

**BHŪMICCHIDRANYAYĀ:
ITS SIGNIFICANCE IN EARLY MEDIEVAL NORTH INDIAN
LAND TENURE**

The land-grant inscriptions which first appear in northern India in the early centuries of the Christian era become more abundant and widespread in the following centuries, particularly from about the time of the imperial Guptas. The significance of land-grants in the study of the many aspects of the land system of early medieval India cannot be overstated in that they form the most important and, in certain instances, the only source of information. These records—the large majority of which are royal charters - not only announced the royal endowment but also contained official orders to government officers and the villagers resident in the land. They also include descriptions of the land, taxes and other dues to be levied as well as certain privileges and immunities that were granted. In many of these records all the conditions governing the grants have not been specified and the only clue one has to understand the nature of the donations is some technical expressions given in them.

Nevertheless, many of the epigraphic terms relating to land tenure, taxation etc., pose a formidable problem for the historian who seeks to study the land system of early medieval North India since the correct meaning of these terms and their legal implications cannot be easily determined. Hence, without a clear notion about the manner in which those terms were understood and employed in the contemporary society, any attempt to study the land system of early medieval India can easily turn out to be a futile exercise.

Several scholars ranging from philologists, linguists, epigraphists and historians have from time to time attempted to provide certain conjectural interpretations to such expressions, but many of them have come under strong challenge and criticism, from other scholars on various grounds. As a result, quite a good number of land tenure terms have still not been satisfactorily understood. Hence, one of the primary tasks of historians who seek to study the early medieval land system of India should be to try and establish some acceptable definitions for these obscure epigraphic terms by re-examining the contexts in which they appear and by making use of any corroborative information from other sources for the purpose of achieving precision and clarity.

Among the land tenure terms which have not been clearly comprehended is *bhūmicchidra-nyāya*, found in a large number of north Indian grants from the time of the imperial Guptas. Though it appears to have been an important and frequently used term in connection with tenurial rights of the Gupta period and the few centuries immediately after that, its occurrence becomes markedly less frequent after about the ninth century A.D. It then disappears completely from the records of many parts of northern India except in a few regions like Orissa and Assam where it remained in use throughout the early medieval period.

The stipulation in the land-grant inscriptions that the land in question was given in accordance with the *bhūmicchidra-nyāya* puzzled many scholars who took

pains to edit the records for the first time, and the interpretation of this term has aroused controversy and stimulated many a learned discussion over a long period of time. Yet, there is hardly any agreement among scholars on its correct meaning in terms of the land system at the time. In this paper an attempt will be made to take a fresh look at the term *bhūmicchidra-nyāya* with a view to providing a more acceptable definition to it, while assessing its significance in the context of the early medieval north Indian system of land tenure. In this regard, we also wish to discuss the views expressed by a number of scholars on the subject in order to see how far they are acceptable.

A literal rendering of the term *bhūmicchidra-nyāya* would be the "rule or principle of holes in the earth". R.G. Bhandarkar,¹ while attempting to interpret this term as early as 1872 considered this literal meaning as the most appropriate and wrote that "a grant is to last as long as the Sun, Moon etc., shall endure on the principle of the holes in the earth are filled up in time and the earth is whole again so unchanged, so a grant should survive all revolutions etc., and last unchanged forever (*sic*)". G. Buhler,² elaborating on Bhandarkar's interpretation stated that *bhūmicchidra* means "the reasoning from the familiar instance of the ground and the clefts therein, or the inference that the whole includes the parts just as a piece of a land includes the various clefts therein. If it is stated in grants that a village or the like is given *bhūmicchidranyāyena*, it means simply that it is made over with all its appertences, produce, rights etc."

Both these interpretations are purely conjectural and are not based on any concrete evidence. Besides, if Bhandarkar's view is accepted, one has to believe that this term was used in the inscriptions to indicate the perpetuity of the grant. It would then be difficult to understand why these grants also carry another sentence stipulating that they shall last as long as the Sun, Moon, Stars and the earth endure.³ If both these meant one and the same thing, then one of them is obviously redundant. Buhler's interpretation too cannot escape a similar criticism. If one has to accept that the expression *bhūmicchidra-nyāya* meant, as he thought, that the "grant included all rights, produce etc.," over the land so transferred, then it is not easy to explain why it was necessary to include a separate section in almost all these grants, giving details of the types of land, its produce, taxes and different other sources of income, along with the *proviso* that the land was granted in accordance with the *bhūmicchidra-nyāya*⁴.

