

## People and Petitions in the Late-Mughal Political Order

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Note: I hope you will excuse the fact that this is an extremely rough first draft, but is of interest nonetheless.

Sometime on the 21<sup>st</sup> of September, 1741, a Brahmin named Gūdhū picked up a brickbat and threw it at a group of Muslim worthies in or near the town of Kol, present-day Aligarh.<sup>1</sup> This act of violence cast ripples of disturbance through the local community. The document (Appendix) we will examine today is an artefact produced by that moment of disequilibrium. It is also, to the best of my knowledge, the only remaining indication that such an event had ever taken place at all. In the absence of any further documentary evidence, my goal today will be to read this testimonial (*istishahād, gawāhī*) as closely as possible in order to reveal the workings of the Mughal state in a local province. The document before you today does not formally constitute a petition. In reading it, therefore, I want to present several inter-related arguments. To begin with, the paper on which the petition is written is merely a small part of the practice of petition. I see this practice of petition, in its distinctively Mughal idiom, as a process that is both produced by, and an excess of the administrative logic and ideology of the Mughal dynasty. And finally, this process of petition, accepted but unsubsumed by the Mughal state, was frequently a vehicle for a popular politics that we see already apparent everywhere in the early eighteenth century.

In order to understand the political effect of the petition, the first part of this paper will therefore examine the state's own representation of relations with its subjects. In order to understand the practical considerations which limited this discourse, we will then turn to the question of judicial corruption which undermines what I am calling the administrative orientation of the state. Finally,

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<sup>1</sup> I would like to gratefully acknowledge the assistance of Professor Muzaffar Alam in deciphering a few key phrases in the text of the document, which is held at the National Archives of India, #1330. All errors are mine alone.

I examine some instances of local petitioning practice before turning to the document of testimonial itself. In conclusion, I reflect very briefly on the place of petitions and popular politics in the late-Mughal empire.

What constituted a legitimate petition in the late-Mughal empire? The existing historiography on the Mughal legal system does not offer an apparent answer, because we still do not have a very good understanding of either the theoretical organization or the practical workings of the Mughal legal and judicial system in its entirety. Scholarly efforts in both directions have remained broadly unsatisfactory. Muhammad Basheer Ahmad, the first scholar to treat the subject in a systematic fashion, sought to reconstruct the workings of justice in “medieval India” within the theoretical paradigm of Islamic law, and represented its practical workings in the language of English legal scholarship.<sup>2</sup> Thus he presented and analyzed a series of “cases” which he himself constituted as such from the accounts of foreign travelers or Mughal chroniclers. This process inevitably led to infelicitous results, as is evident from the “cases” that Ahmad assembled: “State v. potter”, constructed from an account in Manucci’s *Storia*; “State v. Sarmad”, from Jadunath Sarkar’s account of the execution of the mystic by Aurangzeb; and even “State v. Empress Nur Jahān”, from the emperor Jahāngir’s memoirs. Such cases then yielded unhappy and demonstrably false conclusions: *State v. Sarmad* revealed that “No distinction was made between Hindus and Muslims in the matter of punishment”.<sup>3</sup> *State v. Nur Jahan*, on the other hand, was used to illustrate the fact

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<sup>2</sup> Muhammad Basheer Ahmad, *The Administration of Justice in Medieval India, a Study in Outline of the Judicial System under the Sultans and the Badshahs of Delhi Based Mainly upon Cases Decided by Medieval Courts in India between 1206-1750 A.D.* ([Allahabad: Aligarh Historical Research Institute for Aligarh University, 1941]; reprinted as Muhammad Basheer Ahmad, *Judicial System of the Mughal Empire. A Study in Outline of the Administration of Justice under the Mughal Emperors Based Mainly on Cases Decided by Muslim Courts in India* (Karachi: Pakistan Historical Society, 1978).

<sup>3</sup> Ahmad, *Judicial System of the Mughal Empire. A Study in Outline of the Administration of Justice under the Mughal Emperors Based Mainly on Cases Decided by Muslim Courts in India*, 153.

that “[t]he law of *Shar‘* applied to all, and the officers of state were treated like ordinary citizens for personal disputes”.<sup>4</sup>

We note parenthetically that the idiosyncrasy of such views is revealing of a more contemporary phenomenon: for in the 1978 preface to the revised edition of his book, Ahmad, by then a Judge of the Lahore High Court, went on to claim that “If Quaid-i-Azam had been alive I have doubt some important changes in the legal codes introduced by Non-Muslim administration would have taken place in Pakistan... It was however left to the credit of General Ziaul Haq, President of Pakistan, to reintroduce the system which we believe was basically ordained in the Holy Qur‘ān. Those who feel skeptical that the Islamic Judicial System, 1400 Years old, may not work, will now have the satisfaction to feel that there is a well-organized judicial system which insisted on real and speedy justice”.<sup>5</sup> Perhaps most damagingly, Ahmad cited from but did not otherwise describe or analyze a collection of Mughal legal documents which he called the *Baqiyat-i Salehat*. In his 1978 book, Ahmad claims he had given these documents to the National Museum in Karachi; but a scholar recently reports being unable to locate them at the Museum in the recent past.<sup>6</sup>

While a variety of legal documents have been preserved in archives across South Asia and Europe, they have generally not been subject to sustained scholarly scrutiny; instead historians have generally preferred to write of the legal system as centered around the figure of the emperor.<sup>7</sup> In recent years, however, the work of M L Bhatia has sought to bring the focus on questions of

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<sup>4</sup> Ibid., 68.

