

Documents of Property Right in Early Modern Western India

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In January 1667, the small village of Pasarni near Pune in the Maratha country of western India witnessed a dispute about rights to land. It was a common enough dispute. At the centre of it lay the headman of the village, one Kondaji Mahigude. His family had long been resident. They enjoyed the privilege of *mirās* or hereditary right over their lands. A range of honours and perquisites went with village headship, as well as responsibility for ensuring that the lands of the village were cultivated, and revenues paid to the Maratha state then ruled from the nearby fort of Raigad. But then the family and the local peasant proprietors quarrelled. The family's fields lay uncultivated, there was nothing to eat, and so Kondaji abandoned his land. State officials pressed him nonetheless for payment of the revenues due on his lands, and so Kondaji came to an arrangement very common at the time. He agreed to allow the brothers of two other families, the Rikames and the Yevales, to cultivate his lands on his behalf. After some years, the relationship underwent another development very common at the time: the brothers claimed that Kondaji had not just allowed them to cultivate some of his lands, but had actually made over his *mirās* rights to them entirely.

The paper document that they produced to substantiate their claims was also a very common one. It was a *mahzar* or "letter of judgement" confirmed and witnessed by the *got* or "assembled local community", the former term itself a reflection of the widespread adoption of Persian judicial and revenue terminology during the centuries of western India's rule, first by the Bahmani kingdom, and then by the states of the Deccan Sultanate (Fischel 2012). The headman Kondaji did what many in his situation had done before him. He challenged the authenticity of the document, and demanded that it be heard before a *majālis*. This was another Persian term, denoting the form of regional judicial

assembly attended by state officials, village heads and local holders of landed rights, which was a common feature of local justice in the states of western India. After hearing witnesses and examining the documents, the *majālis* determined that the findings of the earlier hearings had been correct, and the *mahzar* presented by the brothers was false, procured by means of bribery:

It was not properly witnessed by the appointed village servants and gathered subjects of the place, the owner had not given his consent to sell it, and the local government did not have authority from the village. A *mahzar* may be given without proper consent because someone has offered a gift to the registers, but the *got* will not honour a *mahzar* forcibly given. (Vatsajosi 1942: 73–78)

These, then, were common disputes, and their forms of resolution would have been very familiar to contemporaries. For the modern historian, however, accustomed to thinking of documentary cultures particularly as features of the colonial state in India, the bureaucratic procedures evident here are striking and remarkable (Raman 2012: 6–11). The *majālis* was a legal arena in which the main parties to the dispute had very good local knowledge. All parties attending the assembly agreed on what constituted proper judicial procedure. They agreed on the proper relation between village servants and local government in the judicial process, what bureaucratic procedures had to be undergone to record a judgement in matters of property right, and how these procedures might be perverted through bribery. Above all, they agreed on the kind of document required to substantiate a legitimate claim to the land—what consents it should contain, what witness marks it should bear, and its proper relation to the agencies of the state.

The recording of grants, agreements and resolutions of disputes through local acts of collective witness was, of course, a very long-standing feature of judicial practice in the subcontinent. It is a recurring theme in the inscriptional record, and the subject of elaborate strictures on correct procedure in the writings of Hindu Dharmaśāstra (Davis 2010: 108–129; Kane 1973: 30–60). As an example from the same region of western India some four hundred years earlier, we might refer to the witnessing of a gift in the year 1202 CE. At this time, the northern Silahara kings, erstwhile feudatories of the Rashtrakutas of Mankhed, wielded power in this region of western India's

Konkan littoral, although it was already threatened by the expansion into western India of the Yadava kingdom of Devgiri. A copper-plate recorded that Jaitra Samant, possibly a local feudatory of the Silaharas, had purchased from one Adiyakspala the *agrahāram* or tax-privileged Brahman estate of Ghoṇa Savire village and gifted it to a local Brahman, Govindakavi. The copper-plate recorded that Adiyakspala “with the consent of Kesava Prabhu, his sons and *gotra* members” had agreed to sell the village, and specified the witnesses to the transaction:

To this are each witness the proprietors, headmen and merchants of the two villages Siravalī and Kudrikīvī. Padmalanayaka, the headman of Umbarayali, is also witness.

