



# Administration Of Justice During The Mughal Period

Vijayalakshmi Suresh

Assistant Professor, School of Law, SRM University, Kattangulathur, Chennai, Tamilnadu  
vl657013@gmail.com.

*Abstract--* Judicial administration of Muslim rulers in India can be divided into two, one is Sultanate's and the other Mughal's. When Mughal's took over the reign from Sultanate's they adopted the basic administration structured by Sultan's and the best of Sher Shah Suri's good administrative and judicial skills.. Besides, the advent of the Emperor Akbar's ideology developed a comprehensive judicial administration in India. The Emperor Akbar ,who was so keen on delivering justice , systematically refined the court system in all the political units of his empire. From the appointment of judges and the officers to the administration of justice he followed the system flawlessly. In this paper we will discuss the court's system, appointment of judges and other officers, civil and criminal procedures for initiating trials and the theories followed for the punishments.

*key words –administration ,courts, justice, skills, system , trials, punishments*

## INTRODUCTION

Muslims' invasion , along with the religion 'Islam' introduced a strong system of judicial administration in India.We encountered with different Muslim rulers like Arabs.,Turkhs,AfgansMughalsetc.,among them Mughals left us a strong basic structure to judicial administration in India. During the famous and noble Emperor Akbar period (1556-1605) India witnessed a fine reforms in judicial administration .He took the essential elements of Sultanates' and Sher Shah Suri's administrative and judicial skills and made a comprehensive judicial system in India.This paper explains the Mughals' judicial system and delivery of justice under the following heads,

1. Political Units
2. Heirarchy of Courts
3. Procedure codes of Muslims
4. Judges and Lawyers
5. Theory of punishments.

Among the Mughal rulers Emperor Akbar aimed for flawless justice amid the muslims and non-muslims polarisation .He had a fervour of secularism inspite of being a true muslim, his good relations with non –muslim rulers and marrying a Hindu princess support this. The era of the great Akbar fabricated a strong and better judicial system in India.

## POLITICAL UNITS

For their administrative convenience the Mughals divided the Mughal empire into the divisions as reformed by Sher Shah Suri ,thus they followed Sultanate's and Sher Shah Suri's political units as follows,

1. Imperial capital(Delhi)
2. Provinces (subahs)
3. Districts (sarkars)
4. Parganas (a sub –division of basic administrative unit)
5. Villages.

The above divisions were for their civil administration.The head of the administration was the Emperor himself not only that he was also the head of executive,legislative,judiciary and military.

## HIERARCHY OF COURTS

The Apex court was the Emperor's court and the Emperor himself the sole judge for rendering justice,he considered as the "fountain of justice".In the Mughal empire a separate system was created to deliver



justice(Mahukma-e-Adalat),this system was a watchdog for justice delivery.All political units said above had separate courts at their official headquarters eg.,each province,district,pargana and village had separate courts for itself to settle civil ,criminal and revenue cases.The hierarchy of courts in each political units are as follows;

### 1. Imperial Capital :

Delhi was made the imperial capital of Mughal empire.All Apex courts were established and empowered with original and appellate jurisdiction for the settlement of civil,criminal and revenue cases at Delhi.There were three apex courts they were as follows:

- a. The Emperor's Court
- b. The Chief Court
- c. The Chief Revenue Court

Besides the above three apex courts there were two other courts to decide the local cases they were,

- a. The Court of Qazi
- b. The Court of Qazi –e-Askar

Now we discuss the features of all of the courts.

### a. The Emperor's Court

This Court was presided by the Emperor himself and considered to be the highest of all.It consisted of all jurisdictions to decide all sort of cases the original and the appellate.All the three courts at Delhi had four officers to assist the Emperor ,Chief Justice and the other judges.They were,

1. Darogha–e-Adalat
2. a Mufti(a legal expert in religious matters)
3. a Mir Adl(judicial officer junior to Qazi)
4. Mohtasib-e-Mumalik(like Attorney general, for criminalcases)

The Emperor not only presided over the original jurisdiction but also a Bench consisting of the Chief Justice(Qazi-ul-Qazat) to hear appeals.The Bench decided the queries of law as well as fact.