<sup>5</sup> Ibid., xiii–xiv.

<sup>6</sup> Dr Muhammad Munir, “The Administration of Justice in the Reign of Akbar and Awrangzeb: An Overview”, *Journal of Social Sciences*, Vol. 5, No. 1 (August 2012), Pp. 1-19;,” 10, accessed May 4, 2014, [https://www.academia.edu/355200/\\_The\\_Administration\\_of\\_Justice\\_in\\_the\\_Reign\\_of\\_Akbar\\_and\\_Aurangzeb\\_An\\_Overview\\_Journal\\_of\\_Social\\_Sciences\\_vol.\\_5\\_no.\\_1\\_August\\_2012\\_pp.\\_1-19\\_](https://www.academia.edu/355200/_The_Administration_of_Justice_in_the_Reign_of_Akbar_and_Aurangzeb_An_Overview_Journal_of_Social_Sciences_vol._5_no._1_August_2012_pp._1-19_).

<sup>7</sup> Satya Prakash Sangar, *Crime and Punishment in Mughal India*. (Delhi: Sterling Publishers, 1967); M. L Bhatia, *Administrative History of Medieval India: A Study of Muslim Jurisprudence under Aurangzeb* (New Delhi: Radha Publications, 1992).

jurisprudence under the emperor Aurangzeb.<sup>8</sup> But the most important work in this vein has been that of Farhat Hasan, whose close study of the relationship between the judge (*qāzī*) and the merchants of Surat has advanced our understanding of the operation of Mughal hegemony in a very special part of the empire, namely its most important port of travel and trade.<sup>9</sup>

### The Petition in Elite Discourse

What, then, was the place of the petition in the Mughal administrative and judicial order? This is a question that has no straightforward answer. In one sense, a variety of documents generated by routine transactions within administrative hierarchies were called “petitions” (*‘arz*, *‘arzī*). Because the emperor was seen in theory as the source of all power in the empire, the form of petition was a central mode of courtly behavior. This is perfectly encapsulated in Fig. 1, a miniature from the early sixteenth-century that depicts a courtier holding an unnaturally large petition for Royal perusal. It reads:

*Ba tan muqassiram az daulat-i mulāzimatāt*  
*Walī khulāsa-yi jān khāk-i āstana-yi tust*  
 I am deficient of body to have the fortune of your service  
 But the essence of my life is the dust of your threshold

This is a rather more poetic representation of the common and everyday activity of court life than we shall soon encounter. But petitions of this sort, generally conveying information to hierarchical superiors and requesting some form of action, are not the focus of this essay. I am concerned instead with the more nebulous phenomenon of the practice of individuals or groups approaching an administrative authority and seeking to produce or modify its behavior. The primary object of such encounter, as we shall see, was around questions of justice.

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<sup>8</sup> M. L Bhatia, *The Ulama, Islamic Ethics, and Courts under the Mughals: Aurangzeb Revisited* (New Delhi: Manak Publications, 2006).

<sup>9</sup> Farhat Hasan, *State and Locality in Mughal India: Power Relations in Western India, C. 1572-1730* (Cambridge, U.K. ; New York: Cambridge University Press, 2004).

The place for this sort of petitions was not clearly specified in an empire that represented itself as a total and perfect administrative state to its subjects. This administrative orientation of the empire is evident in The *Principles of Akbar* (*ā'īn-i akbarī*), a foundational text for imperial regulations. The *Principles* has little to say about the judicial order. It claims that responding to complaints (*dāw-barī*, *faryād-rasī*) is the work of a ruler, but should be delegated to an enlightened person because it is outside the capacities of one man alone. In its laconic account, the *Principles* envisions the role of this person as mediating a dispute between two parties, and offers some advice for dealing with oaths and testimonies. If a single person cannot suffice, the *Principles* blithely suggests two people should be appointed: one, to investigate affairs, should be named a “judge” (*Qāzī*); the other, to enact orders, should be called the Officer of Justice (*Mīr 'Adl*).<sup>10</sup> By contrast, the next description, that of the Prefect (*Kotwāl*), presents a rather more exhaustive list of the officer's duties. While the acceptance and consideration of petitions might therefore be considered an implicit task of the judge, there is no conception of anything approaching popular sentiment within the formal bureaucratic-administrative framework of the *Principles*. That these were not purely theoretical prescriptions is to be seen in a report from Aurangzeb's court, on December 5, 1669. A certain Shaikh Sulaimān represented to the emperor that he had previously been asked to appoint a Judge for the city of Delhi. Now he had chosen the Qāzī Hasīb Allāh, “because he was a good judge”. The emperor ordered he be granted the office, and a certain Daulat Muhammad was appointed the Superintendent of Justice (*daroghā-yi 'adl*) for the city.<sup>11</sup>

Yet, Like their Ottoman counterparts, the Mughal empire's elites were steeped in an administrative ethos that gave primacy to questions of justice (*insāf*, *'adl*). Ethical treatises for administrators,

<sup>10</sup> Abū al-Faḍl ibn Mubārak, *Ā'īn-i Akbarī*, ed. Sayyid Aḥmad Khān ('Alīgarh: Sar Sayyid Akaidamī, 1851), 226.

