MUGHAL KINGSHIP AND NOBILITY

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PREFACE

THE purpose of this book is to discuss the constitutional aspect of the Mughal rule in India. It is not intended to give a detailed account of the political history of the Mughal period. The sole object of the author has been to throw some light upon the Mughal Constitution. This side of Mughal history has been completely neglected till now. The student of constitutional history finds nothing in the books already published to attract or interest him. It is a poor consolation to him to be told that the history of Mediæval India is merely the history of Kings and Courts. There is a good deal of truth in the view that Mughal history is the history of institutions and not that of any constitutional development. Still the absence of a progressive constitution does not preclude the existence of some sort of constitution. The Mughal India had a constitution, though the element of progress was absent from it.

The author has made an attempt to describe this constitution which though static is not without some interesting features. He has not dealt with the political, economic and social questions and has confined himself to the constitutional problems which existed in Mughal India. The position of the Mughal King, his relations with the Church and the Nobility, the law of succession, the administration of justice are some of the important topics discussed, and no student of Mughal history can deny that the knowledge of these subjects is essential for one who wants to understand the real significance of that period of history. The meaning and significance of Mughal Kingship have been illustrated; and occasionally a comparison has been made between the Mughal emperor and the English king and also between the Mughal nobility and the English baronage. It has been shown that the main cause of the success of Mughal rule was the secularization of most of the

administrative departments. A tolerant religious policy was the natural outcome of it. Another important point that has been made out is the limitation of the King's power, which was otherwise absolute in theory, by the customs of the people which served as an effective check upon that power. There is nothing original about the theories contained in this work, which is only an attempt at formulating what had existed in a vague and undefined form before. For the benefit of those not conversant with Persian the writer has deliberately referred to English translations rather than to original authorities. All the quotations are from standard authors.

The author is only a humble student of history and does not pretend to have any special fitness for the task. He has undertaken this work simply because of his interest in the subject and he hopes that this humble effort of his will prove useful to the students of the mediæval period of Indian history.

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CHAPTER I

THE MUGHAL KINGSHIP

In its early home in Arabia Islam believed in perfect democracy. People claimed equality in social as well as political affairs. Muhammad declared in his last sermon "Know that every Muslim is the brother of every other Muslim. Ye are all a fraternity; all equal." At the time of his death he did not nominate a successor, as he did not want to encroach upon the right of the tribe to elect its own leader. Democracy, however, did not last very long. Practice soon became widely divergent from Theory and even in Arabia it was only during the time of the first four Caliphs, as will be shown presently, that real democracy existed. Abu Bakr the first Caliph, after the people had sworn allegiance to him, addressed them as follows:—"And now, O people, verily I have received authority over you though I be not the best among you; yet if I do well, assist me, and if I incline to evil, direct me aright. He that is weak among you, is strong before me, inasmuch as I shall restore unto him his due, if it please God; and he that is strong among you is weak, inasmuch as I shall take that which is due from him if it please God . . . . . obey me as long as I obey the Lord and His Apostle, and when I turn aside from the Lord and His Apostle, then obedience to me shall not be obligatory upon you."[1]. Thus obedience to the political head was conditional on his rule being just and beneficial; he was to be obeyed by others only if he

[1] *History of Caliphs*, by Jalahad Din A's Sayuti. Translated by H. S. Jarret, pp. 69-70.

himself obeyed the Lord and His Apostle. This shows that the system that obtained among the early Arabs had present in it the doctrine of assent. The authority of the political head was based upon the willing obedience of those who had elected him. He held his position by virtue of good government, and was liable to be dislodged from that position if his rule grew unacceptable to his subjects.

Though Omar assumed the Caliphate according to the bequest of Abu Bakr, yet he was elected to the vicegerency. He was the first to be called the Prince of the Faithful. Abdur Rahman took the hand of Osman and said, "I swear allegiance to thee according to the law of God, and the law of His Apostle, and the law of the two Caliphs after him." Abdur Rahman assured him that he had consulted with the chief men and that most of them were for Osman.

The fact that the people understood and asserted their rights whenever they were in danger is illustrated by the fact that the men of Syria lifted up the Qurans on the points of their lances, demanding their rights therein contained from Ali against whom Muawiyah and his partisans had risen in Syria.[2]

After the first four Caliphs the Caliphate became hereditary and assumed the airs of monarchy, though the subsequent deposition of many Caliphs shows that election was not a thing forgotten by the people. Muawiyah was the first who made a compact for the Caliphate to descend to his son.[3] He invited the people of Syria and Iraq to promise to accept the succession after him of his son Yazid,[4] and they made a covenant with

[2] *History of Caliphs*, by Jalahad Din A's Sayuti. Translated by H. S. Jarret, p. 177.

[3] Amir Ali's *History of the Saracens*, p. 83.

[4] T. W. Arnold's *The Caliphate*, p. 22.

him. Afterwards he wrote to Marwan at Medina to take the covenant from the people. This marks the beginning of hereditary monarchy in Islam. When Muawiyah asked the son of Abu Bakr to recognise his (Muawiyah's) son as his successor he replied that he would not do so but would refer the matter to a council of Muslims. But Muawiyah was powerful enough to suppress these democratic ideas and accomplish the task he had set before himself. After the transference of the capital from Medina to Damascus in 661 A. H. the old idea of the political equality of all Muslims disappeared.[5] Democracy ceased to be a reality and the Muslim community became a political instead of a religious society.

After that, wherever Islam spread monarchy followed in its wake. The democratic institutions of the early Arabs were nowhere evident. The Muhammadan kings established autocratic monarchies and discarded the idea of popular government. The same spirit characterized their rule in India. Indian history during the Mediæval period is a history of kings and courts rather than of democratic movements and political progress. Monarchy is a divinely ordained institution and no scientific discussion of a political theory is to be thought of. Such a monarchy is supported by the "self-interest of the few and the utter helplessness of the many." The Pathan kings established military despotism in this country and made no attempt to base their rule on the popular will. They governed with the help of an army officered by the Muhammadan nobility and their people enjoyed no rights of citizenship. Law was merely the expression of the royal will and of other laws there were practically none. If any, they derived their binding authority from the king alone and therefore he could not be resisted when he broke them.

[5] T. W. Arnold's *The Caliphate*, p. 24.

He was subject to divine laws which could never be abrogated by any man, but he was subject to no civil laws, not even to those made by himself since such a subjection would have been inconsistent with his sovereignty. To the people it was a matter of utter indifference whether they were governed by the Khiljies or the Lodies, the Syeds or the Slaves, and the various dynastic changes left them unaffected. Their acquiescence in all political changes was taken for granted and their voice was never heard above the clash of Pathan arms; one king was as good or as bad as the other, and there was no civil government.

Rival claimants to the throne were left to fight it out among themselves. Their chief supporters were the Pathan soldiers whose adherence they tried to secure by promises of higher pay or lavish rewards. However shady the methods by which the throne was won the winner had nothing to fear if he was prepared to loose the strings of the royal purse to secure the goodwill of the soldiery. The new king was virtually elected by the army, against whose favourite none had any chance, and the defection of a powerful general might prove fatal to the reigning sovereign.

Once elected, his safety lay in the loyalty of his army, for there was no civil service on which he could rely, and if through the defection of a subordinate, he were defeated in battle, he immediately lost all respect in the eyes of his subjects who turned expectantly towards the rising sun. Conversely, any adventurer, with no drop of royal blood in his veins, had only to win over the soldiery to make a successful bid for the throne. The government naturally, in these circumstances, lacked cohesion. No attempt could be made to conciliate popular prejudices, to unite the interests of the conqueror and the conquered, or to inspire loyalty based on anything nobler than fear. The soil was most favourable to treason, and the monarchy stood with

its roots exposed to all the winds of chance and intrigue. In mediæval India democracy was unknown.

When Babar entered India as a conqueror he readily adopted the administrative system which had been introduced by his Pathan predecessors. Moreover, that was the system with which he himself had been more or less familiar all his life. During the five years of his reign he found but few opportunities of devising anything better. Most of his time was spent in fighting and subduing the new country. If he had lived longer he might have realised that a system into which the welfare of the children of the soil did not enter was unsound and the practice of governing by means of large camps, each commanded by a general devoted to the monarch and occupying a central position in a province, was not compatible with sound statesmanship. But he found no opportunity to remedy this evil. Whether he would have substituted a better system if he had lived longer is a matter of mere speculation. What is certain is that the time between the first battle of Panipat and his death was too short to allow him to think of much more than the securing of his conquests and the adding to them of new provinces.

What Babar left undone could not be accomplished by his son Humayun. The latter was not qualified by nature to perform any such miracle as the evolving of a system that might be an improvement on what already existed. The fact that the old system still prevailed in India is proved by the ease with which Humayun was supplanted by Sher Shah whose chief merit was his more able generalship and superior military tactics. Sher Shah was, like his predecessors, content to govern by camps located in the districts he had conquered, though he made some attempt at organising civil administration. After his death the system collapsed as it had collapsed on several occasions before. The confusion that resulted after his death was Humayun's

opportunity. Shortly before his death Humayun drew up a system for the government of his newly-acquired realm. But it was the old system. The country was to be covered with a number of separate camps at fixed places, each camp independent of the others, but all under the direct supervision of the emperor. The system was adequate for securing new conquests but was quite incapable of welding the conquerors and the conquered into one harmonious whole. "There were no nations behind Babar and Humayun."

Thus we find that the advent of the Mughals into India did not change the autocratic nature of its kingship. The reason was not far to seek. In the first place, Islam had ceased to be democratic in its politics before the Mughals came to India; and secondly, in a country like Hindusthan, where there was an overwhelming majority of non-Muslims, no democratic form of government could be safely established, as it would have placed considerable power in the hands of a people alien in race and religion, who spoke a different language and who cherished different traditions. It was not safe to allow their voice to decide political questions or to determine the state policy, and there were too few Muslims to make a Muslim democracy at all practicable. Hence the necessity for a vigorous monarchy. Central government had to be strong or perish, in a country so thickly peopled with enemies, so recently conquered, and so vast. Moreover, the Mughals stepped into the shoes of the Pathans and received their system of government as a legacy. This system could not be changed all at once. If any changes were to be made in it they required time. The first task of the Mughals was to inspire awe and respect in the minds of the conquered people, and for that purpose it was necessary that the king should be considered all-powerful.

Abul Fazl in his preface to the *Ain-i-Akbari* says: "No-

dignity is higher in the eyes of God than royalty; and those who are wise, drink from its auspicious fountain. A sufficient proof of this, for those who require one, is the fact that royalty is a remedy for the spirit of rebellion, and the reason why subjects obey. Even the meaning of the word *Padshah* shows this, for *pad* signifies stability and possession, and *shah* means origin, lord. A king is therefore the origin of stability and possession. If royalty did not exist, the storm of strife would never subside, nor selfish ambition disappear. Mankind, being under the burden of lawlessness and lust, would sink into the pit of destruction, would lose its prosperity, and the whole earth become a barren waste. But by the light of imperial justice, some follow with cheerfulness the road of obedience, whilst others abstain from violence through fear of punishment; and out of necessity make choice of the path of rectitude. . . . . Royalty is a light emanating from God, and a ray from the sun, the illuminator of the universe, the argument of the book of perfection, the receptacle of all virtues. Modern language calls this light *farr-i-izidi* (the divine light), and the tongue of antiquity called it *kiyan-khwarah* (the sublime halo). It is communicated by God to kings without the intermediate assistance of any one, and men, in the presence of it, bend the forehead of praise towards the ground of submission."[6] The above description reads like the explanation of the Divine Right of Kingship as given by James I of England in his *Book of Free Monarchies*, and sums up the whole theory of Mughal Kingship, whose divine origin is here clearly recognised.

The founder of the Mughal dynasty in India announced his new triumph to the world by adopting high-sounding titles.

[6] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Preface, pp. ii-iii.

After his accession to the throne of Hindusthan his notion of royal dignity grew much higher than before. The title of *Padshah* was assumed by Babar in the year 1508 as he tells us in his *Memoirs*. "Up to that date people had styled Taimur Beg's descendants *Mirza,* even when they were ruling, now I ordered that people should style me *Padshah.*"[7] By doing so Babar declared overlordship above Chaghatai and Mughal, as well as over all *Mirzas.*

This fact is further corroborated by Gulbadan Begum who tells us:—"The blessed birth of (the emperor) Humayun occurred in 1508. That same year his Majesty was pleased to order the *amirs* and the rest of the world to style him emperor (*badshah*). For before the birth of the Emperor Humayun he had been named and styled *Mirza Babur.* All king's sons were called *Mirzas.* In the year of His Majesty Humayun's birth he styled himself *badshah.*"[8]

" The Mughal emperor was the heir of the crown of Taimur, adorner of the Gurgani throne, the shadow of the benignity of the Creator, also refuge of the world, the *Kabah* of desire, the *Kiblah* of people's longing for happiness, increaser of the joys of good fortune and prosperity, mirror of the glory of God, and the threshold of the Caliphate."

" Shaikh Taj-ud-din, looking on the reverence due to a king as an absolute religious command, called the face of the king *Kabab-i-Muradat* (sanctum of desires), and *Qiblah-i-Hajat* (goal of necessities). And in support of these matters he brought forward some apocryphal traditions, and the practice

[7] Babar's *Memoirs.* Vol. II, p. 344. Translated by Beveridge.

[8] Gulbadan Begum's *Humayun-Nama,* p. 90. Translated by Beveridge.

of the disciples of some of the Shaikhs of India. And thus after a time the titles the Only One, the Absolute, the Perfect Man became commonly applied to the just, majestic, and magnanimous Emperor".[9] Shaikh Zain in his *Tabakat-i-Babari* at one place refers to Babar as the *Khakan*.[10]

A belief in the Divine Right of Kings was entertained by Taimur also who says in his *Memoirs*:—"Whenever God Almighty exalts any person to the throne of sovereignty, he confers on him special dignity and wisdom, by means of which he renders mankind obedient to him; this virtue is a ray of the Grace of God which shines on the Monarch, and as long as he is grateful for that favour, his fortune and dominion continue to increase."[11] Further he says:—"A just king is a shadow of God by means of which shadow a just monarch keeps mankind in subjection, and from the dread of that shadow, the people are obedient, and his power and authority become current over the empire."[12] Taimur firmly believed that he had the Divine support and was assisted by His celestial aid.[13] His descendants ascribed kingship to the same origin. In fact it became customary among the Mughals in Central Asia to appeal directly to God Himself. When Khalil Sultan, a grandson of Taimur, was asked by what right he had set himself up in Samarkand as his grandfather's successor, he replied: "The Almighty who gave the throne and the kingdom to Taimur, has also bestowed

[9] Badaoni's *Muntakhabat-Tawarikh*. Translated by Ranking, Vol. II, p. 266.

[10] Elliot's *History of India*. Shaikh Zain's *Tabakat-i-Babari*, Vol. IV, p. 292.

[11] Taimur's *Memoirs*. Translated by Stewart, pp. 6-7.

[12] Taimur's *Memoirs*. Translated by Stewart, p. 7.

[13] Taimur's *Memoirs*. Translated by Stewart, p. 9.

it upon me." He was soon thrust aside by his abler and more energetic uncle, Shah Rukh, who appealed to the same authority, declaring: "God alone is immortal, to Him alone belongs dominion; He giveth and taketh it away as it pleaseth Him." This view was supported by theologians who declared that the appeal to divine appointment was justified and quoted the following verse from the Quran to prove the validity of this view:—"O God, King of the Kingdom, Thou givest the kingdom to whomsoever Thou wilt, and Thou takest away the kingdom from whomsoever Thou wilt, and Thou raisest to honour whomsoever Thou wilt, and Thou abasest whomsoever Thou wilt."

Parviz addresses Jahangir as his visible God and his Lord and *Kiblah* (place looked towards in worship).[14] Jahangir says in his *Memoirs*:—"God Almighty is the guardian of all His servants, and is specially so of kings, because their existence is the cause of the contentment of the world."[15]

When Askari Mirza rebelled against Humayun he is said to have exclaimed one night while he was drinking wine, "Am not I a king, God's representative on earth?" Every Mughal king regarded himself as the vicegerent of God.[16] But all this was contrary to the ordinances of the Prophet and of Muhammadan religion, which is too democratic to recognise the institution of kingship. Every Muhammadan whether a prince or a peasant is expected to observe the same set of rules in the regulation of his conduct.

Political theory was never developed during the Mughal

[14] Jahangir's *Memoirs*. Translated by A. Rogers, Vol. I, p. 181.
[15] Jahangir's *Memoirs*. Translated by A. Rogers, Vol. I, p. 150.
[16] Ferishta's *History of the Rise of the Mahomedan Power*, Vol. II, p. 81. Translated by J. Briggs.

times, save with the object of strengthening the position of the king. In fact the only theory which could be popularly understood was that of "royal king and loyal subject." Babar was the founder of the Mughal dynasty in India but his reign was very short and he could transmit to his successor only the idea of the mere conqueror. Humayun associated with it no other idea, as perhaps his enemies left him little time for it. Babar's grandson was able to strike the roots of his government deep into the soil. The rich and abundant harvest reaped by Akbar and his successors was not a mere accident but the result of a deliberate policy which for three generations was pursued with a fair amount of consistency. The system promulgated by Akbar continued as a living force under Jahangir and Shah Jahan. In spite of his religious education in early life Akbar refused to treat with hostility those who differed from him and his conduct was regulated by his intellect—to which he allowed the freest scope. He abandoned the idea of a military chieftainship. He possessed the genius of construction and evolved a system, but even this system had for its centre the personality of the king around whom revolved every political factor in the State. The royal authority was supreme and the emperor was the embodiment of it. He was every day visible to his subjects. He was never absent from the country and consequently no one was ever appointed as the keeper of the realm. His authority was not limited by any coronation oath which could, by a stretch of imagination, be interpreted as a compact between the ruler and the ruled. The only occasion on which a Mughal emperor took an oath to bind himself was when Humayun asked his chiefs to take the oath of allegiance to him, and Haji Muhammad Khan said that it was also incumbent on His Majesty to take the oath of confederacy. The prince Hindal regarded such a proceeding

as highly improper. Humayun, however, to please the chiefs took the required oath.[17]

No form of constitutional check existed anywhere and the cry of popular rights was never heard. The power of the reigning authority was all-competent and all-embracing. Against the king the law had no coercive process; there was no legal procedure whereby he could either be punished or compelled to make redress. Being the sole interpreter and, in cases of necessity, originator of laws, he could not be held guilty of any breach of them. Hence his complete freedom from responsibility to those around him.

It is by no means admitted that the king was above the Holy Law. The king though below no man is below God and the Holy Law. Syed Abdulla wrote to Muhammad Shah after the murder of Husain Ali:—"Although a sovereign is God's vicegerent upon earth, still that power is deputed to him only for the welfare and protection of created beings." He is expected to obey that law, but if he breaks it, his punishment must be left to God. This *Jus Divinum,* however, was a vague thing. The assembly of *Amirs* and *Ulama* was much too vague a body, and a body much too dependent for its existence on the king's will, to be recognised as the depository of sovereign power. The maxim that the king can do no wrong was fully admitted, but in a sense different from that in which it is understood in England to-day. There was no legal machinery for setting aside a bad or incompetent king, nor any distinction between the *de facto* and the *de jure* sovereign. The rights of man were all surrendered to the king. *L'etat, c'est moi* was the recognised principle on which the Mughal king's government was based.

[17] Elliot's *History of India.* Jauhar's *Tazkiraul-l-Wakiat,* Vol. V, p. 147.

Royal commands were supreme; no opposition was brooked, no punishment too severe for those who rebelled. "They that resist shall receive to themselves damnation" reflects the position of the subjects who had the daring to criticise the system of government. Not only were the doctrines of the right of resistance, popular sovereignty, and the merely official character of kingship meaningless terms to the people of Mughal India, but there was in fact no enthusiasm for individual liberty. The king "had authority to dispossess them that were lawfully put in possession." Life and property were held as trusts for the State. The administration was run by his creatures, who yielded implicit obedience to him; and no wonder, for they were like shells in the hollow of his hand and he could crush them at any moment he pleased. Those to whom authority was delegated were almost invariably strong supporters of the royal policy and prerogatives. If the king's rights were concerned, his pleasure must be taken. He was the ruler, general, judge and leader of divine worship. "On him rested the hopes of all aspirants and to him looked all candidates for favours." He could not be summoned, none might give him orders; therefore no action lay against him. Complainants could maintain no cause of action against the king as they could against other persons. The judges were the king's creatures; their decisions were moulded entirely to his will, and they might be summoned to appear in person before the king to explain their conduct. No Mughal Emperor ever found himself in the position in which Charles I of England found himself after his defeat at the hands of the Parliamentary army. The Emperor, moreover, was the generalissimo to whom were subordinate all military officers. He commanded his armies in person in great campaigns up to the time of Aurangzeb, and set an example of bravery to his followers. In the Council the

various officials met, for they took part in the general administration of the realm, as well as in the specialized work of their respective departments. But the council of officials was itself subject to the supervision, or rather, the pleasure of the king.

People knew that even oppressive regal authority was better than weak central government which could not have taken long to develop into anarchy, and the Mughal regal authority was not as a rule oppressive. No one cared to take his stand on natural rights so long as the royal sceptre was wielded by a powerful personality. Royal power was clothed with mysterious sanctity and separated by a wide gulf from all other forms of power. The ceremonial splendour with which custom had surrounded the wearer of the Mughal crown deeply impressed the popular mind. The royalty being wrapped in a golden haze of sanctity, the king was veritably regarded as the shadow of God, the visible symbol of divinity, and as such he was worshipped by his subjects. Thus monarchy being a divinely ordained institution, obedience to the king was a religious as well as a political dogma. Every Mughal king regarded himself as the vicegerent of God and pretended to carry out the divine law. Obedience was demanded as his due by God's ordinance, and all resistance was treated as sin. Though in practice his power was incapable of legal limitation, in theory he was expected to observe the limits set by the Holy Law. "State" Law was a command of the sovereign and was binding on all. *Vox legis, vox populi* was neither heard of nor believed in. Law simply expressed the autogenous will of the head of the State, and was its sole interpreter. The people had no hand in originating it, but they obeyed it by reason of their habits. As the every-day law was suggested by the special circumstances of the community it was readily acquiesced in. In that sense alone it could be said that the Mughal emperors exercised the power of

the community. There was no possibility of putting a hook into the nose of the Leviathan. Nobody talked of popular rights, much less exercised them. Non-resistance in all cases and under all circumstances was the rule generally observed. In fact there were no clear or definite laws which the subjects could cite to protect themselves. In a government depending upon no other principle than the will of one, there is no room for any absolute law, as the royal will cannot brook any interference with it. Consequently no digests or codes of laws existed in the Mughal India. The place of laws was taken by regulations based on religion and custom and these regulations were proclaimed only by the emperor's orders. However, the policy of the empire had the same constancy about it as is found in legislatures based upon the best of principles. There being no laws as distinct from particular and occasional commands, the royal power was legally uncontrolled. The emperor did not depend on any aristocratic or popular assembly to sanction his proposals. At the time of his accession the new king was certainly dependent on the support of the nobles, as he could not be a *de facto* king unless he was recognised as such by the greatest part of his nobles. But once he was formally seated on the throne his power was boundless and could not be checked by any noble.

'The king can do no wrong' was the corner-stone of the absolute monarchy of the Mughals just as it is one of the foundation-stones on which the edifice of limited monarchy is built in modern times. Every one was expected to believe in an uncompromising doctrine of civic obedience. The people were not citizens in the modern sense of the term; they were subjects, and their duty was to obey. The opposition of the nobles—and that was the only opposition worth the name,—was unorganised, and actuated by personal motives. It was

selfish in character and could not boast of that continuity of purpose so essential to success. The dangers to the government which might lie in an ill-organised combination of dissatisfied nobles even when supported by the princes of the blood royal had very little chance of becoming really formidable. Under this theory of absolutism free from any limits or checks, the ministers were mere creatures of the king, whose duty was to carry out their master's policy and not to do things on their own initiative. They could easily shelter themselves behind the king's orders, and therefore could not be held responsible for any of their acts. They were more like secretaries than ministers. The king determined the policy of the State by his individual will. Monarchy was absolute, but its absolutism was practical rather than constitutional. It was absolute not because law made it so, for according to the Quran a king enjoyed no special privileges or immunities and was subject to the same restrictions as a commoner, but because its military and financial resources enabled it to outdistance all rival estates in the country. The king was possessed of enormous wealth and was able to buy power. Moreover, tradition strengthened his position and popular acquiescence sustained his power.

The law and custom of the time allowed the king certain decided advantages over others. As a result nearly everything was left to the determination of the king or his officials, who were practically his personal servants and had no will of their own. The State machinery, nay, the State itself, was for all practical purposes his private property in which he acknowledged none as shareholders. If order and security were maintained in the country, the government was good, and the king was a good king. No one demanded anything more, and the king who successfully performed this duty might well consider himself entitled to the respect of those whom he ruled. All

executive and administrative officers, high or low, were directly responsible to the king and could hold office only during his pleasure. The king alone appointed the commandants of forts. When the Syed brothers began to appoint their own men independently of the royal nomination, their action was regarded as an encroachment on the royal prerogative. No governor could leave his province without the emperor's leave. Mir Jumla was severely censured for having done so.

The authority of the great Mughal was despotic by all its origins: by the fact of the conquest, by the Turkish tradition of the old royalties of the country, and also, it may be added, by the practice that obtained in all Islamic governments since the abandonment of Medina as the seat of the Caliphs. Under these circumstances there was not much of civil vitality among the people, and the co-operation of the subjects in the maintenance of the government was merely passive and silent. The individual citizen took no interest in the affairs of government, and never kicked against it if he did not find it to his taste. As a matter of habit he agreed to 'actions and forbearance that were none of his willing.' The individual was the loyal subject but not the intelligent citizen. He did not feel much active interest in the State but was a passive recipient of the protection which the State afforded and which he tried to deserve by rendering implicit obedience to it. As he did not take part in the work of the State he could not develop a high sense of political duty towards it—there was nothing to quicken his sense of obligation. Having hardly any rights he was not conscious of any responsibilities. Tradition and custom were enough for him as a motive of obedience. The emperor was not only the outward visible symbol of the State; he was also the shadow of the Most High.

There was no differentiation of the functions of the Legis-

lature, the Executive, and the Judiciary. All the functions were performed by the king. He was the supreme Legislature, the head of the Executive, and the highest Court of Appeal. He needed the counsel and consent of none though he might ask for it. The Twelve Ordinances of Jahangir and the *Fatawa-i-Alamgiri* were the work of the monarchs themselves, and nobody else had any hand in them. The king was not only the supreme Executive, but also the generalissimo of the army and the guardian of peace. In his capacity as supreme Judge, he was in theory accessible to every one, high and low.

The Mughal system had no room for 'Prime Ministers.' Akbar was his own chief minister as is clear from his words. "If I could but find any one capable of governing the kingdom, I would at once place this burden upon his shoulders and withdraw therefrom..... It was the effect of the grace of God that I found no capable minister, otherwise people would have considered my measures had been derived by him."[18] His other sayings which are given below throw a similar light on the subject of a king's position:—"A monarch is a pre-eminent cause of good. Upon his conduct depends the efficiency of any cause of action. His gratitude to his Lord, therefore, should be shown in just government and due recognition of merit; that of his people, in obedience and praise.

"The very sight of kings has been held to be a part of divine worship. They have been styled conventionally the shadow of God, and indeed to behold them is a means of calling to mind the Creator, and suggests the protection of the Almighty.

"What is said of monarchs, that their coming brings security and peace, has the stamp of truth. When minerals and

[18] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann, Vol. III, p. 387.

vegetables have their peculiar virtues, what wonder if the actions of a specially chosen man should operate for the security of his fellows.

"In the reciprocity of rule and obedience, the sanctions of hope and fear are necessary to the well-ordering of temporal government and the illumination of the interior recesses of the spirit.

"Sovereignty is a supreme blessing, for its advantages extend to multitudes, and the good works of such as have attained to true liberty of spirit also profit these.

"A monarch should not himself undertake duties that may be performed by his subjects. The errors of others it is his part to remedy, but his own lapses who may correct?

"He who does not speak of monarchs for their virtues will assuredly fall to reproof or scandal in their regard.

"The words of kings resemble pearls. They are not fit pendants to every ear.

"The anger of a monarch like his bounty, is the source of national prosperity.

"A king should not be familiar in mirth and amusement with his courtiers.

"Whoever walks in the way of fear and hope, his temporal and spiritual affairs will prosper. Neglect of them will result in misfortune.

"A monarch should be ever intent on conquest, otherwise his neighbours rise in arms against him."[19]

During Akbar's time the four degrees of devotion to his Majesty were defined. The four degrees consisted in readiness to sacrifice to the Emperor, Property, Life, Honour, and Reli-

[19] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann, Vol. III, pp. 398-400.

gion. Whoever had sacrificed these four things possessed the four degrees; and whoever had sacrificed one of these four possessed one degree. All the courtiers put down their names as faithful disciples of the Throne.[20] This shows how completely absolute Akbar's government was and what complete surrender he expected of his subjects. The same spirit is breathed by the acts of Aurangzeb. Though he persisted in calling himself a humble servant of the Prophet yet he never ceased to regard himself as the chosen instrument of God, His chosen custodian and the trustee of His money for the benefit of his people. But whether he used the money for their benefit or not he himself was to be the judge. He tried to support every action of his with the sanction of religion, but through that thin veil his real motive was easily visible. While wrangling with Shah Jahan about the jewellery in the Agra fort he claimed the crown property on the pretext that "The royal property and treasures exist for the good of the community, because these pay no tithe." And he constituted himself the trustee of the community.[21] He again wrote to Shah Jahan:— "You have written that it is contrary to the Muslim faith to seize another's property. Know that the royal property and treasures exist for the good of the people..... A kingdom is not a hereditary private property."

Aurangzeb was too jealous of power to share even the semblance of it with another. He kept everybody at a distance. Even the princes of the blood royal were treated with suspicion which on more occasions than one very nearly proved fatal to the empire. It was this policy of keeping everything concen-

[20] Badaoni's *Muntakhabut-Tawarikh*. Translated by Ranking, Vol. II, p. 299.

[21] J. N. Sarkar's *Aurangzeb*, Vol. III, p. 146.

trated in his own hands that was mainly responsible for the tottering condition of the empire during the last days of this mighty emperor's life. Overcentralisation, which was the distinguishing feature of the whole of the Mughal period, was carried to its utmost limit under Aurangzeb. His hands were strong enough to hold all the reins of his mighty empire, but those of his successors were too feeble to do so. His love of power engendered in his mind suspicion of everybody; he succeeded in alienating even his own sons. But so successful was he in keeping all power in his own hands that the princes' courts while a rendezvous for all who harboured personal discontent with the Emperor's policy, never became centres of political opposition. Hence, facile to their favourites, the Mughal kings had, in matters of State, a strong sense of the homage due to them from all their subjects. Any failure to render this homage brought upon the guilty person the severest punishment.

This spirit of absolutism was strengthened by the Mughal kings' belief in the Divine Right of their power. This doctrine was generally and strongly held then. That any one not belonging to the royal house should dare to assume the royal title was regarded as an almost incredible act of wickedness and presumption. Sher Shah had been able to proclaim himself king before the Mughals had been firmly seated on the Indian throne. Though the Mughal emperors were Sunnis yet their belief in the Divine Right of Kings was as strong as that of the Shia kings of Persia. The Persians regarded their kings not only as Lords Paramount, but as sons of the Prophet, " Whose dominion therefore is grounded more on Hierarchy than on bare Monarchy". The Mughal emperors were the advocates of the Divine Right as opposed to the principle of democratic election. They regarded themselves as the chosen representative of God, supernaturally gifted and divinely-appointed leaders, whose right to the alle-

giance of their subjects was derived from heaven and not from any election. Referring to the rebellion of Prince Khusru, Jahangir says:—"They (the rebels) overlooked the truth that acts of sovereignty and world rule are not things to be arranged by the worthless endeavours of defective intellects. The just Creator bestows them on him whom he considers fit for this glorious and exalted duty, and on such a person doth He fit the robe of honour."[22] The idea of popular election, natural to and current among the Arabs, never found favour with them. The Persian idea of Divine Right appealed to the Indian Mughals. The intercourse between the two countries could not but affect the Indian institutions with the ideas current in the powerful neighbouring kingdom, as a certain exchange of thought must have taken place between the two as a result of that intercourse.

"The emperor possessed the power of distributing the honours and emoluments of the State. He could reward a service by the gift of a province. His military strength was great as he could draw at will supplies of warriors from the mountains of the west, as a check on his indigenous subjects, while these left the plains of India to control the Afghans amidst the snows of Caucasus."[23] He occupied a position of great advantage over all rivals as he could express in a most tangible manner his appreciation of the service of his officials. The personality of the emperor added a strength and lustre to the government which it could not have derived from anything else. Actually and historically, he was the source of all administrative authority, and his system of government was extremely personal. Great importance therefore attached to the character of the king and

[22] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I, p. 51.

[23] Tod's *Rajasthan*, Vol. I, pp. 315-16.

to the personality of the king's favourites. The first six emperors of the dynasty were remarkably successful because each one of them, even including Humayun, was a grand personality. The appointment of the great officers of government and sometimes even the minor officers of the administration, local as well as central, was entirely in the king's hands and gave him an all-embracing control over the whole of the administrative machinery and enabled him to keep a tight hold over his subordinates by transferring them from one place to another. Most of the emperors believed in frequent transfers of their officers lest they should create a permanent influence for themselves. By this means the emperor well maintained his position as the source of executive authority.

His jurisdiction, which was all-embracing, rendered his position still stronger. However much control the officials had in formal business they were permitted to exercise it only by the king's pleasure. Royal ordinances were irresistible and enabled him to exercise great influence over every department. The king's was the breath which gave life to the organism of the administrative system. He granted rank (or *mansab*), conferred title (*khitab*), appointed ministers and chief officers of the State, assumed a regal style-title, coined money and had the *khutba* read in his own name. In short, he enjoyed all the attributes of independent sovereignty. In his presence, no one, without permission remained seated. Monarchy always emerged triumphant, secure, and virile from every period of struggle. The monarch never felt the necessity of allying himself with the middle class, as he did in Feudal Europe in order to crush the feudal barons. His will was absolute to the fullest extent to which, according to the Sacred Law, God has delegated the right of legislation and rule to human beings. So long as the Sacred Law remained inviolate, the will of the sovereign might

be exercised oppressively, cruelly, or unworthily without giving any one the right to resist. Against the Sacred Law, however, it had no force; any attempt at open defiance of that law was an invitation to disaster. But who except the king himself had the practical right to say whether the Sacred Law had been violated or not? The Sacred Law recognised no power of positive legislation in the head of the State, since God through Muhammad had legislated once for all; still whenever in practical politics the necessity for enacting new laws was felt the king had the fullest power to issue new ordinances; and the Holy Law entrusted to him the functions of administration and justice to be exercised to the fullest possible extent, subject always to the vague prescriptions of that law. The king being thus supreme, the great institutions were to be thought of, not as built upward from a basis in the popular will, but as extended downward from the divinely-appointed sovereign at the head. Central and local government, household and court, standing, feudal, and irregular army, all depended upon the king who was the warlord as well as the head of the civil administration. All officials were either directly or indirectly the Sultan's nominees. The Viziers, the *bakhshis*, the generals, and the *divans* all "took their places at his command, and at his command all dispersed without a murmur."

Be it said to the credit of the Mughal emperors of India that they did not as a rule abuse the great power wielded by them. They covered their despotism with a pretty thick veil of benevolence. They never grew power-mad, but behaved mostly like sane and enlightened rulers to whom the interests of their subjects appeared to be dear, as we shall learn later on when the effects of the Mughal rule come to be discussed. Though it was a despotism centred in one man,—the king—the latter willingly recognised the limits on his power, although

he was strong enough to ignore them completely. He, of his benevolence and free will, permitted that despotism to be greatly circumscribed by Islamic Law in theory and by custom in practice. Though there was no common law of the realm and the royal will was supreme, still the customs and institutions of the people were not interfered with. These held the king within reasonable limits, but at the same time gave him his right to rule. It was fortunate for the country that the first six Mughal kings were men of exceptional ability and at the same time of a very high moral calibre. The personal system held fairly well together under them; otherwise the results would have been disastrous.

In the Mughal system of government the king was no mere figurehead; he personally and actively performed all the functions of government. He was responsible for conceiving plans; and he saw to their execution. He was the head of the civil as well as military administration, and supervised all the State correspondence. No *farmans* could be issued without his seal. Even the exchequer was not free from the royal interference, the nature and amount of expenditure being determined by the royal will. The complicated machinery for the conduct of government which came into existence under the Caliphs of the Abbas was afterwards copied by all the succeeding Muslim States and the Mughal India was no exception to this rule; but the Mughal rule was more despotic than the Abbaside as there were fewer checks. In Mughal India there were no responsible corporations of merchants, as under the Abbaside Caliphs, there being no strong commercial interests. The administration was not left to the community as it was in Persia (where each town, with its dependencies, administered its own affairs, levied its own taxes, was responsible for its peace, and paid a fixed revenue to the State), or as in Europe (where towns formed so many in-

dependent principalities like the free cities of the middle ages). There were no towns in Mughal India like Balakh, Samarkand, Herat, Bokhara, Hamadan, which enjoyed a good deal of independence and influence, and in which the central government merely nominated the deputy governor—generally chosen from the local patrician family—the judges and other dignitaries. There were no strong 'urban corporations' which could withstand the royal power. The villages though equipped with '*panchayats*' had no political importance.

The levying of war against the king in his realm was an act of treason. Any one who rebelled, or received the rebels and gave them shelter, or assisted them in any way, rendered himself liable to be punished as a traitor. The king's action against his rebellious subjects was not tantamount to a declaration of war. He journeyed through the realm in force to restore order by punishing any trespasses that anybody might have committed in defiance of the royal proclamations, and to preserve the peace. Though the king's orders may in part be due to his desire to protect the people from a state of horror resulting from the rebellious tendencies of his turbulent nobles, there seems to have been more than this behind them. The crime which was most repugnant to the king and which he really wanted to punish was not so much the breach of his peace as the defiance of his authority. The church was helpless against him and the nobility was too weak to serve as a check upon him. The nobles several times tried to make war upon him but they seemed to be more anxious to coerce than to restrain him. Coercion is no remedy and its effect is short-lived, while restraint is more or less permanent in its effect. Their coercion of the king meant only a short-lived triumph for them and could contain no permanent element of success. Mere force could not secure any permanent results. Whatever was done in prejudice of the crown

and royal dignity was illegal. A victory won by coercion could not be lasting as continuous and successful coercion was not possible. As a system of government coercion was impossible as it was essentially short-lived in its results. It could not serve as a working machinery or as the basis of government. Once the king had gained sufficient confidence and power by extricating himself from the pressure he was as free as ever. Pressure, unless resting on a legal basis, could never constitute a legitimate system of administration. The high royal doctrine was that all resistance was sinful and it was the duty of the subjects to render passive as well as active obedience. The nobles could never evolve any organised machinery of constitutionalism which could be successfully put into practice. It might be possible to destroy the personal system of government but what was to fill the gap? In fact, the Mughal king was not coercible.

There was no possible alternative. A system to be permanent and satisfactory must emanate from the king. Its origin must be royal, otherwise it was utterly useless. There is however this much to be said in support of coercion that it was quite in harmony with the spirit of the time. In such an atmosphere as existed in Mughal India coercion readily suggested itself as a weapon to the rebellious who were not slow to clutch at it. It was the natural outcome of the state of society. There was no standing committee which could exercise any restraint or compulsion with regard to the king. There was no legally constituted organisation which could restrain his royal sovereignty. No attempt in this direction could be fruitful. No cities were effectively jealous of their liberties, and no corporations could afford to enter into conflict with the royal will. They could take their stand on no charters. They had no claim which could be substantiated by any written documents. There were no popular jury courts. No commercial interests were

strong enough to resist the royal power. In the choosing of his servants the king would tolerate no interference, although he might value the advice of his counsellors. Any outside claim to assist in, or control, the appointment of officials could not be recognised and was bound to be resented as a serious trespass upon the king's personal right. The Council was only a formal and advisory body. The king being immeasurably the strongest power in the State, the strength of the central authority was so great that the feudal nobles found it impossible to assert their claims to a sub-divided sovereignty. The Mughal officials were mere delegates of the emperor, who could take away their powers at any time he pleased, though while in office they wielded extensive powers. They were appointed by the emperor, and by him they were dismissed. They were mere instruments of the royal policy. The emperor who was the fountain of honour and the asylum of the universe granted powers to his officials as a matter of grace. The king's practical resources were even a greater source of strength to him than his prerogative. Though he was not to rule by will but by law, for "his power was of justice and not of injustice," he was free to put new interpretations on the laws of the country and for this he had not to depend upon the counsel and consent of others. The king's personal command could not override the Quranic law and no royal ordinance could exceed the limits of that law; but for administrative purposes he could make use of his prerogative and act as if he was not fettered by any law or custom. Though theoretically the king was under the Quranic law, its machinery could not be set in motion against him easily, because the machinery was entirely under his personal control and his will was the only motive power which could set it in motion. The administration was the king's; it moved or came to a standstill just as he liked. He possessed the right of intervention at any

and every stage in administrative processes. If an official disobeyed the king's mandate he was guilty of high treason. In no case was resistance lawful, and the omnipotence of the head of the State was always asserted and universally accepted.

Within his own realm the Mughal Emperor stood supreme; the symbol of unity and preserver of the peace. On the other side stood the nobles, a disintegrating force, and the enemies of peace. The struggle between them was never a conflict of radically opposed theories; hence it never grew constitutional. Neither the king nor the nobles bothered themselves about imaginary theories. The aim of each party was to bring under its control the personal system of government. Nor did the conflict ever assume a national aspect. Neither the king nor the nobles ever cared to secure the help of the people by appealing to their political sense. The reason was not far to seek. Political sense had not developed among the people, who watched these struggles from a distance like unconcerned spectators. The nobles were weak because they, too, had no class consciousness. There was no common platform to bring them together and introduce an element of solidarity in their disorganised ranks. They could boast of no theory even of class supremacy which could save their political action of rebellion from the reproach of selfishness. Their love of independence, or, rather, aversion to subservience could in no case be conducive to the good of the State. They had no constructive scheme to offer which might serve as a potent war-cry to rally the forces of their own class or those of the commonalty against the royal authority. They failed as a rule because they omitted to take into account the inherent strength of a monarch's position against which they directed their attack. As they never claimed to be acting on behalf of the crown against the person of an arbitrary king, they never could pretend to fight for the country's liberties

and could never make their action appear as legal or constitutional. The narrow and selfish spirit in which they always acted made their position weak by making them appear as mere rebels against the established authority of a lawful king. Failing to make out a case for themselves, they could not expect to have popular sympathy on their side. It was impossible for them to secure any general support. They had to depend on their own immediate followers who stood to gain by the victory of their masters.

The unwillingness on the part of the common people to espouse the cause of the rebellious nobles can easily be understood. Between the fall of one monarch and the rise of another there was always the danger of a revolution in which the lot of the people was liable to be most miserable. They had therefore every desire to see the monarch strong so that he might save them from the horrors of anarchy. As he was necessary to the good of his subjects they wished him to command universal respect. He must be generally recognised as the head to whom obedience must be rendered. The people, who could well imagine the horrors of anarchy, thought it a social duty to obey the emperor who was the 'representative of the common interest in social order.' Without him that order was sure to suffer. Resistance to the established government was never considered by the people to be conducive to the good of the body politic. Whenever an overweening noble took it into his head to defy the royal authority, his motive could never be appreciated by the common people, who therefore found it difficult to sympathise with him either actively or passively. Centralised monarchy, though not free from its peculiar evils did not inspire the same dread in the minds of the people as lawless anarchy. Consequently baronial resistance never found popular support, as it did in England in the thirteenth century.

The repeated failure of this resistance fully bears out this view.

Bairam Khan's revolt against the young Akbar was puerile and feeble though he had such a brilliant record of loyal services behind him and had the whole civil and military power vested in his hands in the early part of the reign.[24] Though he had been a prop of the tottering edifice of Mughal monarchy and though the recovery of India for the Mughals was to a great extent his work and he could justly claim the credit of defeating Hemu, still the people never showed any sign of preferring the rule of the experienced veteran to that of the boy king who had not yet been tried as a ruler. It must have gone against the grain of the people to see a commoner make an attempt to usurp what in all justice and fairness belonged to the sovereign. They must have regarded Bairam Khan's act as presumptuous and indefensible by every canon, authoritative or accepted. Bairam Khan finding himself out of favour at court had to profess obedience and return the ensigns of State, his elephants, banners, and drums, and the whole paraphernalia of pomp by Husain Quli Khan to the emperor. He dismissed all his retainers and began to prepare for his departure for Mecca.[25] Even the Syed brothers, loyally supported by their gallant Barha clansmen, had ultimately to admit defeat and found the easy-going Muhammad Shah more than a match for themselves. It is true they achieved a considerable amount of success but the results of their efforts lacked the element of permanence. Their very success contained germs of weakness. They roused jealousy in their fellow-nobles who could not be expected to see with

[24] Ferishta's *History of the Rise of the Mahomedan Power.* Translated by J. Briggs, Vol. II, p. 182.

