

Property before Colonialism in India: Revisiting Philosophy and Practice

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Abstract:

In the modern era, the concept of property became a central organizing principle of socio-political life. This modern understanding of property was largely shaped within Western philosophical traditions and subsequently spread across the world. During the colonial period, India also underwent significant transformations, as property rights and individual ownership emerged as important aspects of social and economic life. However, prior to colonialism, notions of property in Indian philosophy and social practice were markedly different from the modern Western conception. This article seeks to revisit traditional ideas of property in ancient Indian philosophical thought and to examine the understanding and practice of property within Indian village life.

Keywords: Property; Village Community; Indian Philosophy; Colonialism; Individualistic etc.

Introduction:

The concept of property in ancient India cannot be adequately understood through modern legal or economic categories alone. Unlike contemporary notions that treat property as an absolute individual right, ancient Indian thought embedded property within a broader moral, social, and cosmological framework. Property was not merely an economic asset but a socially regulated institution governed by ethical norms, religious injunctions, and communal obligations. The relationship between ownership, usage, and distribution was deeply intertwined with the principles of dharma (moral duty) and artha (material prosperity), forming a balanced vision of human life.

Ancient Indian texts—particularly the Dharmashastra, Arthashastra, and epics such as the Mahabharata—offer valuable insights into this perspective. These sources reveal that property was neither purely individual nor entirely communal but existed within a framework of social, cultural and economical responsibility. At the same time, the village community emerged as a crucial unit of economic organization, where land and resources were managed collectively under customary norms. This article examines the philosophical foundations, legal formulations, and socio-economic practices related to property in ancient India, with particular emphasis on village communities. It argues that property was conceived as a morally conditioned and socially embedded institution, significantly distinct from modern capitalist and liberal notions of ownership.

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Property in Indian Philosophy

It is necessary to note the philosophical debate on the concept of property in ancient India. The main sources for this are the ancient texts themselves. It is a very important task of this research to examine the question of property, ownership and land in the Indian context using some important texts and concepts.

- **Dharma and Artha :**

In ancient Indian thought, property is never seen as a purely individual right, but rather; it is considered as part of the community good (dharma). Economic activity and material possession were accepted as necessary and fundamental aspects of human life, but they were always subordinated to moral standards and social responsibility, as emphasized by the Indian tradition. Therefore, property in India was not an end in itself, but a means to maintain social order and moral life.

This holistic worldview is clearly expressed through the doctrine of the purusharthas, namely dharma (righteousness or moral duty), artha (material prosperity), kama (pleasure and desire), and moksha (liberation). Of these, artha directly corresponds to wealth, possessions, and material resources. However, Indian philosophy consistently emphasizes that artha should function within the limits prescribed by dharma.

The Manusmriti clearly establishes the importance of dharma over material acquisition: “Dharma is declared to be superior to artha and kama; therefore, one should not violate dharma for the sake of wealth or pleasure.” (Manusmriti, II. 224)

This quote reveals the relationship between the purusharthas, dharma, and artha. It suggests that the process of acquiring property is associated with a moral commitment rather than absolute or autonomous.

Indian thought argues that artha is legitimate but a controlled asset. The Indian understanding of artha does not reject wealth or possessions. In contrast, texts such as Kautilya's Arthashastra recognize that material prosperity is essential for both individual livelihood and the stability of the ‘state’. Kautilya famously asserts:

“The source of wealth is economic activity, and its lack brings material distress. In the absence of fruitful economic activity, both present prosperity and future growth are at risk.” (Arthashastra, I. 7)

However, even in this pragmatic text, property and wealth are not considered ‘private rights’ divorced from social purpose³. The king (Rajan) is described as the guardian of prosperity, responsible for ensuring that the distribution of wealth contributes to social order and public welfare. Excessive accumulation, unjust appropriation, or exploitation were seen as violations of dharma, not just private moral failings. Thus, artha was understood as socially embedded wealth, justified by its contribution to sustenance (bhog), generosity (dana), and social stability.

Dharma served as the primary normative principle governing the acquisition and use of property. The texts repeatedly emphasize that wealth acquired through immoral or violent means, regardless of its proper acquisition, loses its legitimacy. The Mahabharata asserts this moral position with further clarity. The following quote is a testament to this.