<sup>11</sup> Anonymous, “Akḥbārāt of the Reign of Aurangzeb and Bahadur Shah (Transcripts),” undated, f. 137a–b, National Library of India, Jadunath Sarkar Collection #36.

many derived from the *Nasirian Ethics* (*akhlāq-i nāsirī*) emphasized the importance of imperial justice in producing and maintaining the proper order of the world.<sup>12</sup> Mughal emperors publicly represented themselves as deeply concerned with providing justice to all their subjects, but particularly the meekest.<sup>13</sup> A chronicler of Aurangzeb's reign describes the emperor's just disposition:

Out of his love for doing justice, everyday, with open forehead and tender heart, he used to stand up two or three times, and grant justice to plaintiffs who used to find access in crowds without any obstruction to his court of justice... and if in pleading their suits, they used any bombast ... or exaggeration ... of language or wrong pronunciation (or wrong expression), he did not get all angry, and no lowering of anybody's dignity was ever seen on His Majesty's part. Many times his courtiers urged him to prevent (the plaintiffs) from displaying too much boldness (of speech). But he used to reply, "From hearing such words and the occurrence of such cases, the (sovereign's) character acquires an angelic patience".<sup>14</sup>

Encapsulating as it does the moment of contact between petitioner and ruler, this account reveals the ways in which the act of adjudication was central to the identity of the Mughal emperor. Again, there is a wealth of evidence to suggest that such representations were not merely empty rhetorical claims made to legitimize imperial authority: the same chronicler reports that on 27 January 1671, the emperor ordered that "complainants should not be excluded from the side of the window of *darsan*: the harem officers were to draw up their petitions by means of ropes and show them to his majesty".<sup>15</sup> From the mid-seventeenth century, news-reports from imperial and provincial courts routinely mention the emperor or other noblemen holding Courts of Justice (*'adālat*), sometimes

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<sup>12</sup> Muzaffar Alam, *The Languages of Political Islam: India, 1200-1800* (Chicago: University of Chicago Press, 2004), chap. 2, especially pp. 54–69.

<sup>13</sup> Thus the Emperor Jahangir's claim to have ordered a "Chain of Justice" (with sixty bells) to be fastened between the Imperial Tower in the Fort at Agra and the river beneath its ramparts. Jahangir, *Tūzūk-i-Jahāngīrī, Or, Memoirs of Jahāngīr from the First to the Twelfth Year of His Reign*, ed. Alexander Rogers and Henry Beveridge (London: Royal Asiatic Society, 1909), 7; See also Linda T. Darling, "'Do Justice, Do Justice, For That Is Paradise': Middle Eastern Advice for Indian Muslim Rulers," *Comparative Studies of South Asia, Africa and the Middle East* 22, no. 1 (2002): 3–19.

<sup>14</sup> Muhammad Saqi Mustaid Khan, *Ma'asir-i Alamgiri: A History of the Emperor Aurangzib-'alamgir (reign 1658-1707 A. D.)*, trans. Jadunath Sarkar (Calcutta: Royal Asiatic Society of Bengal, 1947), 314.

<sup>15</sup> *Ibid.*, 60.

as frequently as several times a week. On December 7, 1669, for instance, the same Shaikh Sulaimān who had recommended the appointment of a Judge for the city of Delhi produced a “row of plaintiffs” (*qitār-i faryādiyān*) at the imperial court, and Aurangzeb “gave them justice” (*insāf kardand*).<sup>16</sup> A document preserved at the Khuda Bakhsh library in Patna offers more detail: in response to a plea from a district in the province of Bihar (*istighasa*) against the oppression and force (*zor*) of local officials, the emperor Muhammad Shāh personally states injunctions to cease this behavior. In this instance, the entirety of the complaint is recounted in the text of the injunction, with the last few lines presenting the emperor’s orders. While it is not clear whether these complainants traveled to Delhi to make their case, it would seem likely that those who did complain to the emperor personally received a document produced by the chancellery that the petitioner might use to see redress enacted at home.<sup>17</sup>

This process of “giving justice” was not without its frictions. The “row of plaintiffs” who appear passively in the terse news-report from the court had come voluntarily to the court. Indeed, the above description suggests that the masses who approached the emperor took it as their right to be heard and to receive justice from the emperor. Certainly the plaintiffs who visited the imperial court did not maintain the same reverent disposition inhabited by the nobility who surrounded the ruler: in contrast, “[h]is courtiers were instructed that when speaking or reading they should substitute some elegant word for every word that had any suspicion of being objectionable”.<sup>18</sup> Again, while imperial rhetoric emphasized the ease and facility with which the king’s justice could be obtained by the weak, Aurangzeb’s negative injunction about excluded complainants suggests that the reality of obtaining his attention required more than just shaking a chain.

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<sup>16</sup> Anonymous, “Akhhārāt of the Reign of Aurangzeb and Bahadur Shah (Transcripts),” f. 138b.

<sup>17</sup> “Assorted Farmans and Legal Documents,” n.d., sec. 84, Khuda Baksh Oriental Public Library, Patna.

