounting to a considerable portion, either of the gross produce or of its cash value. In the days of *Chandragupta* the details of his system of settlement or valuation and assessment of the land, have not been preserved and it is not known whether a fresh valuation was made annually or at longer intervals. The normal share of the gross produce taken by the Crown is said to have been one-fourth but in practice no doubt the proportion taken varied largely. It is like the system of modern days and all provinces could not be treated alike. Megasthenes noted with surprise and admiration as so many crops can be produced in Bengal for its fertility of land. It is much to the credit of *Chandragupta* that he maintained a special Irrigation Department charged with the duty of measuring the lands, and so regulating the sluices that every one should receive his fair share of the life giving water.¹⁸ That the headmen could pursue their calling in peace while the professional soldiers of hostile king engaged in battle. In the treatise of "*Manu and Yajnavalka*" by Jayaswal it is laid down that the king gets a sixth share in the produce of the land in as much as is produced under the protection by him. So the king gets a sixth share by way of revenue for giving protection to the subjects.

A good governance and welfare of the people which is so characteristics of the Maurya emperor Asoka. The Govt. store-house being provided with grains for the relief of the people during flood or famine finds its support form the Arthasastra. It is useful to quote the terms of one land charter, namely by the Vakataka King *Pravarasena II* in his 18th year, it was a gift of a village to a thousand Brahmins collectively of whom 49, presumably heads of families, are named (Fleet-55):

¹⁶ Kosambi, *Indian History*, P-115.

¹⁷ Ibid, P-139.

¹⁸ Vincent. A. Smith, *The early History of India*, 4th ed. (Oxford: The Clarendon Press, 1967), PP. 138-139.

Now we grant the fixed usage, such as befits this (village) such as has been proved by former kings of a village which belongs to a community of those who know all four Vedas. Namely it is not to pay taxes; not to be entered by regular troops or higher officials; it does not carry with it the right to cows and bulls in succession of production nor to the produce, of flowers and milk, nor to mines for wet Salt. It is entirely free from all curve obligations, carries with itself the right to all treasure trove. And this condition of the charter should be maintained by the Brahmins and by (future) lords, namely (that the grant endure) as long as the sun and the moon, provided that they commit no treason against the state or any of its components under succeeding Kings, that they are not Brahmin-Killers nor thieves, adulterers, prisoners of Kings and the like; that they do not wage war; that they do no wrong to other villages. But if they act otherwise or assent (to such acts), the King will commit no theft in taking the land away.¹⁹

Other land grants show how settlement was further developed plot by plot in waste land. The sixth century *Damodarpur* plates are supposed to show purchase from the state, as do the *Faridpur* plates. Both are quite clear however, to anyone who has no preconceptions. In both sets of charters merchants who wished to make a donation to Brahmins for the acquisition of merit applied to the local authorities. The registrars and elders were in attendance while a surveyor who measured off plot was then assigned to a Brahmin, after the donor had made payment as "The Kings sixth share" by the donor. What had been bought was not the land but the right to cultivate it in perpetuity without taxes, which normally amounted to a sixth of the produce. The sixth century B.C was a time of exceptional intellectual activity of Jainism and Buddhism movement. In Bengal this new religion influenced the fabric of the whole Bengal land management and also agriculture. Channels dug for co-operative irrigation separated the individual holding from one another. The peasant proprietor and his family cultivated the land they owned. Agricultural landless laborers were employed for cultivation on wages. Their rank was below the slave. Large holdings had to be cultivated with 500 members by hired labors. Beyond the arable land of the village lay common grazing ground for pasturing the cattle. The villages end in the forests, the sources of the villager's firewood. In the forests there were haunts of wild beasts and Briands. The state levied different kinds of taxes on agriculture. Bhaga or share of the produce, the king's share of the produce, realized in kind by visiting at the barn doors or by survey of the crops. The states share of produce varied from one-sixth to one twelfth. The king could levy this tax. The Sakyas levied on Lumbini two taxes called *Bali* and *Bhaga*. Asoka made it free of Bali and reduced the Bhaga to one-eighth of the produce. The king had the power to remit or reduce these taxes. Special levy on produce was contribution to the state granary against emergency like war or famine.