[25] Badaoni's *Muntakhabut-Tawarikh.* Translated by Ranking, Vol. II, p. 33.

equanimity the rise of one of their own order. The Syed brothers could never hope to command that universal respect which was rendered even to a weak king. They were not surrounded by any halo of royalty and could lay claim to no divinely-ordained power. No one rendered willing obedience to them and no one valued the favours conferred by them. They could inspire fear but never respect. Even their own order was hostile to them. All the precautions which their cleverness prompted them to adopt were of no avail. The sceptre of power broke in their hands. A rival faction sprang up at the court and directed all their efforts against the power and influence of their successful rivals. In these circumstances the lot of the Syed brothers was unenviable and their position was always precarious. Though they were able to wield almost royal power for a time still their fall was sudden and ignominious. They lost their hold over the government and disappeared from the stage. Their fall was regretted by none and nobody felt any the worse for their discomfiture.

The one great weakness which was always present in the Mughal system of government was that it did not provide any machinery of a constitutional nature to settle any disputes that might arise from time to time between the ruler and his grandees. There was no legally constituted body of men who could point out to the emperor, without incurring his displeasure, any defects in his administration and persuade him to correct them. The absence of any such body always left the door open for an armed rebellion. Whenever there was a quarrel between the king and his barons the only way out of it was an appeal to arms, and neither party was slow to make that appeal. There was no impartial judge whose verdict might be binding upon or acceptable to both. There was no documentary law of constitution upon which either of the parties could take its stand.

No cases of constitutional law could afford any guidance to them —hence the frequent rebellions in the country. The nobles suffered from their actions being vitiated by ignoble motives and lacked the resources which were at the king's command. It was not an easy thing for them to deprive the emperor of the advantages which his position and his resources gave him. With the help of his reserves, the king could easily knock the bottom out of the baronial resistance.

Baronial interference was as repugnant to the Mughal kings of India as it had been to the Norman kings of England.

The old grandees of the realm might, for example, resent the favours shown to some unworthy friend of the emperor; but they had no means of redress. They could not impeach a favourite before any constitutional tribunal. However guilty he might be and whatever crimes he might have committed he could be saved by the emperor. So long as the king cared to protect his favourites no one could touch them.

The lack of popular support was the greatest source of weakness in the position of the rebellious nobles. During these conflicts the people refrained from taking any part since they could never hope to bring about any improvement in the administration by subverting it. Any such subversion would only result in placing them under many masters instead of one. The transference of the sceptre of sovereignty from the hands of the emperor to those of the nobles was not likely to be a change for the better. The rule of the latter could never be expected to be milder or more humane than that of the former. Therefore it never entered into the people's heads that they could better their lot by weakening or overthrowing the monarchy. They submitted cheerfully to the established political system for they could imagine none better. As a result the country saw no glorious or bloodless revolutions. The sovereign power

was very seldom paralysed during the first two hundred years of Mughal rule in India, and never was an armed rebellion vindicated by its results. The monarch could not be dislodged from the high citadel which he occupied and adorned. Sher Shah's rebellion is an exception which may be said to prove the rule. Its success can easily be explained by the fact that the Mughal monarchy was yet a tender plant which had not taken a deep root in the Indian soil and could therefore be easily uprooted. The Mughal king was as yet regarded as a usurper by a large number of people who had lived under the Pathan rule, which had been in the country for over three centuries. The Mughals were new-comers and were naturally regarded in the light of foreigners. They were rightly regarded as usurpers by Sher Shah who merely wanted to revive the Pathan rule. Though the advent of the Mughal had not created any flutter in the popular dove-cots, still a revival of Pathan rule was a thing for which the people were prepared. Besides, there were still to be found in the country a large number of Pathan nobles or even members of Pathan ruling families, who were feeling sullen at having been deprived of their former position. They could not feel happy at having been superseded by an alien race. They evidently had been biding their time to make an attempt for the recovery of that sceptre of sovereignty which had been forcibly taken out of their hands after having remained there for three hundred years. So when a leader of the calibre of Sher Shah rose he had no great difficulty in snatching the sovereign power from the hands of Humayun who, though a gallant soldier and an enlightened scholar, was far inferior to his rival in consummate statesmanship and cunning diplomacy. On the throne of the Mughal only a strong individual and a man of action could be secure. There was no room for an "amiable but weak dilettante" like Humayun. Such a monarch

might have been a great success if he had come to the throne after Akbar, but not before. Even Humayun, after having lived the life of a wanderer and an exile for sixteen years, found himself powerful enough to regain what he had lost, though he was not destined long to enjoy it.

The success of Sher Shah was the solitary instance of an armed rebellion achieving its object during the first two hundred years of Mughal rule and Sher Shah was an exceptional man and appeared in the very early days of Mughal history. If he had been born a quarter of a century later his fate would probably have been the same as that of so many other adventurers, who unsuccessfully tried to disturb the peace of Akbar and his descendants. All his consummate skill and successful generalship would have proved of no avail to him. The failure of his descendants in no way diminishes the greatness of Sher Shah; it merely serves to reveal the unassailable position of Mughal monarchy.

CHAPTER II

THE MUGHAL KINGSHIP—(*Continued*)

(THE COUNCIL)

The strong central government of the Mughals was good for the people. We do not come across a sombre background of political discontent. The common people were remarkably free from the desire to subvert the established government. They never made a common cause with the discontented nobles. Though the people had no share in the government of the country they habitually regarded the commands of the reigning sovereign as binding upon them. Therein lay their safety. They could not view with favour the prospects of living under a weak central government which afforded them no protection from the rapacity of turbulent nobles who could not be expected to possess that benevolence which was to be found in one born in the purple. Every action of the nobles was dominated by personal considerations and whenever they embarked upon an independent course of action self-aggrandisement was the driving force. They never tried to behave as the proper guardians of the people's interests. They did not care even to pose as such. Their efforts never aimed at advancing the cause of the country. There was an impassable gulf dividing the Mughal nobility and the commonalty. Their interests were never the same. The power of the king alone could save the people from being tyrannised over by the arrogant nobles. The silent sympathies of the populace were therefore always ranged on the side of the king. This fact was a valuable asset

for Mughal monarchy which could always inspire awe if not affection. People naturally did not like to see its overthrow. So long as monarchy was strong there was peace and order in the country. The moment monarchy grew weak, forces of lawlessness and disorder were let loose upon the helpless people who were bound to be the worst sufferers. No wonder then that the masses not only acquiesced in the existence of a strong monarchy but passively supported it. Only in the retention of a strong monarch could their interests be safe. The success of the aristocratic class could not inspire any confidence in them.

The subjects were fairly contented under the Mughal regime. The inoffensive customs, religious or domestic, were not infringed by the servants and officials of the Government. The people wisely understood that their liberty meant liberty only in those things which the sovereign permitted them. The acts of the sovereign to a subject were never regarded by the latter as injustice. Any other liberty was incomprehensible in that age as the omnipotence of the sovereign power was to be free from all impediments. It was taken for granted that the emperor had the right to regulate everything for his subjects, who lacked judgment to distinguish right from wrong. The obligations of subjects to the sovereign under all circumstances were the basis on which society in Mughal times rested. The subjects were never freed from their obligation and allegiance to the sovereign so long as he remained in power. But if the sovereign relinquished his power his subjects automatically transferred their allegiance to the new man who took his place. The reward of this obedience was protection. Monarchy therefore was subject to no limits or restrictions, and no man had liberty to resist its decrees. Any such liberty would have proved destructive of the body politic in mediæval India. The life and property of the subjects were at the mercy of the emperor.

They were enjoyed through his grace. The Lord's anointed was surrounded by a halo of glory under the shadow of which all others were content to live. He was the father of his people, who yielded to him that obedience which is due from the children. His commands were supreme and could penetrate to every nook and corner of their life. His jurisdiction was unlimited and his authority unbounded. There was the need of a strong government. Without it every man's hand would have been raised against his neighbour, and private war would everywhere have prevailed. To put a stop to what may be called a state of nature it was necessary that there must be one supreme authority in the state, undisputed and undivided. It necessitated a system of government which may correctly be described as personal. The king with his Court was not merely the centre of government, but he was the whole government itself. The king was not only the head of the law-making machinery, but his will *was* the law. That will drove forward the machinery of government. He was the cause of its unity and vigour. The king was the original source of every department of administration, and there was no necessity to distinguish between the part of the administration which was personally administered by the king and the part administered by those to whom he had delegated his authority for convenience's sake.

Nor was there any formal distinction between king and crown. The crown meant the head which wore it. The power of the crown depended on the ability of the person whose head it adorned. All taxes received were the personal property of the king, and the size of his privy purse was unlimited. The theory of Appropriation of Supplies, upon which the modern system rests, was unknown. The practice of earmarking various amounts for different things did not exist. In short, all phases of administration were considered the king's

personal concern. This was a necessary concomitant of a strong monarchy. Unless the king could regard his officials as his personal servants he could not depend upon them for the execution of his orders or the carrying out of his wishes. It was not difficult for him to have them always at his beck and call, as even the highest officials of the State were anxious to remain as near the throne as possible. Appointments at a distance from the throne were not coveted as they did not pay. In fact sometimes they were regarded as punishments. The officials were firm believers in the maxim, 'out of sight, out of mind." This personal system was a perfect machinery for an able and strong-minded ruler to work his will in the government of the land, but the success of the system depended on the personal character of the king. Only a first class personality could make it work successfully.

Under such a system the part played by ministers or Viziers was quite unimportant. With regard to the system of Viziers, the Muslim legists recognise two kinds of *vizarat*—the unlimited (*vizarat yt tafwiz*), and the limited (*vizarat yt tanfiz*). To viziers of the first class the sovereign delegated all his powers and allowed them to enjoy a considerable amount of independence. They were vested with absolute and unfettered discretion in all matters concerning the State. They could make any disposition and report it afterwards to their master. They were the virtual rulers of the realm and may be regarded as wielding the real authority in the State. The viziers of the second class possessed no such powers. Their authority was strictly limited and they could not as a rule act of their own initiative. Their business consisted only in carrying out the orders of the sovereign who kept the real authority in his own hands.

The Mughal emperor's viziers belonged to the second class. The office of the prime minister, who is always a most powerful

personage in western countries, was never allowed to develop under the Mughals, as the sovereigns were unwilling to entrust much power to any individual whatsoever. As a result the monarch had to bear the whole burden of sovereignty. A monarch who was not able or willing to bear this burden had no place in the Mughal system. Had the office of the prime minister been allowed to develop, and had the incumbent of that office been invested with more extensive powers, it would have remedied many of the evils that sprang up during the period of decadence. The poor talents of weak rulers would have been supplemented by those of the ablest men in the empire and the head that wore the Mughal crown would have felt less uneasy. On the other hand the increase of the viziers' powers might have become a dangerous and disastrous development under a weak ruler, as actually happened after the death of Aurangzeb, when the viziers became so powerful as to wrest all real authority from the hands of his weak successors and assume the title of king-makers. Under these powerful ministers who were rightly called the *vizier-i-mutelak,* the emperors were not only relieved of all burden of sovereignty but also of all power. They became mere puppets in the hands of their viziers, who, except in name, exercised all the powers of royalty. Government grew corrupt, arbitrary, and incapable. During the reigns of Ahmad Shah and Alamgir II the viziers became the virtual rulers of the State. The royal palace was surrounded by their creatures. The royal authority was not recognised even inside the palace. Such a system could never be conducive to the establishment of a stable government. However well-buttressed the power of the vizier, it could never rest on a firm basis as he was sure to rouse jealousy and ill-will among his peers. But so long as the throne was occupied by powerful emperors the ministers only carried out their commands and had no power

of initiative. They had no authority or judicature or command. Their business was simply to give advice to the sovereign but that advice was not binding. He heard them but did not always listen to them. They never had the courage to resign if their advice was rejected; indeed, such a course would have served no useful purpose. They would have ruined themselves without teaching the king a lesson. Their place, if vacated, would have been covetously claimed by many. They were ministers of the King, and not of the people. To the latter they owed neither service nor responsibility. They could not be set aside by an adverse vote of any popular assembly. The purpose of their existence was simply to serve the sovereign. They could do nothing against his commands or without his authority. All their acts were necessarily done in the emperor's name and anything they did contrary to, or inconsistent with, the positive commands of the sovereign was null and void. Even his tacit wish had to be respected by them. Otherwise they were liable to dismissal for neglect of duty. So long as they carried out their master's wishes they could maintain their position for they held their office during the king's pleasure and not during their good behaviour. The moment they stepped beyond that authority they made themselves obnoxious to the emperor who lost no time in getting rid of them.

To preserve the integrity of this personal system of government the Mughal emperors maintained a tight hold over their viceroys. It was their settled policy never to keep a viceroy too long in one province. Transfers were frequent. Confidential messengers were stationed at each provincial capital to keep the court at Delhi fully acquainted with events from day to day in their respective provinces. There were various other channels through which information flowed from all parts of the country to the central government. The system of the

Abbaside Caliphs of Baghdad prevailed here. The governors were merely the administrative and military heads of the provinces entrusted to their charge, liable to dismissal at the pleasure of the sovereign. On being relieved of office they were required to give a full account of their administration, and the slightest suspicion of breach of trust might lead to dismissal from service and confiscation of their property.

The king further strengthened his hold over the country and his officials by touring. The habit of being constantly on the move, which seemed to be so dear to their ancestors in Central Asia, was kept up by the Mughal emperors in India. Consequently the idea of a fixed capital did not possess much attraction for them. Wherever the emperor went he carried the capital with him. The great officers of the State and the imperial records always accompanied him. Even during a war these things formed a necessary part of the emperor's camp. Hence the immense size of the royal camp. "An emperor should never allow himself to be fond of ease and inclined to retirement, because the most fatal cause of the decline of kingdoms and the destruction of royal power is this undesirable habit. He should always be moving about as much as possible.

'It is bad for both emperors and water to remain at the same place. The water grows putrid and the king's power slips out of his control. In touring lie the honour, ease and splendour of kings. The desire of comfort and happiness makes him untrustworthy.' "[1]

The foreign policy of the Mughal empire was the exclusive concern of the emperor. All treatise and pacts with foreign powers were signed by him, and without his signature they had

[1] "Wise Counsels for Kings," from Hamidu-D Din's *Ahkam-i-Alamgiri*. Translated by Sarkar. Hukm No. 10. p. 55.

no validity. Any contract made by his officials without his knowledge with any foreign potentate was of no value as it was not binding upon the emperor. Even a weak king like Muhammad Shah would not forfeit this important prerogative. When Syed Husain Ali made a pact with the Marhattas which recognised their right to have a share in the revenue of the Imperial Provinces, and, as a corollary, in political power there, such an agreement failed to commend itself to the emperor although Syed Husain Ali wielded almost royal power at that time. When he wrote for a royal *firman* confirmatory of the *sanad* containing the conditions of peace, which he had sent to Sahu, the head of the Marhatta power, known as the Raja of Satara, Farukh Syer refused to issue the necessary *firman* and rejected the treaty.[2] Husain Ali by making the treaty without the previous sanction of his nominal master had made an unpardonable encroachment upon the royal prerogative and his enemies, like Wakalat Khan, lost no time in bringing this fact home to the Emperor, who was anxious to overthrow the ascendancy of the Syeds of Barha. All his great power was of no avail to render his act valid. He could deprive the emperor of his power and rule arbitrarily in his name but he could not take away from his hand the direction of the foreign policy. All negotiations with foreign states were under the direct control of the emperor. Their ambassadors had to wait on the emperor's pleasure and take their instructions from him. The time of their departure and the manner of their reception were determined by the emperor.

The king's personal rule was further secured by the use of the Imperial Seal, which was the most formal and frequently

[2] Elliot's *History of India.* Khafi Khan's *Muntakhabu-l-Lubab,* Vol. VII, pp. 468-69.

used instrument of administration. It was taken great care of and its issue was most carefully guarded. Without it hardly any important public document could claim any authenticity. It was delivered by the king into the hands of the person whom he trusted the most. When Prince Khurram became a great favourite with Jahangir the latter delivered to him the *Mohur-i-ozak*. The seal was kept during Aurangzeb's reign under the care of Raushan Ara Begum, enclosed in a small bag. But the signet with which it had to be impressed was always kept by Aurangzeb fastened to his arm for he "wished to satisfy himself that the Princess had not made use of this instrument to promote any sinister design."[3] Farukh Syer was so weak that he delivered his signet ring to the *Amir-l-Umara* Husain Ali so that the *'firmans* appointing commandants to forts should not require the royal assent."[4] All documents received their driving force from the royal seal. It is true the king also issued orders and made appointments by word of mouth or through his messengers who were generally furnished with a token of their royal master; still every important paper had to be sealed with the royal seal, which was an expression of the royal will. None could question the authenticity of a document bearing the royal seal. Anything that touched the dignity of the crown received an added sanctity from the seal. It was the instrument by means of which the emperor retained his control over the various departments of government. It was also used in matters of grace (as for pardons) and in negotiations with foreign powers. The king also used it in his private correspondence.

[3] Bernier's *Travels in the Mughal Empire*. Translated by Archibald Constable, p. 125.

[4] Elliot's *History of India*. Khafi Khan's *Muntakhabu-l-Lubab*, Vol. VII, p. 450.

It authorized action on the part of officials. It was necessary to seal every mandate for which secrecy was obligatory. Thus it was used by the king for executive purposes as well as for personal matters. It was high treason to refuse to obey any mandate under the royal seal. It was also occasionally used as a warrant for protection. The seal was an instrument by means of which the sovereign could keep his hold over all affairs of government. When Akbar wearied of Bairam Khan, who on several occasions had behaved as if he was independent of the young emperor, the latter took the reins of government in his own hands and advertised this fact by requiring that no orders issuing from the court should be obeyed unless issued under the royal seal.[5]

"The royal seal was circular in shape with the name of *Taimur-i-lang* and other kings of the Mughal dynasty. Below was the impression of the hand in saffron. The *firmans* which bore the royal seal with the impression of the hand in saffron colour were sent by the king to other kings, princes, rajas and other potentates for an assurance of peace or other binding promises. By these *firmans* he made a gift of a province or land. Some *firmans* were attested by the seal only but bore the counter mark of the chief vizier. They served as evidence for any villages, lands, houses, and so forth, of which the king made a grant to anybody."[6]

At another place Manucci says:—"The Mughal attests all the *firmans* and the grants that he accords. Usually the seal is stamped in ink, and below it the king, dipping his hand into a red liquid, impresses its shape upon the document to be

[5] Ferishta's *History of the Rise of the Mahomedan Power*. Translated by J. Briggs. Vol. II, p. 198.

[6] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. III, p. 232.

despatched. This serves as a still more authentic confirmation of the favour or gift that he makes. This ceremony is only employed in matters of importance, for in other cases they use another small seal, with which letters and despatches are sealed. The impressed palm of the hand is called *panjah.*"[7]

The Mughal emperors could exercise almost complete control over the administration in spite of the great bulk and intricacy of business. The one central fact which looms large in the politics of those times is that the executive was entirely in the hands of the king. The king enjoyed real sovereignty which was indivisible and inalienable. He could delegate a part of it to any one but he could share it with none. Two sovereigns could not live in one domain. The king's position was further strengthened by his financial freedom from any external control. Payments were frequently made out of the royal treasury on the king's word of mouth. So long as the personal system prevailed it was important that the personal expenditure of the king, as well as that of the administrative departments, should be free from any outside control. If any such control was permitted it would have placed checks upon the authority of the king who would never have submitted to it. It would have formed a fruitful source of constitutional struggle between the king and his council, as it did in England, where the Commons, who had in their hands the strings of the national purse, tried successfully to bring the Crown under control by refusing to open the purse to a king who refused to listen to their advice or to redress their grievances. Having control of the national purse the Commons of England had the whip hand and therefore had no difficulty in compelling the kings to recognise them

[7] Manucci's *Storia Do Mogor.* Translated by W. Irvine. Vol. II, p. 388.

ultimately as their masters. In India the Mughal kings having complete control of the financial resources of the country were never subjected to any such hostile pressure. They were not liable to account for the money in the royal treasury to any outside authority. There was no regular budget prepared, or, if there was, it was not adhered to. The king could spend the income of the realm in any way he liked. There was no such thing as the Civil List. Every department of the State depended upon the king for its expenditure. He could feed one fat and starve another. There was no limit to the amount that he could spend on his own pleasure. The key of the treasury was in his keeping, and the contents of it belonged to him. The king was the parent from whom all administrative offices sprang, and like a wise parent he retained a thorough control over them. As he appointed all the great officers of State, he could also dismiss them whenever they ceased to satisfy him. The higher an office the greater its precariousness because the more direct was the control exercised over it by the king. Hence the reluctance of big officials to stay away from the royal presence. When serving at a distance from the king they always took care to have some friend or kinsman to watch over their interests, for it was quite common for their enemies to poison the royal ear against them during their absence. When they were at the capital their daily attendance at the Court was not only compulsory but also necessary. As they received their nutrition and strength from the king it was essential for them to remain as near as possible to the source from which they derived them. They were in danger of withering and dying if removed from this source. Consequently they moved like satellites around the royal sun. Their daily attendance on the king must have been a source of great strain to them, but they did not mind this strain and

loved to bask in the sunshine of the royal presence. That was the only atmosphere in which they could thrive. The effect of a hundred royal frowns was removed by one royal smile. The removal from the capital to a distant place was in their eyes a sort of punishment even if the transfer meant an increase in their rank. Away from the king they could not know what was happening behind their back. The king always gave his confidence to those immediately around him, among whom the absentee officials were certain to have many enemies who would let slip no opportunity to do them harm. Their acts were liable to be misrepresented and they might or might not get a chance of explaining them. Most of the officials therefore kept revolving around the king.

Akbar tried to develop the personal rule into a system. He not only developed and improved the machinery of government, but also laid down the lines of future government. He made the work of his successors easy. They ruled successfully so long as they adhered to that system. Although each emperor had his own favourite officials to carry out his government, the changes after the death of an emperor were not many. The old and experienced servants of the father were not as a rule dismissed by the son. Though some changes were bound to be made on such an occasion, most of the old officials were confirmed in their respective posts. Experience made them too valuable to be lightly discarded. For instance, Jahangir confirmed Farid Bukhara, the *Mir Bakhshi* of his father's time, in his post. He left all those "who were in possession of posts, both inside and outside, in the possessions which they had under his father." Amin-ud-din retained the office of *Yatish-i-begi* which he had held under Akbar.[8] Thus there was not

[8] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I, p. 14.

such a break between two Mughal reigns as might be supposed. By this policy the personal system remained comparatively free from the serious defects of constant change. The bulk of the officials remaining the same, the administrative policy became a sort of tradition that was followed from one reign to another. There was not much of a gulf or breach in its continuity. Consequently there were no great political upheavals at the death of an emperor. It was only when Akbar's system was abandoned that such upheavals became frequent, but even when the system lost all vitality and vigour its outward form survived. Not that this continuance of policy in any way affected the personal character of kingship; the old officials who were anxious to worship the rising sun readily bowed their obedient heads before it. The continuity of the tradition did not in any way mitigate the rigour of the personal rule; and the system was too individualistic to encourage a constitutional or limited monarchy. The new king was as great an autocrat as his predecessors and demanded the same implicit obedience to his commands. Any old official who showed signs of independence was at once hurled from his official pedestal, regardless of his past services.

Many western travellers who can speak with the authority of an eye-witness have expressed their opinions regarding the Mughal system of government. For instance the Rev. Edward Terry, the chaplain to Sir Thomas Roe, condemns the absolutism of Mughal rule in no uncertain terms. According to him "the government is that indeed, which is the worst of all governments, called by Aristotle, Δεγποτεια. It was arbitrary, illimited, tyrannical, such as a severe master useth to servants." He also comments on the absence of laws in the country. "There are no laws for government kept in that Empire upon record (for aught I could ever learn), to regulate

governors there in the administration of justice, but what are written in the breast of the king and his substitutes, and therefore they often have liberty to proceed how they please."

Tavernier bears testimony to the great and uncontrolled power of the Mughal emperors. "The great Mughal is certainly the most powerful and the richest monarch of Asia; all the kingdoms which he possesses constitute his dominions, he being absolute master of all the country, of which he receives the whole revenue. In the territory of this Prince, the Nobles are but royal receivers, who render account of the revenues to the Governors of Provinces, and they to the Treasurer General and Ministers of Finances, so that this Grand King of India, whose territories are so rich, fertile, and populous, has no power near him equal to his own."[9]

Mandelslo, the German traveller says:—"The Great Mughal was the heir-general, to all the officers in his service." No such thing existed as "inheritance of estates belonging to great persons." The king was the absolute owner. No wonder that in India, more than elsewhere, men worshipped the rising sun; under such a system the nobles were a 'time-serving military aristocracy.'

Bernier, the French physician, in his *Travels in the Mughal Empire* says:—"It should be borne in mind, that the Great Moghal constitutes himself heir of all the *Omrahs,* or lords, and likewise of the *Mansebdars,* or inferior lords, who are in his pay; and, what is of the utmost importance, that he is proprietor of every acre of land in the kingdom, excepting, perhaps, some houses and gardens which he sometimes permits his subjects

[9] Tavernier's *Travels in India.* Translated by V. Ball. Vol. I, p. 324.

to buy, sell, and otherwise dispose of, among themselves."[10]

Bernier however admits that the people of India "are not altogether destitute of good laws, which, if properly administered, would render Asia as eligible a residence as any other part of the world. But of what advantage are good laws when not observed, and when there is no possibility of enforcing their observance?" Bernier believes that the king can appoint only tyrants to rule over the provinces as the governorships are sold and the highest bidder gets the first prize. Such governors cannot be expected by the king to redress the grievances of the people. Even if the king wanted to do justice to those oppressed by a governor the latter's partisans were always there to stand in the way. They, by misrepresenting the facts of the case, could protect the powerful governor.[11]

These views of European travellers are to be discounted a good deal in the light of our knowledge of the actual state of the country as derived from other sources. To a western mind political despotism was naturally repugnant even when it was of a benevolent type.

The Council

The only council which regularly met and was every day consulted by the emperor was the *Ghusal-khana*, where the talk was rather informal and unceremonious. But it was a privy council rather than a cabinet or an administrative body. It could have only an indirect hand in the direction of royal

[10] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable, p. 204.

[11] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable, p. 235.

policy. It was not an executive body independent of the emperor, like the English cabinet. The king went to the Council room at 8 o'clock after supper. It was a fair-sized court, and a throne made of free-stone was erected in the middle of it. The emperor generally sat on it, but sometimes he sat on a chair placed below. Only men of the highest rank were admitted to this court, and most of these had to obtain previous permission to attend. All business concerning the State, government, declaration of war, and conclusion of peace was done here. The proceedings of the Council could not be kept secret, but soon became public property. Sir Thomas Roe tells us that the business of the Council is "publicly propounded and resolved, and so registered, which if it were worth the curiosity, might be seen for two shillings; but the common base people knew as much as the Council, and the news every day, is the king's new resolutions, tossed and censured by every rascal." The king's attendance at the *Ghusal-khana* was as compulsory as that of his nobles. The officer-in-charge of the *Ghusal-khana* was called "*Darogah* of the *Khas Chauki*"—officer of the chosen sentinels.

Manucci calls *Ghusal-khana* a "secret place where the second audience is given and the Council sits. Into it only the principal lords and officers of the court enter. If anyone fails to attend, whether by accident or otherwise, he cannot enter any more without a fresh permission. To obtain this renewal he must make some present to the prince, at the very least one gold and nine silver coins."[12] The same writer tells us that "here the king gives secret orders. The officials control proceedings, without the king being able to inspect everything

[12] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II, p. 400.

that is done, owing to his multitudinous occupations. Herein are good counsels given and excellent sentences, and thence just orders are sent forth. It is a privileged and ordered place."[13] In our opinion the control of the officials over the proceedings of the Council was not so great as Manucci seems to think. It is true the king asked those present to advise him on particular occasions for particular purposes, but their advice was not binding on him. Jahangir says in his *Memoirs*:—

"In counsels in State affairs and government it often happens that I act according to my own judgment and prefer my own counsel to that of others." When *Khan-i-Azam* criticised adversely the new regulations regarding the branding of horses and commented unfavourably on the management of tax-collecting and the system of contracting for the army, the Emperor was so angry that he ordered that *Khan-i-Azam* should be forbidden the royal presence. Soon afterwards that nobleman was banished to Agra to "practise the retirement of a monastic solitude in his own garden."[14] The Council was dependent for its very existence on the king, who had always the final say in every matter. Their advice was never the collective opinion of the Council but the individual opinion of its members who were always careful of the king's pleasure.

It was not difficult for the king to control such a council. The members, having a close personal contact with the king, were bound to him by many motives and could not be expected to assert any independence against him. The deliberations and decisions of the Council came to naught if they were not

[13] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II, pp. 462-63.

[14] Badaoni's *Muntakhabu-t-Tawarikh*. Translated by Ranking. Vol. II, p. 218.

acceptable to the king, who was under no obligation even to refer a matter to the Council unless he wished. The Council was always presided over by the king, and could offer no successful resistance to him if he took a firm stand. In effect, its chief purpose was to register the royal wishes. The Council sat only so long as the king cared to sit; after his departure it dispersed automatically.

Though the Council was merely a consultative body it was not entirely useless. Important business was transacted at its meetings. Every one present had an opportunity to express his opinion. It was a select gathering, receiving foreign ambassadors and discussing questions of war and peace. Though most of its members must have remained passive listeners, attending only because of their anxiety to be near the Emperor, there was always the possibility of converting him by some artifice or by sweet words, to some line of action which he would not otherwise have considered. All the highest nobles of the land were there and the discussions included not only weighty foreign affairs but the misdemeanours of high and important officials. Though none but the bravest and most secure dared ever to put in a good word for their unfortunate peer, there were always many only too ready to help a rival to his destruction by bearing their little testimony to his misdeeds.

We possess no minutes of the meetings of the Council, but we know that it was presided over by the Emperor in person, and that its court was not so large as that of the *Am-Khas* and it was a more retired chamber. The king, seated in a chair, granted audience to his officers and received their reports. None of the great *omrahs* dared absent himself from the meeting. The penalty for failing to attend the meeting was a fine.

A noble might any day be forbidden entry by the king. This power of selecting those who were to attend was a valuable

asset to the king, since it kept the officials obedient and under control. Any persistence in variance from the king's wishes would have been regarded as an act of disrespect which might lead to unpleasant consequences. The Council was in a sense a body of household officials whom the king had no difficulty in making amenable to his personal will. The composition of the Council and the manner of summoning it militated against the growth of any such formalism as characterises the English cabinet. Its composition had no permanency and it lacked cohesion. As it was incapable of a collective action it was never allowed to realise its strength. It had no person of the position of a modern prime minister to organise and lead it along an independent course. The Council was nothing more than a court party whose main business was to echo the royal sentiments.

Still the Council was a part of the administration, though it had no mandatory powers and had no authority apart from the emperor. Its advice was sought on various matters. It considered the petitions sent to the king and offered advice on them. The frequency and regularity with which its meetings were held are a proof of its utility to the emperor and its select membership proves its dignity. Permission to attend its meetings was a hall-mark of royal goodwill and an order of prohibition against attendance was a sign of royal displeasure. Though its decisions were not binding on the emperor they were as a rule too valuable to be summarily rejected. Almost everything important came up before it and hardly anything was decided by the king before his Council had expressed its opinion on it. Important judicial cases were discussed by it. Suitable punishments were suggested for the guilty. It imperceptibly moulded the royal policy and on many occasions successfully persuaded the king to follow its advice without his being

conscious of it. Even foreign matters which formed the exclusive domain of the emperor were deliberated upon by the Council. Its advice was sought regarding negotiations with the representatives of foreign states. Requests by individual members were heard and granted by the king in its presence. As it met every day a good deal of the administrations necessarily came under its consideration. It was a good training ground for administrators. Its value as a school of official etiquette and courtly behaviour was great. Decorum of the highest type prevailed at its meetings.

It was called *Ghusal-Khana* for a queer reason. It owed this name to the fact that Sher Shah Sur once received his courtiers in his bath-room where he was washing his long hair probably because he did not like to keep his courtiers waiting. Since that time the evening assembly had been known by this name.

Bernier gives a graphic description of this institution in his *Travels in the Mughal Empire*. "The grand hall of the *Am-Khas* opens into a more retired chamber, called the *Ghusal-Khana* or the place to wash in. Few persons are permitted to enter this room, the court of which is not so large as that of the *Am-Khas*. The hall is, however, very handsome, spacious, gilt and painted, and raised four or five French feet from the pavement, like a large platform. It is in this place that the king, seated in a chair, his *Omrahs* around him, grants more private audiences to his officers, receives their reports, and deliberates on important affairs of State. Every *Omrah* incurs the same pecuniary penalty for omitting to attend this assembly in the evening as for failing to be present at the *Am-Khas* in the morning. The only grandee whose daily attendance is dispensed with is my *Agah*, Danechmend-Kan, who enjoys this exemption in consequence of his being a man of letters, and of the time he necessarily devotes to his studies or to foreign affairs; but on Wednesdays, the day of the

week on which he mounts guard, he attends in the same manner as other *Omrahs.* This custom of meeting twice a day is very ancient and no *Omrah* can reasonably complain that it is binding, since the king seems to consider it as obligatory upon himself as upon his courtiers to be present; nothing but urgent business, or serious bodily affliction, preventing him from appearing at the two assemblies..... Although the king, when seated in the hall of *Ghusal-Khana,* is engaged about such affairs as I have mentioned, yet the same state is maintained for the most part as in the *Am-Khas;* but being late in the day, and the adjoining court being small, the cavalry of the *Omrahs* does not pass in review. There is this peculiar ceremony in the evening assembly, that all the *Mansebdars* who are on guard pass before the king to salute him with much form. Before them are borne with great ceremony that which they call the *Kours,* to wit, many figures of silver, beautifully made and mounted on large silver sticks; two of them represent large fish; two others a horrible and fantastic animal called *Eiedeha;* others are the figures of two lions; others of two hands, and others of scales; and several more which I cannot here enumerate, to which the Indians attach a certain mystic meaning. Among the *Kours* and the *Mansebdars* are tall and handsome persons, whose business it is to preserve order in assemblies, and to carry the king's orders, and execute his commands with the utmost speed."[15] From the above description it is clear how important an institution the *Ghusal-Khana* was, and what a great part it played, silently and indirectly, in the administration of the country.

The Mughal government was certainly an absolute monarchy but not, in actual practice, an arbitrary despotism.

[15] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable, pp. 265-66.

It alone stood between the people on the one hand and a turbulent nobility and bigoted clergy on the other. It alone provided a watchful force without which all civil life would have become impossible, and it alone could support the moral prestige of authority. So when the people received strong government they acquiesced in it. It rested on the tacit support of the general masses. The sovereign could not afford to be arbitrarily oppressive for fear of provoking a rebellion and putting the State in danger. Such a large population as the Mughal emperors had to rule over might at any time become an armed rabble, commanded by some ambitious noble, thus endangering the peace of the realm. Oppression when carried too far is sure to react against the oppressor. Even the worst form of despotism must rest, more or less, on the willingness of the people, however tacit that willingness might be. They may not give it an articulate expression but they always imply it. If the Mughal government had been an unmitigated tyranny and the people had felt really oppressed by it, a rebel chief would have found no difficulty in finding ready support for his actions. It was this feeling of respect on the part of the governed that made the Mughal empire a living reality. They knew that their happiness mostly depended on the person in whom the sovereign power resided. Only his might could protect them from the tyranny of others; for it was the emperor alone who commanded sufficient resources for the purpose. The social order could remain intact only so long as the sovereign could command the habitual obedience of his subjects. Lack of governance could never be tolerated in mediæval India. Thus there was ample justification for strong monarchy in the time of the Mughals.

This system, however admirable when controlled by a strong king, possessed certain inherent defects. There is a fatal element of uncertainty in all systems of government which depend

for their success upon personal qualities. To manage the Mughal system well required an almost superhuman intelligence. At the advent of a weak ruler the body politic could not be expected tc remain intact but was likely to fall apart into dangerous fragments after centralisation. An unbroken chain of strong and able rulers would be essential to the system of personal government, but such a succession would be well-nigh impossible.

The formative period of Mughal history ended with the accession of Bahadur Shah. After the death of Aurangzeb, when inferior personalities came to occupy the throne, the personal system, which had worked so successfully before, broke down. His weak successors lacked the power, as well as the will, to manage the huge machinery. The country was plunged into a welter of anarchy. The political confusion which followed established the ascendancy of the nobles who tried to attain virtual independence. The compact State began to show signs of disintegration. The political stage came to be dominated by the over-mighty nobles who set the imperial authority at defiance and misruled the country. The over-mighty subject stalks in almost regal dignity across the political stage of India. The worn-out monarchy is no longer able to assert itself. Emperors are no better than royal phantoms who flit across the stage and soon disappear. They are hardly better than pawns on the baronial chess board, liable to be removed to suit the convenience of the nobles who arrogated to themselves high-sounding titles by no means empty and meaningless. When the central government grew weak and the foundations of tranquillity and order were undermined by dissensions between the emperor and his overgrown nobles, the outlying provinces steadily asserted their independence. The emperors being no longer willing to submit themselves to the onerous burdens of government, wasted their time in frivolous pursuits. They discarded old experienced

ministers and made upstarts of reprobate character their favourites. They heaped upon them honours and dignities which sat ill upon them and which alienated the nobles of the older generation, who embodied in their own persons better traditions. The position of the emperors became precarious and the people refused to be inspired with awe at the bare mention of the royal name. There was no half-way house in those days between an all-powerful king and a lawless nobility. There was no organised body like a popularly elected parliament that could appropriate the powers that the emperors were fast losing. The reins that were slipping through the feeble fingers of the monarch could be picked up only by the powerful *amirs* who thus usurped the royal power, and surrounding themselves with regal pomp and splendour began to play the role of kings. As no towering personality rose in the royal family the glories of Akbar and Shah Jahan could not be revived. The crown never recovered its lost prestige. Matters went from bad to worse. The emperors took to humouring their ministers instead of commanding them. Asad Khan's advice to Farukh Syer shortly before the former's death was:—"Now that you have so unfortunately given up your authority and empire into the hands of the Syeds, it is too late to retrograde; on the contrary, spare nothing to keep them easy and satisfied, lest these dissensions, by being protracted to a length, should give birth to matters of a high nature, and reduce you to the necessity of suffering the reins of your liberty to slip absolutely out of your hands."[16]

Emperors who owed their crown to the support of this or that noble could never assert themselves. They were constantly surrounded by the minions of that noble and the slightest

[16] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I, p. 101.

attempt at independence was visited with the greatest displeasure and in more cases than one led to the undignified confinement or even the ignominious death of the emperor. When Muhammad Shah became emperor, the "command of the *Gulalpara*[17] and the office of *Nazur*, or Superintendent of the household, were conferred on trusty eunuchs of the vizier's dependence, as it had been practised with the three preceding princes; and the minister in providing eunuchs, guards, upholsterers, elephant-drivers, menials, servants, cooks, and even water-carriers, took care to place none in that number but his own servants."[18]

How was it possible for a king living under such onerous conditions to pursue any independent policy or behave like a real monarch? He began to intrigue with his own nobles and entered into treaties with them, thus giving them a status of equality with himself which proved fatal to the already crumbling power of the crown. The nobles fortified their quarters and their troops went everywhere armed and mounted about the streets of the capital. Private houses were put in a state of defence. Life and property became insecure. It was a time of mistrust and confusion. The emperors behaved in a most pusillanimous manner and were in an abject state of body and mind. They felt their own want of ability as well as the incapacity of their worthless favourites. They intrigued with and betrayed their nobles freely. Their insincerity was

[17] The paling that surrounds the imperial quarters in a camp; it is always at fifty yards from the *Kanats*, i.e., the enclosure or wall cloth, seven feet high, that forms a common enclosure to all the emperor's tents.

[18] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I, p. 147.

publicly known and raised suspicions in every breast. Honours and preferments were cheaply bestowed on undeserving and importunate creatures whose only merit was their fulsome flattery. As soon as an office was requested it was taken away from one and given to another. New patents were drawn up and bestowed every day. The demolition of the old order was attended with disastrous results. Tyranny, misrule, and oppression were the order of the day and the people of those times would gladly have welcomed the revival of the despotism of an Akbar or a Shah Jahan. It would have acted as a balm to heal the wounds inflicted by anarchy. The character of the later Mughals lacked personal force. The process of disintegration grew apace and could not be checked. Emperors who were treated with scant respect by their subordinate nobles could not be expected to preserve peace in the country and thus miserably failed to fulfil the purpose of their existence. Their subjects ceased to yield habitual obedience to them. The halo of glory which had surrounded the crowned head began to pale before the resplendent pomp of some of the nobles. The emperors began to play at the game of government and ceased to take a serious view of their responsibilities. They failed to attend to the affairs of the State, and, leaving the management of the government in the hands of worthless favourites, spent most of their time in sport and play. Acting thus they could not possibly preserve their royal rights and dignity. The *amirs* were quick to take advantage of this neglect on the part of the sovereign and to make themselves virtually independent rulers of those provinces which they had forcibly usurped, and which they ruled autocratically though in the name of the king. The revenues of these provinces which amounted to crores of rupees ceased to be remitted to the royal treasury but remained in the pockets of the governors who, realising the

precarious nature of their tenure, exploited the people to fill their own pockets, leaving behind them abject penury and misery. The different departments of the State were starved. The army could not be paid regularly, and the wages of the soldiers fell into arrears. The king could no longer depend upon a well-equipped military force which had always formed the real basis of Mughal government. This rendered the position of the monarchy still weaker. As the kings grew weaker the nobles gained in strength. They amassed large fortunes from their own *jagirs* and from those government lands which they had unlawfully seized. The possession of so much wealth enabled them to add to their strength by enlisting a large number of soldiers who formed a rival force to the royal troops. The royal authority was openly defied and the kings were powerless to stop it. They were no longer the masters but the dependents of mighty nobles. Confusion was confounded still further after the invasion of Nadir Shah. "The *amirs* took what they liked. The emperor spent what remained to him in sports and pastime."[19] Nadir Shah met with very little resistance as Muhammad Shah had no army of his own worth the name and had to depend on his nobles who were selfish and lacked unity and were utterly incapable of concerted action. The result was an easy victory for the invader.

Under these circumstances there was very little loyalty to the crown. In fact the Mughal system never encouraged much genuine loyalty among the subjects. There was loyalty neither to a dispossessed monarch nor to a powerless one. No one acknowledged any obligation to him. When Humayun after his defeat at Kanauj was making his way to Agra with his shattered

[19] Elliot's *History of India. Tarikh-i-Ahmad Shahi.* Vol. VIII, p. 105.

army, the very peasants of Bhangaon rose against him, blocked the road, and attacked his followers.[20] He was deserted by most of his retinue in his hour of need. When Humayun was fleeing towards Amarkote from his enemies and his horse began to fall under him he asked Tardi Beg Khan, one of his chiefs, for his horse but was refused point-blank.[21] When Shah Jahan was imprisoned by his son Aurangzeb no serious attempt was made by the nobles to liberate him. Every *amir* abandoned the cause of the legitimate monarch and joined the victorious son. No person of rank or influence cared to endanger his own position by striking a blow on behalf of the dispossessed sovereign. Everybody flocked to the standard of the usurper.[22]

In these days of decadence governorship by usurpation became quite common as the central authority weakened. Kings no longer commanded armies in person and their authority in distant provinces was no longer obeyed. Every political adventurer who thought himself to be strong enough forcibly took possession of a province without caring to obtain the previous sanction of the emperor, and generally he was confirmed in his office provided he did nominal homage to the titular emperor. The royal writ ceased to be effective in many parts of the empire. The edifice of monarchy was crumbling and people turned away from it to escape being buried under the debris. Monarchs enjoyed only titular pomp but no real power. Though the Mughal monarchy was still proud and formidable to outward appearance, it was rotten to the core, and

[20] Elliot's *History of India. Tazkiratu-l-Wakiat.* Vol. V, p. 144.