<sup>18</sup> Mustaid Khan, *Ma`asir-I Alamgiri: A History of the Emperor Aurangzib-`alamgir (reign 1658-1707 A. D.)*, 314.

The chief hindrance to the smooth application of justice were quite literally the people who surrounded the emperor himself. A striking representation of this problem is presented in Fig. 2. Created by Keshav Das, a painter in Akbar’s court atelier, the painting ostensibly represents Akbar meeting Ihtimām Khān the Master of the Horse (*akhta-begī*), but the image is not joyous in tone. The emperor, care-worn and sad in his last years, has turned his back on the business of administration, represented in a petition in the perso-arabic script, held by the disappointed courtier. Below them, a man with a stick threatens an emaciated supplicant, who also bears a petition – but this one is in the more local and earthy Hindi script (which names both “Jalāla Dīna Akvara Pātishāhi Chiranjīv” and “Kesava Dāsa Chitrakar”). In neglecting the “high” petition in Persian, Akbar has produced the disorder and injustice which leads to the savage dismissal of the humble plaintiff’s more lowly request in Hindi. But this is also a critique of the cane-wielding guards (*chūbdār-s*) who guarded access to the emperor, and who appear to have been widely detested for their insolence and tyranny. More than a century after Keshav Dās drew this painting, the late-Mughal nobleman and litterateur Ānānd Rām Mukhlis offered a satirical remark on these guards as he described the cordon surrounding the site of the Iranian court which granted sanctuary and immunity to all those who entered it. Mukhlis wrote that in Hindustān it was similarly customary to fasten a curtain of crimson silk at the gateway to the imperial court, but its functions were probably purely ornamental. For, said he, anyone who entered the court was a criminal and a sinner, and in fact would have given up on life to endure the pushing and shoving of the guards who manned the passageway. So while these curs gave evidence of their utter shamelessness at every turn, the poor fellow who encountered them was but a fresh catch fallen into their snare.<sup>19</sup>

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<sup>19</sup> Anand Ram Mukhlis, *Mir`at-ul Istelah of Anand Ram Mukhlis*, ed. Chander Shekhar, Hamidreza Ghelichkhani, and Houman Yousefdahi, vol. II (New Delhi: National Mission for Manuscripts, Dilli Kitab Ghar, 2013), 120.



That the figure of the brutal guard stood for something greater than the phenomenon of the disorderly imperial court is evidenced by another painting from the early seventeenth century, by the imperial artist named Murār, Fig. 3. The emperor Jahāngīr, at court, greets his son Khurram who will soon reign as Shāh Jahān. The scene is unremarkable, except for one detail: right below the emperor's throne, in the faintest outline, is a scene of startling critique: a fat cleric turns to receive a sack of money from a well-dressed man, perhaps a trader or broker; and below, a cane-wielding guard menaces a starving supplicant, hands folded, as another figure falls abjectly on his knees. Even at court, right in the midst of its dignified grandees, lurks the spectra of judicial corruption and poor petitioners ill-treated.

### Everyday Petitions

The recognition of this corruption within the privileged sites of Mughal discourse should therefore suggest the complexities and ambiguities which limited the ambitions of the administrative state at site of the imperial court. Despite their inefficiencies and inadequacies, these courtly petitions embody a distributive logic of state. But the more common and everyday possibilities of interaction between the state and its subjects over questions of justice were varied. Three broad forms are manifest in the news-reports of the Deccan from the mid-seventeenth century, which offer us rare insight into the local workings of state from the perspective of its intelligence apparatus. On the 12<sup>th</sup> of November, 1662, it was reported from the fort at Udgir that a local Brahmin named Dattājī, who was in the habit of frequently slandering people had finally so enraged the *ryots* and *mutasaddis* with his calumnies that they shaved the hair off his head and blackened his face and paraded him around the town.<sup>20</sup> No further information is offered about the incident, so it seems

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<sup>20</sup> Yusuf Husain Khan, *Selected Waqai of the Deccan, 1660-1671 A.D.*, (Hyderabad: Central Records Office, Hyderabad Govt., 1953), 109.

safe to assume that this was the end of the matter, at least as far as the local administrator was concerned.

The state's agents, however, were not idle bystanders in what were considered criminal affairs. In Aurangābād in 1661, for instance, it was reported that a copper sellers' wife had committed suicide by taking opium. Her husband was arrested on suspicion, but was let out on bail by a local administrator named Khush Khū.<sup>21</sup> The same year in Daulatābād, we learn that a certain Muhammad Riza, a sergeant (*yasāwāl*) in the governor's employ, saw his wife standing to the door of his house and killed her on suspicion of unchastity. For this act the governor imprisoned the sergeant in a dark cell.<sup>22</sup> The third possibility involved the people directly approaching local authority for redress against a perceived injustice. This was certainly the case in the matter of the slave, who ran away from his master, the chief (*muqaddam*) of a village in the district of Aindapur. 23<sup>rd</sup> June 1662, and took service with an oil-presser. The chief complained to the local judge (*qāzī*), who investigated the affair, and restored the slave to his master.<sup>23</sup>

This is the sort of classic dispute that the administrative state could manage quite easily: the making of a judgment according to shariā, which provided straightforward recourse in such matters, enacted a procedural justice that appears to have satisfied the slave-owner (to say nothing of the slave). The state's commitment to providing the procedural justice of the shariā was balanced by its conservative desire to maintain order and the status quo: a commitment, in other terms, to a distributive justice that was not always congruent with the dictates of the Shariā. Another example from Aurangabad in 1663 demonstrates this ambiguity. Here we learn that the Provincial Governor (*sūbadār*) had ordered the building of a Serai in or about the town square (*chawk*). But some Jāts

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<sup>21</sup> Ibid., 33.