¹⁹ Kosambi, *Indian History*, p.139.

Land Ownership

From the information received and documents discovered relating to land sale or land administration, so far it is apparent that from the 5th century to 13th century the king was the sole proprietor and real owner of the land. Fa-Hien and Yuan-Chuang wrote, "Land was the property of the King".²⁰ Manu, Kautilya and others writings got support that the land ownership belonged to the King. Arthashastra says; the king is the lord of the land and water in his kingdom. Daodoras says; the people pay a land tribute to the King because all India is the property of the crown...no private individual is permitted to own it.²¹ Though some writers wrote about different category like Sir Henry Maine say²²:

The village-corporations were practically the absolute proprietors of the village lands including the fresh clearings and were responsible for the total amount of rent to the Government. In case the owner of a plot of land failed to pay his share it became the property of the corporation, which had a right to dispose of it to realize the dues...The ownership in land was regarded as vested in the whole community...The ownership of the cultivable land vested in private individuals or families and not to the State.

Some viewers like Baden Powell and Dr. Bikram Sarkar said that in Bengal there were no communities or joint holdings in villages. They may have been subject to overlord tenures with their connected fiefs and subordinate holdings.

Another category of viewers John Stuart Mill says: "Land throughout India is generally private property subject to the payment of revenue, the mode and system of assessment differing materially in various parts." The report of the Indian Taxation Enquiry Committee says: "private ownership of land was an established institution among the Indo-Aryans in the most ancient times to which their society can be traced."

The question of ownership of land poses controversy not only in the Sub-continent but also in the parts of the world. Some regard the King as the sole proprietor of lands, while others look upon the whole village collectively or individual cultivator as the real owner.

Transfers of lands in the ancient period

The jurist's opinions follow that land was the common property of the community and belonged to settlers of the villages, who cultivated the land. In course of time they divided the land equally amongst the families. If they cultivated it and paid revenue they could not be evicted from the land. The successors of cultivators can enjoy the land in same conditions. The right to partition the land common land of the family amongst the members was recognized in course of time. A settler family could transfer its land but the transfer of its land to any outsider without the consent of other

²⁰ Kabeedul Islam, *The Land System of Bangladesh* (Dhaka: Mowla Brothers, 2002), pp. 17-102.

²¹ Kabeedul Islam, *The Land System of Bangladesh*, pp. 17-102.

²² Ibid.

permanent co-settlers or their heirs was not possible. This means that transfer of land to a stranger was subject to what is called pre-emption. The aboriginal men who surrendered to Aryans were engaged in domestic and agricultural work as slaves (*shudras*). The right of the *shudras* in the land was recognized and they were allowed to cultivate the land under the system of *barga* by sharing half of the crop production in such land and giving the other half to the owners of the land.²³

