

JUDICIAL & ADMINISTRATIVE SYSTEM DURING MUGHAL EMPIRES

Judicial & Administrative system during Mughal empires was matchless, excellent and complete in all senses. Let us have a brief perusal of Mughal system as a whole. Though the Mughal Emperors had absolute powers, they appointed a number of officers in the different departments of the Government for the transaction of its multitudinous affairs. The chief departments of the State were: (a) the Imperial House-hold under the Khan-i-saman, (b) the Exchequer under the Deccan (c) the Military Pay & Accounts office under the Mir Bakshi (d) the Judiciary under the Chief Qazi, (e) Religious Endowments and charities under the Chief Sadr or Sadr-us-Sudur, and (f) the Censorship of Public Morals under the Muhtasib. The Diwan or wazir was usually the highest officer in the state, being sole incharge of revenues and finance, The Bakhshi discharged a variety of functions. While he was the Pay-master-General of all the officers of the State, who "theoretically belonged to the military department he was also responsible for the recruiting of the army, and for maintaining lists of mansabdars and other high officials, and when preparing, for a battle he has a complete muster-roll of the army before the Emperor. The Khan-i-Saman or the Lord High Steward had charge of the whole imperial house-hold "in reference to both great and small things". The Muhtamibs or Censors of Public Morals looked after the enforcement of the prophet's commands and the laws of morality. The other officers, somewhat inferior in status to those mentioned above, the Mir Atish or Daroga-i-Topkhana (head of the artillery), the Daroga of Dak Chowki (the correspondence department). the Daroga of the Mint, the Mir Mai or the Lord Privy Seal, the Mustayfi or the Auditor- General air the Nazir~i-luyulat or the Superintendent of the Imperial workshop, the Mushriff or the Revenue Secretary, the Mir bahri or the Lord of the Admiralty, the Mir Barr or the Superintendent of forests, the or News Reporters the Mir arz or the charge of petitions presented to the Emperor, the Mir Manzil or the Quarter master General, and the Mir Tezak or the Master of Cerensnies. We shall discuss first police, then Judicial and revenue system.

(1) The Police so far as the rural areas were concerned, Mughals introduced no new arrangement for the prevention and detection and crimes. These as from time immemorial under the headman of the village and his subordinate watchmen. The system, which afforded a fair degree of security in the local areas with only occasional disturbances in times of disorder, survived till the beginning of the nineteenth century. In the cities and towns, all police duties including the task of maintaining : order and decency, were entrusted to the, whose duties, as enumerated in the Ain-i AKbari, were multi farious (i) to detect thieves, (ii) to

regulate prices and check weights measures, (iii) to keep watch at night and the City, (iv) to keep up registers of houses, frequented roads, and of citizens and watch the movements of strangers, (v) to employ spies from the vanga bands, gather information about the affairs of the neighbouring villages and the income expenditure of the various classes of people, (vi) To prepare an inventory of, and take charge of, the property of deceased or missing persons who left be heirs, (vii) to prevent the slaughter buffales, of oxen, bourses or camaels, and (viii) to prevent the burning of women Gainst their win, and circumcision below the age of twelve Sir J.N.Sarkar believes that this long list of the duties in the Ain represents " only the ideal the Kotwali" and not" the actual State But Mailed age gives from personal observation an exhaustive account of the Kotwals duties. It is, however, certain that the Xotwali's main business was to preserve peace and public security in the urba areas. In the districts or Sarkars, law and order were maintained usually by officers like the Faujddars "The faujddar, as his name suggests, was only the commander of a military force stationed in the country. He had to put down smaller rebellions, disperse or arrest robber gangs, take of all violent crimes, demonstrations of force to overawe, opposition to the revenue authorities, or the criminal judge, or the censor". The police arrangements were in some respects effective, though " the State of public security varied greatly from place to place and from time to time.