<sup>22</sup> Ibid., 41.

<sup>23</sup> Ibid., 63.

protested this decision, and suggested alternative sites for the new building. The matter was referred to the appropriate bureaucrat in charge of construction, and the administrator called for documentary evidence of their claims (*sanad*).<sup>24</sup>

What interests me about these varied interactions between state and subject is their range of possibility. On the one hand, the state could on its own cognizance act to dispense justice from above. But equally it could maintain a strategic silence – and sometimes, we see, it was forced to respond to demands from below. In responding to such demands, fraught with the possibility of challenge to their legitimacy, the agents of state sought to assimilate the uncontrolled excess of protest into their own established documentary protocols of authority. In asking for *sanad*-s from the protestors, the administration of Aurangabad acknowledged the dissatisfaction of its subjects but reaffirmed the primacy of its own constitution and procedures – in other words, asserted its hegemonic status over the society it ruled.

### The Document of Testimony

With all this by way of background, let us return to the petition at hand. The document, we see, begins with an invocation to the deceased Shaikh Jamāl, to whom we shall soon return. Then follows a Qur'ānic invocation: “Do not suppress any evidence, for he who conceals evidence is sinful of heart”. This invocation offers an important and precise demarcation of the work of the document it adorns: this is not a petition, but one document, perhaps of many, generated in the process of petition. As a statement of testimony, the document tells us that on the 10<sup>th</sup> of the month of Rajab, the twenty-fourth year of the reign of the emperor Muhammad Shāh (1154 AH = 1743), a person named Gūdhū and his unnamed son assaulted and abused some others.

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<sup>24</sup> Ibid., 35.

Who was Gūdhū? The document describes him in the standard language of the bureaucracy as a “thread-wearer”, a resident of the administrative urban seat of the district of Kol – present day Aligarh – which is included in the metropolitan province of Akbarābād. Here, we note, is the manifestation of a primal urge of this bureaucratic form of power, which is to locate and bind individuals in definite communities and territories.

What did Govardhan and his son do? They threw brickbats (*khishthā*) without restraint at Shaikh Muhammad Wāhid, Shaikh Amjad, Shaikh Muhammad Mīr, Shaikh Midu, Mīr Fasīh al-Dīn, “and others”, all of whom are descendants (“sons”) of Shaikh Jamāl. They also used vile words of abuse without reserve against these individuals. In addition, they also scorned the Dignified Law and the exalted Community of Muslims. In fact, they roundly mocked the religion of Islam itself.

Why did Govardhan and his son act in this manner? The document does not tell us anything of his reasons, suggesting that in the mind of the author that the criminal’s motivations were in this case irrelevant to the actual crime committed. Therefore the document enjoins all those who have knowledge of the affair to affirm the facts. A nice turn of rhyming phrase describes the author’s vision of this community: it begins at the top, with the exalted Sayyids; then follow the worthy Shaikhs; then come the judges of Islamic law; and finally the vast republic of subjects, the people themselves (*jumhūr-i anām*). All of these folks are to place their seal and testimony on the bottom of “this paper”; those who do not know how to write give their permission to others to sign on their behalf, so that they gain favor from god and the gratitude of common folk.

Because this is only a single document, it is impossible to determine whether it represents anything approaching an accurate account of the event. It is plausible enough to imagine some long-standing conflict in the region between two groups resulting in a violent exchange. But is it really plausible that Govardhan and his son took on not only on the powers-that-be, but also vented his spleen

against the Religion of Islam itself (*dīn-i islām*)? If such words were uttered, they might imply that Aligarh in the 1740s suffered from a deep and painful religious polarization. Equally it might be that in matters of everyday conflict, the language of insult was normally marked by hyperbole and excess. Perhaps the accusers seized on the use of such language as a means of clawing out a little more favor in the legal court. In fact we must even consider the possibility that no such event occurred, and that the powerful people of the locality vengefully implicated innocent folk who opposed them in some respect.

The entire structure and visual arrangement of the document is designed to most forcefully bely that claim. The strength and persuasiveness of this evidence emerges of course from the many seals which adorn it: both the florid embellishments of the three large seals at the head of the document, and the many more humble impressions of signet rings which enclose the veracity of the words which lie between them. If this document represents a straightforward truth about a moment of conflict, as all the seals and signatures plead us to accept, we must then also acknowledge that it was produced in a moment of defeat for the Community of Muslims as they represented themselves. Had the complainers the social power they believed they should enjoy, there would have been no need for such tedious litigation; the state would have intervened directly and the emperor's servants would have restored the recalcitrant Hindu to the place of formal legal subordination to which he belonged. That no such thing happened, and the complainants had to draw up this testimony is a sign of their weakness, not strength.