[21] Ferishta's *History of the Rise of the Mahomedan Power.* Translated by J. Briggs. Vol. II, p. 93.

[22] Bernier's *Travels in the Mughal Empire.* Translated by Archibald Constable, p. 124.

honeycombed with intrigues. A large executive trust was placed in the hands of powerful governors who exercised it without sympathy towards the governed. Treason ceased to be a term of reproach, for almost every noble displayed treasonable tendencies. No one could afford to pursue an honourable course of steadfast loyalty. The incapacity of weak kings and the misrule of incompetent and self-seeking favourites ruined the State. The kings had neither the capacity for civil administration nor the military talent of the highest order which their predecessors had combined in such a remarkable degree. So great was the sense of insecurity that private houses were fortified. Revenue dwindled in amount till receipts became nil, though expenditure remained as great as before. *Subedars* employed deputies to do their work in distant provinces while they themselves stayed at court. At this crisis a master-hand was needed at the helm to save the ship of the State from drifting to destruction, but the kings were little fitted by character or disposition to cope successfully with the difficulties which now beset the empire. Decorum gave way to laxity. The weakness of the monarchy invited foreign invaders whom the country found it impossible to repel.

The choice of worthless favourites was always detrimental to the power and prestige of the crown. When Farukh Syer made Muhammad Murad, a Kashmirian who was addicted to all sorts of vices, his vizier with the title of *Itakad Khan* and conferred upon him new titles, dignities, and honours, and raised him to the military grade of seven thousand horse with the full pay and command of ten thousand, all the *amirs* were disgusted with the emperor and refused to serve him, for no one chose to submit to the indignity of serving a low class minister. The rule of such an upstart could not add to the strength of the monarch in any way. The old experienced men

who had grown grey in service felt discouraged and refused to be ordered about by the worthless minions of the king. Thinking it below their dignity to have any dealings with such men they left the Court and retired one after another to their lodgings, full of indignation at the enormous powers that had been placed in the hands of those who had no claim to them. They felt no attachment to an emperor who behaved so foolishly.[23]

Powerful nobles extorted offices from the emperor who had no power to refuse them. When, on the the death of Amir-ul-Umara Samsam-ud-daula, Bahadur Jang Burhan-ul-Mulk failed to get the high office of *Mir Bakhshi,* which was granted to Ghaziu-d-din Khan, son of Fath Jang Nizamu-l-Mulk, he turned against the emperor Muhammad Shah and began the scheme against him.[24]

Under Ahmad Shah, the government of the whole empire was in the hands of Nawab Jawed Khan, the head eunuch. The Emperor had no knowledge of what was going on around him, and the Nawab became the real ruler of the State. He managed the revenues and looked after the general affairs of the realm. The Emperor found it too much to attend to the government of the country and spent most of his time in the *zenana* which extended for a mile.[25] The onerous duties of kingship could not be properly performed by such a man. So engrossed was he in personal pleasures that he did not care to read the petitions presented to him by his subjects, but passed them on to the

[23] Syed Ghulam Husain Khan's *Seir-i-Mutakherin.* Published by R. Cambray & Co. Vol. I, p. 117.

[24] Elliot's *History of India.* Muhammad Muhsin Sadiki's *Jauhar-i-Samsam.*

[25] Elliot's *History of India. Tarikh-i-Ahmad Shahi.* Vol. VIII, p. 116.

Nawab. The other amirs were greatly dissatisfied with the royal favourite, whose conduct was becoming more overbearing every day. The Amiru-l-Umara Saadat Khan declared to his friends on one occasion:—"There is no emperor here. Why should we go to the *darbar* of a eunuch, to be insulted, and have our dignity lessened? To whom shall I state my case that I may be heard? It is better to give up such service."[26] The Emperor was deaf to the remonstrances of men like Burhanu-l-Mulk and Safdar Jang. The former died in disgust, while the latter, finding it impossible to bring the Emperor to the right path, went away to his own province.[27] It was during these days that the office of vizier became important. The military power was sapped. The army could not be paid regularly and consequently there was no discipline. "The soldiery was no more than a faded pageant, ill-provided and without spirit" as Nasir Khan, the governor of the north-west frontier provinces, wrote to Muhammad Shah on the eve of Nadir Shah's invasion.[28]

The Mughal sovereignty reached its nadir when in the time of Shah Alam, Ghulam Kadir called Akbar, Prince Suleiman Shukoh, and other princes, nineteen in number, to sing and dance before him. The tone of the command was anything but polite. On their declining to make themselves ridiculous the princes were threatened with the cutting off of their noses. Seeing there was no escape from his commands

[26] Elliot's *History of India. Tarikh-i-Ahmad Shahi.* Vol. VIII, p. 120.

[27] Elliot's *History of India.* Muhammad Aslam's *Farhatu Nazirin,* Vol. VIII, p. 174.

[28] Elliot's *History of India.* Anand Ram Mukhli's *Tazkira,* Vol. VIII, p. 77.

they did as the tyrant wanted, and as a reward they were supplied with water and food as they were greatly in want, and found it hard to see their father and children suffer from the lack of the necessities of life. Fakir Khairu-d-din Muhammad, the author of *Ibrat-Nama,* tells us that Ghulam Kadir placed his head upon the knees of Prince Akbar and went to sleep. After an hour he got up and slapped each of the princes on the neck and said, "Can such (craven) spirits entertain the idea of reigning? I wanted to try your courage. If you had any spirit, you would have made an end of me with my sword and dagger."[29]

The reluctance of these emperors to submit themselves to the burden of sovereignty and the results that followed therefrom are clearly brought out in a passage of Muhammad Muhsin Sadiki's *Jauhar-i-Samsam*:—"After the death of Amir-ul-Umara Husain Ali Khan, the Emperor Muhammad Shah never came out of the citadel of Delhi except to enjoy the pleasure of an excursion or to amuse himself in field sports. He paid no attention to the administration of the kingdom, which lacked all supreme authority, and through his indolence, unrelieved by any exertion, he fell and came to an end. For water even notwithstanding its innate purity and excellence, if it remains stagnant anywhere, changes its colour and smell. The government of the country went so completely out of the grasp of his will that the *foujdars* of every *sarkar* and *chakla,* and the *subadars* of every city and province, who possessed the strong arm of a military force, refused to pay the revenue due on *Khalisa* and *jagir* lands. They used to send merely gifts and presents to their lord and master, after the manner of friends and equals,

[29] Elliot's *History of India.* Fakir Khairu-d-Din Muhammad's *Ibrat-Nama.* Vol. VIII, p. 250.

but put the produce of the *jagirs* of the *mansabdars,* and the amount collected from the Imperial domains (Khalisa), like food easy of digestion, down their own throats. The proud and haughty of every reign raised their heads in contumacy, and the rebellious and refractory of every land fixed the bent of their inclinations on revolt and disobedience."[30]

It is true that the efficiency of the Mughal government depended upon the strength of the monarch, but its continuance and crystallisation into a permanent system could only be secured by the skill and loyalty of the officials. Exceptional qualities were required to ensure the smooth working of the governmental machinery. A combination of weak kings who were unwilling to preserve the dignity of the crown by a close attention to the dry details of administration, and selfish and unscrupulous nobles who enjoyed unlimited license, was fatal to the monarchy. Their worthless favourites, who were ready to relieve their indolent masters of the heavy burden of ruling a state, and to conduct and control administration, did so at a price. Being given a free hand these favourites were busy in the pursuit of personal gain and conducted the government most shamelessly and were more tyrannical than the worst of kings.

In the convulsions that followed the death of Aurangzeb the provincial governors gradually converted themselves into virtually independent rulers, and the supremacy of the emperors dwindled to a nominal suzerainty. The central government lost touch with the outlying provinces, and did not know what was happening there. The position of the Nawab of Oudh and the Nizam of Hyderabad was like that of the powerful

[30] Elliot's *History of India.* Muhammad Muhsin Sadiki's *Jauhar-i-Samsam.* Vol. viii. p. 73.

feudatories of France who occupied the duchies of Normandy, Burgandy, and Guienne. With Aurangzeb ended the glory of the Mughals. For the next century and a half their history is a succession of tragedies. Many emperors met with an ignominious death. All attempts on their part to rally the declining fortunes of monarchy by granting lavish concessions to their subordinates ended in failure. The central government was paralysed and its ordinances lost currency in the different parts of the vast empire. The influence of powerful nobles was seen in every department and in every administrative act. Orders were issued to please them. At their instance, appointments were made and pardons and safe conducts granted. The only way for the monarch to receive even a mock homage and fealty from them was to keep them in good humour. Very little is heard of the State and a good deal of individual nobles. Every new emperor's succession meant new appointments and executions. Muhammad Shah was partly successful in making himself independent of the authority that had overshadowed the royal power in the past but he could never revive the glories of the time of Akbar and Shah Jahan.

CHAPTER III

THE ROYAL PREROGATIVE

There was a large field of prerogative which belonged exclusively to the Mughal emperor and which was carefully guarded by him lest any one else should encroach on it. It was a body of rights and privileges which could be exercised only by the Mughal emperor and by no one else. Any attempt on the part of any subject, be he a royal prince or a mighty noble, was regarded as an act of sedition, likely to subject the culprit to the severest penalties. The authority of the emperor was encircled by a ring of royal prerogatives which raised him above every one of his subjects. The emperor, if he was wise, would under no circumstances permit anyone to poach on this exclusive preserve of his.

The royal prerogative was of various kinds.

There was a kind of music associated with royalty which was called the 'music of sovereignty.' It consisted of a variety of drums, hautboys and trumpets. It was played in honour of the emperor, though in the period of decadence it was sometimes usurped by provincial viceroys who assumed royal airs when the central authority had grown weak. This music had an air of grandeur that was calculated to remind his subjects of the emperor's sovereignty. It was played four times a day and once at night[1]; although according to some writers of Mughal history it played at the end of each of the eight watches.

[1] Syed Ghulam Husain Khan's *The Seir-i Mutakherin.*

Besides these fixed periods there were several other occasions on which this music was heard. Whenever the emperor was to undertake a march his intention to do so was announced to the public by means of this music, and his return was made known to the people by the firing of ten to twenty-five field pieces by way of a salute. This practice, which was probably borrowed from Europe served a useful purpose, in that it kept the people informed of the movements of the emperor.

As a part of the same prerogative no subject had the right of playing his own music in the royal presence or within the forbidden precincts. When Amiru-l-Umara Husain Ali Khan wanted to show that he did not care for the emperor he violated this rule. He escaped two or three *kos* from Delhi and ordered his drums to be beaten loudly to show his defiance of the royal authority. The beating of his drums near the residence of the emperor was tantamount to an assertion of independence. He repeatedly said that "He no longer reckoned himself among the servants of the monarch." He declared himself indifferent to royal censure.[2]

The drums of the royal *naubatkhana* played only in honour of the emperor. It was a mark of special affection that Aurangzeb ordered these drums to be beaten in honour of his youngest son Kambakhsh when the latter was sent to Bijapur as Viceroy. Aurangzeb's motive was to raise him in the esteem of others by conferring on him the pomp and retinue of a king.

The episode of Shuja-ud-Daulah, when he went to visit Ahmad Shah the Abdali king, beautifully illustrates the significance of this prerogative. The *Vizier* of Oudh requested his host at the end of his visit to allow his music and kettledrums

[2] Elliot's *History of India.* Khafi Khan's *Muntakhabu-l-Lubab.* Vol. VII, p. 474.

to play in the Abdali camp. The king naturally objected to it on the score that it was unprecedented and contrary to rules. Shuja-ud-Daulah, replied:—"It may be so for other music, but mine is the gift of the Emperor of Hindusthan, and not of your Majesty's; nor am I your subject, but only your hearty well-wisher." The king was pleased with this bold and frank answer, and gave the permission asked for. From this time onwards it became a custom for Shuja-ud-Daulah's music to strike up as soon as the king's had finished playing.

In a battle the emperor's drums were beaten if he was present. In his absence the drums of the Commander were beaten, provided he had been granted that honour. After a victory the imperial music was struck up.

When Aurangzeb received information through the newsletter of Kabul that Prince Muhammad Muazzam Bahadur Shah was in the habit of ordering four drums to be beaten at the time when he held court, he took strong objection to it, as according to the emperor it was an encroachment on the royal prerogative. He was naturally angry to find that the Prince was assuming airs of kingship during the life of his father. He wrote, "The Prime Minister should write to the Prince a 'Letter by Order' to this effect:—In the place of four drums you should beat four tabors because it is the prerogative of Emperors alone to beat kettle-drums while holding Court. When God gives you (the throne) you will (enjoy these Imperial rights). Why this impatience?"[3]

The Emperor Jahangir issued a number of subsidiary regulations in addition to his famous Twelve Ordinances. These

[3] Hamid-D Din's *Ahkam-i Alamgiri.* Translated by Sarkar. Hukm 12, p. 58.

regulations mention several royal prerogatives which the Emperor wanted to guard carefully.

"The *Bakhshis* were commanded to circulate orders to be obeyed among the *Amirs* of the borders, that hereafter they should not interfere in such things, which are the private affairs of kings. The first thing is this, that they should not sit in the *Jharokha* (private window), and should not trouble their officers and captains of the auxiliaries with keeping guard or saluting them, and should not have elephant fights, and should not inflict the punishment of blinding, and should not cut off ears and noses, and should not confer titles on their servants, and should not order the royal servants to do *Kurnish* or prostration, and should not force singers to remain on duty in the manner customary in (royal) *darbars*, and should not beat drums when they go out, and when they give a horse or elephant to anyone, whether to the king's attendants or to their own servants they should not place reins or elephant's goads on their back and make them perform obeisance. In going in procession they should not take with them on foot in their retinue the royal attendants. If they write anything to them they should not put a seal on it, i.e. the provincial governors were not to impress their seals on the face of their letters or other documents."[4]

Another royal prerogative was *Shikar-i-Jargah* or *Shikar-i-Qamrgah*. This was a particular kind of hunt and it could be held only if orders were issued for it by the emperor. Such an order was communicated by the royal huntsmen (*Qarawals*) to the governors, *Zamindars*, and cultivators. For the purposes of such a hunt a wide area, abounding in game, was surrounded on

[4] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I, p. 205.

all sides. This space was gradually narrowed to a very small area. When the space had become sufficiently small the emperor with his *amirs* would come and hunt there. Not even a great noble had the right of ordering a *Shikar-i-Jargah.* This form of hunt continued to be practised till the middle of Aurangzeb's reign.[5]

Another prerogative in connection with hunting was that only king or royal princes could hunt lions.[6] It was a rule that at the time of hunting if a lion appeared he could be attacked only by the emperor if he was present. No other person could attack him with a weapon. Once, in the company of Jahangir, Anup Rai was attacked by a lion, and could not attack the beast, even to save himself. But for Prince Khurram, who struck the lion with his sword, Anup Rai would have been killed outright, and without having defended himself.

It was a royal prerogative to claim anything that had been hunted by any subject. One day Humayun and Mirza Hindal were engaged in hunting. The emperor approached the Mirza who had secured a very good 'bag.' Following the rule of Chingez Khan, however, he gave the emperor all his game.[7]

[5] & [7] For a description of a Qamrgah hunt see *Al Badaoni.* Vol. II, p. 93.

"A *qamrgah* hunt was held by Akbar at about five *cosses* from Lahore. For a space of 40 *cosses* in every direction they drove the wild game together in a circle, and day by day they contracted the circle till it became as narrow as the mouth of the fair:—'The compass drew so narrow the figure of the mouth, that the circumference of the circle coincided with the centre.'" According to that author the arena contained about 15,000 wild animals. After the Emperor and nobles had finished, even the common people were sometimes allowed to join in the sport.

[6] Bernier's *Travels in the Mughal Empire.* Translated by Archiblad Constable, p. 378.

Another royal prerogative with which none but a weak king would ever part, was the appointment of the governors of forts. Husain Ali Khan took from Farukh Syer, when he (Syed) left for the Deccan, power to appoint and remove all officials and exchange the commanders of all forts in the Deccan. It was also rumoured that, under compulsion, Farukh Syer made over to him the great seal, in order that the warrants of appointment to the posts should not require imperial confirmation.

All elephants captured in war were regarded as the emperor's property. Elephants were highly valued by the Mughal emperors and therefore they claimed all who fell into the hands of their generals as a royal prerogative. When Khan Zaman and his brother Bahadur Khan Seestani defeated Sher Khan, the son of Muhammad Shah Abdali, who had advanced from Bengal to subdue the province of Jaunpur, they neglected to follow the usual custom of sending to Court the elephants which fell into their hands in the course of the battles, forgetting that the captured elephants were always considered the property of the Crown. The king was pleased with the brothers for the bravery they displayed and expressed his appreciation; but he was not prepared to overlook so gross an infringement of his prerogative, and therefore determined on marching towards Jaunpur to punish the defiant attitude of the nobles; but on reaching Karra, fearing the effects of their folly, the brothers wisely changed their tactics, advanced to congratulate Akbar, and presented him not only with the elephants and all the spoils they had taken in the battle, but made other suitable offerings to avert the emperor's anger.[8] As it was a royal prerogative also, to be offered the choicest part of the booty that fell into

[8] Ferishta's *History of the Rise of the Mahomedan Power.* Translated by J. Briggs. Vol. II, 207.

the hands of a commander after a victory, Adham Khan, who failed to observe this rule after his victory over Bahadur incurred the serious displeasure of Akbar, who surprised the guilty commander at Sarangpur and compelled him to surrender the best to the Emperor. Even the two beautiful captive women whom Adham Khan had kept with the connivance of his mother Maham Anaga, had to be sent to the royal camp at the order of the Emperor, who had come to learn of the fraud practised on him. It was an old Arab custom that the leader distributed the spoils of victory among the soldiers. According to the laws of the Caliphs, the king could retain for himself only a portion of the booty, the rest going to those who shared in the danger; but the Mughal emperor always claimed the lion's share.

The Mughal emperor took much delight in elephants and elephant-fights were an important royal pastime.[9] No subject could order an elephant-fight—it was a royal prerogative to indulge in such an amusement. When Aurangzeb learnt from the letter of the *Nazir* of Muhammad Muazzam Bahadur Shah that the Prince at the time of issuing from the *chakla* of Sarhind said something into the ear of the superintendent of elephants which the writer was too far away to catch, and this was followed by a fight between two infuriated elephants at a spot eight miles from the last halting place, he grew very angry. The Prince by witnessing the fight had made himself guilty of encroachment on a prerogative that belonged only to kings. On the sheet the emperor wrote, "..... The Prime Minister should write to the foolish Prince a 'Letter by Order' in the place of a firman, saying, 'Ordering an elephant-fight is the exclusive prerogative of kings. By these useless and

[9] *Purchas His Pilgrims.* by S. Purchas. (Terry).

unprofitable longings you cannot get the crown sooner. When the time comes and fortune befriends you, you will be a king. What ruins a man is demanding more than his lot and before the ordained time. Why do you (by such assumption of royalty make me angry and yourself afflicted?"

Only the emperor had the right to perform the traditional prayers after setting up canvas screens (*kanat*) in the Cathedral Mosque. Even a prince of the blood royal could not appropriate to himself this distinction. That Prince Muhammad Muazzam Bahadur Shah had been guilty of such an encroachment on the rights of the emperor came to the knowledge of Aurangzeb through the letter of the courier of the province of Kabul. Aurangzeb was very angry at the presumptuous conduct of the Prince and wrote on the sheet of the letter, "verily this matter is not unconnected with fear and cowardice, which are traits of this son's character. In spite of this cowardice, he ought to have a little fear of me, too. How did he dare to do a thing which is the special prerogative of kings? The late Emperor Shah Jahan was very negligent towards his sons, so that matters came to a pass that is notorious." As the Nazir had failed to write anything to the emperor regarding this important matter he was held guilty of gross negligence and was dismissed from his post. The courier was asked to make further enquiries in the matter. The Prince, if proved to have been actually guilty of such an indiscretion, was to be removed from governorship of that province and was to be ordered to come to Court to give personal explanation of the matter.[10]

No subject had the right to confer on any of his dependents the titles of *Khan* or *Sultan;* nor was he allowed to strike

[10] Hamid-D Din's *Ahkam-i Alamgiri.* Translated by Sarkar. Hukm 14, p. 60.

coins in his name. All mints belonged to the emperor and all coins were to bear his name in order to find currency in the realm. If any subject exercised this power he was guilty of the gravest misdemeanor. When people maliciously disposed towards Prince Salim wanted to turn the Emperor Akbar against him they represented to him that the former had conferred on many of his companions the titles of *Khan* and *Sultan* and had also ordered coins to be struck in his name.

The Mughal emperor was exceedingly rich in diamonds and had a large store of precious stones of all varieties. We learn from Hawkins that the emperor had in his possession all fair stones and no man could buy any precious stones, from five carats upwards, without his previous permission, for he by virtue of his prerogative must have the first refusal and was consequently able to buy them cheaply.[11]

Another important prerogative enjoyed by the Mughal emperor was to sit at the *Jharoka* and show himself to his subjects. The life of the emperor was lived before the public gaze. The only instance in which this distinction was appropriated by any one other than the emperor was that of the Queen Nur Jahan who, on account of the surpassing passion of her lascivious husband, was allowed to sit at the *Jharoka* and be seen by and receive the homage of the people. The nobles came to make their salutations and receive her commands. She was also permitted the honour of having her name inscribed on the coins, though it was against Muslim ideas; and the royal seal on *firmans* bore her signature. The *Khutba* was not read in her name, which was the only thing wanting to make her a sovereign. No other emperor ever allowed anyone to exercise

[11] *Purchas His Pilgrims* by S. Purchas. (W. Hawkins). Vol. III, pp. 37-43.

these important prerogatives. Terry tells us in his Narrative that the "king showed himself thrice a day:—at sunrise at a bay-window toward the east, many being there assembled to give him the *Salam,* and crying '*Padshah Salamat,*' that is, 'Live, O king'. At noon he sees his elephants fight, or other pastimes. A little before sunset, he shows himself at a window to the west, and the sun being set, returneth in with drums and wind instruments, the people's acclamations adding to the concert. At any of these three times any suitor holding up his petition to be seen shall be heard."[12]

It was a prerogative of the emperor alone to sit on a raised platform while holding Court. When the Prince Muhammad Muazzam Bahadur Shah had a platform erected one yard above the ground on which he used to sit while holding Court, Aurangzeb on learning this ordered the platform to be dismantled after forcing the Prince in open Court to get down from his seat.[13]

Only the emperor could go to the mosque for prayers riding in a *palki.* This privilege was denied even to the princes of the blood royal unless they had obtained the special permission of the emperor.[14]

The ensigns of royalty were the throne (*aurang*), the umbrella (*chatr*), the awning (*saiban*) and the star (*Kaukabah*). These four ensigns were used only by kings. Then there was the standard (*alam*). Not less than five standards were carried before the king when he rode out. The insignia of the Fish (*Mahi Maratib*) was one of the ensigns of Mughal royalty. The

[12] *Purchas His Pilgrims* by S. Purchas. (Terry).

[13] *Hamid-ud-Din's Ahkam-i Alamgiri.* Translated by Sarkar. Hukm 15, p. 60.

[14] *Hamid-ud-Din's Ahkam-i Alamgiri.* Translated by Sarkar. Hukm 65, p. 123.

royal standard of the Great Mughal was a couchant lion, shadowing part of the body of the sun.

It was the prerogative of the emperor only to have the *Khutba* read in his name. Any prince who had the *Khutba* read in his own name was guilty of treason. Even Nur Jahan was denied this distinction. The *Khutba* retained its primitive political character. It contained a prayer for the reigning sovereign. The Imam would pronounce it when conducting the congregational service on Fridays and the great festivals. When the Khatib read the *Khutba* at the accession of an emperor, he praised God, enumerated the names of all the preceding emperors beginning with Taimur, and according to the custom of the Mughal dynasty was granted an embroidered robe at the mention of every name. If it was thought necessary to conceal the news of an emperor's death, the *Khutba* continued to be read in his name till a new emperor was proclaimed. Before the news of Aurangzeb's death was spread abroad, the *Khutba* was read in his name in the *Idgah*.

To prohibit the reading of the *Khutba* was naturally regarded as an act of high treason on the part of anybody who dared to do so. During the reign of the Emperor Muhammad Shah, Syed Miram, who was reputed for his virtue and devotion, one Friday went to the Jama Masjid at Delhi and prohibited the reading of the *Khutba*. His object was .to attract attention to the oppression to which people were subjected. For this daring act the Emperor ordered the Hazaris of the artillery to put him to death.[15] Finally it was a royal prerogative to regulate the currency and the right was carefully maintained. All mints belonged to the emperor who managed them through his own officers.

[15] Elliot's *History of India*. Rustam Ali's *Tarikh-i-Hindi*. Vol. VIII, pp. 47-48.

CHAPTER IV

THE LAW OF SUCCESSION

In the early days of Islam the tribal feeling in Arabia was very strong. Every member of the tribe claimed a voice in the settlement of political affairs. Whatever affected all was the concern of all. No one believed that anyone could be the leader of the tribe by divine right. Such a claim could be derived only from one source, *viz.*, the *vox populi* which was regarded as *vox Dei.* As the hereditary principle was never recognised, the members of the tribe enjoyed complete freedom in the selection of their leaders; and this freedom they were not slow to exercise. Sometimes an individual was specially gifted and his election was a foregone conclusion. A personality towering head and shoulders above others discouraged rivals; but even such a one could not step into the high position automatically. When the time came he had to be formally elected by members of the tribe, and without such an election he could not take the place of the dead chief. After the formal election was over the new chief received homage from the other members of the tribe who expressed their approval of the election by swearing allegiance to him. There was real democracy in Islam during those days. The first four Caliphs were elected by the people, but succession by election did not last long. Under the Umayyad dynasty the Caliphate ceased to be elective, and the hereditary principle was first introduced. The principle of free election by the assembled community and its confirmation by general homage ceased to be the practice.

The Caliph Muawiyah in the seventh century A.D. nominated his son Yezid as his successor to the throne and forced the people to swear fealty to him. This practice was followed by his successors who tried to secure for their sons the adherence of soldiers and grandees by requiring these to acknowledge the sons during their fathers' lifetime.[1]

This practice clearly indicated that democracy had given place to autocracy, for control of the succession could only follow strong and absolute monarchy which could ignore the popular voice.

The precedent created by Muawiyah was generally followed during the Abbaside period. The reigning Caliph began to nominate the most competent of his sons or sometimes his favourite son as his successor. When the power of the Abbaside dynasty declined the practice of the son's succeeding the father became fairly general, though the political theory always maintained that the highest office was elective. This system of nomination eventually gave rise to monarchy in all Islamic countries.

In Mughal India as in other Muhammadan countries, the law of primogeniture being absent, the fittest rather than the eldest son was the successor to his father's position. Shah Ismæl Safwi, king of Persia, had declared that the right of kings was founded on power, and the longest sword was the best title. Sheebani Khan's argument was of a similar nature:—"Those only like myself are worthy of possessing the bride of sovereignty, who dare kiss her through opposing swords. The right of kings is the best title."

Although Terry says that the first son, by any of the emperor's married wives, inherited the throne by prerogative of birth, his statement is not borne out by facts. He also tells

[1] Amir Ali's *History of the Saracens*, p. 83.

us that the other sons did not survive their father long. Khusru and Dara though the eldest sons of their fathers were both unsuccessful in their attempts to acquire the throne as they were lacking in qualities essential to successful men of the world. But we do not find the son ever set aside to make room for the ablest and most respected of the relatives, as was the case among the primitive Germans.

The absence of a fixed law of inheritance always made a war of succession probable at the death or deposition of every monarch. The fight was however confined to the royal brothers or their sons. No outsider had any chance to make a successful bid for the crown.

The comparatively peaceful nature of a succession in European monarchies is due to the presence of a fixed law which regulates this important matter. During the lifetime of a European monarch every one of his subjects knows the heir to the throne and after the death of the sovereign that heir has no difficulty in ascending the throne and securing recognition from the people. No pretenders care to come forward, as they know that no support would be forthcoming. Hence the small number of the wars of succession in western countries. On the other hand in Islamic countries the law is by no means fixed. Shah Jahan had during his lifetime nominated Dara as his successor. He made him the virtual ruler though the prince continued to carry on the government in his father's name. Shah Jahan, to strengthen further Dara's position, had made his last will in the presence of his chief officers of State whom he ordered to render obedience to Dara, their future sovereign. But all this proved to be of no avail.[2] Every one of the younger brothers had to be reckoned with. Any one of them by virtue

[2] J. N. Sarkar's *Aurangzeb*. Vol. I, p. 306.

of some superior quality might win the adherence of the nobles and the army, and keep the eldest brother out. It all depended on circumstances. Might, among the princes, was the only right which found general recognition. There was no fraternal affection among the brothers to act as a restraining force on their ambition. Each of them was prepared to fight for the vacant throne, and none of them could be charged with an attempt at usurpation. When Khusru fled from his father the latter sent the *Amir-ul-umara* and further instructed him to use force freely if the prince refused to return. "For Kingship regards neither son nor son-in-law. No one is a relation to the king."[3] Sometimes there was no waiting for the emperor's death and the struggle commenced during his lifetime, if his hold over the administration tended to relax. A weak monarch in the Mughal India was a superfluity in the economy of nature. One who could not rule was not allowed to reign. It was within an emperor's power to select his own successor; but though an emperor could make a will regarding the throne, still it altogether depended on his sons whether they abided by their father's will or not. Such a will had no sanctity in the eyes of anyone. The final arbiter was an appeal to arms. In fact the lot of a Mughal prince was rather hard. The younger sons could not hope to be favoured with dukedoms or marquisates, as is the custom in the west. No peaceful career commensurate with their dignity was open to them. They had to choose between a kingdom and an ignominious death. Any inaction on the part of a Mughal prince in the matter of claiming the throne was fatal to him, and a failure to make his claim good was equally disastrous. Death was the usual if not the inevitable penalty exacted from him both for inaction and failure. The victorious

[3] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I, p. 52.

candidate could not afford to be merciful. He had to be cruel to his unsuccessful rivals—necessity knew no humane alternative. Any leniency in this matter was sure to militate against the security of the reigning sovereign. Muhammad II of Turkey issued a famous edict (*Kanun*) that the son who actually secured the throne was legally authorised to execute his brothers.

As we have seen a war of succession sometimes broke out during the lifetime of a sovereign. When a son reached manhood he grew tired of occupying a subordinate position in the country and felt a very strong desire to become independent. Grown-up Mughal princes were a source of danger to the emperor. They were likely to find their subordinate position too galling for their dignity and too irksome for their comfort. Those who surrounded them lost no opportunity to encourage them to assert themselves by defying the royal authority. Rebellions on the part of sons against a reigning father were fairly frequent. Akbar, Jahangir, Shah Jahan and Aurangzeb all had to suffer from the unfilial conduct of their respective sons. In fact Mughal emperors and their grown-up sons were more often than not on bad terms with one another, and various methods were employed by the former to keep the latter under check.

So long as the throne was being disputed the nobles had carefully to watch the course of events; as soon as one claimant succeeded in making his claim good by defeating all his rivals he became the *de facto* sovereign and all nobles hastened to tender homage to him. There was no further occasion to question his rights. The unsuccessful candidates had forfeited their claims completely. When Aurangzeb fell ill his youngest son Kam Bakhsh wrote to the Grand Vizier Asad Khan to hand over the treasure to him (Kam Bakhsh); the Vizier replied:—"May God preserve his Majesty's life! If it happen otherwise and he

die, I am constrained to make over the treasure, the property, and the whole of this army to that one of the emperor's four sons who succeeds in ascending the throne and crowning himself, and to him I shall render an account of everything."[4] This reply clearly implies that the only claim which was regarded as valid was the actual possession of the throne. During the struggle the nobles had to be wary, to watch every turn of the situation. When the war of succession was going on among the sons of Aurangzeb, and Azim-ush-Shan on behalf of his father called upon the governor of the citadel of Akbarabad to surrender the place, the latter replied:—"That at a time when the Imperial throne was disputed with slaughter and enmity, between three princes of the Imperial blood, he could not, with any propriety, deliver the fortress to any of them unless that one should have established his government; in which case, he knew too well what became him, both as subject and a servant, to mistake his duty."[5] After delivering himself of this answer he began to make preparations for withstanding a siege.

The absence of a fixed law of succession was not an unmixed evil; from the uncertainty of the succession the State benefited indirectly. The throne generally went to the fittest among the rival candidates for sovereignty. No unworthy person could ever hope to win it or, having won it, to keep it long. It is difficult to blame those who took part in the civil wars of the time, and in any case, the Mughal princes were not worse than their contemporaries. The house of Babar was too humane to permit the publication of such a decree as the one

[4] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. IV, p. 241.

[5] Syed Ghulam Hussain Khan's *Seir Mutakherin*. Published by R. Cambray. Vol. I, p. 7.

issued by Muhammad the Second, the Ottoman Sultan, for the execution of brothers upon the accession of a sovereign. We come across several instances of remarkable lenity among the Indian Mughals, and as a result, the resources of the empire were occasionally wasted in civil wars between father and son, and between elder and younger brothers. In fact lenity was productive of more harm than good to the State. There being no statutes bearing on the subject of succession, every one was tempted to try his luck and make a bid for the throne, and the nearer one stood to it the stronger was the temptation. It was always difficult, one might say almost impossible, to maintain the elective principle in mediæval India. According to Islamic law the throne is open to any orthodox candidate provided he is elected by the assembly of the faithful. In actual practice the throne is open to any orthodox candidate who has the longest sword and can secure the support of the military nobles. Taking an instance from one who, though not a Mughal, still flourished during the Mughal period, we find that after the death of Sher Shah Sur a consultation was held concerning the appointment of a successor. Khawas Khan, one of the most influential nobles of the time, who was in favour of Adil Khan, suggested that the best course would be to raise that prince to the throne, as he was the eldest son and therefore the rightful heir. But he was easily overruled by the Niazis who unanimously declared, "What advice is this? No one obtains a kingdom by inheritance; it belongs to whoever can gain it by the sword."[6] These words of the Niazis contain in a nutshell the theory which held sway throughout mediæval India.

Though there was always uncertainty about the succession,

[6] Elliot's *History of India. Tarikh-i-Daudi.* Vol. IV, p. 487. (By Abdullah).

it must be remembered that no mere adventurer ever wore the crown in Mughal times, if we except the case of Sher Shah who represented himself as the heir to the Pathan rulers of the country and therefore regarded the Mughals as usurpers. So the claim of strict right, that is, membership of the royal family in the male line, was never set aside.

The Mughal emperors were themselves alive to the danger of a civil war among their sons after their death. Babar had not been troubled by his brothers, as both his brothers died of drink before he came to India, Jahangir in 1507 and Nasir in 1515. But he could not forget that his defeat at Kul Malik at the hands of Abaid-ul-lah Khan had been due to want of co-operation by his brothers.[7] When Babar was lying ill he had no difficulty in foreseeing such a contingency—a civil war among his sons. He had four sons and a son-in-law. It is hinted by some historians that Babar favoured the succession of his son-in-law Muhammad Zaman so far as the sovereignty of Hindusthan was concerned. If so, he must have been led by either of two considerations. Either he thought that his eldest son, Prince Humayun, was too soft a person to keep under control a strange and newly acquired land, or he regarded Hindusthan as a less important possession than Badakhshan and therefore he reserved the latter for Humayun. The first reason lacks conviction, as Humayun had given ample proof of his daring and valour during his father's lifetime. It is true he had misbehaved during his father's lifetime, and on one occasion had been severely reprimanded by Babar for opening several treasure houses at Delhi and taking possession of their contents without permission. But he was not a weakling. He had participated in many enterprises and

[7] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge. p. 91.

acquitted himself creditably. The second motive has more to commend itself to a student of history. But if Babar ever seriously entertained the idea of leaving Hindusthan to his son-in-law he soon abandoned it. This change in Babar's plans might have been a result of Humayun's serious illness which brought the father and son much closer; or perhaps Humayun's mother, suspecting the truth regarding Babar's intentions of bestowing the royal insignia on Muhammad Zaman Mehdi Khwaja, might have sent for Humayun, who, in response to her urgent call, left Badakhshan without even waiting for formal permission from his royal father and hastened to Hindusthan.

Towards the end when Babar's heart was "bowed down by ruling and reigning" he felt a desire to retire from active life. At that time he definitely named Humayun as his successor.[8] Babar's last words addressed to his nobles assembled round his sickbed leave no one in doubt regarding his final intentions. He told the 'begs' present there:—"For years it has been in my heart to make over the throne to Humayun Mirza and to retire to the Gold-Scattering Garden. By the divine grace I have obtained all things but the fulfilment of this wish in health of body. Now, when illness has laid me low, I charge you all to acknowledge Humayun in my stead. Fail not in loyalty to him. Be of one heart and one mind with him. I hope to God that Humayun also will bear himself well towards men."[9] He further told Humayun to do naught against his brothers, whatever their deserts. It appears that Babar must have been alive to the danger to Humayun from his brothers.

[8] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge, p. 103.

[9] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge, pp. 108-9.

Luckily for Humayun the most powerful *amir* of the time veered round to his side. In the beginning Khalifa Nizam-u-Din Ali Barlas the Prime Minister, had favoured the cause of Mehdi Muhammad Zaman, Babar's son-in-law. Mehdi Khwaja was well qualified to be Babar's successor in Hindusthan. He was a noble by birth, probably a Tirmizi Syed, and the son of a Timurid mother. He had married the Emperor's daughter Khanzada and held an important military rank. Khalifa knew Humayun's faults, and had also an inkling that Babar would not object to the supersession of Humayun by Mehdi so far as Hindusthan was concerned. He might therefore have thought that he was not acting contrary to the Emperor's wishes in supporting Mehdi's claims to the Indian territory. It is also possible that Khalifa did not think he would be doing any harm to Humayun by lending his support to his brother-in-law, as his plan was meant to apply only to Hindusthan. Babar had always regarded Kabul as the real centre of his empire, and Hindusthan only as a dependency. Neither he nor his *begs* preferred Hindusthan to Kabul. He wanted to wrest more territory from the Uzbegs and bring back Farghana and Samarkand, his home territory, under his sway. Badakhshan would have formed a good base of operations from which to extend the royal dominions into Central Asia beyond the Oxus. This was an ambition which was ever present with him right up to his death. With this object he appointed his two eldest sons to the frontier provinces so that they might conquer more territory and extend the area of his empire. Babar's dominions were of a varied character. If Khalifa wanted to divide those dominions no one could say that he had no precedent for this. Babar's grandfather, Abu-Said Mirza, had distributed his territory among his sons. Before him Amir Timur had divided his kingdom among his four sons:—Jahangir Mirza, who died during his father's

lifetime, was given Samarkand; Shahrukh Mirza was appointed the ruler of Herat; Umar Sheikh Mirza received the territory of Indijan; Meeran Shah was made the ruler of Persia and successor to the kingdom of Halakoo Khan. Khalifa perhaps thought of a similar division between Mehdi and Humayun. By giving Delhi and Agra to Mehdi he would perhaps not be acting against the wishes of the Emperor. Kabul had been raised to the dignity of an imperial domain by Babar's orders. Hindusthan was not the most coveted part of the empire according to that monarch. The imperial army did not like to stay there. The fact that Babar wanted Humayun to stay on the other side of the Hindu Kush mountain is amply proved by the outburst of his anger on the occasion of Humayun's leaving that part for India. However we are more concerned with facts, and need not spend much time in the region of speculation. Humayun was present at the last hours of Babar's life, and had his mother on the spot to back him up. His (Humayun's) illness had appeased Babar's anger to an appreciable extent. When Humayun's mother, Maham, told Babar not to grieve for her son as he had other sons the Emperor replied:—"Maham! although I have other sons, I love none as I love your Humayun. I crave that this cherished child may have his heart's desire and live long and I desire the kingdom for him and not for the others, because he has not his equal in distinction."[10] According to Ferishta also Babar appointed Humayun as his successor. The father could not resist the son. Moreover Mehdi had alienated Khalifa, his erstwhile most powerful supporter, by his overbearing demeanour and fickle character. The alienation of Khalifa made Mehdi's case hopeless, the scheme of his succession never materialised,

[10] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge, pp. 104-5.

and Humayun became the undisputed ruler of all Babar's dominions on both sides of the Hindu Kush. Babar's death was kept concealed till Humayun was safe on the throne.[11]

Humayun's troubles were not over on his ascending the throne. He had taken to heart his father's death-bed advice regarding the treatment to be accorded to his brothers. Kamran claimed Kabul, on the ground that it had been given to his mother Gul-Rukh by Babar. Humayun like a good brother gave it in fief to him, unmindful of the evil consequences of this foolish step. His other two brothers Hindal and Askari received similar fiefs in Hindusthan, the former in Mewat (Alwar) and the latter in Sambhal (Rohil-Khand). This partition of the empire was as humane an act of Humayun's as it was impolitic. It weakened the central government and spelt the ruin of the authority of the generous monarch. It deprived the reigning sovereign of the best recruiting ground for the Mughal army. There were frequent uprisings of his brothers against him, and this in spite of Humayun's being his father's nominated successor.

The absence of a fixed law of succession was alone responsible for this state of things. Each brother thought that he had as much right to the throne as Humayun. None of the younger brothers paid any deference to his father's wishes. The nobles and the army being the determining factors, each intrigued with them. The brothers mistook Humayun's generosity for weakness. Intrigue was the natural and inevitable result of such a division. His brothers did not respect him any the more for fulfilling his father's dying injunctions by bestowing on them the governorships of various provinces. At the time of his worst

[11] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge, 109.

trials he looked in vain for a helping hand from those whom he had treated so indulgently, and who ought to have been the mainstay of his throne. Every one of them tried to defy his authority and assert his own supremacy. They had the *Khutba* read in their respective names. They never made a common cause with him against an enemy whose rise was fraught with danger to every one of them. Humayun tried his best to make them realise the gravity of the situation, but in vain. They ought to have united against the common enemy and then divided the empire amongst themselves as suggested by Humayun. But they could not be content with a part. They must have all or nothing. If the law of primogeniture had been in force none of the younger princes would have dared to set the eldest at naught. If Humayun had been faithfully served by his brothers he might have been saved from exile. It was only when Hindal Mirza and Askari Mirza died and Kamram Mirza was blinded that Humayun could feel secure, as blindness rendered a prince ineligible for the throne according to the Mughal Code. Humayun's forgiveness knew no bounds but it could never win any gratitude from those to whom it was shown. Kamram was deprived of his sight not because he had rebelled against Humayun but because he had at the same time offended the nobles. He had alienated them by the highhandedness and cruelty to their relatives. They all represented to Humayun that brotherly custom had nothing to do with ruling, and that if he wanted to be a king he should put aside his brotherly sentiment which had no place in the art of government. If he could not do so the only proper thing for him was to abdicate and retire from his high position. They urged the emperor to treat rebellion as an act of treason and his rebellious brother as a political enemy. They further advised him to "lower the head of the breacher of the kingdom.' Kamram being

universally disliked, all the traitorous acts committed by him were related by his enemies to the emperor. Humayun was still unwilling to punish his brother. He heard the unanimous verdict of the assembled Khans and answered that 'though his head inclined to their words his heart did not.' But the *amirs* were insistent and represented to His Majesty that he should follow the really advisable course pointed out to him by them, —his well-wishers. The emperor seeing no escape called upon them all to attest their advice in writing, which they unhesitatingly did. Being thus compelled and fortified, Humayun, when he got near to Rohtas, gave an order to Syed Muhammad to go and blind Kamran in both eyes. Syed Muhammad who was not particularly well disposed towards the prince lost no time in carrying out the royal order. Humayun was no longer troubled by the ambitions of any rival claimants.[12]

If Kamran had not made himself objectionable to the *amirs*, the latter would not have made a pact with the emperor to bring about his downfall. But his foolish persistency in wrong-doing turned against him such powerful persons as Haji Muhammad Khan Kuka who could not rest content unless he had brought about his ruin.

Humayun cannot be accused of harshness towards Kamran. He had, if anything, been too indulgent to him. Kamran had been pardoned, kissed and honoured by Humayun when the latter took Kabul. The two brothers embraced each other and sobbed so much as to affect all present. Kamran was given Kulab, a district of Badakhshan, as a fief. But even this indulgent treatment could not persuade him to leave the path of treachery. When Humayun engaged in a war with

[12] Gulbadan Begum's *Humayun Nama*. Translated by Beveridge, pp. 200-201.

the Uzbegs, Kamran refused to come to his aid and the emperor was left almost alone. Next year, in 1550 A.D., Kamran surprised Humayun in the Qibchaq defile, and the engagement between the brothers was attended with great loss of life, Humayun himself receiving a serious wound on the head. Kamran again took possession of Kabul. This sort of behaviour showed that he was not a man to be won over by kindness. When the *amirs* sat in judgment on him they took special pains to emphasise this point against him.