The scribe recorded his name as Divakar Jyotisi, and concluded with the imprecations that were also conventional for a document of this kind:

This agreement (*bhāṣa*) will last as long as the sun and moon endure. He who impairs it is a dog, an ass, a Cāṇḍāla. Whether there is a letter less or more, all this is evidence. Divākar Jyotiṣī wrote this charter (*śāsan*). (Master 1957: 428–429; Tulpule 1963: 93–97)

At this much earlier point, therefore, key local people witnessed the compact, reference was made to the agreement of the *gotra* or extended exogamous lineage of the parties concerned, and the terms of the agreement were carefully specified in writing. Nonetheless, much had also changed in these forms of local procedure by the time of the 1667 document. It was a paper document, rather than copper-plate, termed a *mahzar* rather than a *bhāṣa* or *śāsan*, and the assembly affirming it was a *majālis*, signalling a meeting that was attended by local state officials. These changes were very much a reflection of the greater local penetration of state power in western India under the Deccan Sultanates, with their more elaborated Persian-inflected revenue and judicial procedures, and their greater dependence on paper-based bureaucracy. By the later seventeenth century, the paper *mahzar* was a ubiquitous document in western India, at once ensuring links between communities and the local state, and as a carefully preserved element in the records of local propertied families, standing as physical testimony to their rights and claims.

This genre of paper manuscript and its role within local administrative and family histories has attracted important scholarly study (Gune 1953; Fukazawa 1991: 1–48; Guha 2004). Yet it has some remained relatively unfamiliar and inaccessible to historians and Indologists, certainly in comparison with the great corpus of literary, religious and scientific manuscript material, in cosmopolitan and in vernacular languages, which is available to scholars in archives, libraries and private collections in the subcontinent and elsewhere in the world. This may in part have been not because the *mahzar* was uncommon, but because it was usually the uniquely generated property of the family that held it. A copy recording the decision taken by a *majālis* was lodged in the state records, but the *mahzar* itself, with its witness signatures and marks, was kept by the family, and subject therefore to all of the environmental and human hazards that family papers were subject to in that era. It is a category of document that ought to be better known than it is. As a mundane document recording local rights, the *mahzar* would have been at least as familiar in local community settings as the genres of text which more routinely attract scholarly attention, and *mahzar* documents themselves contain exceptionally valuable information for historians. This essay explores the genre and its surrounding documentary culture, the physical form that *mahzars* took, their use of particular languages, their role in constructing forms of local 'public', and the changes that they underwent in the eighteenth century.

Let us look first, then, at the *majālis* assembly out of which *mahzar* documents usually emerged. The *majālis* might vary in size from a dozen people to several hundreds, depending on the importance of the case in hand (Perlin 1978). It was composed of parties to the case, a small number of local state officials, together with community heads, local holders of proprietary rights in land or office, and members of the *got*. This latter term, taken from the Sanskrit *gotra* or extended exogamous lineage, came to denote the larger local 'family' of all those who enjoyed the same kinds of rights. A *got* might be the *got* of a village, of a caste community, or of a family. Thus conceived, the *got* lay at the heart of the *majālis* (Gune 1953: 51–63). As we saw above in the case of the headman of Pasarni, it was the *got* that endowed the *majālis* with its authority, ensuring that the latter's findings representing local knowledge and opinion.