In seeking a response from the local administration, the complainants summoned the rhetoric of an Islamic state and marshalled the local order into a theoretical framework that created a precise social hierarchy. First came the Sayyids, privileged by their descent from the prophets. Then came the Shaikhs, of lesser stature but still with a claim to venerable ancestry and laudable piety. Then

are mentioned the judges of Islam – a slightly odd interpolation, as if suggesting that judges were a hereditary social group. Finally, at the bottom of the heap lie the common people: those who from the perspective of the author and other social elites had no claim to virtue save perhaps the bare fact of being Muslims.

Is this the social order that we see imprinted on the document? There appear to be three distinct varieties of imprint on the document: the large seals at its head, the smaller seals around the body of the text, and the looping scrawl of signatures beneath them. Let us turn to the smaller seals first. A cursory examination would suggest that the seals belonged to local notables, or at least people learned and important enough to need to affix their marks to paper, however infrequently. We see the marks of people like Malik Muhammad (19), who had seal carved in 1146; Muhammad Ashraf Allāh (17), 1142; ‘Abd Allāh, 1149; Shaikh Muhammad Qamar al-Dīn (14), 1150; Gul Muhammad (15); Mir Bhūrē, (12), 1150; Shaikh Shihāb al-Dīn, son of Shaikh Jalāl al-Dīn; Khwājā ‘Alī Bēg (6), from the 23<sup>rd</sup> Regnal Year; and others. I have not been able to decipher any seals marking the testimony of the assaulted Shaikh Muhammad Wāhid, Shaikh Amjad and others.

Beyond these seals lie the signatures of more humble folk. Since many of these appear to be in the same hand, these might well be the unlettered individuals on whose behalf the scribe was supposed to sign. These are people named Mīr Muhammad Khān, Mīr Munawwar and Mīr Sultān, Sayyid L‘āl Muhammad and Sayyid Tāj Muhammad; there are also the names of Mīr Nūr ‘Alī and Ghulām ‘Alī, their last names perhaps an indication of Shi‘a affiliation. In addition we see the signatures of Pālī Chaudharī, Muhammad Zamān Chaudharī, low-level functionaries; and finally, ‘Abd al-Khāliq and ‘Abd al-Mālīk, both with the additional title Banī Isrāīl. These last figures no doubt belonged to a community of Muslims who had perhaps once converted from Judaism, and who lived in a neighborhood in Aligarh that is still called by their name.

The document itself would appear to have been created under the large central seal which lies at its head, beneath the formulation “Servant of the Shaikh Jamāl, Lamp of the Learned”. This servant of this imposing seal was a certain Rājī Muhammad. His imprimatur suggests that it was Rājī Muhammad who authorized the documentary process which resulted in this testimony. To the right of this seal lies another, bearing the name of Jalāl al-Dīn (decipher second line?). The phrase “The resplendent law” (*shar‘a-yi matīn*) would suggest that this person had some jurisprudential authority, and his seal too bears the name of the departed Shaikh Jamāl. To the left lies the seal of the Judge (Qāzī) Mazhar Khān, the son of Azhar Khān, also a servant of the Resplendent Law and the Prophet. These three seals, together, describe the structure of power in which the testimony operated: a process perhaps begun by Rājī Muhammad, authorized by Jalāl al-Dīn, was acknowledged by the local representative of the legal power of the state.

Affiliation to the tomb of Shaikh Jamāl linked both Rājī Muhammad and Jalāl al-Dīn. Clearly the aura of the venerated man’s grave defined the importance of these two local grandees. Who was Shaikh Jamāl? Atkinson’s 1875 *Gazetteer* of the district tells us that a quarter mile to the west of the central mosque of the city of Kol (‘Alīgarh) lay “a curious group of tombs”. The central one, “which is most venerated by natives” was the Dargāh of “Shāh [sic] Jamāl, Shams-ul-Arifīn”. While the building was “insignificant”, the graves around the tomb had many headstones “of considerable antiquity”, many bearing Arabic inscriptions. Atkinson reported that Shāh Jamāl was thought to be a “Tātār Darvesh” and “one of the original invaders” of Kol, who had come there before it was invaded by “Ala-ud-Dīn Ghorī” predicted its capture. Atkinson himself thought that “it is possible that Shāh Jamāl and his disciples were spies of the Ghorian invader, as fakīrs have been both before and since his time”. He also tells us that many of the tombs in the region were furnished with pious endowments, “but owing to mismanagement and extravagance and

subdivision of property the khādims have fallen into poverty and the tombs are now in very bad repair”.<sup>25</sup>

Atkinson’s account suggests not only that the vast charisma of Shaikh Jamāl extended to those associated with his service, but that a network of land-grants would have endowed his hereditary servants with an enduring material clout in the locality. Certainly Rājī Muhammad, whose seal lay at the head of the document was a person of some importance in his town. Born on the ninth of October, 1687 in Kol, Rājī Muhammad was the eldest son of a certain Shaikh Yār Muhammad. He was educated by the notable legal scholar Sayyid ‘Abd Allāh of Delhi, and then by Hāfiz Muhammad Ashraf Panjābī in Sikandra Rao. During the reigns of Farrukh Siyar (1713-19) and Muhammad Shāh (1720-48) he was appointed to the post of the Censor (*muhtasib*) and the Proclaimer (*khātib*) of the town of Kol by the Chief Almoner (*sadr al-sudūr*) Zākariya Khān and Sayyid Afzal Khān.<sup>26</sup>