Luckily there were no minors among the Mughal emperors. Akbar may be regarded as an exception, but even he, having been brought up in the school of adversity, was not unacquainted with the affairs of the State, and did not wait long after his accession before asserting his personal government. He was much older than his years.

When Humayun died his death was concealed until Akbar's return to Delhi. "Before the decree for the accession went forth, Bairam Khan.....enjoined on Pir Muhammad Khan Shirwani not to allow the news of the death of the late emperor to be spread abroad."[13] The custom of concealing the death of the emperor was almost invariably followed in Mughal times as there was always a danger of civil war. Akbar had few rivals. His half-brother Muhammad Hakim, the son of Mah-Chuchak, had been born only in 1553 and was therefore much too young to put up a fight for the throne. His uncles were no longer in the field. Hindal Mirza had already been killed in 1551 in a night attack made by Kamran Mirza against the royal forces. Kamran after being blinded in 1553 had been

[13] Badaoni's *Muntakhabu-t-Tawarikh*. Translated by W. H. Lowe. Vol. II, p. 2.

allowed to go to Mecca. He died in 1557 after making the Haj four times. Askari Mirza had been granted a similar permission. He died between Mecca and Damascus in 1558. Therefore Akbar's accession presented no difficulties. After some time, when Akbar's half-brother Muhammad Hakim grew up, he thought of contesting the throne with him, but Akbar was by that time too firmly seated on the throne to be dislodged, and all Muhammad Hakim's rebellious efforts proved abortive.

The question of succession again loomed large when Akbar's reign was drawing to a close. Prince Salim's behaviour during the lifetime of his father had not been characterised by much filial obedience. His son Khusro had been a great favourite with his grandfather. These two facts combined had led some of the nobles to suppose, though as it turned out in the end wrongly, that Akbar wished to be succeeded by Khusro and not by Prince Salim. "Some flatterers and foolish talkers had put thoughts of empire into Sultan Khusro's head."[14] Khusro had powerful partisans in his father-in-law, Khan-i-Azam Mirza Aziz Koka, and his maternal uncle, the famous Raja Man Singh. When Akbar was on his death-bed these two powerful grandees called some of the important nobles together in order to consult with them regarding the question of succession. They went so far as to say: "The character of the high and mighty Prince Salim is well known, and the Emperor's feelings toward him are notorious, for he by no means wishes him to be his successor. We must all agree to place Sultan Khusro upon the throne." They appointed their own men at the gates of the fort. The Khizri gate was placed in charge of Shaikh Farid with

[14] Shah Nawaz Khan's *The Maasir-ul-Umara*. Translated by Beveridge, p. 24.

some of their own men.[15] But they found themselves in a minority. Their view was opposed by many who made Syed Khan their spokesman. This Syed Khan was one of the great nobles and wielded great influence on account of his connection with the royal house as well as his descent from an ancient and illustrious Mughal family. "Of what do you speak, that in the existence of a prince like Salim Shah, we should place his son upon the throne? This is contrary to the laws and customs of the Chaghatai Tatars, and shall never be." But this declaration is not to be taken seriously so far as the argument goes. Syed Khan was not expounding any well-defined or commonly accepted law of succession. He simply spoke as a partisan of Prince Salim, and he depended for the acceptance of his theory on the support of nobles like Malik Khair, Murtaza Khan, Muhammad Khan and others, rather than on the constitutional soundness of his declaration. It was natural that a son should succeed to the throne and not a grandson, but it was not in accordance with any written law of constitution. Farid himself who had been put in charge of the Khizri gate, and who had the control of the army, did not like his position,[16] and coming out of the fort saluted the Prince Salim and congratulated him as the future emperor of India.[17] His example was quickly followed by the other *amirs* who rushed to the spot. Raja Man Singh was himself won over by Salim who confirmed him in the government of Bengal while Akbar was still living.[18]

[15] Shah Nawaz Khan's *The Maasir-ul-Umara.* Translated by Beveridge, p. 523.

[16] *Ain-i-Akbari* Vol. I. Translated by H. Blochmann, p. 327.

[17] Shah Nawaz Khan's *The Maasir-ul-Umara.* Translated by Beveridge, p. 523.

[18] Shah Nawaz Khan's *The Maasir-ul-Umara.* Translated by Beveridge, p. 523.

Salim's position was strengthened by the wish of his father who was fully alive to the circumstances. Akbar must have been troubled with the idea of a sanguinary civil war after his death, and with a view to avoiding that he must have felt anxious to settle the question during his lifetime. When Prince Salim visited him with several nobles, he opened his eyes and made a sign to the nobles to invest the prince with the turban and robes which were the insignia of royalty and had been prepared for him beforehand. He further told the *amirs* to gird the prince with his own dagger. This was followed by the attendants prostrating themselves before the newly invested Prince and doing him homage. This could not but strengthen Salim's position considerably. But even then if the prominent nobles and the Syeds of Barha had espoused the cause of Khusro and gone over to the side of Raja Man Singh and Mirza Aziz Koka, Khusro would probably have succeeded Akbar on the throne of Hindusthan. It was lucky for Salim that he won, but he won by a very narrow margin. He was not a worthless prince and had quite a number of friends among the nobles to support him. Those who had intimately associated with him could not expect any increase in rank or emoluments in the event of Khusro's victory. They naturally threw their weight on his side.

Jahangir, referring to the conspiracy formed during his father's last illness with the object of placing Khusro on the throne, writes in his Memoirs:—"The supreme Dispenser of Justice gives this high mission (sovereignty) to those whom he chooses, and it is not everyone that can becomingly wear the robes of royalty." This clearly shows that Jahangir based his claims to the throne not on the law of primogeniture but on his personal worth in which, according to him, his son was lacking. He was justified in thus declaring his own superiority over his defeated son, as he had won. Khusro did not abandon

his ambitious ideas even after his father had formally been crowned. But possession is nine points of the law, and after the formal coronation of the father the son's position was at best only that of a rebel. Subsequently a conspiracy was formed against Jahangir but it was detected and the conspirators had to pay for it with their lives.[19]

Jahangir's life was too long to suit the ambitions of two of his sons, who were already advanced in years—Khusro and Khurram. In addition to these two there was Shahryar, the son-in-law and nominee of Noor Jahan. He had married Ladli Begum, the daughter of Noor Jahan by her first husband Sher Afgan. Khusro argued that the kingdom had been left to him by his grandfather Akbar in preference to Jahangir. This argument did not help him much. But there is a good deal of common sense in his words:—"Let us break silence since we have no alternative; and let us not suffer them (Jahangir and Noor Jahan) to deprive us of our rights without complaining, and without contending for them. I shall certainly not become more criminal by taking arms against Jahangir, than he himself was in revolting against Akbar. If I offend, it will only be by following the example of my father."[20] Khusro had forfeited the regard of his royal father by rebellions in the early part of the reign. Khurram was a great favourite with his father and had been raised to the highest dignities that a royal prince could dream of. Jahangir had conferred on him the title of Shah and ordered that he should be styled Shah Sultan Khurram.[21] He writes in his Memoirs:—"What my

[19] Elliot's *History of India.* Vol. VI. *Wakiat-i-Jahangiri,* pp. 315-16.

[20] Father Francis Catron's *History of the Mughal Dynasty.* English Translation. p. 150.

[21] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. I, p. 338.

reverend father did for my brothers I (Jahangir) have done for his (Khurram's) servants, giving them titles, standard and drums."[22]

But all this was of no avail. The over-weening ambition of that prince, coupled with his justifiable dread of Noor Jahan's influence, turned him away from the path of filial obedience. At first he grew sullen and then openly rebelled against the Emperor. Jahangir experienced little difficulty in quelling the rebellion and ceased to regard Khurram as his favourite. Khurram was compelled to sue for pardon and was required to send two of his sons, Dara Shukoh and Aurangzeb, as hostages to Jahangir in 1035 A.H., together with two *lacs* of rupees. On his death-bed the Emperor ordered all his officers to recognise Prince Bulaki as King and legitimate heir to his kingdom after his death, and declared Sultan Khurram to be a rebel, and as such incapable of succeeding him on the throne. On the Emperor's death the *amirs* proceeded to give effect to the royal will by placing Sultan Bulaki on the throne and doing him homage. But this glory was short-lived. Prince Khurram had a strong party at his back. As soon as he received news of his father's death he did not allow the grass to grow under his feet. He hurried to the scene and with the help of his partisans succeeded in proclaiming himself emperor. Bulaki, the sacrificial lamb, found himself deserted by everyone. His succession had really been only a ruse to deceive the world. It was a makeshift arrangement to save the country from turmoil till the arrival of Prince Khurram (as the throne could not remain vacant) and to ensure the latter's succession. The nobles as is always the case on such occasions, sided with the strongest claimant.

[22] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II, p. 248.

This intrigue owed its success mostly to Asaf Khan. After Jahangir's death Asaf Khan, who was the most influential noble in the country, won over Khan-i-Azam (Iridat Khan) to his side; and these two arch-plotters brought Bulaki (Dawar Baksh), the son of Khusro, out of his place of confinement and placed him on the throne. But this was done only to hoodwink the people. Asaf Khan at the same time sent the news of Jahangir's death to Khurram who was away, by means of a signet ring as a guarantee, there being no time for writing a letter.

As soon as Prince Khurram arrived he ascended the throne, assuming the title of Shah Jahan. Poor Dawar Baksh was cast into prison. According to Muhammadan law Bulaki was excluded from inheritance, as his father Khusro had died during the lifetime of Jahangir. The new Emperor sent a *firman* to his accomplice Asaf Khan, who had the high-sounding title of Yamid-ud-Daula conferred on him as the reward of his great services, to the effect that all the princes who could trace their descent from the emperor Akbar should be 'sent out of the world'. Asaf Khan had no hesitation in giving effect to the Emperor's *firman*, the contents of which were more or less in accordance with his own desires. On the 26th *Jamada-l-Awwal* (that is 24 days after Shah Jahan's accession) Dawar Baksh, his brother Garshasp, Shahryar, and Tahmuras and Hoshang, who were the sons of the deceased Prince Danial, were all put to death.[23] Khusro had already been disposed of during the lifetime of Jahangir. That prince, although not a favourite with his father, was very popular with the people, who held him in great honour and almost adored him for his many

[23] Elliot's *History of India*. Vol. VI. *Ikbal Nama-i-Jahangiri*, by Mutamad Khan, p. 437.

virtues. Shah Jahan, when he was only a prince was jealous of Khusro, who, by virtue of his character stood a better chance of succeeding to the throne than Shahryar since the latter though supported by Noor Jahan, was an utterly worthless and unambitious prince. If Noor Jahan had backed Khusro instead of Shahryar, Khurram would probably not have secured the crown of Hindusthan. In such a scheme the sympathies of a large section of the people and the nobility would have been on Noor Jahan's side. Khusro's personal qualities combined with Noor Jahan's influence would have been more than a match for Shah Jahan. But she wanted a more docile prince who would consent to be a puppet in her hands. She therefore preferred a weakling like Shahryar to his brother. She put her money on the wrong horse and consequently lost. When Jahangir ordered Khurram to go for the conquest of the Deccan the prince refused to do so unless his brother Khusro was handed over to him before his departure. Jahangir found it impossible to refuse the unreasonable demand of the prince, and Khusro was delivered to his ambitious and unscrupulous brother who dragged him to the Deccan. By delivering Khusro into the hands of his relentless brother, Jahangir in effect handed over to the latter the hope of succession and the present power thereof. Everybody knew that Khusro's fate was sealed and no one hoped to see him return alive from the Deccan campaign. The courtiers expressed their suspicions in whispers and many nobles must have felt genuinely sad. But there was not a blow struck, not even a loud protest made, on behalf of the unfortunate prince. The venal nobility watched 'mute and inglorious' without having the courage to utter their condemnation of this foul transaction. There was no one chivalrous or bold enough to rescue the victim from the cruel fate towards which he was forcibly being dragged by his treacherous brother and

his accomplices. The ladies of Khusro's household raised a tumult and refused their food, but without avail. They accused the Emperor of dotage and cruelty. They even held out the threat that they would burn themselves to death if there was any foul play towards Khusro. The Emperor protested that he had no evil intentions towards his eldest son, but he could not convince the ladies of his innocence. As a last resort he sent Noor Jahan to comfort the distracted ladies. The queen failed in her mission, as the ladies refused to receive her.

No one could call the apprehensions of the ladies of Khusro's household groundless. Khurram was not ignorant of Khusro's virtues and popularity, and he was not foolish enough to let slip an opportunity of removing a formidable rival from his path. He knew that his attempt at doing away with Khusro if successful would not bring upon him any lasting opprobrium. No *amir* would care to sacrifice his worldly prospects for the sake of a mere principle. If succession had been regulated by the law of primogeniture such an ignoble act as suspected murder of an elder brother would have rendered Khurram despicable in the eyes of everyone in the country. Knowing the state of the country he had no difficulty in persuading himself to believe that he could do the deed with impunity. Moreover how could his chances for the throne be lessened when he was able to do the thing secretly? Circumstantial evidence was all against him; and the people believed him to be the murderer of his brother. He took into his confidence some of the principal nobles. He went out on a hunting expedition and left instructions with his favourite slave Reza. The latter went to Khusro's bed-room at night and told him to open the door as the Emperor had sent a pardon and robes of honour for him. Finding that Khusro refused to believe the story Reza forcibly broke open the door and strangled the

prince.[24] Such was the end of Khusro with regard to whom Jahangir had on one occasion declared "A son ought, indeed, always to be considered as the stay of monarchy; to continue therefore, in a state of disunion and hostility with such would be to sap the foundations of its prosperity."[25] Shah Jahan's cruel acts after his accession only confirmed this belief. He was the first Mughal emperor to soil his hands with the blood of his near relatives. His accession marks the triumph of the fittest rather than the eldest son. He exterminated all those in whose veins flowed the royal blood.

Shah Jahan could not dream that he was sowing the wind only to reap the whirlwind. His last years witnessed a scene which must have been an object lesson to him. The terrible struggle for the throne among his four sons must have brought home to him the cruelty of his own doings in the earlier days of his life. The sceptre of sovereignty was being forcibly snatched from his feeble grasp which had grown too weak to hold it. It was nothing but Nemesis. He was anxious to be succeeded by his eldest and favourite son Dara Shukoh, whom he loved dearly. He had conferred every possible mark of distinction upon that prince in order to ensure his accession to the throne. "He . . . . . distinguished His Royal Highness by the lofty title of *Shah Buland Ikbal,* which had been applied exclusively to himself during his late Majesty's reign: and since in the early days of his princehood a chair had been placed, at that emperor's suggestion, opposite to the throne for him to sit on, he now in like manner directed His Royal Highness to seat

[24] De Laet's *Empire of the Great Mughal.* Translated by J. S. Hoyland, pp. 198-99.

[25] Elliot's *History of India.* Vol. VI. *Tarikh-i-Selim Shahi,* p. 274.

himself on a golden chair that had been placed near the sublime throne."[26] But nothing could help him.

All his precautions on behalf of Dara proved of no avail. He had exterminated the family of Jahangir and he had to pay a heavy penalty for that crime. His grown-up sons could not wait even for his death. Everyone knew that it was not mere ambition that urged them on; as Bernier puts it in his Travels, "There was no choice between a kingdom and death." The law, or for that matter, the absence of law, of the country left them no alternative other than a fight among themselves for the crown, which was an emblem not only of glory but also of safety. Shah Jahan during his illness had assembled all his nobles and courtiers and in their presence ordered his eldest son Dara to sit upon the throne, with the argument that he was the eldest of the brothers and therefore the lawful heir to his father. This does not mean that Shah Jahan set any store by the law of primogeniture; otherwise he would never have become the King of Hindusthan himself as he was only the third son of his father. He was guided by his affection for Dara who loved his father much more than his brothers did. As soon as the news of Shah Jahan's illness had got abroad each one of his sons hastened to claim the throne, though their father was still alive. None of them thought of himself as a traitor, trying to become a usurper.

Dara Shukoh, who had been taught by his father to regard himself as heir to the throne, began to play the king. He issued orders in the Emperor's name, and started directing the administrative departments, and collecting powerful armies in

[26] Elliot's *History of India.* Vol. VII. Inayat Khan's *Shah Jahan-Nama,* p. 105.

Delhi and Agra.[27] Shujah prepared to leave Bengal and started his march towards the capital. Aurangzeb on hearing of his father's illness lost no time in patching up a hasty truce with the Deccani Sultanates and hurried to the scene of action. Muhammad Shujah, the governor of Bengal, and Muhammad Murad Bakhsh, the governor of Ahmedabad, who were raw in intellect when compared with the more experienced Aurangzeb, expressed their intentions openly. "Each of them vying with the other, had coins struck and the *Khutba* read in his own name."[28] Dara knew that Aurangzeb, the most talented of the brothers, was his most formidable rival. He therefore asked his father to order those nobles who were with Aurangzeb to leave him and resort to Court. He further imprisoned Isa Beg, the *vakil* of Aurangzeb.[29] Aurangzeb made a pact with Murad Bakhsh and gave out that he could not bear to see his father a captive in the hands of his eldest son. It was therefore his duty to free his father from that bondage. He wrote a letter to Murad Bakhsh to the following effect:—". . . . . whatever course you have resolved upon in opposition to the good-for-nothing and unjust conduct of our disgraceful brother (*biradar-i-be-shukoh*), you may consider me your sincere friend and ally. Our revered father is still alive and I think that we two brothers should devote ourselves to his service, and put an end to the presumption and conceit of that apostate. If it is possible, and we are permitted to see our father again, after exerting ourselves to put down that strife and insurrection, we

[27] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable, p. 25.

[28] Elliot's *History of India.* Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab,* p. 214.

[29] Elliot's *History of India.* Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab,* p. 216.

will entreat the king to forgive the faults of our brother , who had involuntarily been impelled to such a course of action. After setting the government in order, and punishing the enemies of the State, our brother must be reclaimed, and he must go to pay a visit to the holy temple."[30]

Shah Jahan was anxious to prevent a conflict among the brothers. His idea was to expostulate with them and bring about a peace.[31] But no one cared to listen to his advice. The armies were mobilised. An appeal to arms was inevitable. Though Dara was master of the Emperor's person and had full control over the Imperial treasury and the army, he failed before Aurangzeb's superior diplomacy. After his victory Aurangzeb thought it prudent, as his father had done before him, to exterminate every possible claimant to the throne. Dara was decapitated after having been charged with heresy. He was put to death "under a legal opinion of the lawyers, because he had apostatized from the law, had vilified religion, and had allied himself with heresy and infidelity."[32] Dara's son Speher Shukoh was imprisoned in the fortress of Gwalior. His other son Suleiman who had sought refuge with the Raja of Srinagar, was pursued by his enemies and was dragged out of his hiding place. At first he was shut up in Salimgarh and thence sent to Gwalior. According to Bernier both these princes died of drinking *poust*, or crushed poppy-heads, which was administered to them by the order of Aurangzeb. Murad Bakhsh was executed after a

[30] Elliot's *History of India.* Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab,* p. 217.

[31] Elliot's *History of India.* Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab,* p. 219.

[32] Elliot's *History of India.* Vol. II. Khafi Khan's *Muntakhabu-l-Lubab,* p. 246.

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verdict had been given against him by the Kazi's court which found him guilty of the murder of a Syed at Ahmedabad whose sons called for justice against him. All this was done at the instigation of the Emperor's friends. The eldest son of the murdered Syed refused to bring a case against Murad Bakhsh but the second had no such hesitation. The case came before the Emperor and he sent it to a *Kazi* to be decided according to law. He was declared to be guilty and was sentenced to death. The sentence was carried out and the prince was executed. It is to the credit of Aurangzeb that he appreciated the noble attitude of the eldest son who had refused to enforce his claim of blood, and handsomely rewarded him.[33] Prince Shujah was pursued to Arakan by Mir Jumla, the able general of Aurangzeb. The prince after having passed through many vicissitudes disappeared in those parts and was never seen again on the stage of Indian History. The old Emperor was confined in the fort of Agra. All power and choice in matters of rule and government were taken away from him.[34] On the 1st *Zi-l-kada,* 1068 A.H. (22nd July, 1658 A.D.), Aurangzeb ascended the throne of Hindusthan "without even troubling himself about placing his name on the coinage or having it repeated in the *Khutba* . . . . . Such matters as titles, the *Khutba,* the coinage, and the sending of presents to other sovereigns, were all deferred to his second taking possession of the throne.[35] Shah Jahan's nobles were carefully watching the direction of the political

[33] Elliot's *History of India.* Vol. II. Khafi Khan's *Muntakhabu-l-Lubab,* p. 267.

[34] Elliot's *History of India.* Vol. II. Khafi Khan's *Muntakhabu-l-Lubab,* p. 226.

[35] Elliot's *History of India.* Vol. II. Khafi Khan's *Muntakhabu-l-Lubab,* p. 229.

breeze. They knew that Shah Jahan's reign was over and the future lay with Aurangzeb. They lost no time in rendering homage to the victor. If they had not done so they would have forfeited their ranks and *jagirs*. It was not a safe policy for them to uphold the defeated emperor. The *de-facto* sovereign alone could be their paymaster. They had no fiefs which could not be taken away from them by the new monarch, and there were plenty of men ready to take their places at the bidding of the sovereign. Though Aurangzeb was the third son of his father, that was not regarded by anyone as a disqualification for the throne. The only blame that could attach to him was that his old father was still alive. But Aurangzeb argued that Shah Jahan had become incapable of wielding the royal sceptre. He is quite explicit on this point in a letter he writes to Shah Jahan: "It is clear to your Majesty that God Almighty bestows his trusts upon one who discharges the duty of cherishing his subjects and protecting the people. It is manifest and clear to wise men that a wolf is not fit for a shepherd, and that no poor spirited man can perform the great duty of governing. Sovereignty signifies protection of the people not self-indulgence and libertinism."[36]

Aurangzeb's sons behaved towards him practically in the same way as he and his brothers had behaved towards their father. He was ever suspicious of them lest they should wrest the reins of government from his hands while he was still alive. He therefore adopted the policy of either keeping them in prison or appointing them to distant governorships. Once his son Muhammad Azam Shah, who was governor of Gujrat, wrote to him that as he was suffering from quartan fever he had

[36] Elliot's *History of India*. Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab*, p. 253.

grown very weak, and would therefore like a transfer from that distant place to the Emperor's presence. He gave as a reason his desire to kiss the Emperor's feet before dying. Aurangzeb wrote to him in reply, "May the true Protector watch over this fruit of my heart (son) in all conditions. To allow you to travel and allow you to come to me in this state of weakness, would not be far from cruelty."[37] At the time of his death his second, third, and fifth sons, *viz.*, Muhammad Muazzam, Muhammad Azam and Muhammad Kam Bakhsh, were left to contest the throne, the other two, Muhammad Sultan and Akbar, having predeceased him. The eldest of the surviving sons, Muhammad Muazzam (Shah Alam), had looked upon himself as the heir-apparent after the death of his elder brother. But when, partly through the suspicious nature of his father and partly through the intrigues of his younger brother, he fell into disgrace and was thrown into prison where he remained for seven years, the younger brother Azam Shah began to regard himself as his father's destined successor.

Aurangzeb is said to have left a will for the partition of his dominions among his three sons after his death. According to this will Kam Bakhsh was given the two provinces of Bijapur and Haidarabad. Agra with the Deccan provinces, Malwa, Ahmedabad and Gujrat, was to be the share of Azam Shah; while Delhi, Kabul and all the other provinces were given to Muhammad Muazzam. The empire was thus partitioned to avoid a civil war, which Aurangzeb knew only too well would break out as soon as his eyes closed. No sooner did the news of the old Emperor's illness reach the princes than every one of them hastened in the direction of the capital. It was a race for the

[37] Hamid-ud-Din's *Ahkam-i-Alamgiri.* Translated by J. N. Sarkar, p. 70, Hukm 24.

throne and nobody could afford to be dilatory in his movements. The prize was expected to go to him who reached the capital the earliest, for he would be in possession of the wealth stored there. Apparently Azam Shah's chances were better as he was nearer the capital; but he suffered from excessive conceit and great rashness of character. Muhammad Muazzam wrote a letter to Azam Shah that they should abide by the terms of their father's will. If Azam Shah was not satisfied with the part assigned to him by their father he might take Gujrat and Ajmere also. This letter shows that the elder brother was anxious to avoid a civil war if possible. Such a letter was hardly to the taste of the younger brother, who did not believe that the kingdom was a thing which could be divided. Moreover, his share, even with the addition of Gujrat and Ajmere was not equal to that of Muazzam. Azam Shah's reply left no choice to Muhammad Muazzam Bahadur Shah and he accepted his brother's challenge. In the battle which ensued Azam Shah was killed by a musket ball. The youngest brother Muhammad Kam Bakhsh was as little content with the partition as Azam Shah. He declined to be a mere governor of the two provinces assigned to him and made a bid for the whole. He rewarded his followers handsomely and began to play the role of an emperor. He underwent the ceremony of being enthroned. He had the *Khutba* read in his name and assumed the title of 'Protector of the Faith' (*Din-panah*). He struck his own coins on which was inscribed "In the south struck coin on sun (=gold) and moon (=silver) the Emperor Kam Bakhsh, Protector of Faith." Bahadur Shah tried to dissuade Kam Bakhsh from crossing the river Bhimra so that bloodshed might be avoided. Kam Bakhsh was as deaf to the advice of his brother as Azam Shah had been. He was ultimately defeated and taken prisoner. He was conducted to his

brother's presence, and in spite of all the solicitude of Bahadur Shah he expired during the night.

Bahadur Shah's four sons had the same sort of feelings towards one another as their father and uncles had had. The death of Bahadur Shah was followed by as great a civil war as his father's had been. Bahadur Shah was a man given to a policy of conciliation. He reversed his father's policy in respect of his sons and other relatives. He thought it safer to keep them in attendance on his person than to appoint them to distant governorships. In a way this policy was successful. He was troubled by no revolts against his government, headed by a son or near relation; but after his death the struggle for the throne which, at the death of a Mughal emperor, invariably broke out if there were more sons than one, though not so prolonged, was perhaps more intense than ever before. Jahandar Shah, Jahan Shah, Rafi-ush-Shah and Azim-ush-Shah all were eager to fight for the throne. The final victory lay with Jahandar Shah who after his brothers had been killed and removed out of his way was proclaimed emperor. Several of the important followers of the deceased princes were executed. Many had their property confiscated and they themselves made prisoners.

The victor's nephews also were not spared. But Muhammad Farrukhsiyar the second son of Azim-ush-Shah, who was away in Bengal, escaped. His cause was espoused by the two Syed brothers who about this time began to play the role of king-makers. Jahandar Shah had realised the danger of alienating them but only when it was too late. All his efforts at propitiating Abdullah Khan proved fruitless. Husain Ali Khan had already thrown in his lot with Farrukhsiyar, who was proclaimed emperor. After his accession the Emperor ordered that Azad-ud Din the eldest son of Jahandar Shah, Wala Tabar, the son of Azam Shah, and his own younger brother Humayun

Bakht, should all be blinded, as a blind prince was incapable of ever becoming a rival for the throne. The strength of the Syed brothers lay in the Barha clan, the members of which were famous for their bravery and loyalty to the head of the clan. With the appearance of the Syed brothers on the stage of Mughal history the crown became a gift of some powerful noble or other. Hardly anyone ascended the throne through his own personal merits. It was the powerful nobles who ruled the country and not the nominal emperor. But one thing is worth remembering; even during this period of confusion no one was ever put on the throne who had not royal blood in his veins.

Whenever it suited the most powerful noble to depose one emperor and put another in his place he did so, and a deposed emperor was doomed to an ignominious death. The interval between the deposition of an emperor and his death was never long. Within a few days of the proclamation of Rafi-ud-Darjat as the new emperor the neck of the deposed Farrukhsiyar felt the bow-string.[38] Farrukhsiyar, Rafi-ud-Darjat, Rafi-ud-daulah were all the nominees of the Syed brothers, and so was Muhammad Shah. Though the last owed the crown to these powerful brothers he soon afterwards succeeded in making himself independent of them. Mughal history practically loses all interest during this period; the glorious days of Akbar and Shah Jahan were gone never to return. There was an occasional flicker of the dying flame but generally the political atmosphere was dark and gloomy. The character of the emperors had sadly deteriorated. Monarchy like all organic growths had grown old and feeble. Its titular head ceased to inspire awe among those who at one time had worshipped him as a manifestation of divine glory. The

[38] Elliot's *History of India.* Vol. VII. Khafi Khan's *Muntakhabu-l-Lubab,* p. 400.

weak monarchs failed to command respect. Loyalty among the nobles—always a weak plant—was altogether rooted out of the soil of India, and baronial faction sprang up in its place. With the sudden rise of independent local dynasties there came a feeling of insecurity among the people, and the spectre of anarchy stalked abroad. The Mughal government with no national defences to protect the country from a Nadir Shah or an Ahmad Shah Abdali, lost all justification for its existence, and internal rebellions combined with external attacks to complete its ruin. The country had to pass through a good deal of misery before a new building could be constructed after clearing the debris of the old one; but that is a subject beyond the scope of this work, which deals only with Mughal kingship.

During the period of decadence after Aurangzeb the crown may be regarded as elective, but the chief benefit which the scheme of elective sovereignty seems to promise, that of putting the fittest man in the highest place, was never attained. On the contrary it was as a rule the most worthless prince on whom the choice fell since the nobles who were in the position of choosing did not want a master over them. Any worthless member of the house of Taimur was good enough for their purpose. As it was not intended to allow him to exercise any real authority he need not be a prince of high character. The nobles themselves wanted to be the real rulers of the country. The right of choice, or rather the power to choose, was in the hands of the magnates and the common people had no hand in the matter. They were not even asked to assent. After the proclamation they had to accept the monarch chosen by others. The emperor became in practice the real nominee of a powerful noble or coterie of nobles. No idea of kingship by divine or hereditary rights remained. If the nobles had been patriotic

and their political sense had been developed along right lines, they would have utilised the weakness of the crown for putting restrictions on the royal authority and establishing a limited monarchy. But such an idea never entered their heads. Their object was merely self-aggrandizement, and their desire only to serve personal ends. The people displayed the utmost indifference to what was going on in the country, although their lot became distinctly worse than before. Instead of one master they now had many. Law gave place to lawlessness. There was chaos in the country and no power was strong enough to maintain order and peace in the land. Central authority was so completely paralysed, that life and property became insecure. Each successive emperor sat upon the throne with resources scantier than his predecessor's. Each became a greater puppet in the hands of the nobles who used their power most mercilessly, and whose mutual jealousies made confusion worse confounded.

The line of emperors of vigour and ability had ended with Aurangzeb. The vastness of the empire was a source of weakness rather than of strength to those who lacked the ability to control and organise its resources. As the process of dismemberment went on so feudalism, in its worst aspects, strengthened its grip on the country. The opportunity offered by the elective principle was missed, and could never return. Gone was the divinity that had hedged the Mughal emperor of earlier days, and in its place was nothing but a succession of royal puppets and self-seeking viziers. Had there been a royal prince who was not effeminate, or a body of nobles who were concerned more for the state than for their own interests, some attempt might have been made to stem the tide of disruption. But there was none to make the effort. A people, moreover, who had been trained to political self-consciousness, who had been

given a stake, as it were, in the national welfare, and allowed to share in the national government, might have turned the occasion into everlasting good. They might have made the elective principle a real power, so that the crown became the gift of the people carrying with it the strength and authority that accompanies the national will. But India was not yet to have its constitutional monarchy; not one of the elements that go to make it—King, Lords and Commons—was ready or capable; and the great Imperial crown of the Mughals became a mockery and a farce. Princes, instead of coveting it and committing murder for it began to dread it; they knew too well that the head that wore the royal crown would not long remain on the royal shoulders.

CHAPTER V

SECRET SERVICE

During the Mughal period an extensive ramification of detectives, spies, and news-writers helped the sovereign to watch and suppress any adverse combination of his enemies against his authority. To run a centralised government successfully it was necessary for the emperor to remain in close touch with the different parts of his vast empire. Unless he kept himself informed of the happenings in the different provinces he could not feel secure at his capital. For this purpose the Mughal ruler employed both official recorders and secret informers. There was a large body of men known as 'Recorders of Events' (*Waqai Navis*) whose business it was to note down everything of importance that occurred within their province, and send it to the capital. To enable such a person to do his duty faithfully he was kept directly under the emperor and enjoyed complete independence of the local Governor, in order that the latter might not bring any pressure or influence to bear upon him. The post of a Recorder of Events was one of great responsibility. If he omitted to communicate to the emperor anything of importance that happened within his province and the emperor came to know of it from some other source, he was liable to be punished for neglect of duty. The absence of a loyal and properly organized civil service made the system of espionage a necessity. Such a system was found as early as the time of Babar who relates in his *Memoirs* that "two spies, returned from the Bengal army, said that Bengalees under

Makhdum-i-Alam were posted in 24 places on the Gundak and there raising defences."[1] These spies were not peculiar to the Mughal Government but have been found in all ages in all countries.

The regular service which formed a department of the State was divided into two classes, *waqua-navis* and *khufia-navis*. There were public and secret news-writers of the empire. The record or the gazette containing the important news was sent once a week to the emperor, wherever he was, who had the news-letters read in his presence. The reading of these important documents was done as a rule by the women of the palace at about nine o'clock in the evening.[2]

We learn from the Supplement to the *Mirat-i-Ahmadi* that the Reporters of the Secret Service (*Khufia-navis*), later on called the Recorders of Events, were originally appointed to serve as checks on the ordinary reporters (*Waqua-navis*). The latter were found making false reports in some cases. Another agency had therefore to be engaged secretly in the province to make their own reports. This double system ensured the correctness of the information which was communicated to the emperor by his agents. This secret agency, after the lapse of some time, came to be openly recognised, both the services becoming State departments.

The agents of the secret service were to be found in every province and were also entrusted with the duties of Postal Superintendents. For the efficient discharge of this additional duty they were allowed to employ twenty horsemen. Their reports were sent openly every week by the Superintendent of

[1] *Memoirs of Babar.* Translated by Beveridge. Vol. III, p. 663.
[2] Manucci's *Storia do Mogor.* Translated by W. Irvine. Vol. II, p. 331.

the Spies (*harkara*) through the postmen, whose business it was to carry the mail bags from one place to another. The postmen also carried along with these reports, letters, applications of the *Nazims* and the *Diwans*, Treasury current sheets and other miscellaneous things. So important were these reports considered that they could not be opened by the *Darogha* of Posts unless his superior officer was present. The Reporters of the Secret Service collected their information through their own agents who worked for them in the *parganas* and subordinate courts. Thus the country had a network of informers who let nothing important escape their notice.

These subordinate agents had a variety of duties to perform. It was their duty to deliver to the *Nazims* and Revenue officers all those orders which were passed with regard to the lands of those *jagirdars* who had died or been dismissed. These orders were received from the *Khalica-office*. Another important duty entrusted to the Secret Service was the issue of passports under their seal to the mace-bearers of *Ahadis* who carried any royal mandates or gifts. Further, the postmen had to conduct these mace-bearers safely and to arrange for their provisions on the way, these being obtained from the *Faujdars* or *Zamindars* of different localities. Passports were issued for the return journey as well, when a similar method was adopted. Thus the secret service and the postal work came to be performed by the same body of men.[3]

Jahangir in his *Memoirs* refers to the advantages of having news-writers. "It had been made a rule, that the events of *subahs* should be reported according to the boundaries of each, and news-writers from the Court had been appointed for this

[3] Supplement to the *Mirat-i-Ahmadi*. Translated by Nawab Ali and Seddon, p. 171.

duty. This being the rule that my revered father had laid down, I also observe it, and much gain and great advantage are to be brought about by it."[4] News-writers did not confine themselves to political matters, but reported anything that was regarded as being of interest to the emperor. On one occasion they wrote about the sweetness and flavour of the mulberry-tree fruit of Lahore. On another occasion the news-writers of Kashmir had written about one Mulla Gadai who was a *dervish* and had spent forty years in one of the monasteries of the city. Two years before his death he had asked the inheritors of that monastery to allow him to select a corner in that monastery as his future burial-place. The news-writers described how he died and how the door of the monastery opened of itself. People found the Mulla in the monastery after his death, on his knees with his face turned towards the *Qibla*.[5]

Very often the posts of the *Bakhshi* and the news-writer were combined in the same person. Muhammad Husain Jahiri was appointed both at the same time by Jahangir in the province of Orissa.[6]

The duties of a news-writer were quite onerous. When the news-writer of Ahmadabad informed Aurangzeb that the Governor Ibrahim Khan was in the habit of going to the Jama Mosque riding in a *palki* the Emperor finding that this piece of information was incorrect was displeased with the news-writer and decreased his rank by 50 and reduced his *Jagir* to the same extent, though he did not dismiss him from his post.[7]

[4] Jahangir's *Memoirs*. Vol. I, p. 247. Translated by A. Rogers.
[5] Jahangir's *Memoirs*. Vol. I, p. 291. Translated by A. Rogers.
[6] Jahangir's *Memoirs*. Vol. I, p. 203. Translated by A. Rogers.
[7] Hamid-ud-Din's *Ahkam-i-Alamgiri*. Hukm 65. Translated by J. N. Sarkar, p. 123.

When Aurangzeb learnt from the news-writer of the army of Hamid Khan Bahadur that he carried with himself kettle-drums and bandsmen, and every day played the '*naubat*' he sent a snub to the news-writer and wrote to him that he must not spitefully make such foolish reports against a person enjoying the rank of a Commander of 4000 horse and the title Bahadur.[8]

So important was the position of news-writers that when a quarrel arose between Prince Muhammad Kam Bakhsh and Nusrat Jung Khan, and the Khan learnt that the prince was planning to imprison him, he called together the news-writers, took them as his witnesses, and pulled down the prince's tents. Aurangzeb on learning this approved the action of Khan.[9]

On another occasion when Aurangzeb found the news-writers and reporters of Kabul slack in the performance of their duty, he ordered a change in their *jagirs* by way of punishment. He did not degrade them in rank as he knew they might be useful in future.

In addition to the *wakia-navis* (official recorders) and Khufia-navis (secret reporters) there was another class of men who were called spies. They performed practically the same duties, with the difference that they were employed by the emperor himself and their position was not openly and officially recognised as they worked in secret and did not form part of the regular service. On the other hand, the news-writers were members of a recognised department and counted as State

[8] Hamid-ud-Din's *Ahkam-i-Alamgiri.* Hukm 36. Translated by J. N. Sarkar, p. 86.

[9] Hamid-ud-Din's *Ahkam-i-Alamgiri.* Hukm 25. Translated by J. N. Sarkar, p. 72.

officials and not merely as the secret agents of a suspicious monarch.[10] Aurangzeb employed these spies in larger numbers than his predecessors as he remembered his father's fate and feared that a similar one might overtake himself. He could feel safe only by remaining in close touch with every part of the empire.

Manucci bears testimony to the practice of employing spies which obtained under the Mughals. The existence of an elaborate secret service was essential to the good regulation of the realm. The emperor was kept informed of the acts of his officials through his trusty spies. According to that writer the spy system in Mughal India was more organised than in any other country. Hardly anything happened in any part of the country the information of which was not received by the emperor. Manucci states that "Aurangzeb had such good spies that they know (if it may be said) even men's very thoughts."[11]

Father Francois Catrou also states in his *History of the Mughal Dynasty* that the Emperor's spies were to be found all over the country and regularly sent their reports which were carefully read by him. In spite of the lack of means of communication in those days the Emperor was able to be fairly posted up with the help of these secret agencies. Of course the royal tours were helpful in this matter, but they were few and far between so far as each separate province was concerned.

The practice of stationing confidential messengers at each provincial capital was perhaps taken by the Indian Mughals from the Abbasides, though it had existed in India as well in

[10] Manucci's *Storia do Mogor*. Vol. II, p. 331. Translated by W. Irvine.

[11] Manucci's *Storia do Mogor*. Vol. II, p. 18. Translated by W. Irvine.

pre-Mughal times. It served as a check on the disloyal tendencies of the provincial governors, who, though possessing vast powers could not always exercise them in an arbitrary manner, as their actions were open to the criticism and unfavourable reports of spies and news-writers. The practice of never keeping a Governor in the same province for a long time was another safeguard also borrowed from the Abbasides. A long tenure in the same locality was considered conducive to corruption. We learn of frequent changes in *jagirs* for this reason.

But though the system of employing detectives and spies was actively maintained throughout the Mughal period, and though severe punishments were inflicted on news-writers if they were slack or collusive, these secret agencies were not always dependable. Bernier complains of the secret understanding that existed between the official recorders and the Governors, whose actions the former were expected to report to the Emperor. "It is true that the Great Mughal sends a *Vakia-Navis* to the various provinces; that is a person whose business it is to communicate every event that takes place; but there is generally a disgraceful collusion between these officers and the governor, so that their presence seldom restrains the tyranny exercised over the unhappy people."[12]

Manucci's remarks regarding the system are of a similar nature. "Officials, in their eagerness to become rich, plunder and act wrongfully. They bribe the *Vakia-Navis* (Official Reporter) and the *Khufiyah-Navis* (Secret Intelligencer), so that the king may never hear."[13] Though the system was not quite

[12] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable, p. 231.

[13] Manucci's *Storia do Mogor*. Vol. II, pp. 450-51. Translated by W. Irvine.

so bad as Bernier and Manucci made out, still there are instances in which it proved faulty. Despite the restrictions imposed by the spy system the Governors in many cases exercised almost independent powers and did whatever they liked.

Fryer also makes unfavourable comments on the honesty of news-writers. According to him the main cause of Aurangzeb's failure in his Deccan wars was the dishonesty of his news-writers who frequently sent false reports to him. "Notwithstanding all these formidable numbers (large armies), while the generals and *vakia-navises* consult to deceive the Emperor, on whom he depends for a true state of things, it can never be otherwise but that they must be misrepresented, when the judgment he makes must be by a false perspective.[14]

The intelligence department was always in active operation, both in peace and war. Reports of all sorts, even idle gossip and scandal, were welcome at headquarters. Danishmand Khan tells us that there were in all four thousand spies in the Imperial service scattered throughout the kingdom in 1120 A.H. The head spy was called *Darogha-i-Harkarah* and was much feared and wielded great influence.

[14] Hakluyt Soc. ed. Crooke. Vol. II, p. 52.
Bernier's *Travels in the Mogul Empire*, p. 231.

CHAPTER VI

THE MUGHAL JUSTICE

The Mughal emperors of India prided themselves on their love of equity, and regarded the administration of justice as an important duty which the sovereign could not afford to neglect. According to Akbar, the divine element in monarchy was justice.[1] In fact, this was a characteristic of all Muhammadan sovereigns, and that was the reason why justice was never made a source of profit by them. The holy Quran definitely declares that the unjust shall not prosper. The Mughal emperor was the supreme judge of the realm, the fountain of justice and the highest court of appeal. In theory the humblest subject had access to the mighty monarch who was expected to appoint a time for justice and listen to the complaints of his people during that time. An emperor who failed to do so, could not stand very high in the estimation of his subjects. According to the author of *Seir-i-Mutakherin* justice is "an important duty of princes, without which they could not expect to satisfy Heaven." The emperor was expected to decide all disputes without partiality according to the Muhammadan Law. "The splendour and delight of the garden of this world, and the verdure and fruitfulness of the fields of this earth depend upon the flow of the stream of the equity and justice of kings."[2] The

[1] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. III, p. 399.

