

A STUDY OVER JUDICIAL SYSTEM UNDER THE MUGHALS**S. Parveen¹ and A. V. Singh²**¹Department of Arts, Mangalayatan University, Aligarh, UP²Faculty of Law, Usha Martin University, Ranchi, Jharkhand¹shagufta.parveen@mangalayatan.edu.in**ABSTRACT**

The assertions that the science of administration of justice attained its zenith during the reign of the Great Mughals are critically examined in this study in the history of the Indian subcontinent. Despite the fact that the Mughals' programmes were geared at public and social welfare, their total power over the state placed a pall over the systems they established, one of which was the administration of justice. This article uses qualitative research methods to investigate if the Mughal administration was intended to dispense with justice and defend the welfare of the people, or if it was simply a duplicate of the police state, where sovereignty was wielded in a autocratic manner. In second segment, the administration of justice in context of the Mughal regime has been given. In third segment of the research, main heads of the Mughal administration of justice have been examined, which included administration both at central and provincial levels, judicial system, office of the Muhtasib, and mechanism for remuneration to the state officials. In fourth segment, sovereign status of the king, his officials, and status of Shariah has been explicated. In last segment, the research article has been concluded.

Introduction

After Muhammad Bin Qasim captured Sindh in 712 AD, Muslims flocked to the Indian subcontinent in droves. Later, the Slave Dynasty's Qutbuddin Aibak formed the first Sultanate of Delhi. From 1206 to 1526, five successive dynasties governed the subcontinent: the Slaves, the Khiljis, the Tughalqs, the Sayyids, and the Lodis, until Ibrahim Lodhi was destroyed by Zahiruddin Babar, who formed the first Muslim Empire in the subcontinent. Until 1706, India was securely in the hands of the Mughals, after which it gradually passed into the hands of the British. After defeating the natives in the War of Independence, the British formally took over India in 1857. (Munir, 2012). According to history, Muslim rule reached its pinnacle during the reign of the Great Mughals, when a golden period of people-centered reforms in all parts of government ushered in. India's society was extremely diverse.

Due to the heterogeneity of Indian culture, which included Muslims, Hindus, and Buddhists, a fair administration of justice was required for a successful political dispensation. Unlike his predecessors (Babur and Hamayun), who were obsessed with the consolidation of the newly established empire, Akbar was an administrative genius (Ali, 2008). Parts of the Mughal justice system were imported from Central Asia and Persia, and were skillfully combined with indigenous administration

methods. Moreover, the Mughals absorbed into the new system numerous administrative principles that had been practised by the Sultans. The Hindu legal system was undoubtedly intact throughout the Hindu republics that existed at the time. In his political knowledge, Akbar must have been drawn to the adaptable Hindu judicial system, which he eventually adopted into his own.

As a result, contemporary Rajas of vassal and independent Hindu nations admired and emulated the Mughal system of administration, which was adapted and kept by the British (Sarkar, 1935). The Mughal Emperor assigned authority to state bureaucrats in order to manage the state. However, this authority was ministerial in nature, and bureaucrats were not allowed to exercise their own judgement; instead, they were required to follow the orders of the emperor, who was the supreme authority in all matters. Similarly, there was no authority or document in place to prevent the king's power from being abused. The Mughals established and operated the governmental structure in the Indian subcontinent, and their dynasty continued to have an impact on it for more than two centuries, according to this report, which used qualitative research technique. This achievement also emphasized the talents of the Mughals' emperors, who maintained the Mughal Empire for seven generations.

The Mughal's judicial Administration

The supply of justice to the masses through fair and equitable treatment is referred to as administration of justice. The positivists define administration of justice as the state's use of physical force to maintain civil and political rights. With the introduction of the modern welfare state model, the administration of justice has come to be viewed as the state's primary responsibility of protecting the masses' primary rights. The concept of justice administration dates back to the time of the cavemen. In a logical sense, human endeavours to create a civilization were linked to leadership. Furthermore, ancient people recognised leadership as a source of instruction from wise and capable persons in numerous domains.

The first signs of judicial administration can be linked to ancient aspirations to gain leadership. Despite this, there is no reliable proof of the historical origins of these traces in terms of precise dates. Nonetheless, it is thought that the concept of a police state sprang from this search, in which the administration was only entrusted with ministerial tasks at the time (Munir, 2011). To some extent, the Mughal Empire was a model of a totalitarian state in which absolute power was concentrated in the hands of a single person, namely the king, who eventually established autocratic control. Nonetheless, the global political system has evolved to the point that the concepts of a police state, dictatorship, and totalitarian state are no longer compatible with basic human rights, and the police state has evolved into a modern welfare system.