A wide range of Persian, Arabic, Sanskrit and Marathi terms described the operation of the *majālis*, reflecting the prominent role of Muslim state officials in the judicial and revenue affairs of the Maratha

countryside (Guha 2011). Upon a complainant's bringing a representation, *vidit karne*, state officials, or prominent community heads would ask for an investigation, *mansubī* or *insāf*. They would ask parties to the case to submit a written statement, *takrīr* or *kariṇā*. If any of the parties decided that they wished their case heard before a *majālis* from a different place, they would have to submit a *thalpatra*. A government messenger might take a *talabrokhā* or written summons to witnesses, *sākṣīmozā* or *shāhidī*. The messenger would expect to levy a fee or *masālā* for his services. Parties to a dispute would have to submit a *muchalkā* to the *majālis*, a written bond of agreement under penalty to abide by its decision. To do so, they might need a *zāmīn*, a bondsman able to put up surety in the case. The taking of evidence would include *purśīs*, the interrogation of witnesses, and perhaps *sadī*, a written or oral statement given in evidence. The *majālis* would note the contents, *majamūn* or *mazkūr*, of documents submitted to it, and might decide that they were authentic, *bajinnas*, or false, *layini*. The *majālis* would issue a *mahzar* to the successful party, but state officials might also confirm this with a *nivāḍapatra* or *jayapatra* registered in the state records. The successful litigant would pay a sum of money, *harkī*, to the *majālis*, to signify his pleasure. The vanquished party had to issue a *yejītpatra*, a statement in writing admitting his failure (Gune 1953: xxii–xxviii).

In form, a *mahzar* was written by a scribe on long rolls made of pieces of handmade paper, six to 8 inches wide, glued together to form a roll that might extend to several feet, depending on the length of the various testimonies to be incorporated and the numbers of witnesses whose names were to be added. Each join was stamped on the rear side with seals to guard against later fraudulent alterations. At the end it was signed or marked by those in attendance, although the process of taking signatures sometimes continued several days after the meeting (ibid.: 207). While state officials would retain a copy for the state records, the *mahzar* itself was given to the party whose rights it thereby confirmed. Thus constituted, it was a complex social artefact of great value, and usually stored in a sealed bamboo tube or stone pot, to guard against house fires and damage from insects or water (ibid.: 80).

Mahzars followed a standard form. They stated the date and place of the *majālis*, and names of the state officials in attendance. There followed the names of the principals present, their place of origin, their office, and sometimes their age, as evidence of their worth as witnesses. The main text was usually presented as an address to the petitioner: that he had come to the Huzoor, (the “royal presence” or that of lesser

representatives of state authority) and made the following representation. The next part of the narrative reproduced what the petitioner had said, which might include histories of earlier cases and judgements relevant to the case in hand. The testimony of different witnesses followed, sometimes in great detail, sometimes very briefly. The *mahzar* concluded with the consensus reached and the judgement given. A protracted dispute might generate a *mahzar* judgement that contained many histories within its narrative, going back a number of generations and occupying several feet of paper roll.

Although state officials were present, the authority of the *majālis* derived very much from its character as an assembly of local holders of rights and people with local experience and knowledge. The term *mahzar* itself comes from the Arabic *huzoor*, “present”. The personal testimony of knowledgeable witnesses, the questioning of parties to the case and the direct inspection of documents were central to the proceedings of the *majālis*. There was another close tie between the *majālis* and local holders of rights. One of the most important privileges of *mirāsī* right was the entitlement to attend the *majālis* and put seal, sign or signature to the *mahzar* recording its decisions. Holders of different kinds of rights had their own signs which might be used instead of a signature: the *patil*, *mokadam* or village head put his mark as a plough, the potter as a wheel, the carpenter a chisel, the merchant a pair of balances, and so on (*ibid.*). These practices reflected the fact that a *mahzar* was given not by state officials or by royal authority, but by the *got* itself, with its members present and signifying their assent.