[2] Elliot's *History of India.* Rustam Ali's *Tarikh-i-Hindi.* (Reign of Muhammad Shah). Vol. III, p. 43.

duty of a Muslim king to do justice in person was recognised as early as the time of the early Caliphs. The Caliph was the head of the judiciary and it was his duty to grant audiences to his subjects with a view to redressing their grievances. Every Tuesday at the *Jharoka* the Mughal emperor sat in judgment, where even the poorest man's complaint was heard. He patiently attended to both sides and saw the execution of his orders then and there.[3] In the provinces justice was administered by the *Nabob,* in his absence by the *Diwan,* and in the absence of both, by a deputy. There was also the provincial *Kazi* assisted by a number of deputies. The process of getting justice under the Mughals was not such a long drawn-out agony as it is at present. The Mughal Government being a despotic rule, decisions were quick. The lengthy and elaborate process through which a litigant has necessarily to pass nowadays was discouraged by the Mughals. There were no "tedious briefs of cases, no various interpretations of an infinity of laws, no methodized forms, and no harangues to keep the parties longer in suspense. The last resource from injustice lay at the throne, which has been often seen to recall a *Nabob,* when the cries of a province have been loud enough to penetrate its recesses. The cabals, the caprice, the revolutions of a court, are every hour to be dreaded by every vicegerent, if not of over-grown authority, and he is never without enemies and rivals ready to exaggerate all pretexts for supplanting him."[4]

Bernier in his description of Delhi and Agra makes a reference to the emperor's duty to do justice to those who appealed to him. "All the petitions held up in the crowd assembled in

[3] Sir Thomas Roe in *Purchas, His Pilgrims.* By S. Purchas.
[4] Orme's *Fragments of the Mughal Empire,* p. 446.

the *Am-Khas* are brought to the king and read in his hearing; and the persons concerned being ordered to approach are examined by the Monarch himself, who often redresses on the spot the wrongs of the aggrieved party. On another day of the week he devotes two hours to hearing in private the petitions of ten persons selected from the lower orders, and presented to the king by a good and rich old man. Nor does he fail to attend the justice-chamber, called *Adalat Khana,* on another day of the week, attended by two principal *Kazis,* or Chief Justices. It is evident therefore that.....the sovereigns of Asia..... are not always unmindful of the justice that is due to their subjects."[5]

Bernier praises the Mughal system of justice on the ground that it required very few lawyers and necessitated the institution of very few law-suits. He also admires the speedy decision of cases and the absence of long and intricate legal proceedings.[6] But Bernier is on the whole not very favourably impressed with the state of things as they existed in the country. Though theoretically no man was refused access to the *Darbar* and it was customary for the *amirs* to explain the causes and for the emperor to give his decisions, still he doubts if the lower classes had much chance of justice being done to them. A poor man living in a distant province, if oppressed by a Governor, had certainly the right to come up to the capital and personally appeal to the emperor; but all the odds were against him. The influence of the powerful Governor was sure to prevent him from getting his wrongs redressed. The Governor must have powerful friends to

[5] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable, p. 263.

[6] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable, p. 236.

protect him and the poor complainant had no means to fight against these odds. It is true in some cases the poor man was able to appeal successfully to the emperor but in the majority of cases he failed. "Even admitting that there existed a disposition to listen to a complaint," says Bernier, "how is a poor peasant or a ruined artisan to defray the expenses of a journey to the capital and to seek justice at one hundred and fifty or two hundred leagues from home? He would be way-laid and murdered, as frequently happens, or sooner or later fall into the governor's hands, and be at his mercy. Should he chance to reach the royal residence, he would find the friends of his oppressor busy in distorting the truth, and misrepresenting the whole affairs to the King. In short, the Governor is absolute lord, in strictest sense of the word. He is in his own person the intendant of justice, the parliament, the presidial court, and the assessor and receiver of King's taxes."[7]

Bernier's strictures are not fully justified. The theory of the accessibility of the emperor to the meanest of his subjects for purposes of justice was on the whole a very salutary one. It served as a definite check on the government officials who must have found it unsafe in many cases to act arbitrarily. There are many instances of high officials being severely punished as the result of a complaint lodged against them by ordinary persons. There was hardly any Mughal emperor who was not anxious to spend a considerable amount of time in dealing out justice. This justice was based on the personal will of the emperor and not on any statute laws. Except the Islamic Law there were no written laws in the country. A written law would have placed limits to that absolute authority which the emperor liked to exercise

[7] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable, pp. 235-36.

over the lives and property of his subjects. Cases relating to blood and religion were specially referred to His Majesty. Properly speaking no official, however highly placed, had the right to inflict capital punishment without the imperial sanction.

It was not, of course, possible for the emperor to hear every case in person, but the other judges were clearly understood to be acting only with powers delegated by him for the occasion, while his own personal share in their activities acted as a healthy check on their ambition and arrogance. His judgment was binding and against it there could be no appeal, though he himself reserved the right of hearing appeals against the decisions of his subordinates. He was fully qualified by the royal prerogative to dispense with any law in any case and to suspend any law for any length of time. His jurisdiction overrode that of any other law court in the country. All, great or small, came within its influence.

Even the highest officials could not plead immunity, since there was no administrative law to protect them as was the case in France. Though in ordinary practice ordinary courts could not touch them, still they could be hauled up before the royal court if their offences were great. Their position protected them only up to a certain limit. Though they could treat the ordinary law courts with the same contempt with which the feudal barons of mediæval England treated the English courts, they could always be dealt with by the emperor himself sitting in judgment. When their misdemeanours attracted the notice of the emperor they were liable to be punished with the same severity as ordinary persons. The Mughal emperor in India combined in himself the functions of an ordinary court and the court of an English Star Chamber. He could send his courier to any court to get any decision he liked, and none had the courage to say him nay.

Edward Terry's evidence is clear on this point. He says,

"the Emperor styles himself the King of Justice, the Light of the Law of Muhammad, the Conqueror of the World. Himself moderates in all matters of consequence which happen near his court, for the most part judging, *secundum allegata et probata.*" He also bears testimony to the speedy conclusion of trial and quick execution of sentences. The form of punishment depended on the nature of the crime. In some cases the guilty persons were hanged or beheaded; in others they were set upon by dogs, elephants or other ferocious animals. The place where criminals were usually executed was the market place. The procedure and punishments of the capital were followed in every other city and province, where the governors discharged practically the same judicial functions as the emperor at his capital. Both Terry and Sir Thomas Roe mention the absence of written laws, their place being taken by the will of the emperor or his substitutes.

Terry definitely states that Jahangir sat as judge in any matter of consequence that happened near him and saw that summary justice was executed on the spot. But as there was neither written law nor fixed procedure it was the offender rather than the offence that was punished. Punishment was therefore directed against men's persons rather than against their crimes. William Finch states that in the Agra fort was found the seat of Chief Justice pesided over by a *Kazi.* Near this seat was the *Katcheri,* or Court of Rolls, "where the king's Vizier sits every morning some three hours, by whose hands pass all matters of rents, grants, lands, *firmans,* debts, etc."[8]

Jahangir started an innovation in the domain of justice. He had a chain hanging outside his palace for the benefit of

[8] *Purchas, His Pilgrims,* by S. Purchas. William Finch. Vol. IV, p. 72.

complainants of all ranks who wanted to approach him for the redress of their grievances. He did it perhaps in imitation of Caliph Anaushirwan with whom doing justice to his subjects was a passion and who had invented a similar "chain of justice." Jahangir makes mention of this chain in his *Memoirs*:—

"The first order which I issued was for the setting up of a Chain of Justice, that if the officers of the courts of Justice should fail in the investigation of the complaints of the oppressed, and in granting them redress, the injured persons might come to this chain and shake it, and so give notice of their wrongs. I ordered that the chain should be made of pure gold and be thirty *Gaz* (yards) long, with sixty bells upon it. The weight of it was four Hindusthani *mans*, equal to thirty-two *mans* of Irak. One end was firmly attached to a battlement of the fort of Agra, the other to a stone column on the bank of the river."[9] Jahangir was very particular about this duty. We learn from his *Memoirs* that "for the sake of administering justice, I sat at the *Jharoka* for two or three sidereal hours and listened to the cries for redress, and ordered punishments on the oppressors according to their faults and crimes. Even in the time of weakness I have gone every day to the *Jharoka*, though in great pain and sorrow (he was ill), according to my fixed custom, and have looked on ease of body as something unlawful for me."[10]

We learn about this chain also from William Finch:—"On the other side of this court of presence are hanged golden bells, that if any be oppressed and can get no justice by the king's officers, by ringing these bells when the king sits, he is called, and the matter discussed before the king. But let them be sure

[9] Elliot's *History of India*. *Wakiat-i-Jahangiri*. Vol. VI, p. 284.
[10] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II, pp. 13-14.

their cause be good lest he be punished for presumption to trouble the king. Here every day between 3 and 4 o'clock, the king comes forth (and many thousands resort to do their duties, each taking place according to his degree) where he remains hearing of matters, receiving of news . . . . . "[11]

Hawkins also mentions Jahangir's love of justice. According to him the emperor was very strict in punishing those of his officials against whom complaints of injustice reached him. If their guilt was proved he deprived them of their lands at once. His poor *rayats*, whenever they were oppressed by his officials, always appealed to him for justice. Hawkins further states that whenever anyone shook the rope to which were fastened bells plated with gold the noise was heard by the emperor who at once sent for the man who had shaken the rope and allowed him to present his case to him (the emperor) in person. This practice continued, more or less, throughout his reign, though Jahangir was not so active in doing personal justice in the latter part of his reign as he had been at first—a slackness which was to have disastrous results, since outlaws and thieves began to infest the roads and highways of the country and travelling became dangerous.[12]

The chain of golden bells is an illustration of the eagerness of the Mughal emperors to do justice to their subjects and speaks volumes for the encouragement which they freely offered to the oppressed. It was an oriental custom which was observed throughout the Mughal period. In England, the right of petitioning the king was won after a great struggle. So great was

[11] *Purchas, His Pilgrims*, by S. Purchas. William Finch. Vol. IV, p. 74.

[12] *Purchas, His Pilgrims*, by S. Purchas. Hawkins. Vol. VIII, pp. 43-44.

the importance attached to it that it was incorporated in the Declaration of Rights that was presented to William III and Mary in 1688. The Mughal emperors granted this valuable right to the people of their own free will. Lane-Poole remarks that it is not on record whether anybody was bold enough to pull the chain, but in the absence of all evidence we are not justified in assuming that it was never used. The practice might have been so common that no writer thought it worth mentioning. It cannot be denied that the Mughal emperor was accessible to all his subjects who could appeal to him whenever they suffered any wrong at the hands of any of the royal officials. That Jahangir's sense of justice was very high is proved by the case of Hoshang, the nephew of Khan 'Alam. Jahangir learnt that he had committed an unjust murder. He sent for him and personally investigated the charge. Being satisfied of the guilt of the accused he ordered his execution, declaring "God forbid that in such affairs I should consider princes, and far less that I should consider *amirs*."[13] After inspecting the fort of Ranthambur Jahangir ordered that all criminals who were imprisoned there should be brought before him so that he might issue just orders in each case.[14]

Nicholas Manucci has written a good deal on the subject and expresses admiration for this characteristic of the Mughal rulers of India. He states that Shah Jahan in spite of his lasciviousness was exceedingly careful in governing his kingdom, which he did most perfectly. He, like his father, was most particular in the matter of justice and never failed to reward the meritorious and punish the guilty. Whenever it came to his knowledge that any of his officials had been guilty of tyranny

[3] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II, p. 211.
[4] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II, p. 59.

or oppression he made it a point to inflict a condign punishment on him. This impartiality had a very salutary effect on men of high position who stood in awe of the emperor's justice. It acted as a deterrent for the future and served to keep the others straight.[15] This fact among others made the reign of Shah Jahan the most glorious period of Mughal history. His subjects were happy and contented, being comparatively free from the tyranny of oppressive officials. To make it still clearer how assiduous Shah Jahan was in the matter of administering justice in his realm Manucci cites the case of a soldier who wrongfully took the slave-girl of a Hindu clerk. The latter brought a complaint before the court. The soldier claimed the girl to be his property. The case was transferred to the emperor's tribunal. When Shah Jahan wanted to write something on a piece of paper he ordered the girl to pour a little water into the inkstand, and this she did very dexterously, thereby showing that this kind of work was not new to her. This incident, small as it might appear to be, was enough to convince the emperor that she was really the slave of the Hindu clerk, and not of the soldier, as the latter had nothing to do with the arts of reading and writing. He therefore had no hesitation in pronouncing the judgment in favour of the Hindu clerk who must have taught the girl how to pour water into an inkstand. The girl was accordingly made over to him. His unsuccessful rival who had failed to prove his case in the presence of the emperor was expelled from the service and banished from the country.[16] Shah Jahan could never tolerate the violation of his rules. He had his favourite slave Saadat Khan beaten to death because the latter

[15] Manucci's, *Storia do Mogor*. Translated by W. Irvine.
[16] *Ibid.*, Vol. I, p. 203.

persisted in giving away *betels* to the nobles at court against the express orders of the Emperor.[17]

Aurangzeb was even more zealous in meeting out justice to his subjects than any of his predecessors. Anyone, without distinction of rank or position, was freely admitted to his daily audiences. The judgment he pronounced was to be executed on the spot. In fact all the Mughals made it a rule that the punishment of all offences should be carried out immediately after conviction.

Bakhtawar Khan, the author of *Mirat-i-Alam,* tells us that Aurangzeb "appears two or three times every day in his court of audience with a pleasing countenance and mild look, to dispense justice to complainants who come in numbers without any hindrance, and as he listens to them with great attention, they make their representations without any fear or hesitation, and obtain redress from his impartiality. If any person talks too much, or acts in an improper manner, he is never displeased, and he never knits his brows. His courtiers have often desired to prohibit people from showing so much boldness, but he remarks that by hearing their very words, and seeing their gestures he has acquired a habit of forbearance and tolerance."[18]

Careri, the Italian traveller, visited Aurangzeb in the middle of his Deccan campaigns. He says that Aurangzeb, surrounded by his *amirs,* and supporting himself with a staff, was receiving petitions, which he read carefully without artificial aid, and personally endorsed.

Hawkins bears testimony to the severity of punishments inflicted by the Mughal emperor on officials who failed in their

[17] Manucci's, *Storia do Mogor.* Translated by W. Irvine. Vol. I, p. 202.

[18] Elliot's *History of India.* Bakhtawar Khan's *Mirat-i-Alam.* Vol. VII, p. 158.

duty. He relates the story of eight captains who lived near the borders of Bengal in the city of Patna. They were so remiss in their duty that they allowed the city to be taken by outlaws and themselves fled. Another captain recovered the city from the outlaws and apprehending the eight captains sent them to the emperor to be punished. When they were presented before the king he ordered their heads and beards to be shaved and having dressed them in women's clothes made them ride upon asses, facing backward, and had them paraded about the city. After disgracing them in this way he had them whipped and sent them to prison for life. This must have been a good lesson to others.[19] Even such a careless monarch as Muhammad Shah took an active personal interest in administering justice. Although an idler, without that keenness and firmness of temper which are required in a good judge, he nevertheless made a show of dealing justice to his subjects. Imitating Jahangir he had a long chain with a bell hanging down on the outside of the Octagonal tower looking towards the water-side. This contrivance enabled those who had any complaints to make, but could not be admitted at the gate of the castle, to draw the attention of the Emperor by pulling the chain and ringing the bell.[20]

It has been remarked that there were no written laws in the country. There are, however, some notable exceptions to this rule. The twelve ordinances of Jahangir are as good an instance of written laws as any. They concern important matters and make interesting reading:—

1. Cesses and tolls, and other burdens which the *jagirdars*

[19] *Purchas, His Pilgrims,* by S. Purchas. Hawkins. Vol. III, pp. 43-44.

[20] Syed Ghulam Husain Khan's *Seir-i-Mutakherin.* Published by R. Cambray & Co. Vol. I, p. 230.

of every province and district have imposed for their own profit, are forbidden.

2. Rest-houses, mosques, and wells, are to be built by the *jagirdars* on lonely roads where robberies take place, to stimulate a resident population there.

3. Merchants' bales are not to be opened on the road without their leave.

4. The property of the deceased, whether Muslim or unbeliever, is to go to his heirs without interference; in the absence of heirs, guardians are to preserve and administer the property for the public good.

5. Wine, spirits, or intoxicating drugs are not to be made or sold. I myself drank wine from the age of 18 till now when I am 38, and have persisted in it. When I first took a liking to drinking I sometimes took as much as 20 cups of double-distilled spirit; when by degrees it acquired a great influence over me I endeavoured to lessen the quantity to seven or six. Now I drink only to digest my food.

6. No person's house shall be seized.

7. No one's nose or ears shall be cut off. I vowed by the throne of God that I would not thus mutilate anybody.

8. Officials and *jagirdars* shall not take the *rayats'* lands by force and cultivate them on their own account.

9. A government collector or a *jagirdar* shall not without permission intermarry with the people of the *pergana* where he resides.

10. Hospitals shall be founded and physicians appointed to them in the great cities, to be paid out of the State revenue.

11. In accordance with the regulations of my revered father, animals shall not be slaughtered from my birthday each year for a number of days equal to my age; nor on Thursday, my accession day, or Sunday, my father's birthday. (He held

this day in great reverence on this account and because it was dedicated to the sun and also was the first day of the Creation.)

12. The offices and *jagirs* of my father's servants are confirmed. [Later the *mansabs* (commands or ranks) were increased by not less than 20 per cent to 30 or 40 per cent.] I increased the allowances of all the veiled ladies of my father's harem from 20 to 100 per cent. By a stroke of the pen I confirmed the mensal lands of the holders of charities, who form the army of prayer, according to their charters. I released all criminals who had been long confined in the forts and prisons.[21]

Many of these ordinances read like the clauses of the Magna Carta which was wrested by the English barons from King John in the year 1215. But these ordinances were given out by the Emperor Jahangir of his own free will without any extraneous pressure being put upon him. His act was therefore more graceful than that of the English king. It was an act of benevolence and not the result of a successful clamour on the part of any adversaries.

The absence of written laws was remedied to some extent by Aurangzeb, who endeavoured to embody in book form the principles of his religion on which he wished to base the government of his empire. He collected the writings of the most competent law officers who belonged to the Hanifi school of thought. His idea was to constitute a standard canon of the law which might be universally adopted in the country. All the trustworthy works bearing on the subject, many of them already in the royal library, were consulted and drawn upon. The book which was to be called the *Fatawa-i-Alamgiri* was meant to enable all people to find out for themselves the correct

[1] Jahangir's *Memoirs*.

interpretation of any difficult passage. The different opinions of the *Kazis* and *Muftis* who generally contradicted one another, and whose views were not always based on any authority, were a source of great inconvenience to the people. This fact suggested to the emperor the necessity of creating an authority which could not be easily disputed by anybody. The preparation of the work was taken in hand in 1561 A.D. by the most learned man of the time, Sheikh Nizam. A sum of about two hundred thousand rupees had already been spent on its composition when Bakhtawar Khan wrote his *Mirat-i-Alam*. The book was translated into Persian by the combined efforts of Chulpi Abdullah and many others. Of the collections of decisions known in India in these days none is so constantly referred to, or so highly esteemed, as the *Fatawa-i-Alamgiri*.[22]

The Muhammadan Law is professedly founded on revelation, and the Quran is regarded as the fountain-head and first authority of all law, civil as well as criminal. Whenever the Quran was not found applicable to any particular case, recourse was had to the *Sunnah* or *Hadis*, that is, the oral law, which was and is at the present day held to be only second to the Quran itself in sanctity. Another supplementary source of law was '*Kiyas*' or the exercise of private judgment. Those who exercised *Kiyas* in giving judgments in cases were the *Mujtahids*. *Mujtahids* of the highest type were expected to be well versed in all the branches of jurisprudence, according to the doctrines of all the Schools. In India the disciples of Abu Hanifah attach great importance to the '*kiyas*' and have made an extensive use of it, as is amply proved by many

[22] Elliot's *History of India*. Bakhtawar Khan's *Mirat-i-Alam*. Vol. VII, pp. 159-60.

passages relating to the guidance of magistrates found in the *Fatawa-i-Alamgiri*:—

(i) "If none of the authorities be forthcoming, and the *Kazi* be a person capable of disquisition (*Ijtihad*), he may consider in his own mind what is consonant to the principles of right and justice, and, applying the result with a pure intention to the facts and circumstances of the case, let him pass judgment accordingly."

(MUHIT OF RAZI-AD-DIN NISHAPURI)

(ii) "When there is neither written law, nor concurrence of opinions, for the guidance of the *Kazi*, if he be capable of legal disquisition and has formed a decisive judgment on the case, he should carry such judgment into effect by his sentence although other scientific lawyers may differ in opinion from him; for that which, upon deliberate investigation, appears to be right and just, is accepted as such in the sight of God."

(BADAI OF ABU BAKR BEN MASUD AL KASHANI)

Aurangzeb had studied with great care the compilations of the great *Imam* Muhammad Ghizali, the works of Shaikh Sahraf Yahya Muniri, and the writings of Muhi Shirazi. He had thorough acquaintance with the commentaries, traditions and law.[23]

The law which the judges administered during the Mughal times was primarily the Sacred Law, as given in the Quran and the traditions of Muhammad. The judges further depended upon the codes prepared by the great doctors of the school of

[23] Elliot's *History of India.* Bakhtawar Khan's *Mirat-i-Alam.* Vol. VII, p. 161.

Abu Hanifah. They were also guided by the *Fatwas* of great jurists who had left large collections of their interpretations of the Holy Law. Besides these sacred sources there was a secular element which was drawn upon by the judges to guide their opinions. The ordinances (or *kanuns*) of the various emperors were freely applied by the judges in deciding cases. Custom or customary law also played a very important part in the legal system of the Mughals, who always recognised the sanctity of the customs under which the people of the country had been used to living. That was one of the reasons which made the Mughal rule acceptable to the masses. Finally the judges had ample occasions to make use of equity. Many things regarding which no written authorities could be discovered were decided by the judges in accordance with their own sense and discretion. They had to adjust the application of the Sacred Law, which was of a general character, to the individual cases which came up before them for adjudication from time to time. This adjustment was ordinarily the result of the decision of one man. Judges therefore exercised vast discretionary powers in their own sphere and possessed great powers over the fortunes of individuals. They were consequently held in great respect by the people and were always treated with the highest honour and deference.

Over and above all, the Mughal emperor was the supreme law-giver and legislator on those few occasions when the nature of a case necessitated the creation of new legislation or the modification of the old. His pronouncements overrode everything else, provided they did not run counter to any express injunctions of the Holy Law. These decisions were based on the emperor's good sense and power of judgment rather than on any treatise of laws. Father Francois Catrou tells us that Babar did not commit his laws to writing. There was no such

thing as a procedure code in civil or criminal cases. Everything depended on the royal will which determined all rules and regulations.

The administration of justice was regarded throughout the Mughal period as a subject of great importance. Each city had its own *Kazi.* The Chief *Kazi,* whose jurisdiction extended over the whole realm, was called the *Kazi-ul-Kazzat* and he was the chief judiciary of the realm. Questions concerning civil rights among the Hindus were decided by their own religious heads or magistrates; while those among the Muslims were decided by the *Kazis.* The supreme *Kazi* of the empire appointed *Kazis* to every provincial capital.

Muftis issued decisions on matters of Muslim Law. Besides the executive law of the *Kazis* there is in Islam the consultative law of the *Muftis.* But the latter had little binding force on the judges.

Judicial Officers

There was a *Cadr* Court at the capital which was controlled by the Chief *Cadr, Ulama,* and *Kazis.* The Chief Judicial Functionary was the *Cadr ul Cadur.* It was he who appointed the District Judges or the *Cadr Kacheri-i-Sadarat.* He enjoyed a personal *mansab* and emoluments, and in addition received a salary of Rs. 50 and had his command fixed at ten horsemen. His duties were of a multifarious nature. He checked the *sanads of Kazis, Muhtasibs, Khatibs, Imams, Muezztns,* and *Mutwallis* of the shrines, issued cheques for the stipends and daily allowances in the city and other towns, and passed bills for payment to charitable endowments.[24]

[24] Supplement to *Mirat-i Ahmadi.* Translated by Nawab Ali & Seddon, pp. 169-70.

The *Kazis* for the provinces and the towns were appointed by the *Cadr Cadur* and received their *sanads* from the office of the *Cadr*. The city *Kazi*, besides enjoying a personal *mansab* and emoluments, kept 20 horses. He also discharged the duties of the *Kazi* of *Sarkhej*, trustee of the *Baitul Mal*, and steward of the converts. In some cases *Sarkhej* had a separate *Kazi*. The town *Kazi* received daily allowances in cash and also held land for service. The arrangement depended on the special requirements of a locality.[25]

The Court *Vakil*, who was an officer of the High Court, was paid one rupee a day. There were three *Muftis*, each one of whom was a *mansabdar*, and three clerks, who were employed to do documentary work. They enjoyed a conditional *mansab* and received a daily allowance of eight annas. One Accountant whose business was to keep an account of the salary of the converts also received eight annas a day. All these items were paid from the royal treasury according to the *sanads*.[26]

The *Muhtasibs* for the city and the towns were appointed from the Cadr's office according to the royal *sanad*. The *Muhtasib* enjoyed a personal rank of 250 and kept ten horsemen. To help him in the execution of the commandments and prohibitions of the law the *Nazim* placed at the disposal of the *Muhtasib* some cavalry and infantry. His duties also comprised the supervision of weights and measures. The emoluments of the *Muhtasibs* of the towns consisted of cash as well as land according to local conditions. The *Cadr Cadur* was the head of the judicial department at Delhi. The Judicial Officers above-mentioned

[25] Supplement to *Mirat-i Ahmadi*. Translated by Nawab Ali & Seddon, pp. 169-70.

[26] Supplement to *Mirat-i Ahmadi*. Translated by Nawab Ali & Seddon, pp. 169-70.

in a province were appointed by the *Diwan* with the approval of the *Cadr Cadur*.[27] The appointment of all the justices was finally sanctioned by the emperor.

The *Cadrs* were not always independent men. They held their appointments only during the emperor's pleasure so that their tenure was very precarious. We learn from Badaoni that during the year 992 A.H. Mulla Ilahdad of Amroha and Mulla Sheri came to attend the court in order to thank the Emperor Akbar for their appointment as *Cadrs* in the *Duab* of the Panjab. They thought it necessary to flatter the Emperor for the favour he had shown them. Mulla Sheri composed a poem, entitled *Hazar Shua*, or the thousand Rays, which contained 1,000 *qitahs* in praise of the sun. His Majesty felt highly gratified.[28] Such *Cadrs* could not be expected to have much independence of character in the discharge of their judicial duties.

The Police stood half-way between the Judiciary and the Executive. In spite of the fact that all civil law was subordinate to the Holy Law, the decisions of the theologians, who were properly speaking the only jurists, were not regarded as final in every case. In practice the intellect of the emperor was the final determining factor. The Court of Justice was presided over by a *Kazi* and a *Mir-i-Adl* or Lord Justice. The *Kazi* conducted the trial and stated the law. The *Mir-i-Adl* passed judgment and may therefore be regarded as the superior authority, as he could pass such a judgment as would override the opinions of his colleagues, and thus became the real determining authority at a court. The *Kazi* could not afford to reject

[27] Supplement to *Mirat-i Ahmadi*. Translated by Nawab Ali & Seddon, pp. 169-70.

[28] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I, p. 202.

the suggestions of the *Mir-i-Adl,* who felt strong because of the royal backing. Moreover, most of the *Kazis* must have been wise enough not to incur the royal displeasure by the assertion of an independence which could not bring them any material profit. As a rule the two officers must have conducted the affairs of the court quite harmoniously since we do not hear of any serious quarrels between the Executive and the Judiciary during the Mughal period. The judges had no "Act of Settlement" which made their position one of independence by enabling them to hold their office during their good behaviour (*"quamdiu se bene gesserint"*). The *Kazi* as well as the *Mir-i-Adl* were both held in high respect by the people. Jahangir says in his *Memoirs*:—"*Mir-i-Adl* and *Kazi* are the pivot of the Divine Law, and they should not kiss the ground (before me), which is a kind of *sijda.*"[20] This was a high compliment to both these officers.

The hierarchy of judges seems to have been complete, at least in that part of the Mughal empire which was directly administered. Each court had the two officials above referred to. The chief city of each province had *Kazis* of high rank while the smaller cities had to be content with *Kazis* of lesser rank. The functions of these officers, though sufficiently important, appear to have been more closely restricted than in the Ottoman Empire. The reason was not far to seek. The superior jurisdictions of the emperor and his governors, and the criminal and financial jurisdictions of the *Nazims* and *Diwans* and their deputies, took away a good deal of work from the courts of ordinary judges. Civil cases were dealt with by the *Kazis* while criminal cases were decided by men nominated by the crown. As there is little mention of the *Muftis,* it would seem

[20] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. I, p. 203.

that they did not play an important role in the domain of justice, and occupied an inferior position.

Justice was on the whole satisfactory and the people were contented. They did not find it a great hardship that the decisions were made in accordance with a code based on the Quran as they were modified by the customs of the country.

Shah Jahan's great solicitude for the welfare of his people was responsible for the general tranquillity of the country and the peace and order that reigned throughout his realm. Very few persons had the temerity to commit offences against others or break the public peace. The procedure followed in case of offenders was as follows. At first they were tried at the place where the crime had been committed, by the local officers according to law. If the decision given by the local officers was not regarded as just and satisfactory by any person he could appeal to the Governor or *Diwan*, or to the provincial *Kazi*, whose business it was to review the case and award judgment according to their lights. They had to be careful in what they did as they were afraid lest it should be mentioned by any one in the presence of the emperor that they had not done justice in any case. A still higher court of appeal was that of the chief *Diwan*, or that of the chief *Kazi*, on matters of law. They again revised the judgment of the lower court if appealed to. Highest of all was the jurisdiction of the emperor who could reconsider a case decided by any of the lower courts. But considering the carefulness displayed by the other officers very few cases came up before the emperor except those relating to blood and religion.[30]

We learn from the author of *Labbu-t-Twarikh-i-Hind* that in spite of the fact that Shah Jahan's empire was so vast

[30] Elliot's *History of India.* Rai Bhara Mull's *Lubbu-t Twarikh-i-Hind.* Vol. VII, pp. 172-73.

in area, so few offences were committed and so few cases were referred to His Majesty that only one day in the week, namely, Wednesday, was set aside for the administration of justice by the Emperor. The number of cases never exceeded twenty on such occasions and usually it was much fewer. His Majesty once, in the presence of the author, scolded the *Darogha* of the court because although the State employed a large number of confidential persons to bring legitimate complainants to the Court on the fixed day of the week even twenty plaintiffs could not be found on such days. The *Darogha* replied that the small number of plaintiffs was due to the fact that there were very few persons in the country to whom justice had not been done by the judicial officers whose business it was to decide the cases brought before them. No fault lay with the confidential persons who were employed to seek out the complainants. He would be worthy of punishment if it could be proved that there was any plaintiff whom he had failed to bring before His Majesty.[31] This testimony of Rai Bhara Mull, who bases his opinion on personal experience, speaks volumes for the rule of justice under Shah Jahan. No wonder that the Emperor's anxiety to punish all kinds of oppressive evil-doers brought about general prosperity in his time.[32] He not only was anxious to do justice to his subjects himself but impressed the same necessity upon his subordinate officers. He tried his best to secure the services of honest men who would carry into effect the royal wishes. He himself reaped the benefit of his just rule as the State revenue increased and the Imperial treasury was fuller than it had ever been before.

[31] Elliot's *History of India.* Rai Bhara Mull's *Lubbu-t Twarikh-i-Hind.* Vol. VII, p. 172.

[32] Elliot's *History of India.* Rai Bhara Mull's *Lubbu-t Twarikh-i-Hind.* Vol. VII, p. 171.

Under Aurangzeb an attempt was made to free the department of justice from secular influence. To him justice meant justice in accordance with the Quran, without being modified by any considerations of custom or peculiar circumstances of the country. The influence of the *Kazis* increased and they became more powerful than before. The 34th '*Hukm*' of the *Ahkam-i-Alamgiri* says that trials ought to be held according to the Quranic Law. We must not forget however that Aurangzeb was as zealous and conscientious in the matter of justice as any of his predecessors. Right up to the end of his life he continued to perform this duty to the best of his ability. He was very particular about the royal prerogative of deciding all cases of blood. He would not allow any of his subordinates, however highly placed, to carry out a capital sentence on his own authority. When he learnt from the news-letter of the army of Feroze-Jung Khan that he had, while holding audience, executed a man named Muhammad Aqil on the charge of highway robbery, he took a strong exception to this act of his subordinates. He ordered the Prime-Minister, Asad Khan, to write a strong reprimand to the foolish Khan Feroze-Jung couched in the following words:—"You have undertaken an execution, i.e., the destruction of what God had built, without proof according to Canon Law. Alas for the day when the heirs (of the slain) will arive and refuse to accept the price of his blood. How can this humble being (Aurangzeb) help giving the order of retaliation (on you), as mercy in the exercise of penal laws is contrary to the authority of the word of God (i.e., the Quran)? And kindness should not overpower you in (matters concerning) the religion of God."[33]

[33] Hamid-ud-Din's *Ahkam-i-Alamgiri.* Translated by Sarkar. Hukm 34, p. 84.

CHAPTER VII

A SECULAR STATE

In theory the Mughal emperor like every other Muslim ruler was under the Holy Law, but that was a region of speculation and vagueness when applied to practical powers of the king.The Tradition, together with the Quran itself, are the source of political theory as they are the bases of religious doctrine and ritual-observance. Though he led the divine service and presided at the prayers, the emperor enjoyed no spiritual functions. Though a defender of Islam and guardian of the true faith, he was pre-eminently a political functionary whose main business was of a secular nature though his authority was by divine appointment. Therefore it was the duty of the subjects to obey him as the Shadow of God upon the earth. He was, like every other Muslim, obliged to submit to the ordinances of the *Shariah* or law of Islam. Law and political theory apart from actual practice, are indissolubly bound up together and according to the orthodox Muslim belief are as much derived from divine revelation as is religious dogma.[1] The Quran says that there is no government but that of God, and therefore the Islamic religion provided no sanction for the separation of Church and State. The two were co-extensive in the early days, and both were under the same authority; in fact they were two aspects of the same society. Islam did not recognise the institution of kingship to start with. It believed in perfect

[1] T. W. Arnold's *The Caliphate*. p. 13, 46.

democracy of the people and the king was merely the people's choice. In the early days of Islam *Shaikhs* were the natural leaders of the people in Arabia. The king owed his position to the gift the people bestowed upon him by their election and not to any inherited greatness in himself. Though the leader of the people were enjoined to obey him by the exigencies of the time, he was essentially one of them and derived his authority from the fact of being elected by them. Hence the absence of any particular rules in the Holy Quran for the guidance of the king who is subject to the same laws as others. He can claim no immunity from the ordinances of the Holy Law, nor can he alter it. He can meddle with it as little as with religion itself. He may be an authority on law, but his legal decisions are limited merely to an interpretation of the law in its application to such political and local problems as may from time to time arise and present themselves for solution.

The king is in no sense a law-giver or a creator of new legislation. Strictly speaking as he cannot promulgate any new religious dogma, nor even issue a definition of one, he cannot enact any civil law contrary to the spirit of the Holy Law. His business is to preserve and maintain what already exists, and whatever exists must be sufficient for his purpose. But as, for the government of a country, new laws are necessitated from time to time the king of a Muslim community can issue new ordinances provided he calls them only interpretations of the Holy Law. Without this ruse his ordinances are liable to be questioned by those who are called upon to obey them. The law which demanded obedience from the subjects of a Muslim state was fourfold: the Sacred Law of Islam; the established Custom of the country; the written Decrees of the king's predecessors and the Sovereign Will of the reigning king. The Sacred Law was first codified by Abu Hanifa, an orthodox Mus-

lim Doctor. He separated that part of it which was purely religious from the other which was meant to guide the daily life of an individual. Thus the Sacred Law was split up into two sections, Theology and Civil Law, each separate from, though not exclusive of, the other. The fact, that both had sprung from the same stock, did not allow this distinction to be easily recognised by an average Muslim. He ascribed both to a divine origin, and was prepared to render equal obedience to both. The practical regulations, which may be regarded as law proper, went by the name of *Fikh*. They included both Jurisprudence and Positive Law.

The sphere and jurisdiction of the Sacred Law were naturally far more extensive than those of the law in the west. As it was considered sufficient for every aspect of the entire government of the Islamic State, there was no need of enacting any Positive Law. Islam, therefore, does not admit of any distinction between spiritual and secular law. At best the latter can only be regarded as an interpretation of the former, which alone has an independent existence. The social, ethical, religious and political life of all members of a Muslim state could be satisfactorily regulated in all its details by the Sacred Law; and the society in those early days was so simple that nobody considered this Law to be insufficient. It was only when the primitive stage was left behind and society grew to be complex and assumed the form of a vast empire that the Sacred Law ceased to be sufficient. The new problems which arose with the extension of the State were necessarily more complex than before and required new laws. The Holy Law presented a difficulty, as it admitted of no meddling; on the other hand if its general and vague commands were not given specific interpretation the new problems which presented themselves every now and then could not be practically solved.

The kings solved this apparent difficulty by recognising its sanctity and unchangeableness, but at the same time supplementing it by their decrees to suit their purpose. This led to new ordinances which might be regarded in the light of the new civil law. While doing so they were careful not to transgress either the spirit or the letter of the Sacred Law, for any such transgression would have rendered their position untenable. If a king offered any violence to the spirit of the Sacred Law or disobeyed any of its positive commands he was no longer entitled to the allegiance of his subjects. In such a case the subjects, led by the *Ulama*—a body of men who made religion their special study—would consider themselves absolved from obedience. The Muslim society under these circumstances was justified in exercising its inherent right of revolution, as the popular consent which had elected the head of the State and which allowed him to remain in authority did not recognise in him any right to ignore or defy the Sacred Law which was the basis of Muslim society. This right of the Muslim society reminds one of the "Contractual Theory" of the west.

The sovereign could issue his new legislation only within the four corners of the Sacred Law and in accordance with its spirit. His *firmans* or ordinances could not confer legality on what was illegal according to that law, nor could he declare illegal what was legal before. As an *Imam* he was allowed to make new regulations within the limits set by that law as demanded by the special circumstances of the time and required by a consideration of public welfare and contingencies of administration. Thus so far as legislation was possible under this system, the sole power to issue it rested with the political head. The Mughal emperor was therefore, for all practical purposes the supreme legislator for his subjects.

The position of the Holy Law is very high. It stands be-

side the king as the embodiment of the religious factor which is authoritatively explained by the *Mufti.* As leading the prayers during public worship and as pronouncing the *Khutba,* the king can indeed perform definite religious functions, but none of these functions can rightly be described as spiritual,[2] as these functions can be performed by any other Muslim as well. He is certainly the head of the Islamic State but not the highest authority on Islamic religion. "Sultanate comes after the great Law"; though after the Great Law—the exalted *Shariah*—there is no rank higher in dignity or honour than Sultanate. The Sultan is a protector of religion and as such is expected to espouse its cause and fight its battles. It is a sacred trust which he must never betray. He has to wage war against unbelievers and punish and suppress heretics. He must consider the enemies of his religion to be his own enemies against whom he must employ the power of his State. But the policy of Muhammadan kings was not necessarily aggressive as their action was circumscribed by the actual conditions in which they lived. In many cases a catholic and liberal policy was pursued towards those who professed a different faith. Some of the kings might have liked to see the spread of Islam but did not always propagate it by forcible means. Many of them deserve credit for adopting a policy more liberal and tolerant than that of the contemporary Christendom. Of course all Muhammadan kings were not believers in such an enlightened policy, but it cannot be denied that many of them were.

A strict adherence to the theory described above would make every Islamic state a republic or at least a constitutional

[2] T. W. Arnold's *The Caliphate.* p. 15.

[3] Badaoni's *Muntakhab-ut-Tawarikh.* Translated by Ranking. Vol. I. p. 94.

monarchy where the authority of the sovereign was strictly limited. The king, living as it were under the shadow of Holy Law, cannot be arbitrary in any of his acts. He must always be guided in matters of State by the learned doctors of that law. His ideal must be the early tribal State of Arabia. But this ideal was very soon lost sight of and Muhammadan government, wherever it established itself, assumed the form of a monarchy free from clerical control.

The Mughal emperors of India did not pay homage to any outside Caliphs as some of their Pathan predecessors did. They were too firmly seated on their throne to require any such props. Shams-ud-Din Altamash was the first of the Indo-Muhammadan kings who received the diploma of investiture from the pontifical court of Baghdad. We learn from Badaoni that in the year 626 A.H. Arab ambassadors brought a robe of honour and titles from the Caliph of Egypt[4] for Shams-ud-Din. Great preparations were made for the reception of those high personages, and the capital was *en fete*. Triumphal arches were constructed in the city and banquets were held in honour of the occasion. Ferishta also refers to this event and tells us that the king put on the royal robes sent by the Caliph with joy, held a great festival and distributed rich presents.[5] This recognition of Altamash as a Muslim ruler of India by the Caliph was a source of strength and stability to the newly established Muhammadan rule in India. Another Pathan ruler who was honoured by the Caliph, this time of Egypt, in a similar manner was Muhammad Ben Tughlak who received a robe of

[4] The ambassadors must have been sent by the Khalifah Al Mustansir of Baghdad.

[5] Ferishta's *History of the Rise of the Mahomedan Power*. Translated by J. Briggs. Vol. I, p. 210.

honour in 1343 A.D. We learn from Badaoni that in the year 744 A.H. Muhammad Ben Tughlak received the "diploma of the Khalifah with a banner and robe of honour, conferring upon the Sultan the title of *Nasir-i-Amiru-l-Muminin* from the Khalifah of the Abbasides" who was still a powerful potentate.[6] The Khalifah's representative Haji Syed Sarsari was given a grand reception. The Sultan, dismounting, kissed the feet of the Haji. All the Shaikhs and Syeds were present in the procession that was formed to receive the honoured guest. The *Khutba* was read in the name of the Khalifah. A large amount of money was given in alms to the poor, and costly presents were sent to the Khalifah in Egypt. After this Muhammad Ben Tughlak always behaved as the nominee of the Khalifah. The Caliph sent patents to him on two or three occasions as well, on one of which Muhammad Ben Tughlak made the Caliph's emissary sit beside him on the throne. Thus Muhammad Ben Tughlak became to all intents and purposes a Deputy of the Caliph. His successor Feroz Tughlak also received "an honorary dress and a letter of congratulation" from Abool Futteh Bukr Aby-Rubeea Sooliman, Caliph of Egypt in the year 757 A.H.[7] In the sixteenth century Sultan Salim, the great Osmanli conqueror, obtained a renunciation of the office of the Caliph in his favour from the last Caliph of Cairo (where the Abbaside Caliphate had been revived in 1261). Since then the Osmanli sovereigns had assumed the title of Caliph and had been recognised by the bulk of the Sunni world as their legitimate Pontiffs.

[6] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. I, p. 310.

[7] Ferishta's *History of the Rise of the Mahomedan Power*. Translated by J. Briggs. Vol. I, p. 450.

The suzerainty of the Caliph was not universally recognised in the Islamic world. There are many examples to show that a Muhammadan sovereign sought to enhance his dignity by taking on himself the title of Khalifah.

Even the Pathan rulers of India had not really submitted to the authority of the contemporary Caliphs, though those of them who received recognition from the Caliph made much of it. They welcomed such a recognition as it strengthened their position in the eyes of their immediate followers and also tickled their vanity. The investiture by the Caliph enhanced the prestige of the Indo-Pathan kings without detracting a jot from their sovereign power. It never rendered their authority in any way subordinate to the Caliphate. There was no occasion on which they had to obey any orders of the Caliph which were not acceptable to them—in fact no Caliph thought it worth his while to issue any orders to the Indo-Muhammadan kings. He was content to send a robe of honour occasionally in order that he might feel the satisfaction of being a superior person as compared with the kings of individual Muhammadan governments. His suzerainty existed only in name and more often than not in his own imagination. Had he ever demanded more than a nominal allegiance from the Pathan rulers of India he would very probably have received a curt refusal.

The recipients of the robes sent by the Caliph behaved in every way as independent sovereigns, and recognised him only when it suited their purpose. They did not stand to him in the same relation in which the Christian rulers of Mediæval Europe stood to the Pope of Rome. No clerical or political link connected the two. No pontifical legate was permanently stationed in the Indo-Pathan State to represent the Caliph's authority. The Muhammadans of India from the twelfth century onwards paid more respect to their own Muhammadan rulers than to any

Caliph, to whom they did not even profess a nominal spiritual allegiance. In practice the Pathan king was the temporal as well as the spiritual head of his subjects. The direct representatives of the Prophet, whether they had their head-quarters in Mesopotamia or Egypt, had no controlling hand in Indian affairs.