The Gupta emperors did not directly administer the whole of the territory in Bengal. There were probably feudal chiefs, referred to as *Mahasamanta*, who even assumed the title maharaja. The transactions for the sale of land gives us a glimpse of the actual working of these *adhikaranas* which formed a unique and very interesting feature of the organization of local governments in ancient Bengal. During the Gupta period the king was undoubtedly recognized as the sole owner of the soil in Bengal.²⁴ In most copper-plates belonging to the Gupta period and found in Bengal there are references to the king or the state itself selling land; when the land is donated for religious purposes, the king is given one-sixth of the religious merit due from the land grant. In every case the application for the purchase of land was made to the king through local officers. The king's permission was particularly necessary in these pious grants for it was only the king who had the power to exempt land from the payment of all royal dues. Thus in the earliest period for which records can be traced the king or the state was the owner of the soil. Some advocates of the theory that there was private ownership of land have argued that lands referred to in most of these inscriptions were *khila* or wastelands. But three copperplates from Faridpur and most *Pala* and *Sena* inscriptions record grants not merely of wastelands, but of whole villages as well. These villages must have included in them settled *vastu* and cultivated lands also. Again, the evidence of the Tippera grant of Lokanatha makes it clear that the king's ownership extended to forestlands. Proof which can be advanced in support of the royal ownership of land is that the king could annul a grant and make a fresh endowment of it to another person. However, though lands were owned by the state, cultivation was carried on by peasants living in villages and was based on individual peasant farming. The king's share of the agricultural produce was obviously the main source of state income. But though a host of tax names are mentioned in our sources these do not tell us what proportion of produce was appropriated by the state as revenue and as levies. Most of the land revenue was assessed in kind, but certain classes of crops were assessed in cash on the ground that it was difficult to divide into

²³ Mohammad Towhidul Islam, *The Development of land laws and Land Administration in Bangladesh: Ancient period to Modern Times*, 2005, Journal of the Faculty of Law, University of Dhaka, Vol.16, p. 213.

²⁴ Majumdar, *History of Bengal*, P. 271.

shares. Probably 'hiranya' was a tax of this type. In some areas cultivators had to pay royal dues on the basis of the number of ploughs used for tilling land.²⁵

During the 5th and 6th centuries A.D a large number of inscriptions belonging to the Gupta and the post Gupta periods reveal that there existed a class of officers called *Pustapalas* or record keepers. They were attached both to the villagers and district head quarters and their duty was to maintain records of lands within their boundaries, demarcations and titles. It is a misfortune that not a fragment of these valuable records has come to us. Perhaps it was written on Palmyra-leaves that have come down to us. But this is not the only loss that posterity has suffered. A careful study of the inscriptions of the *Sena* kings seems to suggest that by the beginning of the 12th century A.D Bengal had something like authoritative field to field, or cadastral surveys and their accompanying record of holding and rentals. There are reasons for believing that these surveys were not confined merely to lands and villages gifted away in pious endowments and thus rendered revenue free but extended to others from which the kings continued to derive the bulk of their revenue. What a wealth of materials we would have had to work upon, if the records of the *pustapalas* and the land surveys of the *Sena* king had been preserved!²⁶ The law of *nivi-dharma* regulated all holdings in the country, and probably it applied only to estates created for pious purposes. The age-old tradition of this country has been to regard pious endowments as rent-free. The *Nidhanpur* plate of *Bhas karavarman* shows that rent free pious endowments were not unknown in Bengal in the 6th and 7th Centuries A.D.²⁷ There is ample evidence in the epics; legal texts and Buddhist view that gift to religious persons were regarded as highly meritorious.²⁸

Land Management in Pala, Sena Periods

The eighth to the twelfth Century belonging to *Pala*, *Sena* and other contemporary dynasties introduce us to pious endowments of a somewhat different character. For instance, the *khalimpur* plate of *Dharmapala*, the earliest of these charters, records the grant of four villages with penalties for ten offences with the immunity from all burdens, with the immunity from all taxes, according to the maxim of the uncultivable land, and 'to last as long as the sun, moon and earth shall endure.' The donee was to receive all those taxes in kind and in cash which the cultivators in the alienated villages had hitherto paid to the sovereign. The *Edilpur* Plate of *Kesavasena* says that the grantee was to enjoy the land having erected temples, excavated tanks and planted betel nut, cocoanut and other trees. So, assumptions that the king was regarded as the ultimate owner of the soil, that he made the grants what may be called the royal

²⁵ Mosharraf Hossain, *Agriculture in Bangladesh: Performance, Problems and Prospects*, Dhaka, 1991.

²⁶ Majumdar, *History of Bengal*, P-642.

²⁷ Ibid, P. 645.