The Mughals' ideals of justice administration were mostly foreign and partly Indian, influenced by Persio-Arabic features mixed in with indigenous trends. Most of the administrative structure was replicated by the Mughals as a compromise between the native and foreign systems, including governance principles, taxation rules, church policy, departmental arrangements, and official titles. The imported system was adjusted and transformed over time to accommodate the needs of the local people (Ali, 2008). Furthermore, the Mughal government was basically military in nature, with every state officer being required to join the army list.

Considering the difficulties of governing a diverse population, as well as internal and external aggression, the Mughal Emperors would have realised that managing people's lives according to popular inspirations and redressing the masses' concerns were unavoidable necessities. Despite the fact that foreign trends were blended with their own system of administration to fulfil indigenous necessities, the legislative, executive, and judicial fabric was founded on the King's mercy, who had ultimate authority to disregard any problem. It is necessary to discuss the Mughals' administrative structure in order to better understand the arguments. The important chiefs of the Mughal administration will be explored in the next segment.

Judicial System

The Mughal age saw the rise of court hierocracy and the independence of the judiciary. Courts of Aurangzeb's reign were exceptionally autonomous, with no parallel in the Empire. The courts were so independent that they even turned down Aurangzeb's personal request to execute a criminal who had already been sentenced to death by the court (Munir, 2012). Cases have been classified as civil, criminal, political, and administrative since the beginning of the Muslim Empire on the subcontinent. Both Akbar and Aurangzeb set aside one day of the week to entertain cases, particularly those involving politics and administration. Diwan-i-Mazalimat, also known as Diwan-i-Khas, was the venue where the emperor used to listen to popular petitions. A Qadis, a Mufti, a Pundit, a Kotwal, a Darogha-i-Adalat, and a Mohtasib were to accompany the King. The plaintiffs were supposed to be presented one by one to the judge.

In the Mughal epoch, the hierocracy of courts and the independence of judiciary came to the fore. In Aurangzeb's era, courts were extremely independent, having no comparison in the entire Empire. The courts were so independent that it had even declined Aurangzeb's personal desire of execution of a convict, to whom the court had already awarded death sentence (Munir, 2012). Since inception of the Muslim Empire in the subcontinent, cases were categorized as civil, criminal, political, and administrative in nature.

Both Akbar and Aurangzeb devoted one day of the week to entertaining cases, especially for those which were political and administrative in nature. The place where the emperor used to listen public grievances was known as Diwan-i-Mazalimat also termed Diwan-i-Khas. The King was to be accompanied by a Qadis, a Mufti, a Pundit, a Kotwal, a Darogha-i-Adalat, and a Mohtasib. Plaintiffs were to be presented one by one before the Emperor, who delivered justice after consulting the Muftis in the event of Muslim conflicts and the Pundit in the case of Hindu disputes. When a Muslim and a Hindu had a disagreement, the Emperor had to consult both the Mufti and the Pundit. Furthermore, the emperor, who had to sanction the executions, was seen as a final appeals court (Munir, 2012).

It is unfathomable that appearing in court once a week to address the sufferings of subjects across the vast subcontinent's land was adequate to promote the welfare of the people and avoid speedy justice. In general, however, the Mughal rulers were thought to be sufficiently impartial to administer justice without discrimination. They were supposed to be capable of treating everyone equally, whether family or strangers, chiefs or commoners (Fazal, 2010).

The central judicial system was in charge of justice administration. The Qazi-ul-Quzat, who was selected by the emperor to hear appeals and supervise the provincial courts, was the state's senior judicial functionary. Mufti and Mir Ad'l were to help him: the former was tasked with expounding the law on which the Qazi would deliver the decision, while the latter was tasked with bringing the parties to the court and implementing the decrees (Fazal, 2010). Similarly, the provincial court had a Chief Qadi who dealt with all civil and criminal issues and was the highest court of appeal in the province. The military had its own judge in the capital, Qadi-e-Askar, who travelled around with the army and whose office corresponds to the current Court Martial. The ecclesiastical department was overseen by Sad'sr-us-Sudur. Unlike current judicial systems, in which the judiciary is projected as an independent state organ and judges enjoy constitutional immunity, judicial officers in the Mughal era were at the mercy of the king, who had ultimate authority over all matters and had taken few steps to protect judicial officers in terms of their employment or to limit irrationality in their decisions.

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