As soon as the power of the Pathan kings was established on a firm basis in India, Islam began to take into account its new environments. Indian Muslims began to feel independent and freely interpreted their faith in their own way. Their interpretation could never have been accepted by the orthodox *Ulama* of Baghdad or Cairo[8]. The name of the reigning Caliph was no longer heard at the time of prayer in Indian mosques. Even the Indian coins ceased to be adorned with the name of the reigning Caliph. This clearly proves that the Pathan rulers were prepared to receive any addition to their strength by obtaining a recognition of their rule by the Caliph but they were not willing to share their sovereignty with him. The visits of the Caliph's emissaries were more like social courtesies exchanged between two independent sovereigns than anything else. These courtesies were repaid by their hosts who accorded the honoured guests a right royal welcome and loaded them with costly presents. No political matters were ever discussed between the parties and no decisions affecting the position of Islam in the world were ever arrived at. No revenue was regularly remitted to the Caliph and no political problems of India were ever referred to him for advice, much less for orders. There was no regular correspondence kept between the Indian rulers and the head of the Caliphate. No military aid was ever demanded by the latter and none given by the former. The Mughal emperors were even more independent than their Pathan predecessors in this

[8] Havell's *Aryan Rule in India*. p. 330—331.

respect. They never asked the Caliph to invest them with the supreme temporal power, and Mughal India never recognised the spiritual sway of the Caliph. Even before they became the powerful monarchs of Hindusthan the Mughals had never turned to any Caliph for the ratification of their authority over their subjects in Central Asia. They were sufficiently powerful not to feel the necessity of being invested with sovereignty by any outside Caliph. They considered themselves as good as any Caliph. Like many other powerful Muhammadan sovereigns they assumed the title of Caliph themselves though they never went so far as to assume the title of *Amir-ul-Muminin* (Commander of the Faithful) which was adopted by the ancient Caliphs. Badaoni begins his history of Akbar thus:—"The Emperor of the time, the Caliph of the age, Jalal-ud-Din Muhammad Akbar Padshah (may he ever be firmly seated on the throne of the Khalifate and the seat of clemency) with the approval of Bairam Khan, the Khan Khanan, began to honour and adorn the throne of the Sultanate"[9]. Khafi Khan when commenting upon the action of the Syed brothers against Muhammad Shah says:—"Nizam-ul-Mulk perceived that the Syed brothers had the fixed intention of overthrowing the royal house, and removing the Khalifah of the world"[10]. From the reign of Akbar onwards the Mughal emperors made it a point to add the title of Khalifah after their names and designated their capital *Dar-ul-Khilafat* (the abode of the Caliphate)[11]. Akbar's famous gold coin was inscribed with the word 'The Great Sultan, the exalted Khali-

[9] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 1.

[10] Elliot's *History of India*. Khafikhan's *Muntakhab-ul-Lubab*. Vol. VII. p. 490.

[11] T. W. Arnold's *The Caliphate*. p. 159.

fah'[12]. The Mughals never thought it necessary to acknowledge the overlordship of the Ottoman Sultan. The letter from Shah Jahan's minister to the Turkish Grand Vizier, Mustapha Pashah, refers to the Emperor as "his exalted majesty, who occupies the dignity of the Caliphate, the *Khaqan* of the world, the *Shahinshah* of the Sultans of the whole earth, the shadow of God"[13]. The title of Khalifah found a place in correspondence with foreign potentates, and was used by court litterateurs. Even powerless rulers were not above adding it after their names. It satisfied the vanity of the head of the Mughal State and also proclaimed his independence of any outside authority. Even the puppet king Shah Alam the Second is spoken of by his biographer as Khalifah.

Only the first four Caliphs were held in reverence by the Mughal emperors. Their names were found on the Mughal coins which were also adorned with the words of the creed. Aurangzeb substituted for this superscription certain couplets containing the Emperor's name, as the coins sometimes fell under the feet of the so-called infidels. The name of the reigning Caliph is not found inscribed on the Mughal coins[14].

The religious character of monarchy and the subordination of Sultanate to the Holy Law existed only in theory during the Mughal times. In practice the Mughal kings of India exercised greater authority than that claimed by any kings in the west who based their claims to sovereignty on divine right. The restrictions placed by that law on their authority did not form a part of practical politics. The Mughal kings had no *Shaikh-*

[12] T. W. Arnold's *The Caliphate*. p. 159.
[13] T. W. Arnold's *The Caliphate*. p. 160.
[14] Elliot's *History of India*. Khafi Khan's *Muntakhab-ul-Lubab*. Vol. VII. p. 241.

ul-Islam, honoured by the sovereign with a seat above his own, whose decision might determine the policy of the ruler or the fate of the empire. Properly speaking, Islam recognised no organised priesthood, and the Muslim Church in India was not an integral part of the Mughal Empire. Though the Mughal kings could never declare themselves independent of the Muslim Church, in practice they enjoyed complete sovereignty in the State. The State did not take its orders from the Church, nor could the Church successfully assert that the rights of the civil power existed only by grace of the hierarchy. The Church here occupied a subordinate position as compared with the Roman Catholic Church in Mediæval Europe.

The position of the monarch could be strong only if the State was secularised. Though the Mughal emperors never issued an edict formally abolishing Islam as the State religion, as was done in Turkey in 1928, yet for all practical purposes they kept the State and the Church separate. They did not make State offices a monopoly of the followers of their own religion. A person before being appointed to an office was not required to take an oath admitting his faith in Islam. The various offices of State were open to all, irrespective of caste or religion, though the majority were naturally held by those professing the faith of the ruling dynasty. The number of Hindu grandees was not negligible at any time of Mughal rule and they constituted a fairly important part of the machinery of Mughal government. Some of the highest posts were in their hands and they were honoured with the fullest trust, which was never betrayed. There is no period in Mughal history when the Hindus were not employed in responsible posts. At some periods they were regarded as the veritable props of the Mughal edifice and the greatest reliance was placed in them. It is true that sometimes they might not have been regarded with much

favour; but they continued to be employed. This state of things would not have been possible if the Church had been allowed to overshadow the State, for the employment of non-Muslims in State departments could never have been welcome to the orthodox dignitaries of the Church. The Mughals of India were not the first to show this catholicity of spirit in the matter of State employment. The path had been shown by the Abbaside Caliphs and several eminent monarch of Turkey. The Mughal emperors were the protectors and guardians of Islam, but they did not mind entrusting places of responsibility to those who did not profess that faith.

Though the Holy Law was theoretically supreme in the State, the *Ulama,* who were the only authoritative exponents of that law, were never allowed to share that supremacy. They had held great power during the reigns of some Pathan kings and had in their time been allowed to have a say in political affairs of the country. But even during the Pathan period the clerics were not always allowed to have their own way in everything. Alauddin Khilji and Muhammad Ben Tughlak had always regarded the *Ulama* with suspicion and had refused to allow them to meddle in State affairs. The dangerous character of their power was easily recognised by the Mughal kings who kept them under strict control, and thus prevented the creation of a State within a State, which would have proved disastrous to the country. The *Ulama,* though worthy of respect and esteem, possessed neither the knowledge nor the political experience which are essential for the successful manipulation of governmental machinery, since both their knowledge and their experience were limited to theology and the settlement of theological questions. Their opinions were necessarily biased, and their horizon necessarily restricted.

The Mughal state in India was not a truly Islamic state.

The Mughal kings would not fetter themselves by any narrow religious considerations in the matter of government, and their statesmanship compares very favourably with that of the Pathan kings of India. It was mainly because they could free themselves from the clerical influence (whether actuated by a spirit of political opportunism or by a lofty ideal of statesmanship) that their policy was highly successful. Had they paid the same deference to the opinions of churchmen as did some of the Pathan kings the results would have been vastly different. During the Mughal period, the law which had the widest recognition was the king's will rather than the Sacred Law. Though the king was expected to make the precepts of the *Shariah* or Sacred Law effective in every department of administration and every sphere of social life, in actual practice the wheels of the state machinery moved according to the royal will and the royal will alone. It was the duty of the Mughal emperor to defend his Church, but he never devoted his energies to the spread of Islam. The secular power claimed and enjoyed complete supremacy, The *Ulama* did not enjoy even one-tenth of the power which was theirs under kings like Sikandar Lodi. Their occasional efforts to assert themselves were ridiculous and always ended in failure. Their position was one of distinct inferiority to that of the officials who were employed by the king to carry on his government. They must have smarted under the blows which they received in the time of Akbar and Jahangir but they felt helpless and too weak to parry them.

The Mughal kings always considered it dangerous for the State to give the spiritual power a free hand in political matters, as that would have fettered the action of the State in a thousand ways and clogged the wheels of governmental machinery. India was not a country peopled only by Muhammadans. The number of those who professed the faith other than that of the

Mughal emperor was overwhelmingly large. If any form of government other than the military rule of the Pathan kings was to be established in such a country it was absolutely necessary to keep in view the feelings of that large section of the population which had different customs and institutions from the Mughals. The Mughal statesmanship had a higher ideal before it and creditably rose above mere religious considerations, which had carried so great a weight with some of the earlier Indo-Muhammadan kings. It was unsafe to make the *Ulama* the ultimate arbiters of political action in a country like Hindusthan.

The Mughals were therefore ever jealous of clericalism, and tried to confine its activities within as narrow a circle as possible. Akbar and Jahangir were quick to recognise the soundness of the policy of Allauddin Khilji and Muhammad Ben Tughlak. They did not trouble to discover what was right or wrong according to the *Ulama* but they were not slow to find out what was good for the State. The broad base on which they wisely rested their sovereignty required them to be more or less independent of clerical control. The ecclesiastical organisation might be tolerated as a convenient instrument to support the king's wishes and secure for them universal acceptance, but not as a hostile body to oppose the royal will. Its position was on occasions similar to that of the Court of Ecclesiastical Commission under the Tudors and the Stuarts of England, but it was never allowed to have an independent status. The *Ulama* were not even always treated with respect. Several times they were covered with ridicule. Even when they received the respect that was due to them by virtue of their holy profession and high character they were scrupulously excluded from grave matters of state-craft. There was never any danger of an *imperium in imperio*. No synod of divines or doctors of law was powerful

enough to act as a check on the king's will or sit in judgment on a king's action. The *Ulama's* decrees were worthy of respect in settling questions of dogma or creed but not when an intricate political problem presented itself for solution. There the will of the king, or that of his official advisers, was more important. Though a *Cadr-i-Jahan* or *Cadr-us-Cadur*, who was the highest ecclesiastical law officer, might exercise the powers of a High Inquisitor, and it was his edict that legalised the accession of a new king, he could easily be dismissed by the king. It was not possible for him to act as the head of an independent organisation, since there was no organised class of clerics to back him up if he had the boldness to issue any decrees that might clash with the wishes of his royal master. He could not excommunicate the king and could not persuade his subjects to withdraw their allegiance. Any such attempt on his part would have spelt his own ruin. Akbar was not the first to realise the dangerous powers of a *Cadr-i-Jahan*. Before his time Allauddin Khilji had cancelled the grants of former rulers and had resumed the greater part of the *madad-i-maash* or *'Sayurghal'* tenures and made them crown lands. This was done to decrease the power of the Church, which depended on the lands in its possession. The wealth of the Church was a source of danger to the State. Allauddin Khilji had further lowered the dignity of the *Cadr* by appointing such a low class man as his key-bearer to this high office[15].

The Mughal kings felt towards the Church a bitter though not unnatural jealousy; they lost no opportunity of keeping it down, and never hesitated to deny its right to interfere in the affairs of the State. The Church was never allowed to make

[15] Zia-ud-Din Barani's *Tarikh-i-Ferozshahi*. p. 353.

an inroad on the preserves of royalty. The greed and quarrelsome disposition of the *Ulama* made it easy for the Mughal kings to attack them successfully. The wranglings of the clerics exposed the members of this holy order to ridicule and covered them with well-merited scorn. The scenes at the *Ibadatkhanah* in Akbar's time could not but lower them in the eyes of the public who watched the proceedings of their meetings with curious interest. Akbar once got so disgusted with their brawls that he ordered that the *Ulama* who talked nonsense and did not know how to conduct themselves with decency should be reported to him so that he might order them to leave the hall. Asaf Khan's reply that if he carried out this order most of the *Ulama* would have to leave, throws a lurid light on the manners of that august order. These were not the people who could safely wield any political authority. Their narrow-mindedness, which offered a great contrast to the eclectic pantheism of Akbar, rendered them in his opinion quite unfit to be at the helm of affairs.

It was necessary for the secular power to claim complete supremacy—even to the point of persecuting the teachers of all doctrines which it regarded as harmful to the stability of the State. The Mughal emperors always acted upon the views expressed by Allauddin Khilji who had come to the conclusion that "Polity and government are one thing, and the rules and decrees of law are another. Royal commands belong to the king, legal decrees rest upon the judgment of *Kazis* and *Muftis*"[16]. The Mughal emperors always did what was for the public good and did not much trouble themselves whether it was strictly in accordance with law or not. They did not openly flout the Holy

[16] Elliot's *History of India. Tarikh-i-Ferozshahi* by Zia-ud-Din Barni. Vol. III. p. 183.

Law but they twisted it to suit their purpose whenever they pleased. They did not trouble to get legal opinions from the *Kazis* and *Muftis* about political matters but depended on their own judgment. They were not afraid of any opposition from the dignitaries of the Church.

The "*Fakihs*" or Muslim legists, who combined the functions of theologians and priests, never became a power in the land. Although they were treated with deference, and the decisions of the courts of justice, where the *Kazis* sat and expounded the Holy Law, were as a rule given effect, they (the *fakihs*) were never allowed to direct the State policy. They might be full of clerical pride, but they never had the courage to denounce the action of the king. That was the age of opportunism, and if Europe produced Elizabeth and Henry IV, India had Akbar and Jahangir. It was good for the country that statesmanship freed itself from the theological vesture which might otherwise have stifled it. The orthodox clergy, who must have disliked the heterodox views of some of the Mughal kings, could never have the temerity to denounce them publicly as irreligious; at any rate their denouncements were very rare and practically of no avail. They were powerless to fan the flame of religious discontent or excite the bitterness of the orthodox section of the population. In Spain the *fakihs* had instigated many insurrections against the Arab rulers, and as 'priests' of Islam had wielded so great an influence that they succeeded in weakening the Arab empire in that country. But in India they could never raise their voice against the liberal interpretations of the laws and the general tolerance of the Mughal kings, and had very little influence with the people. We do not hear of any organised revolts headed by them. They never became a formidable class and never proved troublesome to the Mughal emperor. They fully understood their limitations and did not presume to

ignore them, as they knew that any such attempt on their part would spell their own ruin.

It is true that justice was administered according to the Muhammadan Law and the *Kazis* administered that law in conformity with a code—the result of accumulated decisions based on the Quran; but the Mughal king was always the highest court of appeal, and the decisions of the *Kazis* were liable to be revised by him. The court of justice, as stated elsewhere, consisted of a *Kazi* and a *Mir-i-adl* or Lord of justice. The latter was the exponent of political expediency and was careful to see that the judgment he pronounced did not clash with the wishes of his royal master and did no violence to the customs of the country. It was his business to modify the *Kazi's* opinions in such a way as to suit the particular circumstances of a case. Thus even in the domain of law, which ought to have been a close preserve of the Church, the hand of the king was visible. Only under Aurangzeb was an attempt made to hold trials strictly according to Quranic Law[17].

All privileges, being in practice granted to the Church by the Crown, were liable to be revoked by the same authority. No high offices of the State belonged of right to churchmen. When the king consulted the learned *Kazis* on points of law they might have answered according to the written law of the Quran, but their opinions were as little acceptable to him if they ran counter to the policy of the State as had been the opinions of Kazi Mughis-ud-din of Bayana to Allauddin Khilji, when the former persisted in designating some of the acts of his royal master unlawful as they were not in accordance with the tenets

[17] Hamid-ud-Din's *Ahkam-i-Alamgiri.* Hukm 34 Translated by Sarkar. p. 84.

of religion.[18] Whatever the king did with regard to policy and government no *Kazi* had the courage to object to. The king knew that if the doctrines of Islamic law were always put into practice they would never answer the purpose of administration. Any insistence on the observance of such principles would have given rise to innumerable difficulties. As the churchmen were fully aware of the great authority of the king there was never a serious breach between the supporters of the sovereign rights of the Crown and the upholders of the dignity of the Church. Even the forfeiture of Church lands was acquiesced in by the Church after a mild protest. The personal character of allegiance from the clergy was always asserted to the full. The Mughal king being the vicegerent of Allah and not a mere successor of the successors of the Prophet, was entitled to receive unquestioned obedience from his subjects, even if he was disliked by the Church. The people could not expect to get any tangible help from the Church in resisting the royal authority. Under these circumstances no person could set up, under any pretence whatsoever, any independent co-active power, either ecclesiastical or popular, for that would have been quickly suppressed. The Church in its struggles with the Crown could not expect to get any help from any outside power. The only outside authority to which the Church could reasonably appeal was the Caliph, but the Mughal kings were not afraid of any such authority, as they did not regard themselves in any way under the Caliph. They never cared to be confirmed on their throne by him nor did they feel the necessity of winning his favour by dispatching valuable presents to him. Even Aurangzeb realised the futility of it after some time. The Mughal kings did not

[18] Elliot's *History of India. Tarikh-i-Ferozshahi* by Zia-ud-Din Barni. Vol. III. p. 188.

cause the Caliph's name, in place of their own, to be struck on all the current coins of the country. Thus there was no chance for ecclesiasticism to become important as a political factor. There were no wars between the Church and the State in Mughal India as there were between the Papacy and the Empire in Europe. The relations between the two were generally harmonious. There might have been discontent among the dignitaries of the Church, but it very seldom came to the surface. The officers of the Church were under the throne. They might roar and kick but they could not get rid of the royal authority, howsoever oppressive they might consider it to be. The Mughal practice never recognised the spiritual subjection of the prince, as a layman, to the officers of the Church, though he might be regarded as a minister and executant of the Church's decrees. He might humour the Church dignitaries as a matter of policy but he refused to do so as a matter of conscience. "The civil magistrates never became the nurses and servants of the Church who must throw down their crowns before it." The State wielded the sovereign power and the Church was not allowed to dictate how it should be wielded. The Mughal atmosphere was secular and not spiritual, though the idea of a sacerdotal confirmation of the royal authority was not repugnant to the Mughals.

The submission of the *Ulama* to the Mughal kings was as complete as the submission of the clergy in the time of Henry VIII of England. Most of the clergy were servile flatterers and looked to the king for personal advancement. Their *jagirs* and emoluments were royal gifts and could be confiscated at royal pleasure. Their worldly ambitions prevented them from becoming a spiritual force. Hardly any of them could display the character or independence of an Anselm or a Becket. Their venality made them sycophants and as such it was not possible

for them to assert the power of the Church. Their necks were always in danger and were liable to be twisted whenever they dared rear their heads. Few of them were prepared to sacrifice their worldly interests for the sake of their convictions, while those who possessed superior knowledge and character were too much absorbed in their religious occupations to think of striving to get a share in political power. They spent their lives in the obscurity of their houses or monasteries and never ventured into the political arena. Consequently the *Ulama* never became a factor to be reckoned with. The clerics might fret and fume but the clerical breeze was never strong enough to create any serious flutter in the royal dovecots. We search in vain for any effective "Fatwas" issued by the *Ulama* against any Mughal emperor. When *Shaikh* Sharaf of Qarabagh, either incited by Abdul Aziz or of his own accord, wrote an attestation which attributed to Babar some oppression which the latter says in his *Memoirs* he had not done, and persuaded the *Imams* of Lahore to put down their signatures to this accusation, Babar grew very angry and sent Qambar-i-Ali Arghun to arrest *Shaikh* Sharaf as well as the Imams of Lahore with their associates and to bring them all to court[19]. We do not know what punishment was actually inflcited on them.

It is true that the heretical doctrines of Akbar did provoke an adverse criticism in certain quarters but he eventually succeeded in having his own way. In the year 987 A. H. Mulla Muhammad Yazdi, the *Kazi-ul-Kuzzat* of Jaunpur, issued a "*fatwa*" insisting on the duty of taking the field and rebelling against the Emperor whose heretical tendencies were as notorious as they were unacceptable to the Church. The consequence was that Muhammad Masum Kabuli, Muhammad Masum Khan

[19] *Memoirs* of Babar. Translated by Beveridge. Vol. III. p. 687—8.

Farankhudi, Mir Muizz-ul-Mulk, Nayabat Khan, Arab Bahadur and some others drew the sword against the Emperor's authority and in many places fought desperate battles. The *Imams* denounced the Emperor for making encroachments on the grant-lands belonging to the Church and to God. But this cry of 'Church in danger' was soon drowned in the din and clash of royal arms. Mulla Muhammad Yazdi was carried away in a boat and when the boat got in deep water he was thrown overboard by the sailors, the *Ulama* of Lahore were banished, and the Emperor got rid of all the others, one by one, whom he suspected to be disloyal to him[20]. All disaffection in clerical circles was suppressed. There was no loud protest from the general mass of the Muhammadan population against the action of the Emperor. The opposition of the *Imams* was rightly put down to mercenary motives. They appeared as fighting for worldly loaves and fishes and not in defence of any religious principle. The absence of a high motive made their position weak. It is probable if Akbar had not meddled with the *sayurghal* or lands given for benefit purposes there would have been no rebellion. His religious doctrines would have been passed with low murmurs which probably would have not reached the royal ears. The *Ulama*, safe in the possession of the Church lands, might not have taken any serious notice of his unorthodox opinions, for heresy in the matter of doctrines was not of itself likely to rouse the *Ulama*. But the rebels objected to Akbar's innovations in religious matters purely for selfish reasons. These innovations robbed them of grants of rent-free lands, which the Emperor withdrew from them on the ground of utility. He considerably interfered with these lands, and resumed whatever he liked and

[20] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 284—5.

added it to the royal domain or *Khalicah* lands. He ordered that all those who held more than five hundred *bighas* of such lands should lay their *firmans* personally before His Majesty, so that the latter might scrutinise them. Those who failed should have their lands forfeited[21]. As, however, "the practices of these grant-holders did not come up to the wise counsels of His Majesty", it was ordered that the excess of all lands above one hundred *bighas*, if left unspecified in the *firman*, should be reduced to two-fifths, three-fifths of the excess being annexed to the domain lands. Thus Akbar was more successful than Edward I of England who had passed the statute of *Quo Warranto* with a similar object but was compelled to withdraw it. Akbar's success was due to the fact that the Church in India was not a powerful organisation as it was in England, or, for that matter, in any country of Europe.

Akbar completely broke the power of the *Cadr* whose importance, especially before the Mughal times, had been very great. The *Cadr* had possessed an almost unlimited authority of granting lands for ecclesiastical and benevolent purposes independently of the king. From this followed two evils. In the first place the royal domain decreased, secondly, the Church grew dangerously rich. The position of the *Cadr*, or, as he was then generally styled *Cadr-i-Jahan*, was one of great importance, as his edict legalised the *julus*, or accession of a new king. During the reign of Akbar also, he ranked as the fourth officer of the Empire and possessed an almost unlimited authority. Thus Abdunnabi, during his *cadrship*, ordered two men to be killed for heresy. The *Shaikh* and other *Ulama* decreed that Mirza Muqim of Isfahan and Mir Yaqub of Kashmir should be put to

[21] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. p. 269.

death as they were *Shiahs* and had been involved in the death of some *Muftis* who had been responsible for the death of a zealous *Shiah*[22].

Akbar's action must not be summarily condemned since he was amply justified, and was not swayed by a mere spirit of innovation. He wanted to reform the system into which many corruptions had crept. *Sayurghal* or *Madad-ul-maash* lands were given for charitable purposes, as specified by Abul Fazl. Such lands were hereditary, and differed for this reason from jagir or *tuyal* lands, which were conferred for a specified time on *mansabdars* in lieu of salaries. Thus they were held tight in the dead hand of the Church and could not therefore be realised and added to the royal domain. Akbar's legislation on this point was like the Statute of Mortmain which was passed by Edward I in England in 1279.

As in several other departments, bribery was extensively carried on in the offices over which the *cadrs* presided. There was generally great difference between the quantity of lands as given in the *firman* and that actually enjoyed by the Church. Many times it was not clear from the ambiguous language of the *firman* how much land had actually been granted by the king. The person in whose favour the *firman* was issued managed to take possession of as much as he could lay his hands on with the permission of those who were prepared to be accommodating in this matter if it was made worth their while. So more land came into the hands of the Church than was sanctioned by the king. The *Kazis* and the provincial *cadrs* were not strictly honest men. Akbar's constant enquiries brought several irregularities to his notice and many illegal grants made during the

[22] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 128.

reigns of his predecessors had to be cancelled by him. Such a course of action, however just, was naturally resented by those who stood to lose by it. They failed to be impressed by the legality of the thing.

This policy of the Emperor received a further fillip from his liberal religious views. The narrow-mindedness of the *Ulama* had already estranged him and he did not like to see that class of men in possession of vast lands particularly when the titles of several of them to those lands were defective. Therefore besides a desire to reform the corrupt system he had a personal reason to confiscate their ill-gotten lands, and drive the unlawful possessors of them to Bhakkar in Sindh, or to Bengal, the climate of which was exceedingly unhealthy[23]. To strengthen his hands Akbar wanted to fill some of these posts with his own men who would serve him faithfully and on whom he could safely rely for carrying out his policy. For instance, after the fall of Abdunnabi he appointed a member of the Divine Faith, namely Sultan Khwajah, as *Cadr*.[24] Under him the authority to grant lands was jealously restricted. He had to take the previous sanction of the Emperor before making any such grant. In the Pathan period Allauddin Khilji had also cancelled many such grants. The *Cadrs* became dependent on the *Diwans* and so lost their independence. The *Ulama* felt aggrieved but they had no power to withstand the all-powerful Emperor.

The importance and dignity of the *Cadr* were reduced to such an extent, and since he had to look after so few lands his duties became so light that it was not always necessary for him to remain at his headquarters. Fathullah, who was a *Cadr,* was

[23] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. I. p. 271.

[24] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. I. p. 272.

sent on missions to the Deccan,[25] and the office of the *Cadr* was held during his absence by his servant Kamal.[26] Badaoni says that his only duty was erasure. He confiscated many lands but granted none.[27] To *Cadr* Jahan Badaoni refuses to give even the name of *Cadr* and calls him the Mufty of the empire.[28] Thus many so called religious men were deprived of their means of subsistence. The *Cadrs* had also made themselves abominable to Akbar by the tyrannies which in some cases they practised upon others. Shaikh Abdunnabi had conferred more lands during his tenure of office than had been done ever before, although at the time of his appointment he was told that he should consult Muzaffar Khan before making any grants.[29] But he soon made himself completely independent of the *Vizier*. Sher Shah had been very lavish in granting lands for ecclesiastical purposes. Many grant-holders were in possession of lands that had been conferred on them by the Sur King and could therefore not expect to be treated with any indulgence by Akbar who had succeeded to the throne by overthrowing Sher Shah's descendants. He looked upon them as the favourites of an enemy of his house—which might partly explain Akbar's severity towards them. The appointment of Sultan Khawaja, a member of the Divine Faith, as a

[25] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 354.
[26] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 354.
[27] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 325.
[28] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 418.
[29] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 70.

Cadr-i-Jahan clearly showed that Akbar wanted to be the supreme head of the Church just as Henry VIII of England, a little before Akbar's time, had made himself supreme in all ecclesiastical matters by forcibly dissolving the monasteries and bringing all their property under his own control. Thus a great distance had been travelled since the beginning of the reign; for Akbar in the early part of his career, not unlike Henry VIII, had seemed anxious to defer to orthodox Musalman opinion and to reconcile his public and private actions with Islamic traditions. But he soon changed and transferred his allegiance from religious orthodoxy to intellect. The narrow-minded *Ulama*, some of whom declared the same thing unlawful which had been considered lawful by others, disgusted him and fell very low in his estimation. He lost no opportunity to show his utter contempt for them. He banished the *Shaikhs* of the Ilahi sect to Bhakkar and Kandahar and sold them in exchange for Turkish colts.[30] Shaikh Husain, the grandson of His Reverence Khwajah Muin-ud-Din was exiled to Bhakkar as on his return from Mecca he behaved like a man who had risen above the ordinary conventionalities of the world. His failure to render obeisance to the Emperor in the usual fashion was deeply resented by the latter and treated as an act of disloyalty.[31] The offer of the '*Zamin-bos-sejdah*', or ground-kissing obeisance, by his subjects was too valuable a prerogative to be willingly renounced by the Emperor. He went so far to show his disregard for the learned doctors of Islam that he abolished the

[30] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 308-9.

[31] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 309.

era of the *Hijrah* and substituted for it a new one which commenced from his accession to the throne.[32]

The way Akbar treated the *Ulama* in the matter of his marriages clearly proves the scant respect which they received from the secular head of the State. Akbar paid no heed to the opinions of the orthodox section and succeeded in having his own way like Elizabeth of England who was as great an opportunist as her Indian contemporary. He wanted to know how many free-born women one could legally marry by '*Nikah*'. The Doctors of Islamic Law mentioned that the Prophet had fixed the limit at four. The Emperor had exceeded that limit and was therefore anxious to save his connection with his wives from being considered illegal. To strengthen his position he cited the case of a *Mujtahid* who had nine wives. (The allusion was to Ibn Abi Laila). The *Ulama*, many of whom were only too anxious to please their royal master, even declared that one could marry up to eighteen wives and in support of their view quoted a verse of the Quran: "marry whatever women you like, two and two, and three and three, and four and four." *Shaikh* Abdunnabi who had on a previous occasion told the Emperor about the *Mujtahid* with nine wives, when called upon to support the Emperor's opinions refused to do so. His Majesty never forgave the *Shaikh* for this act. Akbar carried his point ultimately and got a declaration from the *Ulama*, who had collected many Traditions on the subject, that a man could marry as many wives as he liked and be still within the law. To save their consciences the *Ulama* made a distinction between marriage by '*Nikah*' and that by '*Mutah*'. The limit of four, they declared, applied only to marriages of the first kind.

[32] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 316.

The latter kind was not restricted in numbers. The distinction was not very important as *Mutah* marriages were declared legal by *Imam* Malik. *Qazi* Yakub, who was not in favour of recognising the legality of *Mutah* marriages, was dismissed from the post of *Qazi* of the realm and degraded to the subordinate position of the district *Qazi* of Gaur. His place as *Qazi* of the realm was taken by Maulana Jalal-ud-Din of Multan. Makhdum-ul-Mulk who sided with *Qazi* Yakub was also among those who suffered for their opinions. The discomfiture of *Qazi* Yakub was complete. *Qazi* Husain Arab Maliki, the newly appointed *Qazi*, showed his gratitude for his promotion by giving on the spot the decree which made *Mutah* marriages legal.[33] The fate of *Qazi* Yakub clearly shows that it was never safe to question the validity of the Emperor's acts however inconsistent they might be with the accepted doctrines of religion. Henry VIII of England had similarly divorced and married any one he chose despite the active protest of the clergy. Servile Parliaments and Venal Law Courts had ever been ready to give their consent and pronounce their blessings whenever the king wanted to divorce an old queen or marry a new one. In Akbar's case the necessity for a divorce did not arise as he was more favourably situated than the English king. He could marry any number of wives and still escape the consequences of violating any laws.

Again Akbar proposed that the imperial seal and the dies on coins should have the words "Allah Akbar" inscribed on them. The idea was applauded by most of those around him, but it did not find favour with one Haji Ibrahim who objected to the phrase on the score of ambiguity and suggested the adop-

[33] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II, pp. 212-13.

tion of the verse of the Quran *Lazikrullahi Akbaru* (To commemorate God is the greatest thing). The *Haji's* objection highly displeased the Emperor.[34] On another occasion when the *Haji* issued a *fatwa* legalising the use of red and yellow clothes and quoted a Tradition in support of the *fatwa* he was assaulted by the *Mir Adl* in the Royal presence but managed to escape.[35]

Akbar's religious ideas derived their authority from reason. All else was regarded by him as vain superstition. The observance of the five prayers, enjoined by Islam, was abandoned, and the practice of observing fasts was discontinued. No heed was paid to things enjoined by the Prophet.[36] A man with whom wisdom weighed so much could not be expected to have much faith in mere *'taqlid'* or religious blindness.

After Khan Zaman's rebellion against Akbar, the question arose as to what was to be done with the men of his party. *Qazi* Tawaisi (the Camp-*Qazi*)—who was reputed for his honesty and truthfulness, and would not do any violence to his conscience by telling a lie even to please a king,—declared that it would be contrary to the Holy Law to kill these people and confiscate their property after the battle was over, and wanted them to be spared; but such an opinion could not find favour with the Emperor as it was not in accordance with his own wishes. He dismissed him from his post and gave his place to *Qazi*

[34] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II, p. 213.

[35] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II, p. 214.

[36] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II, p. 215. Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann, Vol. I, p. 175.

Yaqub, an inhabitant of Delhi, whose knowledge of legal matters was great. Even the sacred office of the Camp-*Qazi* therefore could not protect him from the arbitrary anger of the Emperor.[37] Every opportunity was taken to ridicule the *Ulama.* The treatment accorded to *Makhdum-ul-Mulk* Maulana Abdullah Sultanpuri shows that the Emperor wanted to expose the sordid disposition and petty-mindedness of the *Mullas,* most of whom appeared to the Emperor to be mean and shabby. Their proficiency in the religious lore could not save them and their learning was held in little respect. Their wranglings at the *Ibadatkhanah* did not bring them much credit. "The Emperor's heart was alienated from them and troops of *Mullas* were being turned away."[38]

But these acts of Akbar's were dwarfed into insignificance by the doctrine of Infallibility which was promulgated in September 1579. The document, which constitutes an important landmark in the ecclesiastical history of the Mughal period, is in *Shaikh* Mubarak's handwriting and runs as follows:—

PETITION

"Whereas Hindusthan is now become the centre of security and peace, and the land of justice and beneficence, a large number of people, especially learned men and lawyers, have immigrated and chosen this country for their home."

"Now we, the principal *Ulama,* who are not only well-versed in the several departments of the Law, in the

[37] Badaoni's *Muntakhab-ut-Twarikh.* Translated by Ranking. Vol. II. p. 104.

[38] Badaoni's *Muntakhab-ut-Twarikh.* Translated by Ranking. Vol. II. p. 207.

principles of jurisprudence, and well acquainted with the edicts which rest on reason and testimony, but are also, known for our piety and honest intentions, have duly considered the deep meaning, first of the verse of the Quran —"Obey God, and obey the Prophet, and those who have authority among you," and secondly of the genuine tradition—"Surely the man who is dearest to God on the day of judgment is the *Imam-i-adil*; whosoever obeys the *Amir*, obeys Thee; and whosoever rebels against him, rebels against Thee"; and thirdly, of several other proofs based on reasoning or testimony: and we have agreed that the rank of *Sultan-i-adil* is higher in the eyes of God than the rank of a *Mujtahid*.

"Further, we declare that the king of the Islam, *Amir* of the faithful, Shadow of God in the world, Abu-l-Fath Jala-ud-din Muhammad Akbar, Padshah Ghazi (Whose kingdom God perpetuate), is a most just, a most wise, and a most God-fearing king.

"Should, therefore, in future a religious question arise, regarding which the opinions of the *Mujtahids* are at variance, and His Majesty, in his penetrating understanding and clear wisdom be inclined to adopt, for the benefit of the nation, and as a political expedient, and of the conflicting opinions which exist on the point, and issue a decree to that effect, we do hereby agree that such a decree shall be binding on us and the whole nation.

"Further, we declare that, should His Majesty think fit to issue a new order, we and the nation shall likewise be bound by it, provided always, that such order be not only in accordance with some verse of the Quran, but also of real benefit to the nation; and further, that any opposition on the part of his subjects to such an order passed

by His Majesty shall involve damnation in the world to come, and loss of privileges in this.

"This document has been written with honest intentions, for the glory of God, and the propagation of the Islam, and is signed by us, the principal *Ulama* and lawyers, in the month of *Rajab* of the year nine hundred and eighty seven."[39]

This document removed the last check on royal authority and made the Emperor supreme in spiritual as he had already been in temporal matters. He henceforth began to exercise both temporal authority (*Khilafat*) and spiritual supremacy (*Imamat*). Its basis was expediency as opposed to ecclesiasticism. It established the superiority of the intellect of the Imam and admitted no opposition on religious grounds. The *Ulama* receded to a respectful distance. *Shaikh* Mubarak, whose great ambition had been to establish the supremacy of the temporal head of the State, signed it most willingly, as he himself admits, while others must have done so against the dictates of their conscience. We learn that it was signed and sealed by *Makhdum-ul-Mulk, Shaikh* Abd-un-Nabi, *Cadr-uc-Cadur, Qazi* Jalal-ud-Din of Multan, *Qazi-i-qazat, Cadr* Khan the Mufti of the empire, *Shaikh* Mubarak the great scholar and Ghazi Khan of Badakhshan, who stood "unrivalled in the transcendental sciences".[40]

"The subject matter of the document", according to Badaoni, "was the setting of the absolute authority of the *Imam-i-adil* over the *Mujtahid* and the investigation of the grounds

[39] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 279-80.

[40] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 278.

of this superiority..... Such questions were discussed as: 'To whom is the title *Mujtahid* and the word *Ijtihad* applicable? And, whether it is the duty of the *Imam-i-adil*, who is versed in politics and holds a higher rank than the *Mujtahid*, to decide according to the requirements of the times and the wants of the age all legal questions on which there exists a difference of opinion."[41]

This document, which admitted the superiority of the intelligence of the *Imam* over the *Mujtahid's* knowledge of the dogma reads like the acts of supremacy passed in England under the Tudors. The one was issued with the help of servile *Ulama* while the others with the support of a servile parliament. In both cases religion was made a tool in the hands of the statesman but with results highly beneficial to the body politic. The politic acts of Akbar were as beneficial to the people of Hindusthan as those of Henry VIII and Elizabeth were to the English people. Religious wars were avoided and a breath of tolerance was felt in the air. The *Ulama* were completely humiliated by Akbar's attitude of contempt. The courtiers took their cue from their master and left no stone unturned to add ridicule and disgrace.

The promulgation of this document was followed by the adoption of the formula 'There is no God but God and Akbar is God's representative.' Thus Akbar successfully emancipated the State from all clerical control. The *Ulama* lost all influence with the people through the ridicule and scorn to which they were subjected. Akbar's edict declared the competence of the Crown to prescribe laws of faith like the laws passed by the Tudors in England. It made him the Caliph of the age and

[41] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 278-79.

established the legal omnipotence of the sovereign power. It admitted the claim of the secular power to be free in theory as it always was in practice.

Akbar's secular policy was followed by his son and grandson Jahangir and Shah Jahan, who steadily adhered to his liberal policy in matters of State though they never became avowed believers in his theological eclecticism. His policy came to be regarded by them as the inevitable order of things which could not be safely upset. There must have been "a back-water of rigidly orthodox and fanatical religious sentiment" which was not well disposed towards the system which obtained at the Court, but its hostility did not find frequent ventilation. Its pent-up feelings and indignant protests were rendered of no avail by the strong and fairly consistent attitude of the emperors who successfully kept it under check though they could not eradicate it.

From Father F. Catrou we learn how Jahangir treated the *Ulama*. He drank wine in the face of his whole Court and invited to his table the most conscientious observers of the laws of their religion and persuaded them to indulge in excessive drinking and eating meats prohibited by their religion. The protests and admonitions of the *Kazis* and *Imams* fell on deaf ears. The Emperor was not frightened by the prohibitions of the Quran. He threatened to become a Christian. This threat made the Ulama climb down and use a more respectful language. They went even so far as to declare that the sovereign was not bound to observe the precepts of the Quran in this matter, and he might eat and drink whatever he pleased[42]. It is probable that Father Catrou is exaggerating when he says

[42] Father F. Catrou's *History of the Mughal Dynasty*. Eng. Translation. p. 138-39.

that Jahangir threatened to become a Christian, but the Emperor certainly had considerable intercourse with Christian missionaries. At any rate he succeeded in having his own way in the matter of food and drink.

Badaoni bears testimony to the same fact with regard to Akbar. "At the New-Year's feasts His Majesty inveigled many of the *Ulama* and the pious, nay even the *Qazis* and *Muftis* of the realm, into the ravine of toast-drinking:—

"Love for thee brings news from the world of madness,
It brings pious people to wine-bibbing. Thy memory,
O Love,
What a masterly potion it is,
For it makes us forget all we have learnt."[43]

Badaoni tells us further that the *Mujtahids* of the Divine Faith, especially (Faizi) the king of poets, called out "Here is a bumper to the confusion of the Lawyers."[44]

Even under some of the Caliphs the evening parties at the Court had degenerated into drinking bouts and carouses despite the prohibition of Islam.[45]

Another instance of the servility of the *Ulama* is found in their excusing the Emperor Shah Jahan the duty of observing fasts. Inayat Khan, the author of *Shah Jahan Namah*, tells us:—

"As his most gracious Majesty had this year advanced in joy and prosperity beyond the age of sixty, and the divine precepts sanctioning the non-observance of the fast came into force, the learned doctors and *Muftis*, according to the glorious

[43] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 319.

[44] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 319.

[45] Khuda Bukhsh's *The Orient under the Caliphs*. p. 162.

ordinances of the Quran, by way of fulfilling the commandments of the Law, decreed that it would be lawful for His Majesty whose blessed person is the source of the administration of the world, to expend funds in charity in lieu of observing the fast. The monarch, the lover of religion, and worshipper of the divine law, therefore, lavished 60,000 rupees on the deserving poor; and, at his command, every night during the sacred month divers viands and all sorts of sweetmeats were laid out in the '*chihalsitun*' in front of the balcony of public audience, with which famishing and destitute people appeased their hunger. It was further resolved that henceforward a similar plan should be pursued during every month of Ramzan."[46]

Taimur's ideal had been quite different from this. In his *Memoirs* he says "I always considered the descendants of Muhammad and the companions of his Holiness as my friends. I gave currency to the faith of Islam through all my dominions, and supported religion, by which means I gave stability to my government:—for I had heard that Church and State are twins, and that every sovereignty that is not supported by religion soon loses all authority, and its orders are not obeyed, but that every person, worthy or unworthy, presumes to meddle therewith. I gave free admission to the *Syeds*, to the learned and to the prelates of religion, and always treated them with great respect, and never turned any of them away from my court, so that they constantly attended my assemblies."[47]

This policy of regarding Church and State as twins never found favour with the Mughals after they entered India. They

[46] Elliot's *History of India.* Inayat Khan's *Shah Jahan-Nama.* Vol. VII. p. 97.

[47] *Memoirs* of Taimur. Translated by Stewart. p. 5.

were wise enough to follow a deliberate policy of relegating Church to a subordinate position, and never allowing it to overshadow the State. Being of this mind they made no serious effort to give currency to Islam through all their dominions. In this matter they proved superior to their European contemporaries. Their assemblies were not constantly attended by prelates and dignitaries of the Church. Their whole policy was guided by secular considerations and that was why they achieved so much success as rulers. They were quick to realise that however able and efficient the dignitaries of the Church might have been, entirely different qualities and a very different training were required to qualify a person for a position in the administration of a country such as India was in the sixteenth, seventeenth and eighteenth centuries. The plant of statesmanship could not flourish in the stifling atmosphere of ecclesiasticism. It was bound to wither and fade away unless it received the life-giving breath of liberal secularism. Moreover the king could not afford to entrust the difficult task of ruling the State to men of divided allegiance, so that the Church did not provide the king with efficient ministers as it did in mediæval Europe. There was no statesman-prelate who played a distinguished part in the political history of mediæval India. The narrow tenets and dogmas of the *Ulama* might be good guardians of Islam but not of a State that was, in its real sense, not Islamic. This explains the absence of any serious attempt on the part of the *Ulama* and *Mullahs* to dispute with the Mughal king the possession of the sceptre of sovereignty or claim the divided allegiance of the people. Their aloofness from State affairs was almost complete. The Mughal State never became a theocracy though the emperor was the guardian and protector of Islam.

The Church was not always able to enforce her commands. Up till the time of Aurangzeb the *Ulama* and *Kazis* were never

permitted a hand in determining the policy of the State. Their bigoted and narrow-minded policy would never have suited the Mughal emperor who counted among his subjects such a large number of non-Muslims, and who could ill afford to lose their support in political matters. The Rajput Rajas, who were the veritable props of the Mughal empire during the greater part of its duration would have revolted against such a policy. The people were allowed almost complete freedom in the performance of their religious rites, since interference with them would have rendered the position of the Mughal ruler weak and precarious. The people might have kept quiet through fear but would not have rendered such willing obedience to the Mughal State as they did.

The connection between politics and theology, which is so close in Islam, remained theoretical only. The case had been different under the Pathan rulers of India who generally paid too much deference to the officers of the Church. The contrast between the Pathan and the Mughal practices has been correctly stated by the author of *The Making of India*:— "Whereas the Delhi Sultanate before it (i.e., under the Pathans) had been very much under the influence of the ecclesiastics, and ecclesiastical dignitaries came first in the order of the court precedence, the Mughal empire was frankly secular, and even Akbar's attempted combination of Church and State in his own person was more a political movement aiming at unification and the consolidation of an Indian nationality than a religious movement."[48] In fact clericalism was never allowed to make capital out of its position as the guide of men's consciences, and found no opportunity to meddle with the State and its politics. If political security is to be obtained, conscience must

[48] Yusuf Ali's *The Making of India*. p. 98.

be asserted on the side of civil obedience. The Mughal emperors asserted universal authority over their subjects by God's grant and declared this supremacy to be inalienable and indivisible. It was the sole monopoly of the secular power which was its most jealous custodian. Any laxity on its part would have enabled the ecclesiastics to step in at once and claim to decide the cases in which resistance to the emperor may be lawful. The result would have been a hopeless muddle.