Judicial System

Nothing like modern legislation, or a written code of laws, existed in the Mughal period. The only notable exceptions to this were the twelve ordinances of Jahagir and the Fatawa-i-A Xat^ a digest of Muslim law prepared under supervision. The judges chiefly followed the Quranic injunctions or precepts, the Fatawas or previous interpretations of the Holy Law by eminent jurists, and the qanunus or ordinances of the Emperors. They did not ordinarily disregard customary laws and sometimes followed principles of equity. Above all the Emperor's interpretation prevailed, provided they did not run counter to theThe Mughul Sperors regarded speedy of justice as one of their important duties, and their officers did not enjoy special protection in this respect under anything like administrative Law. " If I were guilty of an unjust act, I would rise in judgement against myself" Peruschi writes on the authority of Menserrate that as to the administration of justice he is most zealous gpid watchful. The love of justice of the other Emperors like Jahasir, Shah Aurangzeb has been testified to by some travellers. Though approach to the emperor through all kinds of officials obstructions was not very easy, at least two Mughul Emperors, Akbar and Jahagir, granted to their subjects the right of direct petitioning (which was only won in England after a hard

fight). The latter allowed a chain with which it is to be hung outside his palace to enable petitioners to bring their grievances to the notice of the Emperor.

The Qazi-ul-Qazat or the Chief Qazi was the principle judicial officer in the realm. He Qazis in every provincial capital. The into, well as criminal cases of both the Hindus and the Muslims, the Muftis expounded Muslim Law, and the Mir Adls drew up and pronounced judgments. The Qazis were expected to be "Just, honest, impartial, to hold trials in the presence of the parties and at the Court-house and the seat of government, not to accept presents from the people where they served, not to attend entertainments given to anybody and everybody and they served, nor to attend entertainments given to anybody and everybody, and they were asked to know poverty to be their glory". But in practice they abused their authority and as Sir J.N. Sarkar observes, "the Qazi's department became a byword and reproach in Mughul times". There were no primary courts below these of the Qazi's department became a byword and reproach in Mughul times". There were no primary courts below these of the Qazis and the villagers and the inhabitants of smaller towns, having no Qazis over them, settled their difference locally" by appeal to the caste courts or panchyats, the arbitration of an impartial umpire (salis), or by a resort to force". The *sadr-us-sudur* or the chief Sadr exercised supervision over the lands granted by the emperors or princes to pious men, scholars and Muns and tried cases relating to these. Below him there was a local Sadr in every province.

Above the urban and provincial courts was the Emperor himself, who as the "Khalif of the age", was the fountain of justice and the final court of appeal. Sometimes he acted as a court of first instance too. Fines could be imposed and severe punishments, like amputation, mutilation and whipping, could be inflicted by the courts without any reference to the Emperor, but his consent was necessary in inflicting capital punishment. There was no regular jail system, but the prisoner were confined in forts.

3. The Revenue system

The revenues of the Mughul Empire may be grouped under two heads—central or imperial and local or provincial. The local revenue, which was apparently collected and spent without reference to the finance authorities of the central government was derived from various minor duties and taxes levied on "production and consumption, on trades and occupations, on various incidents of social life, and most of all on transport". The major sources of central revenue were land revenue, customs, mint, inheritance, plunder and indemnities, presents, monopolies and the poll-tax. Of these, land revenue formed, as in old days, the most important source of the state income.

The important revenue experiments of the _____ were undone in

the period of confusion and disorders following the reign of Sher Shah and Islam Shah. But the old machinery of government and the time-honoured customs and procedures must have _____ inherited by Akbar, who found at his accession three kinds of land in the country—the Khalsa or crown lands, the Jasirlands, enjoyed by some nobles who collected the local revenues out of which they sent a portion to the central exchequer and kept the rest for themselves, and the Sayurghal lands, granted on free tenure. After securing his freedom from the influence of Baigram and that of the ladies of the harem, Akbar realized the importance of reorganizing the finances of his growing empire, which were in a hopelessly confused state. Thus in 1570-1571, Muzaffar Khan Turbati, assisted by Raja Todar Mall, prepared a revised assessment of the land revenue, “based on estimates framed by the local Qanungoes and checked by ten superior Qanungoes at headquarters”. After Gujarat had been conquered, Todar Mall effected there a regular survey of the land, and the assessment was made “with reference to the area and quality of the land”. In 1575-1576, Muzaffar Khan Turbati, assisted by Raja Todar Mall, prepared a revised assessment of the land revenue, “based on estimates framed by the local Qanungoes and checked by ten superior Qanungoes at headquarters”. After Gujarat had been conquered, Todar Mall effected there a regular survey of the land, and the assessment was made “with reference to the area and quality of the land”. In 1575-1576 Akbar made a new and disastrous experiment by abolishing the old revenue areas and dividing the whole of the Empire, with the exception of the provinces of Gujarat, Bengal and Bihar, into a large number of *untis*, each yielding one *Kror* (crore) a year, and placed over each of them an officer called the *Krori*, whose duties were to collect revenues and encourage cultivation. but the *Kroris* soon grew corrupt and their tyranny reduced the peasants to great misery. Their offices were, therefore, abolished and the old revenue divisions were restored, though the title of *Krori* continued to survive at least till the reign of Shah Jahan.

