

Dispensing Justice and Punishment in the Mughal Empire: A Regional Approach.

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Abstract

During the Mughal period the emperors were regarded as the “Fountain of Justice”. For the successful execution and smooth functioning of the imperial laws throughout the Mughal territory including that of tributary chiefs they established a well organized separate department of Justice (*Mahakma-e-Adalat*). The related officials were supposed to control and see that the justice was administered properly. On the basis of the administrative divisions, at different levels such as *subas*, *sarkars*, *parganas* and villages, separate courts were established to deal with civil, criminal and revenue cases. At Agra and Delhi, the imperial capitals of the Mughal India were treated as the highest court of justice sceptered with original and appellate jurisdictions. A scientific gradation of courts, with a well outlined power of the presiding Judges, existed everywhere in the empire. The administration of justice was mainly based on the *Quran* and *Hadith*. William Hawkins, the sea captain and merchant, referred the golden chain of justice during Jahangir’s reign. The Qazi was the important person to justify the cases on District level. It was necessary for the qazi to know the Quran and the perfect knowledge of the canonic laws or *shariat*. The present paper mainly deals with the policies of the Mughal emperors towards their tributary chiefs from the perspective of punishment for violating the well established laws and rules of the land. Although in normal circumstances the subordinate rulers of various regions enjoyed complete autonomy in dealing with their local administration of justice. Contrary to this, in case their actions were treated as a source of threat to the stability of the Mughal empire severe actions leading to assassination were taken against them.

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The criminal justice system of the Mughal India can broadly be taken into account from two distinct perspectives. The first includes the laws specially derived from the religious texts or formulated by the semi-independent and tributary chiefs who enjoyed complete power to deal with their local administration and award punishment accordingly. But they possessed no power and privilege to take decision for such a crime which was deemed as a source of challenging imperial authority in any aspect. In this circumstance the Mughal emperors had the prerogative to issue final verdict in this regard. Category second includes laws of varied kinds based on the provisions of *hadith* and the *Quran* operative in different parts of the Mughal empire directly ruled by the central government.

According to Keshav Das, the crime and punishment against the same was decided in accordance with the provisions of the *Vedas* and *Purans*. As the *Purohit*, the head priest, and the Brahmans who were well versed in the religious texts related to crime and punishment were appointed on judicial positions. They also enjoyed great respect and high position in the Bundela kingdom.²

The author of *Bir Charitra* further mentions that none was spared if proved guilty and that justice was dispensed irrespective of position and birth. But he contradicts his statement by referring that the Brahmans, teachers, parents and orphans were generally not punished. He further adds that the injustice leads to the unpopularity of the king, suppression of the masses, devastation of the country and finally the bankruptcy of the treasury. He also refers to various types of punishments prevalent during the time of Bir Singh Deo. These were the confiscation of property, exile, imputing some parts of body, capital punishment etc. If Keshav Das is to be believed the punishment was so severe that most of the thieves, robbers or other criminals either left their home, moved to other places or gave up such professions. As a result there was complete peace and prosperity in the Bundela kingdom in the time of Bir Singh Deo and people lived without fear.³

Bir Singh Deo used to hold imperial *darbar* (*raj-darbar*) regularly to dispense justice. The general masses were at liberty to make the complaints, if they had against any of the officials of their region. During the concluding hours of the *darbar* the king taking into consideration the advice of the *Purohit* used to issue orders for punishment on the nature of the crime.⁴

No other contemporary source of Bundelkhand gives details about different kinds of crime and punishment for them. It appears that the *Vedas* and *Puranas* had been the main sources of laws and punishments were awarded in accordance with the provisions in the religious texts throughout the Bundela period.

Turning to the next aspect of the subject matter, i.e. actions of the Bundela chiefs, rulers and nobles which were treated by the Mughal imperial authorities as crimes liable to be punishment in different forms. Of such deeds of the Bundelas can be included the revolts, invading or plundering any part of the Mughal territories, assassination of Mughal official, noble or any other tributary chief alliance with the enemy of the Mughals, disobedience of the imperial authority, desertion or flight, leave without permission, disturbance of peace and suppression of riots, neglect of duty and bribery etc.