Obedience was due to the State not so much on religious and moral grounds as on utilitarian grounds. As lack of obedience would have led to the destruction of the whole social system it was severely condemned. The civil magistrate was not a vassal of the Church. He enjoyed complete independence and his action was not to be hampered by any non-secular considerations. The ecclesiastical organisation, if given a free hand, would have dwarfed the State and hindered the work of the government by putting unnecessary obstacles in its path. The *Ulama*, who were characterised by a narrow theological spirit inimical to sound rules of statesmanship, would have found it impossible to give the country good government, and while the Church was making good its claim to wield the sovereign power, the civil government would have disappeared. The Mughal State never became a 'society of believers', and the Mughal emperor was never merely the head of an Islamic State and the commander of Islamic armies. Among his military captains he could count many a brave non-Muslim whose gallantry and loyal devotion to duty he had tested on many occasions and never found wanting. His business was not to wage holy wars but to conquer new territories. His power was based as much on the support of Muslims as that of non-Muslims, and his wars against his enemies were wars of conquest and not holy crusades to advance the cause of his religion.

The body of the *Ulama* was mostly a time-serving hierarchy, intent upon gaining court favour and therefore incapable of maintaining high ideals. Some of them were undoubtedly more sincere, and therefore more bigoted, than others, but they never grew so numerous or organised as to endanger the omnipotence of the State. They naturally wanted to promote the interests of their Church but they found themselves too weak to limit the royal prerogative in order to make the Church supreme. Occasionally the royal authority was favourable to the *Ulama* but only when they were the supporters of that authority, and never when they threatened the royal supremacy. Against their aggression and encroachment on the royal authority, the emperors might be trusted to hold their own. The *Ulama* could never compel a king to prohibit the existence of other religions or penalise them, though they expected him to maintain the "true" religion. The strictly orthodox adherents of a particular creed could find no religious satisfaction or see no religious benefit except in the establishment of a strictly dogmatic religion, but so far as the Mughal emperors were concerned they did not care to play into the hands of dogmatists. In the contemporary Europe, religion generally carried with it a sense of superiority of intolerance and of persecution. The Mughal emperors, on the other hand, recognised that there was room in their empire for other creeds as well. They were not animated by the spirit of the missionary and encouraged no missionary propaganda among the people.

The orthodox *Ulama* had to extol the supremacy of the Crown, for so long as it remained in the hands of a Muslim emperor there was always the hope that it might be used to promote the welfare of the Church. Though the *Ulama* must have been sadly disappointed by the liberal-minded emperors on several occasions still they could easily understand that if

the power was wrested from the hands of a Muslim king it might be appropriated by non-Muslim hands. The political supremacy of the State being too well established a principle to be assailed by the *Ulama,* they rightly concluded that the best defence of the Church was the support of the Crown, even if the Crown did not always favour the policy which was so dear to the unstatesmanlike *Ulama.* The supremacy of the temporal power was on the whole good for the State and ensured its stability by resting it on the good will of the people. In a country where the bulk of the population consisted of non-Muslims, any successful insistence on the observance of the *Ulama's* views would have been followed by disastrous results for the stability of the State. Thus the State never became the mere handmaid of an ecclesiastical corporation, and the supreme direction of politics was never placed in the hands of the rulers of the Church.

With the advent of Aurangzeb this wise policy underwent a change. "On all administrative questions Aurangzeb sought to follow the rulings of Canon Law and the precedents set by the orthodox Caliphs. The Kazis were therefore his guides not only in the Church but also in the State. Their influence over the civil government was greater than that of the ministers and the generals. Abdul Wahab, in particular, enjoyed the Emperor's confidence and favour in such a degree as to be all-in-all at Court. The highest powers in the realm feared and honoured him, while their hearts were consumed with jealousy of him. Abdul Wahab abused his boundless influence over the Emperor to enrich himself; and during his sixteen years of *Kazishíp* he amassed a fortune of 33 lakhs of rupees in cash, besides much jewellery and other valuable things."[49] The Em-

[49] J. N. Sarkar's *Aurangzeb.* Vol. III. p. 83-84.

peror ascended the throne with the avowed object of restoring the dignity of Islam which had suffered during the reigns of his predecessors through their liberal policy. He considered himself an instrument in the hand of the Almighty to advance the cause of the true religion by rooting out all heresy and suppressing all other faiths. He had a *fatwa* passed by the *Ulama* against his brother Dara on the ground of his heresy in order to justify his own action.[50] He got another brother (Murad) condemned by an ecclesiastical court on the score of injustice which is particularly repugnant to the spirit of the Holy Quran.[51]

He took pains to declare that he did not persecute for civil ends but because it was God's ordinance. He regarded him-

[50] "At the end of Zil Hijja, 1069 (Sept. 1659), the order was given for Dara Shukoh to be put to death under a legal opinion of the lawyers, because he had apostatized from the law, had vilified religion, and had allied himself with heresy and infidelity."

Dara Shukoh had written a treatise in which he endeavoured to reconcile the Brahman religion with the Muhammadan, citing passages from the Quran to prove the several points. This was represented as a crime by the orthodox Aurangzeb who made capital out of it. The name of Dara's book was *Mujmah-al-Bahrain* (the uniting of both seas) (Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII, p. 246.)

[51] "At the instigation of some of the Emperor's friends, the sons of the Ali Naki, whom Murad Baksh had put to death, brought a charge of murder against him. The eldest son refused to demand satisfaction for his father's death, but the second complied with the expressed wish, and brought a charge of murder in a court of law against Murad Baksh. The case came at length before the Emperor, and he decided that it should be submitted to a Judge. After it had been decided according to law, the order was given in Rabiu-s-sani, 1072 A. H., for the judge to go along with the heir of the slain man to pronounce the sentence of the law, upon the murder being proved." (Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII, p. 267.)

self as an officer of the Church whose decrees he always thought it his sacred duty to carry out. By pursuing such a policy he could not promote the peace or welfare of the Commonwealth. His piety as a devout Muslim taught him to take seriously his duty of promoting his religion, even at the cost of the State. To attain his object he was prepared to make any sacrifice and was not afraid of becoming unpopular among his subjects. His prohibition of wine-drinking and disapproval of musical instruments and silver plate showed his zeal as an orthodox Muhammadan. He looked upon himself as the divinely commissioned prince to whom the soil of a conquered land was granted by God who meant it to be ruled by the laws of Islam. He realised that social and cultural unity could not be established in the country unless it was preceded by religious unity; but he did not realise that religious unity was out of the question in a country where the unbelievers far outnumbered the believers. This was the rock on which his State vessel foundered. He did not leave alone the deep-rooted institutions and ancient customs of the majority of the people. He thought the will of the sovereign was superior to custom and could therefore override it. This policy gave rise to a spirit of hostility and proved the undoing of the magnificent empire. Aurangzeb tried to stick to the colours of his faith with the tenacity of a martyr, and like a martyr pursued his one ideal without looking to the right or left. He could not fail to see the effects of his short-sighted policy but it did not trouble him. His single-mindedness was worthy of admiration but productive of disastrous consequences to himself. "When Aurangzeb neglected the indigenous Rajputs, he endangered the key-stone of his power; and in despising opinion, though his energetic mind might for a time render him independent of it, yet long before his death the enormous fabric reared by Akbar was tot-

tering to its foundations: demonstrating to conviction that the highest order of talent, either for government or war, though aided by unlimited resources, will not suffice for the maintenance of power, unsupported by the affections of the governed"[52]

His policy turned the Rajputs from loyal friends into bitter foes. Before Aurangzeb, religious considerations had been kept strictly subordinate to policy. None of his predecessors, though professed votaries of Islam, were animated by the spirit of religious exclusiveness which characterised Aurangzeb. He refused to learn the valuable political lessons which the past history of the Mughal emperors could easily have taught him. Their instincts as statesmen told them to keep their religious advisers at a safe distance. They never claimed that the conscience of their subjects belonged to them. Even justice was not placed entirely in the hands of the *Kazis*. Under the Mughals we do not find the *Kazis* with the *Ulama* always present within the king's palace to try and to decide all cases brought before the king for justice, as was the case in the time of Sikander Lodi, who had left all justice in the hands of the religious men.[53] Aurangzeb committed the mistake of judging matters of State from a religious stand-point. His ambition was to be the head of a Muslim empire and he kept that ambition always before him without pausing to consider the consequences. His was a lofty ideal, but it was not the ideal of a statesman. Any neglect of the welfare of secular society was sure to weaken the authority under which that society lived. The foundations of his so-called Holy Empire were undermined, and by the

[52] Tod's *Rajasthan*. Vol. I. p. 315.

[53] Elliot's *History of India*. Abdulla's *Tarikh-i-Daudi*. Vol. IV. p. 454.

end of his reign it began to show distinct signs of disintegration. The religious foundations on which he tried to build the great superstructure were found to be too weak to support it. Though his devotion to his work entitles him to the highest praise, and though he displayed a wonderful consistency and vigilance, these qualities could not save him from failure, and his reverence for the injunctions of the Law could not ensure the permanence of the empire. Rebellions broke out on all sides. The historian of his reign tells us:—

"Every plan and project that he formed came to little good; and every enterprise which he undertook was long in execution and failed of its object".[54] His respect for the law of Islam caused him to issue unpopular ordinances and weakened his hands. Under his predecessors the Muslim Church had had to take care of itself and was never countenanced in the pursuance of an aggressive policy. The learned Muslims never had as the head of their hierarchy a personage of such dignity and power as the *Sheikh-ul-Islam* of Constantinople. The emperor was the head and centre of the institution of government in every one of its aspects but he was never the head of the Muslim missionaries. He favoured officials for their character and ability and not for their religion. But all this was changed under Aurangzeb. When he became the undisputed master of the country he had to make good the promises made at the beginning of the war of succession. He had to convince the world that he had fought not for the glory of the crown but for an opportunity of rendering service to Islam. He had therefore to proclaim his insistence on the observance of the law of the Prophet in all its strictness. He tried to make the

[54] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. p. 387.

government a theological system and thus serve Islam to the best of his powers.

However one thing should not be lost sight of; though devout and pious in the extreme, Aurangzeb was not prepared to allow the Church to impose any limits on his temporal powers, or the clergy to stand in the way of his political ambitions. He was as unwilling as his predecessors to tolerate a State within a State. Whenever there was a real danger from the Church to his political power he was not very mindful of the susceptibilities of that sacred organisation. There are instances in which the clerical order had short shrift at his hands. Shiekh-ul-Islam who acted as the chief *Qazi* of the Empire, in succession to his deceased father Abdul Wahab, from December 1675 to November 1683, advised Aurangzeb not to fight with brother Muslims like the Sultans of Bijapur and Golkunda. Such advice could not be welcome to the Emperor who had set his heart upon the conquest of the Deccan. The Chief *Qazi* resigned his post when his advice was rejected. In his opinion it was a sin, according to the Quran, to fight against believers. But the Emperor's interpretation of the Law was quite different.[55]

The agreement of the Church to the accession of a king was theoretically essential, but the Church being entirely under the State never offered opposition except in the case of Aurangzeb. Usually it acquiesced in the succession of the powerful. When, after the capture and imprisonment of Shah Jahan, Aurangzeb proclaimed himself emperor he experienced some difficulty from the Churchmen, who took exception to his succession to the throne in such circumstances. He could not

[55] J. N. Sarkar's *Studies in Mughal India*, p. 243.

be regarded as a lawful sovereign, with power to condemn to death or to pardon whomsoever he pleased unless his enthronement was confirmed by the Chief *Qazi* who was the supreme pontiff. The Chief *Qazi*, as well as the inferior *Qazis*, objected to his confirmation, as Aurangzeb's father Shah Jahan was still alive and his hands were soiled with the blood of his brothers whom he had had killed during the war of succession. Aurangzeb overcame this difficulty by dismissing the Chief *Qazi* and appointing another person, named Abdul Wahab a man of humble origin, who being under obligation to him for his promotion to that high post and the dignity thus conferred upon him, had no hesitation in confirming his right to the throne. It was not difficult for the new *Qazi* to find good reasons for his action.[56] Shah Jahan's old age and physical unfitness to govern were put forward as an argument to absolve his former subjects from obedience to their old Emperor. It was declared that Shah Jahan had divested himself of all regal powers and placed them in the hands of his son Dara who had alienated the Emperor from his loyal subjects. As Shah Jahan had ceased to rule, the throne was virtually vacant. Therefore, the Chief *Qazi* declared that Aurangzeb's accession to the vacant throne was no violation of Quranic Law. This eminent service was handsomely rewarded by Aurangzeb.[57]

All privileges being in practice granted to the Church by the Crown were liable to be revoked by the same authority. No divine under Akbar or Aurangzeb ever wielded the power which was wielded by Anselm under Henry I, or by Becket under Henry II, in England. The Church was pleased with the piety

[56] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. I, p. 381.

[57] J. N. Sarkar's *Aurangzeb*. Vol. III, p. 83.

and orthodoxy of Aurangzeb and expected great favours from him. But it was also quick to realise that those favours would be denied if it put any check upon the Emperor's temporal power.

When monarchy grew weak and the Emperor's authority was no longer all-embracing, the Church found it possible to make some encroachments on that authority. Bahadur Shah early in his reign directed an alteration in the public prayer for the sovereign. He was anxious that the word '*wasi*', or heir, should be added to the titles of Ali in the *Khutba*, and issued an order accordingly. This alteration was bound to give rise to a warm controversy between the Sunnis and the Shias The Indian Muhammadans being almost all Sunnis, their religious feelings were naturally hurt at this formal attribution of heirship to Ali. There was an organised opposition to the innovation and when the *Imam* attempted to recite the new form of prayer riots broke out at Ahmedabad and several other places. At Lahore the opposition offered by the doctors of the Law was so great that it was not possible to recite the *Khutba* for some time. The learned men of Agra backed by most of the local Musalmans forbade the reading of the *Khutba*. At Ahmedabad the minister who read the new *Khutba* at the Chief Mosque was reported to be killed by the Sunnis.[58] The Emperor Bahadur Shah went to Lahore and ordered the religious men who had objected to the insertion of the word '*wasi*' in the *Khutba* to be brought into his presence. Haji Yar Muhammad, the head of the party, refused to be convinced by the arguments of the Emperor and his supporters and adopted a presumptuous attitude. "I hope" he declared "for four things from my bounteous Crea-

[58] Elliot's *History of India*. Khafikhan's *Muntakhab-ul-Lubab*. Vol. VII. p. 420.

tor: 1. Acquisition of knowledge. 2. Preservation of the Word of God. 3. The pilgrimage. 4. Martyrdom. Thanks be to God that of his bounty I enjoy the first three. Martyrdom remains, and I am hopeful that by the kindness of the just king I may obtain that". In investigating these arguments several days passed. Books of authority and Tradition were quoted on both sides. Feeling ran high, and there was a serious danger of disturbance. A number of men in the city, backed up by many Afghan commanders in all about a hundred thousand men, promised to support Haji Yar Muhammad. In secret Azim-ush-Shan, too, was opposed to the innovation. At first Bahadur Shah took a firm attitude. The *Khatib* who had refused to recite the *Khutba* was arrested and sent to be imprisoned at Agra, while orders were issued to Islam Khan to march into Lahore at the head of all the artillery at the time when the *Khutba* was to be read. But the danger of a disturbance was there and the new *Khutba* had not much chance. Finally on October 2, 1711, His Majesty gave way and wrote on the petition presented by the *Cadr* regarding the *Khutba* that the form used during the reign of Aurangzeb should continue and the old *Khutba* was recited at the *Jama Masjid* of Lahore. There were assembled a large armed force and many of the nobles who had been asked to be present to help in maintaining order and peace. Though many high sounding titles were mentioned after the name of Ali, the word under dispute was not there. The people assembled felt satisfied when they heard the new *Khutba* and dispersed quietly[59]. This victory of the *Ulama* was due to the fact that the point at issue was a purely religious one. It is difficult to say how the *Ulama* could have fared if they had made a bid for

[59] Elliot's *History of India.* Khafikhan's *Muntakhab-ul-Lubab.* Vol. VII. p. 427.

temporal power in opposition to the head of the State. Even in that decadent period the Emperor would probably not have submitted to the Church in the matter of State policy. The Mughal empire never became a sacerdotal State. The emperor was certainly God's vicegerent upon earth, but his authority was never dependent upon the verdict of the doctors of Islamic Law.

CHAPTER VIII

A SECULAR STATE—(*Continued*)

Religious Policy

It was this desire to keep the State free from clerical control that was mainly responsible for a policy of religious toleration during the Mughal times. The admixture of despotism and religious tolerance was the corner-stone of Mughal statesmanship, and as a result the country was peaceful and prosperous. The Mughal emperors were wise enough to realize that Hindusthan could not safely be treated as an Islamic State. They therefore kept the law of God and the principles of State separate. It is true that in his capacity as Caliph, the emperor was head of the Islamic State, defender, executor, and interpreter of the Sacred Law, and Defender of the Faith. He was also under obligation to punish heretics and recalcitrant infidels, to protect true believers and to extend the area of his divinely-appointed rule. Though as the head of the State he had to show zeal in upholding the precepts of his religion, the only heresy he punished was the heresy in Islam or among Muslims. To him, after Allah, and the Prophet, was due the absolute obedience of all good Muslims within his dominions. But the Mughal emperors could not be content only with the obedience of their Muslim subjects; they were equally anxious to have their authority recognised by the Hindus whose number was so large and without whose submission the empire would have remained unstable. So the emperors ignored the religious differences which they could not hope to remove. Their object was to strengthen their rule

and stabilise their power by conciliation rather than to undermine and fritter it away in useless religious struggles. Consequently the ruthless intolerance and fierce persecution which had characterized the Pathan government made way for a large-hearted toleration under the Mughals. The latter regarded the non-Muslims as much their subjects and as much under their protection as those of their own faith. For them the issue was the maintenance but not necessarily the predominance of Islam. Hindus were eligible for even the highest and most responsible of posts. They were allowed to have their own social and religious systems, with freedom of worship and full rights of citizenship. Officers and soldiers, and statesmen and public servants were recruited without any distinction of caste, colour or creed. Tartars, Persians, Afghans, Arabs, Hindus all were accepted with the greatest catholicity. This policy of tolerance was not a new thing in the Islamic world, since the early Arabs had not been ignorant of the value of a political compromise[1]. Caliph Omar had clearly stated the principles which were to guide the holder of the supreme power of the State as follows:—"I recommend him, for God and his Prophet's sake, faithfully to observe arrangements concluded with infidels." Under the Abbaside Caliphs, non-Muslims were eligible for every office, although their appointment might have been viewed with disapproval by the orthodox. The *Buyide* Azad-ud-Dowla had a Christian *Vizier* who wielded great influence. The Fatimides of Egypt frequently appointed Hebrew and Christian Viziers.

Taimur, before invading Hindusthan, had impressed his

[1] The *Englishman* of August 12, 1929, Mr. S. Khuda Bakhsh's article on "Did Islam conquer by the sword?" in which the author states that the expansion of Islam, as a State, cannot be mainly ascribed to religious enthusiasm.

Council by calling in his doctors of Islam and appealing to them for their opinion whether Hindusthan should be invaded or not. They had unhesitatingly declared that it was the duty of the Sultan of Islam and all the people of the true faith to suppress the enemies of their religion[2]. Under the Mughals in India we do not find a trace of Taimur's religious bigotry. He for the sake of military necessity had ignored all laws, human and divine, during his invasion of India, and gave orders that all infidel prisoners over the age of fifteen should be put to death. This order was promptly obeyed and 100,000 Hindus were on that day slain.[3] On more occasions than one Taimur definitely declared that his object was to exterminate the infidels, and he designated his campaign against the people of Hindusthan as a holy war. "My object in the invasion of Hindusthan is to lead an expedition against the infidels that, according to the law of Muhammad (upon whom and his family be the blessing and peace of God), we may convert to the true faith the people of that country and purify the land itself from the filth of infidelity and polytheism; and that we may overthrow their temples and idols and become *ghazis* and *mujtahids* before God"[4]. The flame of his religious zeal blazes forth several times. When he was about to leave Delhi he directed that all the *Syeds* and *Kazis* and doctors and *Shaikhs*, should assemble in the great Mosque of Jahan-Panah, and he appointed one of his own officers to look after them so that they might not be molested by the soldiers of his army. The welfare of the *Ulama* and the *Kazis*

[2] Elliot's *History of India*. *Malfuzat-i-Taimuri*. Vol. III. pp. 396—97.

[3] Elliot's *History of India*. Malfuzat-i-Taimuri. Vol. III. p. 436.

[4] Elliot's *History of India*. Malfuzat-i-Taimuri. Vol. III. p. 397.

was particularly dear to him and he always adopted measures to safeguard their interests[5].

Sharaf-ud-Din Yazdi in his *Zafar-Nama* also says that Taimur's object in invading Hindusthan was to crush the infidels and idolaters, just as he had wanted to destroy the idol temples of China and construct mosques in their places. He always looked upon his invasion of Hindusthan as a religious war and he was countenanced in this view by his nobles and chiefs[6].

This ideal never appealed to those of his successors who ruled in India. They never feared that diversity in religion would lead to disintegration of the State. Every one of them assumed the title of *Badshah-i-Ghazi,* but it was a mere honorific title which was meant to lend glory to the royal name but the meaning of which was only rarely translated into acts. Babar did not grow liberal in his religious views after coming to India but had displayed this tolerant spirit even before he became emperor of this country. His toleration towards a variety of faiths had made him lose ground on many occasions.

The liberal policy of the Abbasides and Fatimides was followed by the Mughal emperors from the very beginning of their rule in India. When Rangildas the Governor of Kabul wanted to persuade Babar to prefer the conquest of Hindusthan to that of Tartary for religious considerations, he urged that God and Muhammad both wanted him to make war against the idolatry of the Indians. Babar followed his advice without believing in his argument. He preferred to conquer India in preference to Tartary not because the former was an idolatrous country but because it was rich and easy to conquer. Although, after

[5] Elliot's *History of India.* Sharaf-ud-Din Yazdi's *Zafarnama.* Vol. III. p. 505.

[6] Elliot's *History of India. Malfuzat-i-Taimuri.* Vol. III. p. 480.

his victory over Rana Sanga, Babar began to use the title of *Ghazi* among the imperial titles, his subsequent acts were not those of a *Ghazi* but of a statesman. The Taimuride ideal was entirely given up by him and his successors.

In the early part of his career in India Babar thought it politic to pose as a holy crusader in order to inspire his followers with a determination to conquer India. After his great victory over Rana Sanga he not only assumed the title of *Ghazi*[7], but below the titles (*tughra*) entered on the *Fath-nama,* he wrote the following quatrain:—

> For Islam's sake, I wandered in the wilds,
> Prepared for war with pagans and Hindus,
> Resolved myself to meet the martyr's death,
> Thanks be to God a Ghazi I became[8].

He also remitted to all Musalmans in his dominions '*tamgha*' —a kind of tax. "In thanks for those victories . . . . . throughout all the territories the tax (*tamgha*) on Musalmans was abolished,—though its yield was more than the dreams of avarice, and though it had been established and maintained by former rulers . . . . . so a decree was passed that in no city, town, road, ferry, pass, or post should the tax be levied or enacted. No alteration whatsoever of the order is to be permitted"[9]. It was however as a political move that he called the fight against Rana Sanga, as well as that against Medini Rai of Chanderi, a holy war[10]. While he was opposing Rana Sanga, who was being supported by almost all the princes of Rajasthan, he was

[7] *Ghazi* is a title given to one who, by *actively* fighting bravely in war, has slain infidels, and thus helped in the spread of Islam,—the true faith.

[8] *Memoirs of Babar.* Translated by Beveridge. Vol. III. p. 575.

[9] *Memoirs of Babar.* Translated by Beveridge. Vol. III. p. 555.

[10] Elliot's *History of India.* Tuzak-i-Babari. Vol. IV. p. 274.

blockaded in his encampment and found his *begs* and soldiers disheartened. He destroyed his wine-flasks and took a vow never to drink again. Even this did not rally his followers and he had as a last resort to appeal to their faith. His object was to rouse the drooping spirits of his Muslim followers and he made use of the religious cry. However after ascending the throne of Delhi Babar wisely changed his policy and refused to make any further use of the weapons by which he had won his way to it. There is no mention in Babar's *Memoirs* of the destruction of Hindu temples or of the wholesale massacre of the 'infidels' on account of their religion. Rather he was remarkably free from narrow-minded religious bigotry.

Humayun was also quite free from any religious bigotry. He gave particular encouragement to the native races of warriors the brave Rajputs, and appointed many of them to important offices under him. He recruited them for his army and laid the foundations on which his son and successors built a magnificent edifice. On occasions he ceased to be an austere Muhammadan and mixed with the idolaters in their temples and even assisted at their ceremonies[11]. When Bahadur Shah, Sultan of Gujrat, taking advantage of the division among the Rajputs, tried to revenge the disgrace which the arms of his predecessor Muzaffar Shah had suffered, and marched from his capital for the subjugation of Chitor, Humayun's attitude was an eloquent testimony to his liberalism. Thousands of Rajputs were slain and it appeared that nothing could save the citadel of the Rajput glory. The queen Karnavati had presented Humayun with a *Rakhi* (Bracelet) and had, according to the Hindu custom, made the Mughal emperor her adopted brother. Humayun was

[11] Father F. Catrou's *History of the Mughal Dynasty*. Eng. Translation. p. 69.

chivalrous enough to enter into the spirit of this pretty custom and regarded himself as the *Rakhi-bund-Bhai* (The bracelet bound brother) of the Rajput princess. On learning of the hardships to which Karnavati and Chitor were exposed, Humayun left Bengal and marched towards Rajputana to espouse the cause of his adoptive sister. He gallantly fulfilled the pledge which he had given at the time of receiving the *Rakhi*. Bahadur Shah's army was expelled from Chitor and Mandu was taken by assault. Rana Bikramajit was girt with a sword and received investiture from Humayun. This restoration of Bikramajit to his power with the aid of the Muhammadan emperor of India against the Muhammadan king of Gujarat proves beyond doubt the liberal and broad-minded statesmanship of the Mughals in India[12].

Under Akbar the Mughal policy grew even more tolerant. He started his career as an orthodox Muhammadan. He earned the title of *Ghazi* by touching with his sword the head of the captive Hemu to please his minister Bairam Khan.[13] In his early years Akbar was under the influence of men like Sheikh Abdun-Nabi and Makhdum-ul-Mulk. He used to go to Abdun-Nabi's house to read *Hadis*. So great was the influence of that man over the young Emperor's mind that once he struck the Prince with a stick because the latter had sprinkled saffron colour on his clothes on his birthday[14]. At the Sheikh's instigation Akbar tried to persecute Sheikh Mubarik and his two sons who after some years proved most valuable instruments in the hands of the Emperor to crush orthodoxy. But when he freed

[12] Tod's *Rajasthan*. Vol. I. p. 250-51.

[13] Ferishta's *History of the rise of the Mahomedan Power*. Translated by J. Briggs. Vol. II. p. 18.

[14] Shah Nawaz Khan's *Maasiru-l-Umara*. Translated by Beveridge. Vol. II. p. 560.

himself of Bairam Khan's tutelage and became independent he rose above the narrow-minded dogmatism of his religion. The title of *Ghazi* which was conferred on him by Bairam Khan had no meaning for him. When Gulbadan Begam had recorded his birth as that of "the world's refuge and conqueror Jalal-ud-Din Muhammad Akbar *Ghazi*"[15], she had no idea how inappropriate the last epithet would prove.

According to Father Catrou, Akbar granted the fullest liberty for the preaching of Christianity throughout his empire. The Christians were permitted to practise their ceremonies freely in public. He allowed that the interment of a Portuguese should take place attended by all the pomp of the Roman Catholic religion. "The Cross was thus carried for the first time in the streets of Fatehpur". Akbar appointed Father Manserrat to look after the education of his second son[16]. So much indulgence could not but raise great hopes among the Christian missionaries regarding the conversion of the Mughal Emperor to their faith. But it appeared that the motive behind all this indulgence was a desire to seek knowledge or perhaps merely to satisfy curiosity. Akbar could never be prevailed upon to embrace Christianity and must have caused a great disappointment to the missionaries. He invited to his Court the Jesuit Fathers who preached Christianity. It is also possible that he wished the doctors of the Muhammadan Law to be refuted and worsted in religious discussions by the Christian missionaries. His curiosity and thirst for knowledge are shown in his letters to the Principal of the Jesuits. Akbar says that he had carefully studied all the religions of the world but he was not yet

[15] Gulbadan Begum's *Humayun-Nama*. Translated by Beveridge. p. 158.

[16] Father F. Catrou's *History of the Mughal Dynasty*. p. 108.

sufficiently instructed in the Christian religion, and therefore he desired to have a more intimate knowledge of it so that he might understand its inner meaning. For this purpose he called in the assistance of the Fathers of St. Paul. Along with this letter of invitation he sent a large amount of money to be given in charity to the poor at Goa.[17]

The differences among the *Ulama* regarding the various points that constantly came under discussion became to His Majesty a cause of unbelief. "His Majesty firmly believed in the truth of the Christian religion, and wishing to spread the doctrine of Jesus, ordered Prince Murad to take a few lessons in Christianity under good auspices, and charged Adul Fazl to translate the Gospel"[18].

Akbar was even more tolerant to the Brahmans than to the Christian Fathers. He constantly associated with them and discussed with them important points of religion. He listened attentively to their treatise on morals, and physical and religious sciences. They propounded the truth of their religion by means of arguments based on reason and traditional testimony. They exercised great influence not only on the way of thinking but also on the mode of living of the Emperor[19]. The same indulgence was shown to the Buddhists and the Zoroastrians. The latter tried to advocate the religion of Zardusht. Akbar ordered the sacred fire to be kept constantly burning in the palace as was the custom with the kings of Persia. Abul Fazl was put in charge of it. The '*hom*' was burnt in the inner palace. He

[17] Father F. Catrou's *History of the Mughal Dynasty*. Eng. Translation. p. 110.

[18] Badaoni's *Muntakhabu-T-Twarikh*. Translated by Ranking. Vol. II. p. 267.

[19] Badaoni's *Muntakhabu-T-Twarikh*. Translated by Ranking. Vol. II. p. 264.

became a confirmed believer in the sun and the sacred fire. When lamps were brought in the evening every one at the court had to rise and pay respects to them. He marked his forehead like a Hindu and allowed the Brahmans to tie jewelled strings on his wrists. The ceremony of *Rakhi-Bandan* was regularly observed. The fashion started by the Emperor was gladly imitated by the nobles, who readily accepted the Brahman precepts. Badaoni complains that "By degrees the affair was carried to such a pitch that proofs were no longer considered necessary for abolishing the precepts of Islam"[20]. Akbar rejected all dogmatic teaching and tried to investigate truth for his own satisfaction. "The supremacy of man" he said, "rests on the jewel of reason. If it has naturally a good lustre, it becomes itself his direction, and if it gains it under the direction of a higher mind it is still his guide"[21]. He stands out as the greatest of Mughal kings, a worthy contemporary of Queen Elizabeth of England and Henry of Navarre, and far superior to them in the theory and practice of religious toleration.

Jahangir's policy was as tolerant in religious matters as that of his father. Though he restored the Muhammadan confession of faith to the coins of the realm still he remained free from the taint of religious bigotry. He tells the story in his *Memoirs* that "an audacious speculator ventured to suggest that he should 'spoil the Egyptians' by reinstating the *Jizya* and allowing the proposer to hold the farm of it". But Jahangir, proud of his father's memory, saw through the trick, repudiated the suggestion, and punished the author of it. We learn from his

[20] Badaoni's *Muntakhabu-T-Twarikh.* Translated by Ranking, Vol. II. p. 269.

[21] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. III. p. 382.

Subsidiary Regulations that he issued orders to his officials never to force Islam on any one.[22] We learn from Sir Thomas Roe that he heard the Laws of Moses, Jesus, and Muhammad discussed in his presence and accorded an equal welcome to Christians, Jews, and Moors. He protected them and did not allow any one of them to be molested because of his religious views. Edward Terry testifies to the same thing. The Emperor not only allowed the Jesuits into his presence but also made valuable presents to them, and gave them liberty to convert people to their faith. Manucci also tells us that Jahangir had great affection for the Jesuit Fathers whom he provided with a house and church in Lahore. They were allowed to instruct the Emperor's sons[23]. Jahangir took an active part in the celebration of Hindu festivals, and his Memoirs are full of references to his participation in Hindu ceremonies. In the eighth year of his reign he ordered the Hindu *Amirs* and the Brahmans to fasten *Rakhis* on his arms, and thus continued the practice which had been started by his father.[24] On the occasion of the *Dasahra* festival it was the usual custom to decorate the elephants and horses which were reviewed by the Emperor.[25] *Amirs* offered presents on the occasion. Mutamid Khan on one such festival presented a golden tablet, a ruby ring, a piece of coral and other things which were accepted by the Emperor[26]. The day of *Basant* was considered auspicious and duly observed. On the night of the lunar eclipse Jahangir "performed the dues of humility at the throne of the highest and most powerful God, cash and goods were distributed

[22] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I. p. 205.
[23] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. I. p. 175.
[24] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I. p. 246.
[25] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I. p. 252.
[26] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II. p. 100.

by way of charity among the *fakirs* and the poor and deserving people"[27]. At another place he tells us that "on the seventh day of the Divine month of *Dai* the camp was pitched at Hardwar on the bank of the Ganges. It is one of the most famous places of worship of the Hindus, and many Brahmans and recluses have chosen a corner of retirement in this place and worship God according to the rule of their religion. I gave alms in cash and goods to each of them according to his requirement"[28]. He gave away in alms 1000 *tolcha* of gold and silver and 1000 rupees on the occasion of one *Shankrant.*[29]

Jahangir like his father regularly observed the custom of weighing himself on his solar birthday. The scales were got ready and, after invoking the customary blessings, he sat in them. The person who held the suspending ropes offered up prayers. The Emperor was weighed in gold, metals, perfumes and essences, all sorts of silk and cloths and various grains.[30] The result of this policy of toleration was that when Rana Amar Singh rebelled against the authority of the Emperor, Jahangir sent Rai Sunder Dass to invade Rana Amar Singh's territory. Rai Sunder Dass on this occasion destroyed several temples in the Rana's territory, thus proving more loyal to the Emperor than to his own religion. For his services he received the titles of *Rai Rayan,* and ultimately *Raja Vikramaditya.* On one occasion however Jahangir's behaviour was incompatible with his general policy of toleration. When the fort of Kangra was conquered Jahangir entered the fort accompanied by the *Qazi,* the Chief Justice (Mir Adl) and other learned men of Islam.

[27] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. II. p. 186.
[28] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. II. p. 218.
[29] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. I. p. 158.
[30] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. I. p. 81.

There he carried out "whatever was customary, according to the religion of Muhammad." After the call to prayer and the recital of the Khutba a bullock was slaughtered.[31]

With the accession of Shah Jahan the Mughal policy in matters of religion underwent a slight change. Many Hindu temples at Benares which had been begun during Jahangir's reign but had not been completed were destroyed by Shah Jahan's orders. The same order applied to every place throughout the empire. In Benares alone seventy-six temples were destroyed[32]. Again when on the 11th *Muharrum* 1043 A.H. Kasim Khan and Bahadur Khan brought four hundred Christian prisoners, both male and female, he ordered that they should be persuaded to listen to the doctrines of Islam as explained by the doctors, and embrace the true religion. Those of the prisoners who agreed to be converted were treated with kindness and indulgence. Others who failed to appreciate the honour and refused to give up their own religion were distributed among the nobles and courtiers who kept them in confinement. Whenever any one of these showed a desire to embrace Islam he was set free and became the recipient of royal favours. Others spent the rest of their lives in continual confinement.[33]

After suppressing the rebellion of Jajhar Singh Bundala, the Emperor summoned Jajhar Singh, Durgbahan his son, and Durjan Sal, his grandson. He offered them to be made Musalmans. Udibhan, the son of Jajhar, and his younger brother, Siyam Dewa, who were made prisoners by Kutb-ul-Mulk, were given

[31] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II. p. 223.

[32] Elliot's *History of India*. Abdul Hamid Lahori's *Badshah-Nama* Vol. VII. p. 36.

[33] Elliot's *History of India*. Abdul Hamid Lahori's *Badshah-Nama* Vol. VII. pp. 42-43.

the choice between Islam and death. As they refused to give up their faith they were executed. We must not lose sight of the fact that they were prisoners of war who had unsuccessfully rebelled against the royal authority and were therefore guilty of treason, the punishment for which has in all ages been death. Under the circumstances it was an act of lenience to offer to spare their lives on the condition that they embraced Islam. In fact in matters of administration Shah Jahan was as tolerant as his father or his grandfather. According to Keene the proportion of Hindus among the grandees of Shah Jahan's reign was larger than under Akbar.

Shah Jahan, though he had prevented the completion of Hindu temples, did not show much difference between his treatment of Muhammadan subjects and Hindus. He was too wise a statesman to abandon altogether his father's and grandfather's policy. The glory of his reign was in no small degree due to this wise policy. His Hindu subjects continued to look upon him as their benevolent sovereign and remained contented and happy under his rule. Under Aurangzeb the royal policy underwent a great change. He was not content with being merely the Commander of the Faithful, but had an ambition to be the leader of the Church Militant. Though Aurangzeb had no superior among his contemporaries in strength of character and grandeur of aims, he fell far short of his predecessors as a statesman. He displayed a singular devotion to duty and worked most conscientiously, but the net result was a failure, and the harder he worked the less he achieved. As he never tried to weld the Indian population into one nation he let loose the forces of disintegration which got out of control under his weak successors. His policy was characterized by a narrow and bigoted orthodoxy. After the death of Sewaji and Raja Jaswant Singh, he ceased to treat the Hindus with favour and gave his preference to

foreigners. He seems to have roused, rather than repressed, the non-Muslim elements in the country. His policy of ruling as the head of a party rather than the king of a nation resulted in the paralysis of the Court of Delhi and the formation of practically independent dynasties in the different parts of the empire. This undesirable decentralization went on increasing till the central government ceased to exercise any real authority in the distant parts of the empire. So long as Aurangzeb lived he kept the disintegrating forces in check but no sooner was he dead than the powerful nobles, the products of a vicious feudal system, began to scramble for power. Aurangzeb had incurred unpopularity with the public for his treatment of his father and brothers. Shah Abbas of Persia had expressed his condemnation in no uncertain terms. To rehabilitate himself the new Emperor had to do something that might remove the unfavourable impression his previous acts had created. He therefore stood forth as the champion of Islam. He thought orthodoxy would prove the strongest weapon in his armoury. It was not merely a political game that he was playing for he seems to have sincerely believed in what he practised. But this subordination of statesmanship to religious zeal ultimately proved to be his undoing. Aurangzeb abolished the solar system of reckoning and in his zeal for Islam substituted for it the Arab lunar year and months. "The festival of the (solar) new year was entirely abolished. Mathematicians, astronomers, and men who have studied history know that . . . . . the recurrence of the four seasons, summer, winter, the rainy season of Hindusthan, the autumn and spring harvests, the ripening of the corn and fruit of each season, the *tankwah* of the *jagir,* and the money of the *mansabdars,* are all dependent upon the solar reckoning, and cannot be regulated by the lunar; still his religious Majesty was unwilling that the *Nauroz* and the year and months of the

Magi should give their names to the anniversary of his accession"[34]

He reimposed the *jizya* (the tax on infidels) on the Hindus. When the royal order was published there was great protest throughout the country. The Hindus assembled in large numbers under the *Jharoka* and clamoured for the withdrawal of the new edict, but the Emperor refused to pacify them. One day when he was going to the mosque his way was thronged by a very large number of Hindus who made it almost impossible for him to pass. An order was given to bring the elephants to charge the crowd. The order was carried out and many were trampled to death by the royal elephants and horses. This formed the occasion for further protests and complaints but the Emperor was inexorable. The Hindus had ultimately to submit and pay the new tax.[35] According to Manucci this tax was levied in 1679-80 after the death of Raja Jaswant Singh, when Aurangzeb had no fear of any powerful Rajput Raja.

The discontent among his Hindu subjects was wide-spread. His attempt to restore conditions unsuited to the spirit of the times destroyed the very foundations of his government. Instead of making wars of conquest he began to fight in the name of God. The beginning of the decline of the Mughal empire in India may be dated from this moment. Though the ideal of the orthodox *Mullas* he was certainly not a successful statesman. When Feroz Jung Khan, who had been appointed to

[34] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. pp. 241-42.

[35] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. p. 296.

look after the road from Burhampur to the base camp at Islampuri, requested Aurangzeb to abolish the poll-tax on the Hindu residents of the place, so that the population of the grain-market might increase and the imperial camp be amply supplied with provisions, he received a curt refusal. Aurangzeb instead of ordering Inayatulla Khan to send a letter patent of exemption wrote as follows:—"I do not accept helpers from among the infidels. Your wish for the colonising of the grain-market at the tomb of your mother, and your upsetting the command in the text of the Holy *Quran* concerning *Jizya* which is 'Chastise them till they pay *Jizya* from the hand because they are humbled', by substituting for it the words 'they deserve to be excused',—are a thousand stages remote from the perfect wisdom and obedience to the August Religious Law which are possessed by this trusted servant aware of my sentiments. Evidently, a group of your companions,—the habit of which party, more despicable than sweepers, is to create suspicion in the hearts of men,—have made you go astray, and have through immature greed, given to this worthless idea a place in your heart which is receptive of allurements. How can this old man stricken in years and experience in affairs, be deceived"?[36]

We learn the same story from the writer of *Mirat-i-Alam*. "Hindu writers have been entirely excluded from holding public offices, and all the worshipping places of the infidels and the great temples of these infamous people have been thrown down and destroyed in a manner which excites astonishment at the successful completion of so difficult a task. His Majesty personally teaches the Sacred *Kalima* to many infidels with

[36] Hamid-ud-din's *Ahkam-i-Alamgiri*. Translated by Sarkar. Hukm 72. pp. 132-33.

success, and invests them with *Khilats* and other favours."[37] He ordered that grants should be made from the public treasury for the repairs of the mosques. The pay of *imams*, of criers to the daily prayers, and of readers of the *Khutba*, was disbursed from the same source. A large amount of money out of the public revenue was distributed by way of alms, pensions and allowances among the doctors of religion. The principles of Islam were properly expounded by experts.[38]

Aurangzeb's puritanism was responsible for the discouragement of music on the score of its frivolity. Having no liking for pleasure he abstained from the amusement afforded by this fine art, as he considered it against the tenets of the great *Imam* (Shafi). The State musicians and singers were pensioned off. Those who were thus deprived of honour and noble rank took out a mock funeral procession of music in the streets of the capital and gave it a decent burial.

Aurangzeb after the eleventh year of his reign discontinued the old practice of sitting at the *Jharoka* and showing himself to his subjects assembled under it to catch a sight of their royal master. Under his predecessors the *Jharoka-i-darsan* was a regular institution to which both the rulers and the ruled attached great importance. Among the crowd assembled at the time of the *Jharoka-i-darsan* were not only the nobles in attendance, but thousands of persons of all classes, both rich and poor, who invoked God's blessings on the emperor. It is stated that many Hindus made it a point to see the person of the king in the morning before they would eat. Aurangzeb

[37] Elliot's *History of India*. Bakhtawar Khan's *Mirat-i-Alam*. Vol. VII. p. 159.

[38] Elliot's *History of India*. Bakhtawar Khan's *Mirat-i-Alam*. Vol. VII. p. 159.

looked upon the *Jharoka* ceremony as a thing forbidden and unlawful according to his religion.[39]

Another ordinance which he issued with a view to introducing the rules of othodox Islam in the country, was to the effect that the ceremony of weighing the emperor against gold and silver on his two birthdays was no longer to be observed. An exception however was made in favour of his sons, and the ceremony was observed after their recovery from illness, as Aurangzeb thought the prayers of those among whom the money was distributed by way of charity would be helpful to the princes[40].