In 1737/8 Rājī Muhammad produced a compendious account of the holy men of Islām named the *Ashjār al-Jamāl*, of which only a few manuscript copies have remained extant. Rājī Muhammad began with an account of conquest of Hind by the armies of Mu‘iz al-Dīn Muhammad Sām Shihāb al-Dīn Ghaurī. Rājī Muhammad offers a relatively dispassionate account of this event, noting that Shihāb al-Dīn returned to Tharaurī, near Thanesar, the site of his defeat in the previous year at the hands of Rājput Chauhān Rāja Pithaura and his brother. We learn in the first few pages that the rampaging armies of Islām destroyed thousands of temples as far as Bengal; but only a little later,

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<sup>25</sup> Edward Atkinson, *Descriptive and Historical Account of the Aligarh District* (Allahabad: North-Western Provinces Government Press, 1875), 518–9; On the contemporary condition of the shrine, see Juliette Galonnier, “Aligarh: Sir Syed Nagar and Shah Jamal. Contrasted Tales of a Muslim City,” in *Muslims in Indian Cities*, ed. Christophe Jaffrelot / Laurent Jaffrelot and Laurent Gayer (HarperCollins Publishers India, 2013), 129–58.

<sup>26</sup> Saiyid Nurul Hasan et al., *Studies in Archaeology and History: Commemoration Volume of Prof.S. Nurul Hasan* (Rampur Raza Library, 2003), 414. (Check this further)



the author briefly mentions his ancestor Shaikh Jamāl – a figure, we are explicitly told, who is worshiped by Hindūs and Muslims alike.<sup>27</sup> In the first few pages of Rājī Muhammad’s text, therefore, we see a historiographical attitude that glorified the dominance of Islām, but also a sense that communities of non-Muslims shared in, and put to use, the sacral sites of the locality.

Rājī Muhammad’s place in the empire was not unlike many of his contemporaries in the small towns across Hindustān in the late seventeenth and early eighteenth century. On the one hand, he derived some of his local importance from his familial association with the grave of Shaikh Jamāl: this was an authority he also trafficked in literary form, as a cursory examination of the *Ashjār* would suggest. On the other hand, Rājī Muhammad received a thorough but fairly standard grounding in both matters of religious law and administrative practice. This is why he would have been an obvious choice for the post of the Censor and Proclaimer of Kol. His positions would also have bought him into conflict with the local populace: as Censor, Rājī Muhammad would have been tasked with the suppression of objectionable practices among both Hindus and Muslims, ranging from the drinking of alcohol to the public celebration of Holī. How seriously he took these duties is unknown; that he appears to declare a Shia affiliation in his *Ashjār* and yet held the position of the Censor might suggest that the post was no longer charged with the significance that it so obviously held under the rule of Aurangzeb. As the Proclaimer, Rājī Muhammad would have been expected to lead the Friday prayers and read the imperial proclamation which specified the relationship between the ruler and his subjects: a position that would have granted him a certain prominence in the local Muslim community. Finally, our subject’s connection with Zakariyā Khān would have given Rājī Muhammad some say in how the revenue-free (*madad-i ma‘āsh*) grants

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<sup>27</sup> Rājī Muhammad, “Ashjār Al-Jamāl,” n.d., f. 1a–3a, Khuda Baksh Oriental Public Library, Patna.

of the region were administered. No doubt Rājī Muhammad himself derived some income from such grants.

All of this suggests that as an important and influential local notable, Rājī Muhammad's seal carried great weight in the region. Whatever had produced the conflict with the Hindu Gūdhū and his son, we can be sure that Rājī Muhammad would have played an instrumental if not generative role in mobilizing the community to take some sort of action. In this sense, the document under consideration is perhaps best seen as a single frame in a movie of bureaucratic process; a document of testimony such as this should be taken as a *symptom* of political action rather than its product: a political action which remains obscure in this case but of which many other similar instances are known, each of which would have produced their own documentary trails. We should note also that while this particular sort of testimonial is rare, many seals were affixed to attest other civil procedures, such as house-sales. In other words, the general procedure of gathering a series of witnesses to a transaction of any sort was common, and sufficiently flexible to incorporate such moments of conflict.

### Conclusion

Such an account should complicate the deliberately simple dichotomy between state and society, ruler and ruled, that I have reproduced from the official self-representation of the empire's elites. Where was the state at the level of the province and the district? It is true that in formal terms the state manifested itself with regularity across the towns and villages of the empire: in this sense, accounts of disturbances from Burhanpur in the 1660s would have been perfectly comprehensible for someone like Rājī Muhammad almost a century later. But, as we have seen, in practice matters were rather more complex when viewed more closely. Rājī Muhammad, as Censor and Proclaimer, was an important agent of the Mughal dynasty in Kol. But he had no doubt been appointed in the

very first place because he belonged to an eminent local family and was expected or imagined to have some traction with its inhabitants. Rājī Muhammad's seal on the testimonial, under the phrase "*makhdūm-i shaikh jamāl shams al-‘ārifīn*", embodies this dual identity. Rājī Muhammad probably corralled all the signatures because of this dual authority, though it is easy to imagine the fact that at least some of the illiterate signed this document because of their own desire to claim and participate in the formally-privileged community of Muslims. As its representative in his hometown, Rājī Muhammad himself employed the protocols of the state to mobilize a response in support to a local political dispute. In doing so, Rājī Muhammad used a language of Islam in which the state represented itself to its subject – for instance, through such things as tax-free grants for the pious worthy (*madad-i ma‘āsh*) – while asserting a vision of local order that privileged the place of his own self and lineage.