Important revenue reforms were introduced in 1582, when Todar Mall was appointed the *Diwani Ashraf*. Hitherto assessments were fixed annually on the basis of production and statistics of current prices and the demands of the state thus varied from year to year. Todar Mall established a standard or “regulation” system of revenue collection, the chief features of which were (i) survey and measurement of land, (ii) classification of land, (iii) fixation of rates. lands were carefully surveyed, and for measurement the old *untis*, whose length fluctuated with the change of season, were replaced by the *Ilahi Gaz* or yard, which was equal to about thirty three inches, *tana* or tent rope, and *jarib* of bamboes joined by iron rings, which assured a constant measure. Land was classified into four classes according to “the continuity or discontinuity of cultivation” (1) *Pelaj* or land capable of being annually cultivated, (ii) *Parauti* or land kept fallow for some time

to recover productive capacity, (iii) chauhar or land that had lain fallow for three or four years and (iv) Banjar or land uncultivated for five years or longer. Only the area actually cultivated was assessed, said, in order to ascertain the average produce of land belonging to each class, the mean of the three grades into which it was divided was taken into consideration. The demand of the state was fixed at one-third of the actual produce, which the ryots could pay either in cash or in kind. The cash rates varied according to crops. The revenue system, as applied to Northern India, Gujarat, and with some modifications, to the Deccan, was rayalwad that is, "the actual cultivators of the soil were the persons responsible for the annual payment of the fixed revenue". In the outlying portions of the Empire, this system was not applied, but each of these was dealt with as local circumstances required.

For purposes of administration and revenue collection, the Empire, was divided into subhas, which again were subdivided into sarkars, each of which in turn comprised number of paraganas. Each paraganas was a union of several villages. The amildar or revenue collector in charge of a district was assisted by a large subordinate staff. As far from the village Muzadar (headman) and the village patwar, they were servants of the village community and not of the state. There were measures and Karkuns, who prepared the seasonal crop statistics, the Qanungo, who kept records of the revenue payable by the villages, the Boteh or accountant, and the Potter or district treasurer. These officers were instructed to collect revenue with due care and caution and "not to extend the hand of demand out of season". The emperors were forever issuing orders to their officers to show leniency and consideration to the peasants in collecting the revenue, to give up all allowances and to relieve local distress". There are instances in the reigns of Shah Jahan and Aurangzeb of extortionate revenue officials and even provincial governors being dismissed on complaints being made against them by the subjects to the Emperors. Though the lower revenue officers, especially those in the outlying provinces and districts, were not above corruption and malpractices, "the highest were on the whole, just and statesman like" with few exceptions.

The success or failure of the revenue system thus organized must have depended on the quality and nature of the administration at the centre, and evils could not have appeared when administrative machinery was getting out of gear in Aurangzeb's reign. but on the whole its principles were sound and "the practical instructions to the officials all that could be desired". The riots got certain amount of security and the fluctuations of the state revenue were prevented, or at least minimized. Further, the ryots were not evicted from their holdings for default of payment, and the "custom of payment by the division of the crop", on the basis of the actual produce of a year, was better than the modern many rent system by which one has to pay the fixed amount irrespective of the harvest of the year. The demand at the rate of one-third, though rather high, as compared with one-sixth

prescribed by Hindu law and custom or with what a modern land owner gets, was not a heavy burden on the peasants, who were compensated by the State with the abolition or remission of various cesses and taxes.

Above analysis, has shown that the entire judicial, administrative and revenue systems during the Mughal Empires was unscientific, unmodified and some how it was a face saving divide to the king emperors. Those, who were very close to the emperors or whose approach to the palace was easy and assessable, administration and justice, was balanced and truth speaking. Obviously, those who were residents of cities and town always obtained benefit and asked for justice and maintained the balance of administration but those who were residents of villages or those who were residents at a distance from the imperial palaces, they always suffered, they never obtained relief. Their thirst for justice and their tears from the eyes against the grievances were never wiped out. They always kept mum for their grievances. Certainly, it was a fact that when any irregularity or injustice and to keep strict discipline in the administration as far as possible by him, particularly the names of the Akbar and Jahangir cannot be forgotten in this respect.