“Wealth acquired through unrighteous means does not bring happiness; wealth acquired according to dharma alone leads to well-being in this world and the next.” (Mahabharata, Shanti Parva, 262.9)

³ Property or land is understood as a personal right, a natural right, a fundamental right, a human right. Therefore, these concepts of ‘private right’, ‘individual right’ are used very prominently in today’s modern context. It can be recognized in Kautilya’s context that such a consideration is not recognized in the Indian context.

This concept is fundamentally different from modern legal concepts of property, where legality is usually sufficient to justify ownership. In ancient India, traditional responsibilities seem to have existed even before legal recognition.

Social obligations of wealth include **charity and public welfare**—the most distinctive feature of the Indian concept of property is its emphasis on social obligation. Wealth was never seen as exclusively ‘private’; it had ‘inherent duties towards society’. The practice of charity (Dhana) was not an optional kindness but a moral expectation attached to property ‘ownership’. In this regard, the Manusmriti states: “One should accumulate wealth, only to donate it to the deserving; wealth accumulated without charity is condemned.” (Manusmriti, I. 226) Similarly, Yajnavalkya emphasizes redistribution and restraint: “He who enjoys wealth without sharing it with others is guilty of sin.” (Yajnavalkya Smriti, I. 213) Charity supported Brahmins, the poor, students, travellers and traditional institutions. It redistributed surplus wealth and strengthened social cohesion. Public works such as ponds, wells, roads, and rest houses were also considered worthy uses of wealth, reflecting the early idea of public welfare expenditure. Hence the widespread reach of the ideas of the monastery in India, with its *Anna Dasoha*⁴, as well as the extensive food, housing, and other social services provided in temples⁵.

P. V. Kane, a leading thinker on ancient India, notes the following: “In Hindu law, ownership was always subject to moral limitations; the idea that wealth carried social responsibilities was deeply rooted in the legal and moral tradition.” (Kane, History of Dharmashashtra, Vol. II, 1941)

Kingship, Property and Moral Authority – The role of the king further explains the moral framework of property. The king was not the absolute owner of the land, but was its protector and controller. His legitimacy rested on the upholding of Dharma, especially in matters of taxation and redistribution. The Shanti Parva declares: “A king who takes taxes without protecting his subjects is guilty of theft.” (Mahabharata, Shanti Parva, 90.24) Taxation was justified only as a means of maintaining social order, protection and welfare. This concept contrasts with later colonial theories, which viewed land primarily as a source of revenue for the state.

The philosophical framework of Sadharma and Artha thus presents a social, communal concept of property. It is clear from the above discussion that ownership of property was also morally constrained. Property or wealth was seen as a means to be used for the good of society and the glory of the community. Radhakrishnan succinctly explains this view: “The Hindu concept of property does not promote possession for its own sake, but subordinates it to moral and spiritual ends.” (Radhakrishnan, Indian Philosophy, Vol. I)

This fundamental view has profoundly shaped Indian attitudes towards land, wealth, kingship and social justice. And confronting modern debates on property, redistribution and welfare in India with this perspective will help to present India’s different way of thinking to the world. It would also be more useful to revisit the original understanding and knowledge of India.

Overall, it can be said that philosophical thoughts on property in ancient India upheld the balance between material life and moral order. Property and wealth are the traditional Indian understanding of meaning. Meaning was therefore essential, but it was never autonomous; it only acquired legitimacy

⁴ “Anna Dasoha” is the act of “food charity” or “free distribution of food”; it combines *Anna* (food) and *Dasoha* (devoted service or selfless sharing). It is a common practice there in the temples and Mathas in Karnataka. It is a highly revered socio-spiritual tradition that emphasizes to serve the hungry without expecting anything in return.

⁵ This needs to be studied in more depth. Monasteries and temples have been subjected to harsh criticism during the colonial period and even later, portraying them as the greatest ‘centers of ignorance’ and ‘immorality’. Therefore, there is no doubt that if these centers are understood in the context of the peculiarity of the concept of property, India will look very different.

through religion. This moral responsibility for property distinguishes the Indian tradition from modern liberal concepts of property rights and ownership. And it provides an important conceptual resource for rethinking property as a socially responsible institution rather than a purely individual right.

