***Property And Power Relations In Mughal India: Litigations And Disputes At The Qazi’s Court In Urban Localities, 17-18th Centuries***

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Abstract: In this paper, I have explored property relations in Mughal towns and cities on the basis of the papers emanating from the court of the qazi in the urban localities. These papers include transactions of property that were registered with the qazi, and these include documents concerning the sale of property, mortgage deeds, transfer of property in gift, hiring of property in rent, etc. From a study of these documents, I argue that property was not a ‘commodity’ that carried an objective value, precise and calculable; it was rather perceived as a symbol of the honor of community/household. Most local instances of property transfers occurred within the community-household network, and rarely, if ever, led to a significant shift in property relations. At the same time, all documents of transactions in property bear an impressive imprint of the local power relations, and their registration at the qazi’s court was dependant on the acquiescence of the influential leaders in the localities and the household. Property transactions therefore continually served to reaffirm the local relations of power, and ‘the compact of rule’ based on the state’s relations with the local power-holders.

Arguing that property relations were marked by conflict and contestation, I look at the disputes and litigations that came up at the local courts, and explore the social shifts and cleavages that these disputes actually serve to reveal. I am also interested in studying the legal-sacral system, and the complex mechanisms through which it enabled and constrained social agents in their conflicts over property. It seems to me that as a legal-sacral system, the *shari’at* was marked by ambiguity, and this allowed it to integrate with the local customary practices, but the element of malleability in the *shari’at* also rendered it a conflictuous space in which litigants contested, and reaffirmed their ‘rights’ and ‘entitlements’ in property. Indeed, the legal-sacral system reinforced power relations, but also created spaces for socially inferior groups to defend their property rights, as well. This comes out particularly well from evidence of women’s impressive control over property in urban localities in Mughal India.