Embedded in wider social and political networks, the *majālis* was not merely a judicial occasion in a narrow sense, but had a significant ‘public’ dimension. As we saw above, it entailed recognised procedures for receiving ‘representations’, assembling key local parties and calling and examining witnesses. The *majālis* both created an occasion which remained in collective memory, and generated the *mahzar* document which confirmed important local rights. The *majālis* also constituted a kind of ‘public’ occasion, evident in the frequent invocation of the ethic of brotherhood linking *mirāsīdārs* in a common bond. Petitions frequently referred to *mirāsī* brotherhood, *mirāsī-bhau*, along with the brotherhood of those born of the same father, *bāp-bhau*. Part of this ethic lay in mutual solidarity and support for one another’s rights, and a concern that the nature of rights and the means by which rights were created should be properly understood. Part of the ethic also lay in mutual respect for the proper documentary procedures through which

oral testimony was translated into tangible judgements, complete with seals and signatures. These dimensions of the *majālis* meant that such assemblies were never just about individual decisions and outcomes. Rather, they reaffirmed general principles about rights and procedures, of potential interest to all of those who held similar entitlements.

Something of this sense of ethic emerged in the language used in an early seventeenth century dispute over rights to the Patil office of Chauryasi village in Indapur province. We do not have a *mazhar* for this controversy, but rather a letter of protest about the conduct of revenue officials, which alludes to their neglect of this ethic, and to their violation of proper procedure. Kanhoji Raja of the nearby petty state of Prabhavali, and Deskmukh of Indapur, contended over the patilship of Chauryasi village against a local rival, one Landa. Landa seems to have decided that since there was no hereditary Patil in the village, he himself would take over the office, conspiring with the local Muslim state official, Shaikh Sadu, to bribe the revenue officers of the province to issue a *mahzar* in his favour. Kanhoji first made what would have been a vital point to any Deshmukh of the period: that the absence of a hereditary Patil did not mean that there was a vacancy in the village.

It is an old custom, not a new one, that the Deshmukh is the Patil of the village where there is no Patil, and where there is no Kulkarni, the Deshpande is the Kulkarni. (Joshi/Khare 1930: 199)

Kanhoji then asserted that he was “ready to go before the *got*” in defence of his rights, and remonstrated bitterly with the revenue officers for their attempts to forge a *mahzar*:

How did it come about that Shaikh Sadu induced you with money to give a decision in favour of Landa? You will say that you were forced. But how could Shaikh Sadu issue the document of decision without your handwriting on it, and the witness of the people and hereditary artisans? (ibid.)

He appealed to them as brother proprietors, invoking the *niti* or “ethic” that should bind them together:

You and I are brothers, and there is an ethic [*niti*] for those who are possessed of rights; we might suffer beatings, we might fall among rebels, but we do not bear false witness against another’s

rights. Both you and I have this ethic of brotherhood. Great warriors like Bhishma may descend on the village in their thousands, such that the owners were absent for five or six hundred years. But on their return, they would still have their patrimonial rights. (ibid.)

For seventeenth century petitioners, therefore, the *majālis* offered a well-understood quasi-public space, with its own well-recognised and carefully guarded procedures. In it, local knowledge and oral testimony came together with a highly developed and very bureaucratic documentary culture, based on paper. The narratives of the *mahzar* at once offered very practical histories of the particular rights in question, and affirmed general principles as to what created rights and what did not. Their meetings constituted quasi-‘public’ occasions, in which knowledgeable witness and truthful evidence given before a wide local audience were seen as the foundations of just decision-making. In these senses, there was much that was ‘modern’ about justice in early modern western India. Yet in no sense did the *majālis* offer an exclusive route to justice, or one insulated from wider sets of social relations. Petitioners could apply to a plurality of authorities. Relations outside the *majālis* could be mobilised to try to affect its proceedings, or inducements offered to key officials in the hope of evading the scrutiny of *got* members and *mirāsīdārs*.

What problems did this remarkable documentary culture present to contemporaries? Although recorded in state registers, the original *mahzar* was itself a unique document, vulnerable to fire, insect damage, theft, destruction in local warfare. Many petitioners approached local state authorities for replacement documents after such destruction. Where substantial property or offices were at issue, and documentary evidence had been lost, the *majālis* also met to generate new *mahzars*. In 1667, the Brahman Ghode family of Pune petitioned for replacements for papers attesting to their *inām* lands in four different villages around Pune, as well as a quantity of oil for use in the city’s Kedareshvar temple. They explained that they had possessed titles for these rights since the time of the Nizam Shahi kings.