1. *Indian Antiquary*, I, 1972, p. 46 note 1.
2. *Ibid.*, IV, 1875, p. 106.
3. Cf. Copper Plates of Bhavadeva of Devaparvata, *Journal of the Asiatic Society of Bengal* XVII, 1951, p. 94, ll. 60 ff.: Hindol Plate of Subhakara, *Journal of the Bihar and Orissa Research Society*, XVI, 1930, pp. 78-79, ll. 26-31.
4. Cf. *Indian Antiquary*, XV, 1886, P. 306, ll. 41 ff.

In this regard it may be noted that the *Kautilya-Arthaśāstra* contains a chapter titled *bhūmicchidravidhānam*,⁵ which deals mainly with non-agricultural land. In this chapter Kauṭilya, enjoins that the king should allot land that is unsuitable for agriculture as pasture land for grazing cattle or donate it to *brāhmaṇas* for the purpose of *soma* plantation and the study of the Vedas⁶. Thus it is clear from Kauṭilya's clarification that the *bhūmicchidra* land was uncultivable waste land. The *Vaijayanti-kośa* of Yadavaprakasa, a lexicon which may be assigned to the post Gupta period, also gives a similar meaning to *bhūmicchidra* when it says that *bhūmicchidra* lands are those unfit for cultivation (*bhūmicchidram-krśyayogyam*)⁷. L. D. Barnett⁸ accepting the information found in the *Arthaśāstra* and the *Vaijayanti-kośa* at their face value, concluded that the *bhūmicchidra-nyāya* meant the condition under which peasants were "allowed to hold land in wilderness, forests, i.e., in precario with reservation of the king's right to eject them at will". However, it is very unlikely in the case of the grants of the Gupta period and later, that the kings retained the right to eject the donee or that they imposed any restrictive conditions, for the inscriptions are very emphatic on the point that the grants were perpetual and that the donees should not be deprived of enjoying the land⁹.

U.N. Ghoshal, who usually takes great pains to explain in detail many fiscal and other terms found in land grants, suprisingly enough, makes only a passing comment on the *bhūmicchidra-nyāya* in his important study, *Contributions to the Hindu Revenue System*. He simply mentions that the term *bhūmicchidra-nyāya* implies the grant of full right of ownership such as would be acquired by a person making allow land cultivable for the first time.¹⁰

S.K. Maity¹¹ who, for the first time, took the trouble to go deep into the problem of interpreting this term, cites the definitions given by many previous scholars but pays little attention to the need to counter their arguments which are not well substantiated and are not acceptable. He rightly points out that the land granted according to the *bhūmicchidra-nyāya* in the Gupta period and after were not uncultivable waste land, though it might have been the case at the time of Kauṭilya. However, without any further discussion Maity abruptly concludes his discussion by saying that "*bhūmicchidra* very clearly indicates permanent land tenureship, and the property endowed under this rule is freely handed down from generation to generation"¹². Yet, he fails to show the grounds on which one should accept his conclusion.

5. *Arthashastra*, II, 2.

6. *Ibid.*, II, 2, 1, See R.P. Kangle, *The Kautilya Arthaśāstra*, Vol. II, Bombay, 1972, p. 59.

7. *Vaijayanti-kośa of Yadavaprakāśa*, ed. G. Oppert, Madras, 1893, Vol. I, 227.

8. *Epigraphia Indica*, II, 1894-95, p. 353.

9. See *supra.*, foot note 3.

10. U.N. Ghoshal, *Contributions to the History Hindu Revenue System*, Calcutta, 1929, p. 212, note 4.

11. S.K. Maity. *Economic Life in Northern India in the Gupta Period*. (Revised second edition) Delhi, 1970, pp. 42 ff.

12. *Ibid.*, p. 45.

D.C. Sircar is another scholar who has in recent times attempted to discuss the term in detail and assess its significance in the north Indian land tenure system. Taking into consideration the information from the *Arthasāstra* and the *Vaijyantī-kośa* he renders *bhūmicchidra-nyāya* as the "maxim of the waste land" and further explains that a person bringing such land under cultivation was entitled to enjoy it without paying taxes. He goes on to say that *chidra* may also be understood in the sense of a "hole", "an opening" or a "gap," and therefore the same principle is mentioned in some cases as *bhūmicchidrāpidhāna-nyāya* or the "maxim of covering up *bhūmicchidra*" since a plot of waste land could be regarded as a gap in the cultivated area and the reclamation of such land might be technically known as covering up the gap. Thus, in his opinion both *bhūmicchidra-nyāya* and the *bhūmicchidrāpidhāna-nyāya* have the same meaning. However, there is no reason or evidence to believe that the granting of land according to the *bhūmicchidra-nyāya* in the period under review was envisaged as a means of covering up the gap in the cultivated land, for it is very apparent that the land so granted had already come under cultivation. Therefore, the question of "covering up a gap" does not arise.