• **Property in Dharmashasta literature**

The Dharmashasta is one of the most important ancient texts. Texts such as the Manusmriti, the Yajnavalkya Smriti and the Narada Smriti provide detailed reviews regulating the acquisition, classification, inheritance and protection of property. Unlike modern legal systems that treat property primarily as enforceable rights, the Dharmashastas conceptualized property as a morally regulated social institution, inseparable from duties, sociality, and kingship. These texts did not deny private property; instead, they carefully sought to fit it within the framework of varna, ashram, family structure, and state authority.

The Manusmriti lists various sources of acquiring property, reflecting the diversity of economic activities in ancient society. These include inheritance; gift; conquest; employment; labor; royal favor, etc. Manu states this clearly: "Property can be acquired by inheritance, purchase, division, employment, investment, work, and acceptance of gifts." (Manusmriti, II.115)

The Dharmashasta literature is said to have ideas that link property holdings with social responsibilities. Although all varnas could own property, the methods of acquisition and control differed.

- Brahmins were encouraged to acquire property through gifts and teaching.
- Kshatriyas through conquest and administration.
- Vaishyas through trade and agriculture.
- Shudras primarily through service.

Manusmriti clearly restricts economic activities: "The occupations of the four varnas are determined according to their nature and duties." (Manusmriti, I.87)

Women's opportunities to own property were limited. But modern sthivistic thought cannot accept the argument that it was completely denied. The concept of sthividhana recognized some forms of women's property, including gifts received at marriage. Yajnavalkya notes: "What is given to a woman at the time of marriage or out of the love of her husband is her own property." (Yajnavalkya'smriti, II.143) Despite this recognition, it is recognized that women generally lacked independent rights over ancestral property, reflecting patriarchal rules⁶.

Conditional nature of property ownership - Dharmashastra A crucial feature of property theory is the conditional nature of ownership. Ownership was legal only so long as it was in accordance with Dharma. The Mahabharata says: "He who enjoys wealth without performing yajnas or donations is a thief." (Shanti Parva, 88.12) Thus, property was conceived as a moral trust, not an inviolable right.

The king as protector, not absolute owner - Contrary to modern notions of state sovereignty over the land, the Dharmashasthas do not consider the king as the ultimate owner of all property. Rather, the king is the protector (Rakshaka) of property and social order. As Manu declares, "The king should protect the property of his subjects as carefully as his own." (Manusmriti, II. 131) The king's right to collect revenue (bhaga) was justified not as ownership, but as compensation for protection. The Mahabharata warns against this in this way: "A king who takes taxes without protecting his subjects is committing theft." (Shanti Parva, 90.24)

⁶ Concept of "Mother-headed Family" or "**Matriarchal family**" is present in different parts of India. Then the concept of property needs to be discussed differently. It will be considered as counter facts to the modern discourse on 'women and property rights'.

R. S. Sharma states that "in ancient India, the king's claim on land was primarily financial, not proprietary. Ownership was with the peasants and communities, subject to revenue obligations." (Sharma, Early Medieval Indian Society, 2001) Property in the Dharmashastra literature was neither purely communal nor purely individual. It represented a morally conditioned form of private ownership structured by family, caste, gender and kingship. Ownership was legitimate only when exercised in accordance with religion and social duty. The role of the king as protector rather than owner further reinforces the non-arbitrary nature of property in ancient India. This normative conception profoundly influenced Hindu life, and these Dharmashastra insights have become essential tools for continuing discussions on property, social justice and welfare in modern India.

The most distinctive feature of property relations in ancient India is that the village was centered as a semi-autonomous socio-economic and moral unit. It has a different way of thinking than modern capitalist societies, where it is observed that the context of individualization of property was separated. Ancient Indian villages were organized around traditional, collective and functionally distinct property management. Land and natural resources were not conceived as inert commodities, but as living foundations of social life governed by tradition, ritual and responsibility for giving and receiving.