But then robbers attacked this place. There was no *faujdar* or governor. All of the troops had gone to Bijapur. Seeing the place empty, thieves attacked and took everything we had, all our *sanads*, both new and old. (Vatsajosi 1942: 65–66)

This *majālis* was attended by a total of 19 people, the Kazi, the Faujdar, the Amin, the Deshmukh, Deshpande, village headmen, *shetias* and *mahajans*. House fires were another hazard. In 1692 the Athalye family, priests of Devale village near Pune, petitioned for fresh documents.

Abaji Patole's soldiers came and set the house on fire. When the house burnt down, there were our caskets of books in there, and our letters of rights. These were well known as long established. Therefore we need to be given a *mahzar*. (Athalye 1939: 22)

Thirty people from many different villages around were present at the *majālis* and signed the *mahzar*. In addition, documents were vulnerable to local forgery and to the possibility that corrupt officials might forge both the document itself and the entry in the local state's own registers. At the same time, the firm basis of the *majālis* in local community and local witness meant opportunities for aggrieved proprietors to challenge suspected malfeasance, drawing on local witness and invoking the ultimate authority of the *got* in their defense.

From early in the eighteenth century, wider changes in forms of the Maratha state meant fundamental changes to the *mahzar*, the *majālis* and the judicial procedures within which they were embedded. Like other regional states of the eighteenth century, the Maratha state strove to enhance its control over local revenue systems and to bring property rights more firmly under its jurisdiction. There were moves to change from early in the century. However, the key move towards greater centralisation came with the shift in power from the court of Satara to the new administrative centre of the Maratha state in Pune, seat of the new government of the Maratha Peshwas. Successive Peshwa governments moved to replace the old apparatus of *got*, *majālis* and *mahzar*, with the new judicial instrument of the panchayat. Usually seen as the embodiment of tradition in local forms of community justice, the eighteenth century panchayat actually emerged as a key instrument of later eighteenth century judicial centralisation.

Panchayats usually consisted of between three and 15 members, depending on the numbers of parties directly involved in the dispute. Crucially, village and regional headmen and local *mirāsīdārs* had no automatic right to attend, members of the panchayat being ad hoc invitees of petitioners themselves. The Peshwa court maintained its own busy Huzoor Panchayat in the palace at Pune, with a standing staff of scribes, record-keepers and specialist clerks assist in its work. Its

“letter of decision”, the *nivāḍapatra*, was issued as a document of state, rather than a summary of the deliberations of *got* and *majālis* standing in witness to a local decision (Franks 1930; Gune 1953: 49–50, 83–86; Jaffe 2015: 21–47; O’Hanlon forthcoming). The Daftar or repository of state records at Pune expanded rapidly to accommodate the volume of new records being generated, from the daily expenditures of the Pune court, to village revenue accounts, military and other land grants, confirmation of offices and service tenures, as well as judicial awards of the kind described above. Hereditary *daftar kār kūn*, “clerks to the Daftar” were appointed to maintain the records in a systematic way. It was accommodated in the mansion of Nana Phadnis, the distinguished minister and regent to the Pune ruling family, who oversaw the repository and shaped it into an effective instrument of state administration and revenue-gathering (Etheridge 1873: 46; Sardesai 1933b: vii).

Yet the drive to centralise itself carried its own difficulties. The expansion of the Maratha state into northern India created new, and often distant judicial forums to which petitioners could appeal. The judgement of a panchayat held in June 1765, just four years after the Marathas’ disastrous defeat at the battle of Panipat outside Delhi, illustrates something of these circumstances. With its references to ‘bundles’ of accompanying documentary evidence, the judgement is also testimony to western India’s all-pervasive documentary culture, now inherited by the Pune regime. The judgement recorded that brothers of the Brahman Mule family had come to the Pune court and complained that the Garge family were attempting to usurp their rights as priests and *dharmādhikārīs* in the village of Tasgaon outside Pune. The Peshwa’s minister Bhausahab had heard the case and decided in favour of the Mules. But the Garges disregarded the verdict, gave out false information about the judgement, and forcibly assumed control of the Mules’ offices. So, the judgement continued, in the narrative of the Mules:

We went to see the Bhausahab in Hindustan. We told him that Garge had given out false information about the judgement he had earlier given (bundle 2) and seized our property. So the Bhausahab gave us a letter for Nana Saheb Peshwa, saying that in the judgement given, Garge had put forward a false case. He gave us a written affirmation that the Mules should be allowed to resume their property, and we came back to Pune. Then Nana Saheb Peshwa died. But the Swami saw the letters and issued

instructions to the revenue officers and the villagers that Garge had been found false and should be made to release the property, and the Mules allowed to resume their rights. So then Garge approached Mahadji Shinde and made a complaint to him, and also demanded a fee of 200 rupees from the village Patil (bundle 3). The villagers said that the Mules would have to pay this fee. Then Garge took us before Mahadji Shinde, and demanded with menaces that we should give him our letters from the Sarkar. Then an order from the Sarkar went to Shinde's Dewan to say that Garge had no case, and the fee the Mules had paid should be returned to them. (Gune 1953: 313)

At this point, the Mule's narrative continued, the contending parties fell into argument about the value of the parties taking an ordeal by water in the Godavari river, to demonstrate the strength of their case. They decided against it, but Garge then resorted to another tactic.

He wrote out a document admitting his defeat. He said, I will make a copy of the papers and give it to you. Then he took our papers to make copies of them, but instead of returning them, he tore them all up. (ibid.)

The Mules pointed out another difficulty:

In his impudence, Garge would not write a letter admitting defeat. An order can be issued to him, but it is not possible to punish a Brahman. (ibid.)

Eventually, the court officials resorted to summoning the villagers and asking them, under oath, who their hereditary priest really was. The villagers testified that the office belonged to the Mule family, and wrote out a document to confirm the fact. With this confirmed, the panchayat judgement concluded with a brief declaration in favour of the Mule family (ibid.).

A further considerable difficulty with this new and more centralised framework for the resolution of disputes lay in persuading families actually to bring their documents of right to the Pune court's judicial officers for scrutiny. This emerged very clearly over the course of 1779, during a quarrel within the prominent Chaskar family of Pune bankers, linked by marriage to the ruling family in Pune (Gokhale 1988:

129–132). There were two branches of the Chaskar family, descended from each of the two wives of Mahadji Krishna Chaskar. Meghashayampant, descended from the marriage with the first wife, challenged Rakhmabai, the widow of Krishna Mahadev, descended from the marriage with the second wife, over the division of the family's military estate and associated honours and perquisites. In his complaint to the Peshwa's judicial officers, Meghashayampant alleged that he had received nothing from the family property, while the widow, Rakhmabai, had inherited the whole estate.

What followed was a lengthy duel between the Pune judicial establishment and the widow herself. Over many months, from her estate in the village of Chas near Pune, Rakhmabai pursued a very skilled strategy of temporisation and evasion designed to avoid surrendering the papers establishing her claims to the estate so these could be examined by the panchayat at the Pune court. At first, after many postponements, she sent her agent to Pune not with the originals, but with transcripts of the documents. On being further pressed for the originals, she explained:

You keep insisting, show the documents. This would not have been a problem back in the days when there were men in the house. But now there is no old experienced manager of the household papers left in my house who can do this. (P.N. Deshpande 2009: 4)

After a long succession of further delays, the papers were produced, but they were still not the originals, lacked proper signatures and dates, and the widow was reluctant for them to be inspected by Meghashayampant's party. Eventually, further bundles of papers were produced before Ramshastri Prabhune, the longstanding senior justice of the Pune court. But the widow Rakhmabai still attempted to delay their inspection by imposing limits on who could actually look at them. The court remonstrated to her: "You keep saying, we'll look at them today, we'll look at them tomorrow, and so the dark half of the month went past" (*ibid.*: 14). Ramshastri then ordered her agent to appear at his mansion, and said to him:

If you've brought the papers, let's see them. But we are not going to look at them in a corner, because then doubts will remain; they must be examined in front of the assembly. (*ibid.*)

Further refusals of public scrutiny followed, prompting Ramshastri to expostulate “If we do not look at the papers before the assembly, it will be nothing but the work of thieves” (ibid.). It is not clear how the protracted dispute ended, because the long document recording the case is missing its final pages (ibid.: 17).