In this regard the first reference may be made of Raja Madhukar Shah of Orchha (1554-1592). In the early years of Akbar's reign he captured many neighbouring Mughal territories.⁵ Akbar in 1572 regarded the occupation of imperial territories like Sironj and Gwalior by Madhukar Shah as rebellious activities and sent a large army under Sayyed Mahmud Barha to punish by arresting him.⁶ After four years in 1576, Emperor again sent a campaign against the rebel.⁷ A fierce battle ensued between the Bundelas and the Mughals on the bank of river Sawa (Satdhara) in which Horal Deo, son of Madhukar along with 200 Bundelas were

killed and finally Orchha, the seat of power, was captured. On the intervention of Mughal officer Sadiq Khan, the Emperor reinstated Madhukar Shah to his earlier position of Raja of Orchha.⁸

Between 1586 to 1592, Madhukar Shah again committed crime by disobeying the imperial orders. When Mirza Aziz Koka and Shahabuddin Ahmad were appointed to the Deccan campaign Madhukar Shah was also ordered to accompany them but he fled from the imperial camp near Orchha. As a punishment the royal army attacked and plundered Orchha.⁹ Once again in 1592 the Bundela Raja refused to comply with the orders of Akbar when he was asked to join Prince Murad who was on his way to Malwa. Madhukar Shah failed to come to offer his submission which was regarded by the Emperor as an act of rebel. Consequently Madhukar Shah was invaded and defeated but the imperialist failed to arrest him.¹⁰ He died a natural death in the same year (1592) and was succeeded by his eldest son Ram Shah.¹¹

Bir Singh Deo, highly ambitious son of Madhukar Shah also continued to follow the policy of disobedience of the imperial orders (1592-1605). He not only refused to accept the decision of Emperor Akbar of recognizing his eldest brother as the ruler of Orchha¹² but also plundered and captured a number of imperial territories. On a number of occasions Akbar tried to punish and suppress him by sending imperial armies but they failed.¹³

A new chapter in respect of crime in the Mughal history was added when Bir Singh on the behest of Prince Salim assassinated Abul Fazl, one of the favourite nobles of Akbar in August 1602.¹⁴ In reaction to this heinous crime the Emperor issued orders and sent armies to kill the assassin. Despite successive efforts of the imperialist to arrest Bir Singh he could not be arrested.¹⁵ It is ironic to note that when Jahangir ascended the throne he justified the murder of Abul Fazl on the ground that the latter was conspiring his father against him and patronizing Prince Khusrau.¹⁶ He in his *Tuzuk* regards Abul Fazl as his great enemy.¹⁷ Not only this he awarded Bir Singh a high *mansab* of 3,000/2000 and appointed him as the Raja of Orchha by removing the ruling king, Ram Shah.¹⁸ Ram Shah also resented the decision of Jahangir. As a punishment he along with his supporters were arrested and imprisoned at Gwalior fort.¹⁹ Later on Ram Shah was released and was appointed as the Raja of Chanderi by the Emperor.²⁰

The crime in the form of disobedience, flight and murder by the Bundelas continued to persist in the period of Shahjahan also. As a consequence the Emperor took harsh measures against the Bundelas for the violation of law which proved ruinous in particular for the kingdom of Orchha.