²⁸ Barrie M. Morrison, *Political Centers and Culture Regions in Early Bengal* (Arizona : The University of Arizona Press, 1970), P.85

demesne. It is very difficult to know what rights the cultivators possessed in the soil. It is probable most of them had to pay various kinds of taxes and local ceases. The land grants indicate that the possession of land carried with it certain inherent privileges. These included the right to everything under the ground and above it, such as mines, salt, wood, bush and trees including fruits. The right may have extended to the use of adjoining water, tanks, rivers and fishing there in. The Chinese pilgrim Hiuen Tsang bears testimony to the fact that in all parts of the province the countryside was regularly and assiduously cultivated and produced grains, flowers, and fruits in abundance. The description of *Varendri* in the *Ramacharita* confirms the testimony of the Chinese pilgrim. And so do the Copperplate inscriptions ranging from the 8th to the 13th century, which moreover, mention the cultivators as an important, class apart the officials, Brahmans and others.

Impact on current land administration

In the pre-industrial world, when agriculture was the bedrock of all economic systems, Bengal held an important position. Attracted by its agricultural and other resources, commercial and military adventurers from far and wide came to Bengal throughout its history and frequently established their polities here and ruled the country according to their own fashion. The present land tenure system of Bangladesh is mainly the result of the evolution of the revenue system under the forces of socio-economic and political parameters.²⁹ As land was always the main source of state revenue, successive dynasties tried to twist the existing land system to their advantage. Thus there was no uniform land system throughout Bengal history. No great dynasty entirely adopted the old system of land tenure, nor did any dynasty introduce an entirely new one. In ancient time king had the right to impose tax, but the king's power was limited by customs and injunctions of the *Dharmashastras*. The cultivable lands were made over to some persons who undertake to cultivate it. Thus permanent tenancy came into existence. King had the right to expel a peasant from his holding, but such power was also limited by religious sanctions and king's own laws. So in those days there came two classes of tenants: (a) Permanent and (b) Temporary.³⁰ The Permanent tenants who settled in the village were called *khudkasta* and the Temporary tenants were known as *paikasta* raiyats. *Khudkasta* raiyats were the permanent residents of a village and had customary rights in land. They had the right to possess the land permanently and use it as they liked so long they adhered to terms of the *kabuliyat* or agreement. *Paikasta* group of raiyats were non-resident cultivators who moved from village to village in search of cultivating land for a season at competitive rent rates. They paid a much smaller rate of rent than their *khudkasta* counterparts. But as they were basically migratory sort of peasants, they had no rights in the land that they cultivated. During

²⁹ Syed Rafiqul alam Rumi, *Underdevelopment and Agrarian Structure in Bangladesh, 1880-1970*, in the Journal of the Institute of Bangladesh Studies, vol x, pp. 50-52.

³⁰ Mridul Kanti Rakshit, *The Tenancy law of Bangladesh*, P.2-3.

the British period the privilege which *khudkasta* enjoyed was extended to the *paikasta* raiyat also, if they could show occupation for 12 years. Copper-plate inscriptions prior to 8th century AD indicate mainly three types of land, which regulated the relation between the state and the peasantry. These were *vastu* (homestead land), *ksetra* (plough-land) and *khila* (cultivable wasteland).

Information about the land system during the Sultani period is as inadequate as was the case with that about land system in ancient times. It is, however, assumed that the Sultans did not change the previous system very drastically, though they had introduced many new tenure terms for the existing institutions. The Sultans seemed to have collected land revenue mostly directly from the peasants as before. Like the *nivi-dharma* tenure of ancient rulers, the Sultani rulers also made rent-free land grants to religious and charitable organizations and individuals. The matter is brought in ancient period in the following way:

Bengal attained importance as an Aryan Kingdom during the reign of the *Pala Rajas* and their successors, the well known kings of the Sen Family. It is said that the celebrated Ballal Sen and his worthy descendant Lakshman Sen made a large number of grants, in favour of learned Brahmins and even Kaiyasthas- who had been invited by adisur from the northern province to take up permanent abode in the rich and alluvial lands of the Gangetic deltas (Bengal).³¹

Thereafter it is seen that religious fervor also existed in the Afgan and *Mogal* kings and Emperors. Many grants were made by Mohammedan Emperors and Rulers for Charitable and religious purposes to individuals. So British Government classified the grants under two heads: (a) Badshahi grant and (b) Non- Badshahi grant. Thus the relationship between the grantor and grantee is thus really that of landlord and tenant. Then on 1895 the Crown Grants Act was passed. When the State Acquisition was made, all the grants were wiped away. All the lands were resumed by the Government and assessed with revenues or rents. The Royal grants for charitable and religious purposes created during ancient royal grants and Muslim period supported by British Government and the Government of Bangladesh by the State Acquisition and Tenancy Act, either as raiyat or tenant by virtue of section 20 of SAT Act.

There was a revolutionary change in the land settlement policy of the government after liberation of Bangladesh. Land revenue being the largest single source of income of the provincial government before liberation, the land settlement policy was guided by considerations of revenue income rather than those of equity and social justice. Surplus or khas lands were settled on payment of salami which was more or less equal to the market price of the land. Naturally, the rich and influential people who could pay for it obtained settlements in their own names or in the name of their henchmen. The

³¹ Ibid, P. 9.

landless and marginal farmers could not reap the benefit.³² Now lands are settled free of salami to the landless people as defined in the land settlement policy. The immediate change was lowering of the ceiling on ownership of total land - both agricultural and non-agricultural by a single family or body. The limit of 375 bighas was brought down to 100 bighas. A further change was made in respect of ceiling on agricultural land. It was provided that subject to the overall limit of 100 bighas of land throughout the country, the maximum quantum of agricultural land to be acquired or held by a family or body would be 60 bighas.³³ The lowering of the ceiling on agricultural land was intended to broaden the base of holders of subsisting and economic holdings through redistribution of ceiling surplus land. But the principle of equity and social justice was given a goodbye since there was no ceiling on non agricultural land holding, particularly in rapidly growing urban areas where price and income from land were ever soaring. Another significant measure was the exemption of rent in respect of agricultural lands up to 25 bighas held by a single family. Although this provision introduced in 1972 was abolished with the commencement of the Land Development Tax Ordinance 1976, it was reintroduced later.

Conclusion

In the fifth, sixth and seventh centuries small pieces of wasteland were purchased by members of the local elite tradesmen, government agents and it was given as religious endowments. In the sixth, seventh and eighth centuries the transfers of larger holdings of properly authorized by local rulers at the request of highly placed administrative officers. In the tenth, eleventh and twelfth centuries, the great property transfers of the major dynasties of Bengal were made while in the thirteenth century there were smaller grants of the surviving local dynasties. Giving land to the *Brahmanas* in each of the three territories strongly suggest that the *Veranda*, *Bhagirathi* and *Dacca* areas were part of the same cultural community.³⁴ Three kinds of property were transferred. Firstly, the bequests of agricultural land, which were much larger than earlier grants and were, measured out in units of *patakas* and *drones*. Secondly, there were large donation of uncultivated or Jungle land. Thirdly, there were bequests, which were described in terms of villages.³⁵ All of the donors were independent Kings who granted land without any reference to the agencies of local government or to any other official. In short, a series of monographic studies of the land management inscriptions designed to provide information which could be used in comparative studies hold the promise of greatly expanding our knowledge and understanding of the whole of the early history of the Indian sub-continent.

³² Banglapedia.search.com.bd >accessed on 12, April, 2007.

³³ Section 4 of Land Reforms Ordinance 1984.

³⁴ Morrison, *Regions in Early Bengal*, P-124.

³⁵ H. H. D. 140