It was, of course, this new panchayat-based framework for the resolution of disputes that the East India Company’s Bombay government under Mountstuart Elphinstone encountered at its accession to power in 1818, and took to be the age-old cornerstone of local justice in western India (Elphinstone 1821: 78–92). As suggested above, this was a misapprehension. However, Elphinstone was in no doubt about the value of the repository for the wealth of information it contained about the Maratha country. With his assistant J.M. Macleod, he arranged for two former clerks from the Daftar, Govindpant Tatyā Daftardar and Ganeshpant Pendse, to return to it and to make a complete inventory of all of the records that it contained. His purpose was both to preserve them, and to make them accessible to the western India’s new governors (Sardesai 1933b: 1; *Selections from the Records of the Bombay Government* XXIX, 1856: 23).

After this initial effort, no further systematic attempt to document the Peshwa Daftar was made until the early 1840s. In 1843, the Bombay government’s Inam Commission began its experimental operations. Its target was a suspected proliferation of fraudulent claims to privileged land tenures, made by petitioners who had taken advantage of the disorders attending the last years of the Peshwa’s government, and the judicial inexperience of its British successor (Etheridge 1873: 47–53; Charlesworth 1985: 53–57; Preston 1989: 162–194; Sturman 2012: 56–57). A key part of the Commission’s work was to ask families holding privileged landed rights to bring forward their original grants of title and associated accounts for scrutiny. Very quickly, however, the Commission ran into the same resistance to scrutiny by outsiders and agents of the state that, as we have seen above, the officers of the Pune judiciary encountered. Individual commissioners reported numerous instances of families reporting that they had lost or mislaid their original deeds and were unable to produce the revenue accounts associated with their privileged tenures. One of the many family records to which T.A. Cowper, Inam Commissioner to the Northern Division of the Bombay Presidency, sought to gain access, were those of the Deshpande family of Junnar, accountants to the district. Cowper found himself listening to a very familiar tale:

The widows and relatives of the late Deshpandey came forward full of professions, and expressed themselves most anxious to furnish Government with every account belonging to the Wutun: when, however, I subsequently found Dufturs withheld and concealed in all directions, and remonstrated with them for what I fully believe to have been done partly at their instigation, the excuse with which I was met was the utter impossibility of their checking or controlling the proceedings of the Goomash-tas. (*Selections from the Records of the Bombay Government* XXIX, 1856: 33–34)

Once again, the *gumāstās*, the managers of the estate's affairs, were blamed for the difficulty in producing the documents asked for. The tenacious Cowper recorded that he had then gone in pursuit of the managers, one of whom “produced a Duftur from which every useful paper had been abstracted” (ibid.: 34). He later learned that the manager in question had kept most of the accounts and title deeds walled up in a recess in his house (ibid.). The Commissioners and their agents reported many other instances of such reluctance to surrender title deeds and accounts associated with them. Their reports interpreted all such cases as evidence of a widespread conspiracy to defraud the public revenues of the Bombay presidency, and they pressed for exemplary penalties for the perpetrators.