### 2. The Chief Court :

It was the second important court next to the Emperor's had a principal seat at Delhi.It was presided by the Chief Justice(Qazi –ul-Qazat),who was well versed in religious law.It was empowered with original jurisdiction for civil and criminal cases and appellate jurisdiction for provincial courts.This court too was assisted by the four officers like the Emperor's.The Chief Judge of this Court was appointed by the Emperor and even the ChiefQazi of the provincial courts too could be elevated to the Chief Justice post.

### 3. The Chief Revenue Court :

This was the third important court at Delhi exclusive for revenue cases.It was the highest court of appeals for revenue cases.Diwan-e-Ala presided over all revenue related issues.

The features of the other two courts were,

1. The Court of Qazi-The Chief Qazi of a province took charge of this court for deciding all local civil and criminal cases.
2. The Court of Qazi-e- Askar-This was a special court for the cases in military areas which has the features of mobile court .It moved from place to place wherever the military troop had travelled .

All the above courts had their seat at Delhi the famous capital for the Mughal Emperors.

### 4. Provinces (Subah) :

In each and every province there were three courts , they were

1. Adalat-e-Nazim- e-Subah---This was the Court of Governor( Nazim-e Subah),he himself presided over the Bench of all original jurisdiction cases of the province.
2. Adalat-e-Qazi-Subah---This was the provincial appellate court presided over by Qazi-e-Subah,this court too had original civil and criminal jurisdiction.
3. Adalat-e-Diwan-e-Subah ---This was empowered with all original and appellate jurisdiction of revenue cases. These provinces court had the jurisdiction of their respective provinces.

All the above the courts were of Parganas.



#### 5. Villages :

This was the smallest political unit of the Mughal empire. Village Panchayats had been the only system prevailed in all villages since the ancient age. Panchayats which consisted of five members had the authorisation to deal all civil and criminal cases of the villages. Those members were elected by the villagers and Sarpanch would be the president of the Panchayat. The five members would hear all the cases with all patience and settled down the issues of civil and criminal matters. There was no appeal from the Panchayat verdict and they followed customary law for their judgements.

Likewise the courts were constituted in all political units for the delivery of justice. 3. DISTRICT (SARKAR)  
Every district had four courts, they were

1. The Chief Civil and Criminal Court
2. Faujdari Adalat
3. Kotwali
4. Amalguzari Kachehri

The Chief Civil and Criminal Court dealt with all civil, criminal and religious cases with original and appellate jurisdiction. It was presided over by Qazi-e-Sarkar. He was the principal judicial officer of the district and officially called as Shariyat Panah. For his assistance there were six officers namely Darogah – e – Adalat, Mir Adl, Mufti, Pandit or Shastri, Mohtasib and Vakil-e-Sharayat. All appeals resulted from this court sent to Qazi-e-Subah.

Faujdari Adalat, from the name itself it was cleared that this court had the jurisdiction of all criminal cases related to riots and State security, was presided by Faujdar and appeals from this court sent to Governor's court (Adalat – e – Nazim-e Subah).

Kotwali Courts dealt with the modern Police Acts and had appellate jurisdiction too. The presiding officer was Kotwal-e-Shahar and appeal from here went to District Qazi.

The Amalguzari Kachehri looked over all revenue cases which was presided over by Amalguzar (revenue collector) and appeals laid to provincial Diwan.

The above was the court system in Districts

#### 6. Parganas :

Every Pargana had three courts, they were

1. Adalat-e-Pargana
2. Kotwali
3. Kachehri

The Adalat-e-Pargana was headed by Qazi –e-Pargana, this court possessed all civil and criminal jurisdiction of Pargana also included all the villages jurisdiction coming under the area. These Pargana courts were assisted by four officers namely Mufti, Mohtasib-e-Pargana, Darogah-e-Adalat and Vakil –e-Shara.

The Court of Kotwali was headed by Kotwal –e-Pargana. It had to deal with the cases of Modern Police Act also appeal allowed to the court of District Qazi

Kachehri was the revenue court presided by officer called Amin (revenue officer), appeal from here went to District Amalguzar.