At the time of accession of Shahjahan in 1628, Jujhar Singh who had shortly succeeded Bir Singh as the Raja of Orchha paid his submission at the court. He was recognized by the Emperor as the ruler of Orchha and promoted to the rank of 5000/4000.²¹ But when he came to know that Shah Jahan was of the view to set up an inquiry about the illegal exaction of wealth by his deceased father during the last years of Jahangir's reign he fled from the imperial court in the night without the prior permission of the Emperor.²² This kind of act was seriously taken by Shahjahan and he treated this activity as a crime. After dealing with

the Kabul problems the Emperor sent a large army against Jujhar Singh to punish him.²³ His crime was finally pardoned on the payment of 15 lakhs of rupees, 1000 *mihr* and 40 elephants.²⁴

After a long period of about six years Jujhar Singh in 1635 once again committed crime of high degree which led to his capital punishment. In the year above mentioned he attacked Prem Narain, *zamindar* of Kara, killed him and all those then present at the fort of Chauragarh and also accumulated large booty and wealth.²⁵ Hirde Ram, son of deceased *zamindar* sought the intervention of the Emperor who immediately responded to it. Shahjahan ordered to return Chauragarh and neighbouring areas to Hirde Ram and pay 10 lakhs of rupees to the Emperor as blood money.²⁶ Jujhar Singh refused to comply with the imperial order. As a result a large and well equipped army under the command of Prince Aurangzeb was sent against Jujhar Singh with the instructions to suppress him completely.²⁷ The Bundela Raja was defeated; entire wealth of the Bundela kingdom was seized by the imperialists and finally he and his other family members were killed.²⁸

Likewise, in the period of Aurangzeb also we find many cases related to Bundela chiefs which were deemed by the Emperor as great crimes against the state leading to capital punishment, setting of inquiry and reduction of *mansab*.

In this respect special mention may be made of Champat Rai who had been a loyal officer of the Bundela rulers of Orchha and the *zamindar* of Mahewa.²⁹ He had been a source of creating law and order problems in the region of Bundelkhand from the time of the death of Jujhar Singh in 1635. In the time of Aurnagzeb also he plundered many imperial territories and challenged the Mughals on various occasions. A number of campaigns were sent against him and he was at last killed in 1661.³⁰

Rao Dalpat, another Bundela ruler of Datiya and an important officer of Aurangzeb was alleged in 1679 of supplying arms and secret informations to the rebel Prince Akbar who had taken shelter at the court of Sambhaji, the Maratha *sardar*. An inquiry was set up by the Emperor but the Bundela noble was lastly exonerated of all the charges.³¹

In 1689 Rao Dalpat was appointed as the *faujdar* and *quiledar* of Adoni in Madras. Due to limited resources at his disposal he was not in a position to challenge the Marathas very successfully. Therefore, he resigned from the post without prior permission of the competent authority. As a punishment the Emperor reduced 500/500 of his earlier *mansab* of 2500/2500.³²

With the help of informations collected from different sources on the crime and punishment we are now in a position to estimate that the Bundelas followed the principles described in the religious text in dealing with the above subject. Besides, it also clearly emerges that the most respectable class of the society, i.e. the Brahmans were exempted from capital or severe punishments. Together with other sections of the society also enjoyed some relaxations. For the implementation of laws different officials were appointed by the Bundela rulers in their kingdom.

While examining the crime and punishment of the Bundelas in the context of the Mughal sovereignty we do find that right from the time of Emperor Akbar to Aurangzeb regular references of crimes of different types committed on the part of the Bundelas are available. They include disobedience, revolts, murder, plunder, seizure of property, invasions negligence of duty and so forth. As a punishment on the part of the Mughals we find the use of force, killing of the Bundela supporters, heavy demand of tribute as compensation, annexation of many parts of Bundela territories, capital punishments, transfer as well as demotion.

Conclusion

As a consequence of proper functioning of judicial system at the centre as well as in different provinces, and at local levels in the territories of tributary chiefs that the Mughal state continued to survive with full glory and prestige for many centuries. Moreover, due to the scientific nature of justice administration and award of punishment and rewards for meritorious deeds that a number of characteristics features of Mughal period were adopted by the colonial rulers and the post independent governments of India.