The Inam Commission attracted significant criticism. Influential contemporaries such as Sir John Kaye, the great historian of the Indian Mutiny-rebellion of 1857, alleged that its indiscriminate and confiscatory proceedings had ruined many once-proud military and service families with a history of loyalty the government (Kaye 1864: I, 175). The Bombay government wound up its operations in 1863, and replaced it with a newly constituted Alienation Office, now entrusted with responsibility for classification and arrangement of the great mass of original title deeds and associated records collected by the Commission. Anxieties about theft, forgery and interpolation by the agents of unscrupulous claimants led to the creation of a complex system of date and number stamping of title deeds within the Alienation Office, to add to the older signs and seals of authentication described above (Sardesai 1933b: 5). The larger Peshwa Daftar remained in the old mansion of Nana Phadnis until 1890, when it was moved to new premises in the city. By this time, the Bombay government had approved the publication of selected collections of documents for the use of historians. The

first of these, edited by the Alienation Assistant Rao Bahadur G.C. Vad, began to appear in 1897. They were succeeded by the great historian G.S. Sardesai's *Selections from the Peshwa Daftar*, published in some 46 volumes during the early 1930s (Sardesai 1933a: 6–10; Chakrabarty 2015: 154–157).

The last years of the nineteenth century and the early decades of the twentieth saw, in fact, a great upsurge in the collection and publication of manuscript deeds of property right. Many of the region's leading families arranged for publication of selections from their own private *daftars*, the most significant of which was the *daftar* of Nana Phadnis himself, kept at his mansion in the village of Menavali, some 80 kilometres to the south of Pune (Shejwalkar 1954–1959). This was the golden age of collection and publication of Marathi family records of many different kinds, by local historians concerned at official neglect of the rich archival heritage of the Peshwa state and its predecessors in the Maratha country. Pune-based research institutions such as V.K. Rajwade's Bharat Itihas Sanshodhak Mandal, the Bhandarkar Oriental Research Institute and the Deccan College Postgraduate and Research Institute took the lead here, both in collection of manuscripts that would otherwise have been lost, and in their publication in a range of different series and journals (Chakrabarty 2015: 104–132; Deshpande 2006: 93–125).

As historians of western India are only too sharply aware, these together constitute an extraordinary body of precolonial vernacular records for the social historian unparalleled anywhere else in India. With documents of property right—*mahzars* and *nivāḍapatras*—prominent among them, this is very much a legacy of the rich documentary culture described above, which penetrated to the most local of social levels. It is also a consequence of the Pune government's own strong drive to maintain the revenue and associated judicial records on which its great drive into north India depended, and of later nationalist historians' determination to preserve those records. Because many of these documents are by their nature each the unique record of an individual judicial transaction, they have tended not to attract the attention of more recent projects for the digitisation of endangered archives, such as the *Endangered Archives Programme* (EAP) of the British Library and Pune Manuscript Centre. These have made dramatic progress in preserving a wide range of early modern and eighteenth century Marathi manuscripts, but their focus is very much on literary, scientific and religious texts (EAP 248 and EAP 023: <http://eap.bl.uk/database/>

collections.a4d). Paper publication of the judicial records nonetheless continues, in the journals such as the quarterly journal still published by the Bharat Itihas Samshodhak Mandal, and in the reissue of Rajwade's invaluable series *Marāṭhyāchyā Itihāsācī Sādhane* (P.N. Deshpande 2002–2009).

Perhaps there is no more eloquent testimony to the continuing value of this genre of judicial document than their re-emergence in more recent times in support of family landed rights. In an era of soaring land prices, some Maratha families are once more turning to them to find evidence of their old entitlements, and beating a path to the door of the Pune Record Office to consult its judicial records (Jain 2012).

Note on Transliteration and Translation

I have used diacritical marks on romanised Marathi, Sanskrit and Persian terms in this essay, with some exceptions. The exceptions are terms that are familiar in their Anglicised form, well-known place names, and the names of individuals, unless the latter occur within a quotation. I have also not used diacritical marks on romanised names of authors. For Marathi and Sanskrit terms, I have followed the Library of Congress scheme for transliterating Indic scripts, but in the case of Marathi terms and names have followed their pronunciation, rather than a strict Sanskrit orthography. For the few Persian terms used, I have followed the modern *Encyclopaedia Iranica* system of transliteration.

All Marathi sources used in this essay are published, and all translations from these published Marathi texts used in this essay are my own.

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