If the explanation given in the *Arthasāstra* is accepted, as has been done by Sircar and others, the *bhūmicchidra* land has to be considered as land that cannot be subjected to taxation because it does not yield a reasonable income. It is also important that Yādavaprakāśa, too, defined this type of land as being unsuitable for cultivation (*krśī-ayogyā*). The Kamauli Plate of Vaidyadeva¹⁴ of Assam (first half of the twelfth century A.D.) provides some valuable information in this regard when it says that no tax should be levied on *bhūmicchidra* land (*bhūmicchidrañca akincit-kara-grāhyam*).¹⁵ This reference clearly shows that the original idea found in the *Arthasāstra* that *bhūmicchidra* land should not be taxed was still prevalent as late as the twelfth century A.D.

It is evident that all the above scholars, who attempted to explain the *bhūmicchidra-nyāya*, agree in one way or another on the point that *bhūmicchidra* land was waste land unsuitable for agriculture, yet, what most of them have failed to notice is that all the land that was granted according to the *bhūmicchidra-nyāya* in the charters of the Gupta period and after was in fact fertile and productive land. Evidence can be brought forth from many inscriptions from almost every part of northern India to prove this point. To cite a few, the Khoh Plate of Sarvanatha (A.D. 513), the villages of Vyāghrapallikā and Kācarapallikā, which were granted according to the *bhūmicchidra-nyāya* actually cultivated settled land. The Villages had been inhabited by *brāhmaṇas* and others. The Bhagalpur Plate of Nārāyanapāla

13. D.C. Sircar, *Landlordism and Tenancy in Ancient and Medieval India as Revealed by Epigraphic Records*, Lucknow, 1969, p. 5.
14. *Epigraphia Indica*, II, 1894, p. 353, l. 51.
15. The correct reading should be *bhūmicchidrañca nakiñcit-kara-grāhyam*.
16. J. Fleet, *Corpus Inscriptionum Indicarum (Gupta Inscriptions)*, III, London, 1886, p. 137, inscription no. 31, l. 13 ff.
17. *Indian Antiquary*, XV, 1886, p. 306, ll. 41 ff.

of the Pāladynasty of Bengal and Bihar (A.D. 866-920), which records the donation of the village of Makutikā in accordance with the *bhūmicchidra-nyāya*, mentions that the village had grass and pasture land, plain land and mango and *madhūka* trees. The record also states that the village yielded various kinds of revenue, such as *uparikara* (probably a land tax) *daśāparādha* and *cauroddharaṇa*.¹⁸ The Vajrayogini Plates of Sāmalavarman¹⁹ of southeast Bengal (twelfth century A.D.), which records the donation of some land (probably a village) according to the same maxim, also mentions that in addition to various taxes and other revenue, rights over coconut, arecanut and *panasā* trees were transferred to the donee. Thus there is no doubt that the land in question had already been brought under cultivation by the time of their donation. Hence, the theory that it was uncultivable waste land is not acceptable.

S.K. Maity,²⁰ who drew attention to this very important fact in the light of some Gupta records, unfortunately does not appear to have considered it worth looking beyond that point to try and explain this obvious contradiction. It appears that the attempt of some scholars to explain only the meaning of *bhūmicchidra* without considering the expression in its entirety has created this confusion. The basic question that would come to anybody's mind is why was it necessary to grant fertile and very productive land in accordance with "a rule of waste or defective land"? In answering this what has to be kept in mind is the generally held view that *bhūmicchidra* land should not be subjected to taxation, and that this type of land may be alienated for religious purposes. This appears to have been the accepted convention, at least from about the time of the *Arthaśāstra*, and it continued even up to the twelfth century, as is evident from the Kamauli Plates. Therefore, the significance of the term lies not in its literal meaning but in the manner in which it was used in the land tenure system.

It is noteworthy that while the *bhūmicchidra* land, by convention, was not taxable, it was so categorized because such land was considered uncultivable waste land and produced nothing worth taxable. It would seem obvious that when rulers wanted to transfer even fertile land exempted from taxes, they made use of this age old and well-established rule of *bhūmicchidra*, which most probably carried with it certain legal rights and privileges, the alienation of which would not have been otherwise possible.

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18. *Ibid.*, 11. 44.

19. *Epigraphia Indica*, XXX, 1953-54, p. 263, 11. 4 ff.

20. Maity, *op.cit.*, p. 45.