#### PROCEDURAL CODES

Islamic procedural codes were used for delivering justice. The procedural norms were standardized by two major codes,

1. Fiqi-e-Firoz-Shahi
2. Fatawa-i-Alamgiri

Procedures in civil courts

1. Plaintiff or his authorised agent used to file his plaint in the court with proper jurisdiction,
2. The defendant as mentioned in the plaint was summoned for his side of hearing,
3. If the defendant was not accepting the claim, the court would frame charges,



4. The plaintiff had the burden of proving the charges with the evidences,
5. The defendant too get equal opportunity to deny the charges framed against him,
6. Examination and cross examination was allowed appropriately,
7. Finally after weighing the evidences of both the side the judge or the presiding authority would pronounce the judgement in open court.

#### Procedures in criminal cases

1. In criminal cases too the complaint was either given personally or through the agent in the court,
2. There the public prosecutor (Mohtasib) used to institute the criminal cases,
3. The court had all the powers to summon the witnesses ,call upon the evidence etc.,
4. The accused could be called either before the hearing of the case or after,
5. After weighing the both the side evidences it would deliver the judgement in open court,in extraordinary cases where the security of the State involved or the accused was extremely dangerous then the judgement would not pronounce in open court.

#### Norms for Evidences

Evidence was regulated by Hanafi Law into three,they are as follows,

1. Tawatur-full corroboration ,this kind of evidence was mostly preferred.
2. Ibad-single individual's testimony.
3. Iqrar-admission including confession.

Believers in God considered to be the competent witness unless it proved otherwise.Women witnesses also were taken into account but two women was equal to one man witness.Muslim law recognised the principles of estoppel and res judicata in their judiacial administration.

#### Legal Profession

It was only during the Medieval Muslim period the legal profession started flourishing,the legal experts were encouraged to represent litigants.They were gloriously called as Vakils.TheseVakils played a vital role in delivering justice.

#### THEORIES OF PUNISHMENT

'Shara' was regulating the crimes and punishment during the Sultans' and Mughals'reign.The punishment and criminal theories were religious and drawn from 'Koran'.Islam considers the State belongs to God thus it was the first and foremost duty of any muslim ruler to control crimes ,punish criminals and would thereby uphold law and orderin the State.There were three forms of punishment they were,

1. Hadd
2. Tazir
3. Qisas

Hadd as it was regulated by 'shara' provided punishment for crimes like theft,robbery,whoredom(zina),apostasy(ijtihad),defamation(itteham-e-zina) and drunkenness(shurb), both Muslims and Non -Muslims had come under this regulations. Compensation was not at all considered for all the above crimes.

Tazir meant prohibition and it was for all punishments other than the ones which were mentioned under 'hadd'. Crimes like gambling ,counterfeiting coins, causinginjury, minor theft etc., were included in'tazir.' For crimes under 'tazir'the courts were given complete discretion in awarding punishments ,sometimes they could innovate new punishments like cutting out tongue etc.,

Qisas meant blood -fine in homicide cases. The blood -money would be paid to the relative of the victim by the accused to escape the capital or death punishment. This could be done only when the aggrieved party agreed to the blood-money concept. Apart from this the State had the power to punish the accused or the criminal even if aggrieved party agreed for blood -money .

Besides ,the Muslim Law's the gravest crime was 'ghadr' (treason),the crime against the State and the religion,, death was the only punishment for 'ghadr'.Nevertheless the ruler had the power to consider a mercy claim if



any. Another final point to be noted was the contempt of court ,it was included in serious crimes and punished gravely.

#### CONCLUSION

Even before the advent of the British in India ,the Medieval Muslim rulers gave a strong and comprehensive judicial administration. The British though they tried a lot of reforms it was all based on Muslim Judicial administration .Amid the Muslim rulers' delivery of justice it was the Mughals who consolidated the judicial administration .The history is the evidence for this better judicial administration.

#### REFERENCES

- [1] Gandhi.B.M.,V.D.Kulshreshtha's 'Landmarks in Indian Legal and Constitutional History',Tenth Edition.,(2013)
- [2] [https://archive.org/stream/administrationof030863mbp/administrationof030863mbp\\_djvu.txt](https://archive.org/stream/administrationof030863mbp/administrationof030863mbp_djvu.txt)
- [3] <http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/ikram/glossary.html>
- [4] [http://ecourts.gov.in/sites/default/files/Evolution of Judicial System in Godda.pdf](http://ecourts.gov.in/sites/default/files/Evolution%20of%20Judicial%20System%20in%20Godda.pdf)
- [5] <https://www.clearias.com/officers-mughal-empire/>