Indian Village community and property

Historical and archaeological evidence suggests that the Indian village functioned as a unit with internal mechanisms of governance, dispute resolution and resource management. D. D. Kosambi describes the village as a "self-contained unit of productive and social life" where economic relations were based on blood, caste and customary obligations rather than contractual exchange (Kosambi, 1956). The village community exercised collective authority over land distribution, agricultural patterns, irrigation management and resource use. Although individual families cultivated specific plots of land, their rights were largely vested in the right to use the land. That is, they had the right to use and enjoy the land as long as they adhered to traditional norms and fulfilled communal and financial obligations. This obligation-based or duty-based system contrasted with the current modern legal phenomena of "private" and "public" property. It introduced a different social form of property and land ownership, its control and use.

In ancient villages, farming families traditionally had rights over their land, which were considered hereditary. But they were not absolute. These rights were recognized and protected by village councils (sabhas) and, in many cases, the state. However, they did not amount to outright ownership in the modern sense. R.S. Sharma says: "The right of the cultivators to land was hereditary, although it was conditioned by custom and obligation rather than by outright title." (Sharma, 2001) Land could not be arbitrarily sold, mortgaged or abandoned without communal consent. This restriction prevented arbitrary power over land and ensured its continued productive use, strengthening food security and social stability. It is worth noting that common property resources in villages were recognized. Apart from cultivated fields, villages collectively controlled a wide range of common property resources, including: forests, pastures, water bodies (banks, rivers, wells); Wastelands and fallow lands. These resources were essential to agricultural life, supporting fuel, fodder, grazing, irrigation, fishing and handicraft production. Their management was regulated by traditional customs, seasonal rules and collective restrictions rather than formal legal codes. Another historian, D. D. Kosambi, opines: "The villages generally formed the material basis of peasant survival and cannot be understood through the lens of private ownership." (Kosambi, 1956) Importantly, these property resources were not "free access"

resources. Village councils or village assemblies often deliberated on what, when and how they could be used. They were controlled by decisions that benefited the village or town. This was often done by the villagers themselves. This is contrary to later colonial and modern thinking. This could have been seen as a way of emphasizing the essential use of common things and making people aware of their importance. That is, they had a way or practice of avoiding the risk of overuse or degradation of resources.

Communal property systems seem to be based on social structure, especially the nature of employment. Different groups often considered different types of resources as property. For example, pastoralist castes were more dependent on grazing land; artisan groups were more dependent on forests and water; agricultural workers were more dependent on small-scale products. The communal management of resources embodied an ecological rationality that is not usually found in the modern concept of property. Seasonal norms, land-use policies, sacred groves, divine forests, and protected water bodies reflect an understanding of environmental limits. Rather than recognizing the genuine and pro-ecological consciousness in these practices, our modern thinkers have criticized such practices as folly. There, the use of property was largely restricted by tradition, ethics, taboos and collective memory, rather than by market pricing or state regulation. It is clear that India's heritage had a fundamental sense that land was seen as a renewable but finite resource, which should be preserved for future generations. Thus, the absence of the modern notion that land is the only property in village structure can be identified.

Conclusion:

Overall, the ownership of property was not universal, it was relative. It was said to be contextual. It reflected social roles, mutual obligations and moral economy rather than abstract equality. There are arguments that while this system preserved collective life, it also reproduced hierarchy and exclusion. Thinkers claim that the distinctions between lower castes and landless groups are particularly evidence of this. This dual role highlights a crucial analytical point: property in ancient India was communal, and it was socially controlled and practically integrated. The absence of private ownership of property can be clearly identified here. Villages are said to have played a key role in shaping the collective view of property in the public mind.

This communal and traditional system was fundamentally disrupted during colonial rule, which reclassified land as state-controlled and marketable/transferrable property. It weakened village autonomy and control. Colonial rule, based on individual-centered European liberal thought, destroyed collective, communal rights. It had a significant impact on the village system and agricultural life in India. Therefore, understanding communal property in ancient India is essential not only for historical explanation but also as a critical perspective for analyzing colonial interference with land, forests, and commons and contemporary struggles. The analysis so far has identified various phases of the concept of community and village-based property in ancient India. This collective perspective fundamentally distinguishes Indian property traditions from modern capitalist property regimes and provides an important intellectual resource for rethinking contemporary debates on the common, sustainability, and social justice.

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