End Notes and References:

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2. *Ibid.*, p.595.
3. *Ibid.*, pp.598-99.
4. *Ibid.*, pp.596-97.
5. *Chhatra Prakash*, Gore Lal Purohit, pub. Kashi Nagari Pracharini Sabha, p.487; *Zakhirat-ul-Khawanin*, Vol.III, p.61; *Masir-ul-Umara*, Shahnawaz Khan Shamsud-daula and Abdul Haq, Vol.II, part I, pp.106-7; *Jhansi Gazetteer*, Vol.XXIV, p.192.
6. *Akbarnama*, Vol.III, p.77; *Masir-ul-Umara*, Vol.II, part I, p.37; *Jhansi Gazetteer*, *District Gazetteer of United Provinces of Agra and Avadh*, Vol.I, XXIV, Allahabad, 1929, p.192.
7. *Akbarnama*, Vol.III, pp.209-210; *Bir Charitra*, p.487; *Masir-ul-Umara*, Vol.II, part I, p.106.
8. *Akbarnama*, Vol.III, pp.324-327; *Bir Charitra*, p.487.
9. *Ibid.*
10. *Akbarnama*, III, pp.526-527.
11. *Ibid*; *Muntakhab-ut-Tawarikh*, Abdul Qadir Badani, ed., Ali Ahmad and Lees Bib. Ind. Calcutta, 1864-9, tr. W.H. Lowe, Vol.II, Second edition, 1973, p.391; *Bir Charitra*, p.488; *Masir-ul-Umara*, Vol.II, part I, p.107.
12. *Bir Charitra*, p.488.
13. *Ibid.*, pp.490-91.
14. *Ibid.*, p.505; *Halat-i-Asad Beg*, Asad Beg Qazwini, B.M. 999, p.1-5.
15. *Akbarnama*, III, pp.1219-1221; *Bir Charitra*, pp.508-509; *Halat-i-Asad Beg*, pp.8-10.
16. *Tuzuk-i-Jahangiri*, Jahangir, ed., Sayyid Ahmad, Ghazipur and Aligarh, 1864, Eng., tr. Alexander Rogers, Henry Beveridge, New Delhi, 1978, p.24; *A Contemporary Dutch Chronicle of Mughal India*, tr. Brij Narain and S.R. Sharma, Calcutta, 1957, p.28.
17. *Tuzuk*, p.25.
18. *Ibid.*, p.10.
19. *Ibid.*, p.87.
20. *Bir Charitra*, p.546.
21. *Badshahnama*, Abdul Hamid Lahori, ed. Maulavi Kabiruddin and Moulavi Abdur Rahim, Bib. Ind. Calcutta, 1867-8, Vol.I, p.182; *Amal-i-Salih*, Muhammad Salih Kambu, ed. G. Yazdani, Bib. Ind., Calcutta, 1923-46, Vol.I, p.218.
22. Lahori, I(b), p.260.
23. *Badshahnama*, Amin Qazwini, Br., M. Or. 173, Add. 20734, Part (b), p.168; *Gwalior Nama*, Balkrishn Brahman, MS. Br. M. Add. 16,859, p. 140(a).

24. Qazwini, pt.(b), p.171; Lahori, I, p.248.
25. *Ibid.*, pt.(c), pp.343-46; *Ibid.*, I(b), pp.94-95.
26. *Amal-i-Salih*, II, p.80.
27. *Ibid.*
28. Qazwini, pt.(c), p.345; Lahori, I(b), p.97.
29. *Ibid.*, p.359; *Ibid.*, pp.133, 139-40, 143-144, 302.
30. *Chhatra Prakash*, Gore Lal Purohit, pub. Kashi Nagari Pracharani Sabha, pp.42-50.
31. Alamgir Nama, Muhammad Kazim, Bib. Ind. Calcutta, 1885, p.633; *Travels in India*, Jean Baptiste Tavernier, 1640-47, tr. Ball, 2nd ed., revised, Crooke, London, 1925, Vol.III, p.48, Chhatra Prakash, pp.58-66.
32. *Dilkusha*, Bhimsen, B.M. Or. 23, pp.126(a)-27(b).