In the local arena, therefore, the Mughal state was hardly the impartial authority that it represented itself to be – a representation that we have seen happened to contain its own internal tensions. If “corruption”, most broadly defined, hampered the delivery of justice, then it is at these moments of failure that possibilities for mass politics began to emerge with increasing frequency in the early eighteenth century. While we cannot say with certainty what might have caused this dispute that was now being represented as a Hindu-Muslim dispute requiring exemplary punishment, we can be sure that all sorts of local conflicts could be described in the language of Islam to invoke the authority of the state and to summon its response. A single document such as the testimonial I have examined in the preceding pages, therefore, can be seen as containing within its script the tension between the claims of the Mughal order and the masses it governed. Yet this testimonial was merely one product of a larger judicial process and a local political mobilization. In this sense, we might see the increasingly strident political mobilizations of the early eighteenth century as

produced by the rhetoric of Mughal ideology and the technologies of its governance. If the question of corruption or dysfunction emerged within the administrative state, popular political activity could be seen as emerging on its margins, at the moment of its failure to deliver the justice that it promised. These politics, which used the language of the state but existed beyond and outside its purview, could not be enfolded within the state's ambit. To offer a single example: the imperial metropolis of Delhi had witnessed at least one major uprising for the three decades before this testimonial was produced. While we do not have the petitions that were undoubtedly circulated in and around events such as the shoemakers' riot of 1729 for instance, we know from other sources that many such conflicts were produced by aggrieved urbanites who sought the justice which was central to the discourse of imperial legitimacy. Certainly Kol in the eighteenth century was far from the turbulence of Delhi, but as we see even here through this testimonial, the petition does not so much represent some static and stylized form of contact between state and society as much as mirror the constant political fluctuations of a locality in the midst of change.

### Appendix 1

Makhdūm Shaikh Jamāl Shams al-‘Ārifīn Quddisa Sirru-hu

وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتِمٌ قَلْبُهُ

Zikrīst dar bayān in ke ba tārkh dahum shahr rajab al-marjab

24 julūs wālā mutābiq 1154 gūdhū ma`ahu pasar-i khwud

zunnārdār sākin qasba-yi pargana-yi Kūl sarkār-i mazkūr muzāf ba sūba mustaqarr al-khilāfat

akbarābād az rāh-i sharārat wa khusūmat ba Shaikh Muhammad Wāhid wa Shaikh Amjad

wa Shaikh Muhammad Mīr wa Shaikh Mīrū wa Mīr Fasīh al-Dīn waghaira farzandān ulwat al-sālikīn

qudwat al-ārifīn hazrat khishthā bila wiswās andākht

Wa dushnāmihāyi mughallaza bī-tahāshā dād wa ihānat-i shar‘-i sharīf

wa millat-i munīf/hanīf namūda wa dar bāb-i dīn-i islām sayr [?] tahqīr  
 namūda har kis ke az sādāt-i ‘uzzām wa mashāi’kh-i kirām wa quzzāt-i  
 islām wa jumhūr-i anām bar rāstī-yi in chunīn wa sadq-i in maqāl khabarī  
 wa itillā‘ī dashta bashad ba hisbi Allāh muhr wa gawāhī-yi khwud  
 bar zail-i in qartās sabt numayand wa agar khwud nivishtan nadānand  
 badīgarī ijāzat-i nivishtan dahand tā anad allah ma’jūr wa anad al-nass  
 mashkūr gardad

### Translation

The Master, Shaikh Jamāl, Lamp of the Learned, may his secret be Sanctified.

Qur’ān 2:283: Do not suppress any evidence, for he who conceals evidence is sinful of heart.

It is reported that on the date of the 12<sup>th</sup> of the month of Rajab, in the 24<sup>th</sup> year of the exalted reign corresponding to 1154 AH, Gūdhū and his son, Brahmins, residents of the town in the subdistrict of Kol, the administration of which is appended to the province of the Abode of the Domain Akbarābād, threw brickbats without consideration and uttered vile slurs without restraint at Shaikh Muhammad Wāhid and Shaikh Amjad and Shaikh Muhammad Mīr and Shaikh Mīrū and Mīr Fasīh al-Dīn and the other descendants of his highness, traveler of the path of piety and the exemplar of the learned, by way of mischief and animosity. They treated the noble law and the orthodox community, and roundly scorned the religion of Islām. Every one of the exalted Sayyids and the eminent Shaikhs and the Judges of Islam and the mass of people are aware of the truth and veracity of this account therefore by the sufficiency of God place their seal and testimony on the bottom of this paper, and if they do not know how to write, they give permission to another to write, so that they will be recompensed by God and thanked by the populace.