He regarded with disfavour everything which was not in strict accordance with the teaching of the Quran, and considered himself the special instrument of God. He believed that the Almighty had given him victory over Dara for the preservation of the law of the Prophet, by the defeat of his enemies. The result of this policy was highly detrimental to the State. "Labour left the field and industry the loom, until the decrease of the revenues drew a representation from the governors of the provinces; which induced Aurangzeb to substitute a capitation tax"[41]. Akbar's dream vanished into thin air and with the abandonment of a liberal policy the gigantic edifice began to totter. Under Bahadur Shah things did not improve. Hardly any Hindu was entrusted with a high or independent office. No Hindu occupied an important position about the Court, and there was no Hindu governor of a province. Under Farukhsyer the *Jizya* was levied by Inayat Ullah

[39] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. p. 284.

[40] J. N. Sarkar's *Aurangzeb.* Vol. III. p. 97.

[41] Orme's *Historical Fragments of the Mughal Empire.* pp. 73-74.

Khan the minister of Aurangzeb who forgot that the times had changed. He forgot that the weakness of monarchy might embolden some to offer resistance to oppressive taxation. The *Jizya* might or might not be repugnant to justice but it was certainly contrary to the dictates of good policy. It was meant to annoy the Hindus and also to replenish the royal treasury. During the early days of Islam the capitation tax on non-Muslims had ample justification, for it was in lieu of military service which they could not or were not expected to render to their Muhammadan sovereign and because of their exemption from the alms (*Sadaqat*) obligatory on the Prophet's followers. But under the Mughals in India that justification no longer existed. The brave and chivalrous Rajputs had been won over by the Mughal policy of conciliation; they had placed their military services at the disposal of their Mughal sovereigns, and these services were freely accepted. Even Aurangzeb did not think it wise to purge the State departments of all non-Muslims. Muhammad Amin Khan, finding himself treated with successive favours by the Emperor, submitted a petition to him for one of his paymasterships on the ground that as both the paymasterships had been conferred on 'heretical demon-natured' Persians, the Sunni cause suffered. When this petition was presented before the Emperor the latter wrote across the sheet:—

"What you have stated about your long service is true. It is being appreciated as far as possible. As for what you have written about the false creed of the Persians, (I answer),— 'what connection have worldly affairs with religion? and what right have matters of religion to enter into bigotry? For you is your religion and for me is mine. If this rule (suggested by you) were established, it would be my duty to extirpate all the (Hindu) Rajahs and their followers. Wise men disapprove of the removal from office of able officers"[42].

On the whole we cannot but admire the religious policy under the Mughals. Though they were Muslims they never made Hindusthan a Muslim State. They themselves followed the tenets of the Sunnis, but they did not force their subjects to accept those tenets. They allowed the Hindus to be the political equals of Muslims. Their great strength lay in adaptability, and they were not slow to adapt their political ideas to their environments. Aurangzeb, who tried to establish something like an ideal Muslim state, suffered. Though the Mughal emperor was the Commander of the Faithful, and though the non-Muslims and their property were at his disposal, he did not dispossess his Hindu subjects of their property but allowed them to enjoy undisputed possession of it, provided they remained loyal to the State. Terry tells us that every one had liberty to profess his own religion freely. The Mughals were national kings, and never regarded their non-Muslim subjects as rebels against the Positive Law. They may be rebels against the Divine Law but that fact did not affect their position in the state. Even an outward conformity was never insisted upon. Non-Muslims were allowed to occupy positions of political and social equality with their Muslim masters. A non-Muslim, Raja Man Singh, was the first man to be created a "Commander of Seven Thousand". As the Mughal emperor behaved like the father of all his people, irrespective of the religion they professed and the race they belonged to, his people whether Muslim or Hindu considered it their duty to serve him faithfully and loyally. His liberal *regime* conduced to the happiness of his subjects, and the absence of an invidious distinction between the followers of

[42] Hamid-ud-din's *Ahkam-i-Alamgiri.* Translated by J. N. Sarkar Hukm. 39. p. 91.

the Prophet and the members of an alien faith kept that *regime* strong and stable.

The Mughal policy may justly be regarded as a laudable attempt at welding the different elements present in the country into one harmonious whole, and uniting the members of different faiths into an Indian nation. They succeeded in bringing about peace and amity between different religious factions which existed in the country. Their far-sighted policy brought peace and prosperity to the realm and glory and splendour to their crown. Even during the later period of the Mughal rule this policy was not altogether abandoned. The Syed brothers, alive to its efficacy, advised the Emperor Muhammad Shah to conciliate the Rajputs by abolishing the *Jizya* and appointing a Hindu, Raja Ratan Chand, to the important office of *Dewan* instead of Inayat Ullah Khan. They formed a Hindusthani party consisting of both Hindus and Muhammadans against the bigoted faction on whose support emperors like Farukhsyer depended. They rested their power not on the support of the army of the Barhas alone, but counted many brave Rajputs among their supporters. In the battle of Ratanpur, when the Barhas turned to flee, Raja Bhim and Raja Gaj Singh fought with the greatest valour and disdained to escape. These two Rajas, with three or four hundred Rajputs, laid down their lives on the battlefield in loyalty to the cause of the Syed brothers.[43] Husain Ali Khan had made a compact with Maharana Bhim Singh Hara that he would raise him to the dignity of Maharaja and he would receive a *mansab* of 7000 and 7000 horses with the Fish Banner.[44]

[43] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. p. 496.

[44] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII. p. 489.

Another trusted adviser of the Syed brothers was Ratan Chand who occupied a position of the highest responsibility. Thus we find that throughout the Mughal period the imperial policy was one of toleration and mutual trust. The traditions of the Pathan rule were given up, and there was distinctly a better atmosphere. Cities were not compelled to conform to the customs of Islam as in the time of Sikander Lodi[45]. It was this policy which was so helpful to the Mughal emperors in matters of administration, and which strengthened their position on the throne. But for this policy the Mughal Emperor of India would not have been known to the outside world as the Great Mughal.

[45] Elliot's *History of India.* Abdulla's *Tarikh-i-Daudi.* Vol. IV. p. 447.

CHAPTER IX

THE MUGHAL NOBILITY

The great Mughal Emperors of India lived in a gorgeous style. Their Court, maintained at fabulous cost and made possible by their vast revenue, eclipsed in splendour and magnificence that of any of their contemporaries. The Persian influence may possibly have affected this complete flouting of the Sacred Law (which forbade display of every sort) but whatever the cause, and whatever the cost, its fame spread throughout the world. Its lustre was derived not alone from the presence of the Emperor; a long chain of noblemen with their own magnificent trains, filled every corner with glittering state. The whole place looked like a field of the cloth of gold so that outsiders were struck with wonder and admiration. They returned to their respective countries with marvellous stories of the greatness of the Indian Mughals and their magnificent court—stories which were listened to with bated breath. The Mughal grandees of India were in outward show far greater and richer than the aristocrats who adorned any European court. Their allowances were greater and their expenses even more so. They formed a numerous class and not a close corporation like the members of their order in the west. New nobles were made every day, and every day some of the old ones disappeared.

Though outwardly a feudal aristocracy they should be regarded as a hierarchy of pedigree. None of them could boast of a long descent or distinguished lineage and almost everyone of them had acquired noble rank by his personal efforts. Islam did not believe in a hereditary nobility and no peerage remained

long in one family. Every one was a life-peer and surrendered the peerage with his death or dismissal. The Fief could be confiscated at the emperor's will and at a moment's notice. The nobles were known as *Begs* in the time of Babar, but in succeeding reigns came to be called *Amirs*. They were the intelligentsia from which the members of the Government were drawn. Many of the nobles were *parvenus*—adventurous men who had flocked from different parts of Muhammadan India and Asia in search of avenues of honour, rank, and power. They were needy men, soldiers of fortune who had left their homes to earn a decent and possibly distinguished living. The Mughal Court had great attractions for them as it was always ready to appreciate merit. According to Bernier the "*Omarahs* consisted mostly of adventurers from different nations who enticed one another to the court."[1] The Tartars, the former subjects of Babar, arrived in large numbers from Sumarkund and were given employments by their former chief at his court. Those of any worth had ample opportunities to rise, and were sure of a welcome at the Mughal Court. Offices of trust and responsibility were not the monopoly of members of the Mughal race, but were filled by men of all classes by the Mughal emperors who displayed the most benevolent catholicity in this matter. Many warriors and learned men arrived from outside countries attracted by the rumours of the wealth of Mughal India. Many were encouraged to come by their friends who had preceded them hither and had fared well. It was from this band of fortune-hunters that the Mughal nobility was mainly recruited. As a natural result of this peculiar system of recruitment the Mughal nobility came to be a heterogeneous mass composed of diverse and

[1] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable, p. 212.

incongruous elements—Turk, Tartar, Persian, Indian, Muslim and Hindu.[2] We come across even European *Amirs*; at any rate Indian titles of nobility were conferred upon some. Fransis *Khan* and Frangi *Khan* may be mentioned as instances. The Emperor Jahangir wanted to make William Hawkins an *amir*. "Thus daily enticing me to stay with him, alleging . . . . . that I should do service, both to my natural king and him, and likewise he will allow me by the year, three thousand and two hundred pounds sterling for my first, and so yearly, he promised me to augment my living, till I came to a thousand horse. So my first should be 400 horse . . . . . I entrusting upon his promise, and seeing it was beneficial both to my nation and myself . . . . . I did not think it amiss to yield unto his request. Then because my name was something hard for his pronunciation, he called me by the name of English *Khan*, that is to say, English Lord, but in Persia, it is the title for a Duke, and this went current throughout the country."[3] M. Bussy, the famous Frenchman, received the titles of *Saif-ud-daulah* (Sword of the State) and *Umdat-ul-Mulk*[4] (Pillar of the Kingdom).

Foreign *amirs* were divided into two main classes—Turani and Irani, i.e., those who came from the north of the Oxus, and those from the south of the Oxus. The former were of the Sunni sect, professing the prevalent belief of Muhammadan

[2] The first Hindu chiefs to be promoted to the rank of Mughal *amirs* were Raja Puran Mull and his son Bhagwan Das who were enrolled among the nobles of Akbar's court.

[3] *Purchas His Pilgrims* by S. Purchas. Vol. III. p. 14. Hawkins was not right in thinking that *Khan* indicated a Duke. It was a title to indicate merely a noble rank.

[4] Shah Nawaz Khan's *The Maasir-ul-Umara*. Translated by Beveridge. Vol. I. p. 19.

India, and came from the original home of the reigning dynasty, who regarded them as their kith and kin. For these reasons they were particularly well treated by the Mughal emperors. Their great numbers gave them an advantage over other classes of nobles; and the great ability, military as well as civil, of some of them made them a very influential class both in the army and the State. The other group consisted of those Persians who came to Delhi to seek their fortunes, and attracted many others by the success they attained here. They were fewer in number, and professed the Shia faith, thus differing from the majority of Indian Musalmans. But they included among them many men of good birth who had been driven from their homes by political vicissitudes and had sought shelter in India. When Humayun ascended the throne he elevated many Persians (*Kazi-ul-bashies*) to high stations. Their ability enabled them in some cases to attain to the highest positions and many of the chief posts in the State were filled by them with distinction. According to Manucci they always favoured their own nation in the Mughal Empire,[5] thus displaying a clannishness which prevented their merging with the other classes of people. Owing to the differences in religion and origin there was a strong feeling of rivalry, which sometimes developed into animosity, between these two sections.

A third class was known as the Afghans. They came from the region between the Indus on the east, and Kabul and Kandhar on the west, and outnumbered the Mughals. Some of them rose to high positions, but most of them were too rough for civil life. A fourth class were the Hindustanis, Muhammadans born in India. They were the descendants of foreign immigrants in

[5] Manucci's *Storia Do Mogor*. Translated by William Irvine. Vol. I. p. 177.

the second or third generation. The Syeds of Barha, whose ancestors had come to India several generations before and who had made this country their home, belonged to this class. They regarded themselves as Indians and had become such in every sense of the term. They had no foreign sympathies and looked askance at fresh arrivals from Iran or Turan whom they regarded as foreigners. They made a common cause with the old inhabitants of the country and tried to depend on their support. To this class also belonged the Rajputs and other powerful Hindu land-owners who had thrown in their lot with the Mughals and had become an integral part of the Mughal nobility. The Irani and Turani nobles would sometimes sink their differences and combine against the Hindustani *amirs,* but as a rule they were hostile to each other. Aurangzeb, to counteract the pre-eminence of Asad Khan and Zulfikar Khan, the Irani nobles, began to promote the nobles of the Turani party.

The Mughal *amirs,* coming from such divergent stocks and having divergent interests, could never organise themselves into a powerful baronial class. Their different sections could be easily played off against one another by the emperor. They had only two things in common, their obligation of services to the State and their ardent desire to attain personal advancement. The government of the country was conducted with their help. They were to the emperor as limbs are to the heart.[6] They were the instruments of the royal will and were always at the beck and call of their master whom they looked upon as the dispenser of all favours. They were the adorners of the throne and their office was to assist the emperor.[7] They were the 'Sword

[6] Shah Nawaz Khan's *The Maasir-ul-Umara.* Translated by Beveridge. Vol. I. p. 1.

[7] Shah Nawaz Khan's *The Maasir-ul-Umara.* Translated by Beveridge. Vol. I. p. 9.

of the State' and the 'Pillars of the kingdom'. They were landlords but they held the land on conditions of services, civil as well as military. They were feudal barons but their tenure was very precarious as compared with that of their brethren in Mediæval Europe. "They formed a sort of military peerage, like the paladins of Charles the Great, or the Napoleonic Marshals."[8] They stood at the court according to the nobleness of their rank and the importance of the offices they held. They presented a magnificent sight and added lustre to the court of their master.

The most formidable of these nobles were those Taimurides who came with Humayun and Akbar to India. Each of these men considered himself equal in every respect to the reigning emperor, and wanted to be a co-partner in the business of sovereignty. They were ordinarily called *Mirzas*.[9] So important was their lineage that even as minors they sometimes received noble rank. Muhammad Husain Mirza, Ibrahim Mirza, Husain Mirza, and Akil Mirza were enrolled among the nobles of Akbar's court, while still in their minority.[10] They aimed at a feudal system in which they were to occupy the higher grades; they were haughty and arrogant and were constantly rebelling against the established authority. A centralised government was never to their taste. Mirza Sharaf-ud-din, Mirza Suleiman, Shah Mirza, Mirza Ibrahim Husain, Mirza Mohammad Husain, Mirza Ulugh Beg and Mirza Muhammad Hakim were the most important of them. They desired that the active rule of the Emperor should be confined to Delhi and a few miles around it, while the local chiefs should become absolute rulers within

[8] Keene's *Turks in India*. p. 159.

[9] P. Kennedy's *History of the Mughals*. Vol. I. p. 242.

[10] Ferishta's *History of the Rise of the Mahomedan Power*. Translated by J. Briggs. Vol. II. p. 226.

their own *jagirs*, unmolested by the central authority. Feudalism strongly appealed to them because of its disruptive tendencies. The Emperor was therefore always confronted by an unruly aristocracy who were jealous of their independence. Between him and them no permanent compromise was possible. Feudalism is both personal and territorial. Under the Mughals the personal side was more strongly emphasised than the territorial. Despite their ambitions, however, the courts of the nobles remained entirely subordinate to the royal court. No noble could claim whether in theory or in practice to enjoy any immunity from the jurisdiction of the emperor.

Every Mughal noble was a military officer. The lowest rank was a commander of 20. Commanders of 500 and above had a number of extra horsemen added as an additional distinction to their rank. The personal rank was called *Zat* and the additional distinction was designated as *sowar*. Above 5000 all were first-class officers. Below that the rank in *Zat* and *sowar* must be equal to constitute a first-class officer. A second-class officer had as *sowar* half his *Zat* rank. In the case of a third-class officer the *sowar* were less than half the *Zat* or there were no *sowar* at all.[11]

In Akbar's time only *mansabdars* having commands of 200 and above were entitled to be called *amirs*[12], while under Shahjahan this limit was raised to 500.[13] The *amirs* were further divided into two classes. Commanders of 1000 and above

[11] *The Army of the Indian Mughals*, by W. Irvine. p. 6.

[12] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. p. 239.

[13] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. p. 239.

were styled *umara-i-kibar* or *umara-i-izam*,[14] i.e., great *amirs* who corresponded to the greater barons of feudal England. The highest of them was honoured with the title of *Amir-ul-Umara* (the *amir* of *amirs* or principal *amir*). This high-sounding title was originally created during the days of the decline of the Caliphate, when the Caliphs became mere puppets in the hands of the Mayor of the Palace who exercised absolute authority in the realm in his master's name. It was considered necessary to raise him above his compeers. The title was specially created for Muhammad bin Raik, governor of Wasit and Bussorah. When he grew powerful he seized the supreme authority in the State and extorted the title from the helpless Razi, who found it impossible to exercise any control over his too-powerful subject,[15] and therefore had to give legal sanction to his self-assumed dignity. In Mughal India the title is heard of as early as the time of Humayun; Babar had conferred only the title of *Khan Khanan* on Dilawar Khan. The grandees of Babar were generally known as *Begs*, and the most powerful of them, if recognised as such by Babar, must have been styled *Beglur Beg*. After the Mughals had lived in India for some time the title *Beg* was changed to *amir*, and the chief *amir* came to be called *Amir-ul-Umara*. Humayun conferred this title on Mir Hindu Beg who was entrusted with the government of Jaunpur. He not only received this distinguished title but also a golden throne from the Emperor,[16] who was anxious to reward his meritorious services. Throughout the Mughal

[14] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. p. 240.

[15] Amir Ali's *History of the Saracens*. p. 301.

[16] Badaoni's *Muntakhabu-T-Twarikh*. Translated by Ranking. Vol. I. p. 457.

period we find that when this title was conferred upon any *amir* it was generally accompanied with a large cash present from the emperor for the maintenance of the position and dignity. Properly speaking, this title could be bestowed only on one *amir* at a time, but the rule was not always rigidly observed. Nizam, the author of *Tabqat-i-Akbari,* gives this title to Adham Khan, Khizr Khwaja Khan, Mir Muhammad Khan Atkah, Muzaffar Khan, Qutbuddin Muhammad Khan, and also to the three commanders-in-chief, Bairam Khan, Munim Khan, and Mirza Abdurrahim.[17] In *Padishahnamah* the title of *Amir-ul-Umara* is enjoyed only by one man, Ali Mardan Khan, the first living grandee.[18] Very often the *Amir-ul-Umara* was allowed to hold the high office of *Mir Bakhshi* of the realm, and occasionally he was also made commander-in-chief. *Amir-ul-Umara* was the highest station next to princes of the blood royal, and was the summit of every nobleman's ambition. The Emperor Akbar created another new title—that of *Dowlah.* Although Fath-ulla Shirazi, who became Azdood Dowlah,[19] was the first to receive the honour, it became quite common under Akbar's successors.

Prince Azam Shah made Asad Khan *Amir-ul-Umara* as a reward for the help he had received from him in getting the throne. Under the Emperor Muhammad Shah, Khan Dauran, the head of the peerage held this rank. On his death, during Nadir Shah's invasion, the vacant rank of *Amir-ul-Umara* was

[17] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. I. p. 240.

[18] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. I. p. 240.

[19] Ferishta's *History of the Rise of the Mahomedan Power.* Translated by J. Briggs Vol. II. p. 257.

conferred on Ghazi-ud-din Khan, son of Fath-Jung, Nizam-ul-Mulk, which roused the jealousy of Bahadur Jang Barhan-ul-Mulk, the *Nizam* of Oudh, who had been waiting to obtain this dignity. So deeply did he feel the disappointment that he swerved from the path of loyalty[20]. This shows what great importance was attached to the title. Zulfikar Khan and after him Husain Ali Syed both enjoyed the distinction during their respective periods as virtual rulers of the country when they enjoyed the justifiable title of king-makers. Another title which may be regarded as equivalent to it was *Khan Khanan*. After his victory over the Afghans Bairam Khan received this title from Humayun. Whenever the emperor wanted to raise a commoner to the rank of an *amir* he conferred upon him the title of *Khan* in the case of a Muhammadan, and *Rai* or *Raja* in that of a Hindu. The title of *Khan Khanan* would therefore designate the same thing as *Amir-ul-Umara*.

Sometimes a rank was conferred on an *amir* even by proxy. The Emperor Shah Jahan conferred, by proxy, the rank of "Two thousand horse" on Haji Mansur, who was made *Sadr* of Balkh[21]. It was called *'ghaibana'*, meaning that the rank was conferred when the recipient was not present.[22]

The Mughal nobility was not hereditary. The nobles were great military tenants-in-chief, but not hereditary officials of the emperor. The sons of deceased *amirs* would no doubt have some claim to employment, but they could not obtain their father's *mansabs* immediately. A nobleman's property was

[20] Elliot's *History of India. Jauhari Samsam* of Muhammad Muhsin Sadiki. Vol. VIII. p. 75.

[21] Shah Nawaz Khan's *The Maasir-ul-Umara*. Translated by Beveridge. p. 510.

[22] Abdul Hamid Lahori's *Badshah-Nama*. Vol. II. p. 555.

regarded as official rather than personal, and escheated to the crown at his death. It could not be obtained by his heirs on the presentation of a heriot or relief to the suzerain lord, as was the case in feudal Europe. The sons of deceased *amirs* had as a rule to begin life at the lowest rung of the ladder and trust to their luck and to royal munificence for their advancement. They started their career, like their fathers, as *ahadis* or unattached cavaliers. This low beginning was the lot of many a young man of a distinguished family. They started with a slender following which gradually increased as they had opportunity to do good service and what was even more important, bring that good service to the notice of their master. They could expect to receive only a small allowance to begin with, and they had to be content with that till they attracted the attention of some influential noble who might take them under his wing and advance their interests. Promotion was neither accidental nor automatic.

Though a person might be appointed to any rank by the emperor, the *amirs* were very particular about their precedence. Aurangzeb would have liked to promote Asad Khan, a comparatively junior man, to the rank of *vizier,* but he was afraid of superseding the old and first-grade peers who belonged to the reign of Shah Jahan. Asad Khan had to wait for six years, during which time he acted as second Paymaster and Deputy Chancellor, before his royal master thought it safe to appoint him the Grand Vizier in 1676 A. D.

The nobles enjoyed only a life interest in their *jagirs* and could never alienate them. According to Bernier "the Great Mughal constitutes himself heir of all the *Omrahs,* or lords, and likewise of the *Mansabdars,* or inferior lords, who are in his pay; and what is of the utmost importance, that he is proprietor of every acre of land in the kingdom, excepting, perhaps, some

houses and gardens which he sometimes permits his subjects to buy, sell, and otherwise dispose of, among themselves"[23]. The Mughal nobles neither enjoyed any proprietary rights in land nor an independent revenue, like the nobility of western Europe[24]. "The land throughout the whole empire is considered the property of the sovereign, there can be no earldoms, marquisates or duchies. The royal grants consist only of pensions, either in land or money, which the king gives, augments, retrenches or takes away, at pleasure"[25]. The absence of a great and powerful landed class which, secure in their *jagirs*, could treat with indifference the royal smiles and frowns made it impossible for the nobility to make dignified protest against any act of the emperor. Such a protest was sure to be treated with contempt and would have brought ridicule on them who had made it. The system of land-tenure crushed all independence among the life-peers, and made most of them dissolute parasites. All *jagirs* were, properly speaking, the property of the sovereign, who might confer them on any he liked. Under such a system any son of a king was able to find supporters in his attempt on the throne. Rich *jagirs* were the inevitable reward of the victor's friends. Titles of nobility were awarded for life to distinguished officials. All appointments and promotions being based on individual ability, a talented man could rise from the lowest to the highest position, if he knew how to utilize the opportunities that came his way. Greatest caution and keenest intelligence were the necessary conditions of success, as any

[23] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable. p. 204.

[24] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable. p. 65.

[25] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable. p. 5.

faut pas might hurl a man down. Favours came in plenty but only after their recipients had proved their merit to the entire satisfaction of him who could appreciate it in a tangible manner. The order of nobles contained some of the most distinguished men of the time, though their dignities were often the reward of their devotion to the reigning sovereign. It was a system of competition, though the prizes were not awarded on the results of written papers, so that persons of high rank and distinction were seldom wanting in intrepidity. Timidity was always at a discount. It was very difficult to make a start, and so long as a man held only a subordinate position he could not easily attract the favourable notice of the emperor. But once the emperor's eye fell on a promising man his fortune was made and his advancement assured.

The State service drew the highest talent in the country as it was the most lucrative career open to any one. The *amirs* did not depend on slow and orderly promotion. They could always count upon a rapid rise if they were possessed of the requisite qualities. An *amir* had to possess a ready wit and prepossessing address, combined with a capacity for honest work. He must be brave and courageous, clever at intriguing as well as checkmating intrigue. Those *amirs* who distinguished themselves on the battle-field were always exalted by suitable titles and given an increase in rank and fief. Many of them having risen from low positions were devoid of education, but when they came to hold positions of trust they conducted themselves as befitted their new dignity. Their every act was characterized by order and decorum. It was wonderful how readily they adapted themselves to the new environments, and how quickly they assimilated the culture of the Mughal Court. The court where they lived proved a good training school for them where they were quick to learn manners and etiquette. A good address

and pleasant manners were a sure passport to success.

Under this system no one was possessed of wealth derived from a hereditary domain and therefore no one could live on his patrimony. All the wealth laboriously collected by an *amir*, which had afforded a luxurious mode of living to his near and dear relatives, departed from the family with his death. The political influence associated with wide acres also ended with the death of the *amir*. It was not possible for an *amir* to consolidate a strong position for the family. After his death a list or estimate of his property was prepared and presented to the emperor who was the universal heir of all the official magnates of the kingdom. Though he might have spent all his official days in rendering faithful service to the State, the *amir's* children and dependents had no claim on his wealth. When the *Amir-ul-Umara* Nizam-ul-Mulk died fighting loyally for his master Muhammad Shah against Nadir Shah after many heroic efforts and prodigies of valour, his property was at once seized by the Emperor's orders[26]. In Western Europe the crown theoretically owned all land; but even in the days when feudalism was at its height, the theory was little more than a convenient legal fiction which was never translated into practice. The heir of an English feudal baron in mediæval times could, as a matter of right, inherit his deceased father's possessions on making a small present to the king. In India that practice did not exist. In fact sometimes the letter of condolence sent by the emperor to the bereaved family was accompanied with another to the governor to confiscate the property of the deceased. The children had not only to lament their father's death but were also worried by prospects of impending poverty. Thus the lot of the natural

[26] Elliot's *History of India*. Anand Ram Mukhlis' *Tazkira*. Vol. VIII. p. 84.

heirs of a great nobleman was very hard indeed. Their fall from a state of opulence and affluence to a condition of utter penury was abrupt.

This custom was current under all the Mughal emperors of India, in fact under all those of the Taimuride race. They all confiscated "the estates and wealth of their deceased ministers and servants to the exclusion of the natural heirs"[27]. It was one of Jahangir's laws that the crown was heir to the wealth and houses of his servants when they died, also to those of his vassals who died childless[28]. But as the confiscation was always expected the *amirs,* some of them at any rate, must have taken steps in their lifetime to make some provision for the rainy day. Perhaps a portion of the property was concealed beforehand so as to prevent it from falling into the hands of the agents of Government, who therefore found in the house of the deceased only as much or as little as was purposely allowed to remain there. According to Tavernier, nobles left to their wives and children, at their deaths, large sums of gold, of which the king could not have any knowledge[29]. A small pension might be bestowed upon the family from the royal treasury,[30] but it was never enough. If an *amir* had grown-up sons he might help them to get a start in his lifetime, but the start was necessarily low and the rise depended more upon the son's efforts than on those of the father. Sometimes even after the death of an *amir*

[27] Syed Ghulam Husain Khan's The *Seir-i-Mutakherin.* Published by R. Cambray & Co. Vol. I. p. 205.

[28] Manucci's *Storia do Mogor.* Translated by William Irvine. Vol. I. p. 177.

[29] Tavernier's *Travels in India.* Translated by V. Ball. Vol. I. p. 18.

[30] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable. p. 212.

his grown-up son was taken under the wing of the emperor, who out of regard for the memory of his deceased favourite, conferred some small post upon his son. Sometimes even a minor son of the deceased was favoured with a rank. S. Zahid K. Koka was only ten years old at his father's death. Shah Jahan out of regard for his late father, and in appreciation of his services, conferred on the son a rank of 1000 with 400 horse[31]. In exceptional cases high ranks were also conferred on the relatives of a deceased favourite. After the death of Shah Nawaz Khan, Jahangir conferred a mansab of 5000 on his younger brother Darab.[32] Princes of the blood royal had '*mansabs*' conferred on them as early as the age of eleven or twelve. These, however, were all exceptional cases; generally speaking, everyone carried his fortune in his own hand, and an *amir* was never independent of royal patronage and favour.

This system was conducive to the highest development of individuals and succeeded in bringing out the best in them. Each tried to excel the others. But it degraded them as a class by making them venal sycophants who strove all their lives to get nearer to the throne by treading on the toes of their rivals. As greatness could not be transmitted from father to son there were no powerful houses founded by the Mughal nobles so long as the emperors were strong. Monarchy was consequently free from the danger of a turbulent nobility, which was the greatest source of disturbance in feudal Europe. The Mughals knew no nobility apart from office and public service. Their magnates were merely life peers holding their lands and offices during the sovereign's pleasure. Many of them were selfish, proud, and

[31] Shah Nawaz Khan's *The Maasir-nl-Umara*. Translated by Beveridge. p. 512.

[32] Jahangir's Memoirs. Translated by A Rogers. Vol. II. p. 88.

factious; but at the same time several of them were highly gifted and possessed of valuable virtues. Higher *amirs* particularly were the soul of decorum and conducted themselves with great dignity. The virtues of sensibility, benevolence, and acuteness were not rare. They lived like princes and spent lavishly. Spending, and not hoarding, was the dominant feature of the time. The example of magnificence set by emperors was eagerly followed by their courtiers and officials.

In later times the practice of confiscating the property of the deceased was not rigidly followed, and we come across some cases in which it was definitely disregarded. We learn from Jahangir's *Memoirs* that when Khan Dauran died he left about 400,000 Rs. in cash and goods which were given to his sons.[33] Bakhtawar Khan in his *Mirat-i-Alam* says that Aurangzeb "relinquished the Government claims against the ancestors of the officers of the State, which used to be paid by deduction from their salaries. This money every year formed a large income paid into the public treasury. He also abolished the practice of confiscating the estates of deceased persons against whom there was no Government claim, which was very strictly observed by the accountants of his predecessors and which was felt as a very grievous oppression by the heirs of the deceased nobles."[34] But probably this indulgence was shown in very few cases by that monarch. Otherwise the author of the *Seir-i-Mutakherin* would not have stated that "Azam Shah, with so many precedents before his eyes, was the first of that race, who totally abandoned that custom, and even expressed a detestation of it."[35] He

[33] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II. p. 172.

[34] Elliot's *History of India*. Bakhtawar Khan's *Mirat-i-Alam*. Vol. VII. pp. 160-61.

[35] Syed Ghulam Husain Khan's The *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 216.

regarded the practice as cruel and inequitable. When according to the established custom a list of the effects of one of his richest ministers who had recently died was presented to him the Emperor "seemed shocked at the sight of the paper, turned his head from it with strong marks of emotion, expressed his detestation of both the custom, and the reader, and forbade anyone, under pain of his indignation, to present to him such papers and such reports for the future."[36] He thought it very hard that a man should be robbed of all his savings at his death, and he therefore condemned such a law as a piece of atrocious injustice. He very rightly revolted against it and set an admirable example of forbearance. His generous example was followed by the Emperor Muhammad Shah who, after the death of his *Vizier* Muhammad Amin Khan, refused to forfeit his property and left it all to his natural heirs. The act speaks very highly of Muhammad Shah's lenity and benevolence, as at that time the imperial coffers were quite empty on account of the immense levies of the Syed brothers; so much so that the public and private halls of audience stood badly in need of repairs, and the deceased minister's property amounted to several *crores*, reckoning only the gold, silver, gems and precious stuffs. It was a noble act on the part of the Emperor who refused to enrich himself at the expense of the natural heirs of his deceased minister.[37]

The Emperor Shah Jahan had also on one occasion displayed the same indulgence, but under different circumstances. He had his favourite slave Saadat Khan beaten to death because the latter persisted in offering betels to the nobles at court against

[36] Syed Ghulam Husain Khan's *The Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 206.

[37] Syed Ghulam Husain Khan's *The Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 205.

the Emperor's orders. Shah Jahan handed over the whole of Saadat Khan's wealth to his wife, in spite of the rule that the king should confiscate all the goods left by any one in his service. This was done by him to avoid the suspicion of having killed his slave to get possession of his wealth.[38]

This rule of confiscating the property of the deceased was not applied in the case of Hindu Rajas, who were to be found in respectable numbers in the ranks of the Mughal nobility. "The children of the Hindu *Rajas* succeeded to their fathers in the species of sovereignty which is preserved to them; but the children of Muhammadan *Omaras* lose everything in losing their fathers. The emperor is sole heir to all the officers of his court."[39] Jahangir says in his *Memoirs* "I put the *tika* on the forehead of Dalpat with my Royal hands, selected him as the successor of his father, and conferred upon him the *Jagir* and country of the deceased Rai Singh."[40]

Babar remarks in his *Memoirs* that it was the custom of the kings of Hindusthan to bestow on the *amirs* in highest favour high-sounding titles, such as *Azim Humayun* (the magnificently propitious), *Khan-jahan* (Lord of the World), *Khan Khanan* (Lord of Lords), etc.[41] Babar and his successors continued this practice. Some of the titles conferred by the Mughal emperors upon their *amirs* were:—*Rukn-ud-daulah, Saif-ud-daulah, Nasar Jang, Shujaat Khan, Sardar Khan, Rustam Ali Khan, Izzat-ud-Daulah, Muzaffar Khan,* etc., etc. Many of these

[38] Manucci's *Storia Do Mogor.* Translated by William Irvine. Vol. I. p. 202.

[39] Father F. Catrou's *History of the Mughal Dynasty.*

[40] Elliot's *History of India. Wakiat-i-Jahangiri.* Vol. VI. p. 332.

[41] Babar's *Memoirs.* Translated by Beveridge. p. 344.

titles had reference to the distinguishing qualities of particular recipients. These *amirs* not only enjoyed high-sounding titles but were also in receipt of very handsome emoluments. All lived luxuriously and some in addition left vast fortunes. Their expenses were naturally high, as a nobleman who could not keep up appearances was sure to fall in the estimation of his compeers and of his master. The impetus to spend lavishly was great as many of the *amirs* were convinced that it was folly to save anything unless they could conceal it from the knowledge of the world. Moreland tells us "the higher ranks of the imperial service were remunerated on a scale far more liberal than that which now prevails in India, or for that matter in any part of the world: certainly there was at that time no other career in India which could offer the prospect of such prizes, and we need not wonder that the services should have attracted to the Court the ablest and most enterprising men from a large portion of Western Asia". Moreover many nobles engaged in business, and made large profits by investing their money in merchant ships trading with Hormuz, Bassora, Mocha, Bantam, Achin, and the Phillipines.[42] One or two instances may be cited to illustrate the vast amount of wealth which passed through the hands of the Mughal nobles. When Makhdum-ul-Mulk died in the year 990 A. H. the Emperor sent Qazi Ali to Lahore to find out all particulars about the property left by the deceased. He discovered that Makhdum-ul-Mulk had left "such vast treasures as defied the key of conjecture to open their lock. Several ingots of gold were discovered in his sepulchre, where he had caused them to be buried as corpses. And the wealth which lay open to the eye of the world was such as none but the Creator

[42] Tavernier's *Travels in India*. Translated by V. Ball. Vol. I. pp. 37-38.

(glorious is His Majesty) could ascertain."[43] All his wealth, together with his precious books, found its way to the public treasury. During the reign of Shah Jahan in the year 1641 A.D. Yamin-ud-daulah Asaf Khan Khan-Khanan, Commander-in-Chief, who enjoyed the *Mansab* of 9000 personal and 9000 horse, had a gross pay of sixteen *crores* and twenty *lacs of Dams.* His net profits or income after paying his contingent amounted to fifty *lacs* of rupees. He built a splendid mansion for himself at Lahore at a cost of twenty *lacs* of rupees and lived in a princely style. At his death he left money and valuables worth two *crores* and fifty *lacs* of rupees. This vast amount consisted of jewels worth thirty *lacs,* gold *mohurs* worth forty-two *lacs,* gold and silver utensils of the value of thirty *lacs,* one *crore* and twenty-five *lacs* in rupees, and miscellaneous articles worth another twenty-three *lacs.*[44] According to Badaoni, the private treasures of Qutb-ud-din Muhammad Khan exceeded ten crores.[45] There might be some exaggeration in this estimate, but the actual figure must be fairly large. The emoluments of Ali Mardan Khan who died during Shah Jahan's time were altogether 30 *lacs* of rupees.[46]

With their princely emoluments the *amirs* could live in a princely style. In Akbar's reign one of his *amirs,* Pir Muhammad Khan, was so wealthy and had such an expensive style of living, that when the *Khan Khanan* went on a hunting

[43] Badaoni's *Muntakhab-ut-Twarikh.* Translated by Ranking. Vol. II. p. 321.

[44] Elliot's *History of India.* Abdul Hamid Lahori's *Badshah-Nama.* Vol. VII. pp. 68-69.

[45] Badaoni's *Muntakhab-ut-Twarikh.* Translated by Ranking. Vol. II. p. 341.

[46] Elliot's *History of India.* Muhammad Salih Kambu's *Amal-i Salih.* Vol. VII. p. 124.

expedition with him and expressed a desire to have something to eat as he was feeling hungry, Pir Muhammad Khan asked him to get down and deign to eat whatever was available there. The *Khan Khanan* accepted the offer of hospitality and prepared himself to sit down expecting a hastily prepared meal in the hunting ground. He and his suite were astonished to see a most magnificent feast spread before them. There were 3000 drinking cups and 700 porcelain dishes of various colours which came out of the travelling stores of Pir Muhammad Khan.[47] The *Khan Khanan* naturally felt jealous of his vicegerent. Pir Muhammad Khan had risen from the position of a *mulla* to that of an *amir* and had become one of the most opulent grandees of his time. It is possible that his subsequent fall was due to the jealousy which he roused among the other members of his order.

However very few of the *amirs* left large fortunes, most of them having spent their large incomes during their lifetime. The low cost of the mere necessaries of life left large sums available for spending on luxuries, while many of them, thinking that whatever they left unspent would be confiscated by the State after their death, grew very extravagant. They not only spent their incomes but even ran into debt. Bernier, commenting on the extravagant style of their living, states that he came across very few wealthy *omrah*: on the contrary most of them were deeply in debt.[48] The costly presents they had to make to the emperor on different occasions, and the large establishments they had to maintain for the sake of dignity, proved ruinous. Their household was run on the same lines as that of their royal master.

[47] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. I. p. 19.

[48] Bernier's *Travels in the Mogul Empire*. Translated by Archibald Constable. p. 213.

No wonder, then, that their resources sometimes ran low and they had to extort money from the masses. The extravagance of the noblemen could not but have an important effect on the economic condition of the people. It spread, also, to men of smaller means, who thought it necessary to follow the fashion set by the wealthier members of their order. A noble had to live in great state. He required hundreds of servants. When he came out of his house into the street he was always accompanied by a train of attendants, pages, and slaves. It was beneath the dignity of an *amir* to walk unattended. If any had dared to do so he would have become an object to be pointed at with the finger of scorn, and people would have entertained doubts regarding his sanity. Every nobleman had to keep a number of elephants and horses commensurate with his dignity. Each elephant required four men to look after it and each horse at least two, and sometimes three. A large number served in the kitchen. Then there were two sets of tent-pitchers, one for the fore-camp and the other for the rear. A respectable establishment must have cost a great deal, in spite of the fact that wages were low and living was cheap in those days. A courtier's stables were an expensive part of his establishment and camp life was even more expensive than life at the Capital. The Mughal emperor's mode of travelling was the last word in comfort and luxury and the high standard set by the Imperial Camp was eagerly copied by the nobles who vied with one another in the size of their tents and the splendour of their decorations. We learn from Abul Fazal that the nobles' tents had decorations of velvet and brocade. They were lined with damask and taffeta, and some few with cloth of gold. The screens were joined by silken fastenings. Jewellery absorbed a good deal of the wealth of the nobles, gold, silver, and precious stones being purchased in large quantities. A

goodly part of their jewellery found its way to the imperial treasury in the shape of presents. They also spent lavishly on buildings. When Babar began to build a palace and to lay out a garden on the left bank of the Jamuna opposite to Agra, he encouraged his chief nobility to imitate his example and the *amirs* were not slow in carrying out the wishes of their royal master. When Akbar had built a chapel, a mosque, and baths at Fatehpur Sikri "the amirs built themselves towers and keeps and lofty palaces".[49] When he laid the foundations of a fortress in the neighbourhood of that 'pure city' he ordered palaces to be built by the great *amirs*. He also encouraged them to undertake the work of digging out a great tank.[50] The nobles had also to spend a lot on their wardrobe. The number of garments was large and the materials were costly. But when a man came to a high position he was provided with the means to live according to his rank. No emperor would tolerate shabbily dressed nobles about him. In addition to his salary which was very high, a nobleman did not lack opportunities to increase his income. The royal taste for splendour in palaces, equipages, and liveries was sure to be imitated by the courtiers, for that was necessary to win royal favour. The Mughal Court was perhaps the most polite and magnificient in the world.

But all this wealth was liable to revert ultimately to the State. Even during the life-time of a nobleman his *jagir* was not his territorial possession or landed estate as was the case in Europe. The larger estates certainly implied a jurisdiction both

[49] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 112.

[50] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 137.

civil and criminal, but this jurisdiction was never heritable. The *amir* was permitted to exercise over the land only such rights as belonged to the government who had delegated them to him; for instance, the right of realising the amount that was due to the government as the latter's share of the produce. The *jagirdar*, or holder of the *jagir*, was properly an official of the government, and as such removable at the emperor's pleasure. It was impossible for him to exert independence of the Crown and any such attempt would have been immediately put down. The moment he lost his official position he fell into obscurity. Only the great Hindu chiefs and *Rajas*, who had possessed their lands from the remotest times, could consider themselves as of right independent, but even they had to submit to the pressure of a superior force which they sometimes found impossible to resist.

Bernier, in his letter to Monseigneur Colbert, tried to prove that the assertion of the State's ownership in land was productive of much evil and was fatal to the progress of society. The theory of the State's ultimate rights in the soil is not in itself unsound; but what was objectionable was the unlimited character of the royal demand and the frequency with which it was made. Bernier ascribes the neglected state of the land in the country to the absence of proprietary rights on the part of the grandees. "From what I have said, a question will naturally arise, whether it would not be more advantageous for the king as well as for the people, if the former ceased to be sole possessor of the land, and the right of private property were recognised in the Indies as it is with us. I have carefully compared the condition of European States, where that right is acknowledged, with the condition of those countries where it is not known, and am persuaded that the absence of it among the

people is injurious to the best interests of the sovereign himself."[51]

Regarding the lavish style in which the *amirs* lived the same author writes "they maintain the splendour of the court, and are never seen out-of-doors but in the most superb apparel; mounted sometimes on an elephant, sometimes on horseback, and not infrequently in a *Palkey* attended by many of their cavalry, and by a large body of servants on foot, who take their station in front, and at either side of their lord, not only to clear the way, but to flap the flies and brush off the dust with tails of peacocks; to carry the *picquedent* or spittoon, water to allay the *Omrah's* thirst, and sometimes account-books, and other papers."[52]

Sometimes an *amir* received permission to carry away a portion of his wealth either to his home in a foreign country or elsewhere, or to the holy places in Arabia whither he went on pilgrimage. But it was rather rare. The emperor would grant such a permission only when he was anxious to remove a noble from the country on political grounds. This was in a way a good rule, as the wealth of the nobles generally remained in the country and through various channels was distributed among poorer people. Under these circumstances, few nobles had a desire to accumulate, and this was an additional reason why they did not stint themselves in their personal expenditure. The greater the show an *amir* could make the more influence he commanded among his *confreres* and the greater was his prestige at the court. Many were given to sport and gambling.

[51] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable. p. 226.

[52] Bernier's *Travels in the Mogul Empire.* Translated by Archibald Constable. pp. 213-14.

According to De Laet, the Dutch traveller, the luxury of the nobles could scarcely be described, seeing that their one concern in life was to secure a surfeit of every kind of pleasure.[58]

Labouring under such a precarious tenure many of the nobles were characterized by narrowness of aim and pettiness of purpose. They were given to flattery, and their talk was more polite than sincere. The verdict of European observers is not very favourable to the Mughal *amirs*. According to Sir Thomas Roe "nobles are nothing but voluptuousness and wealth confusedly intermingled." In some cases they were oppressive to those subordinate to them. But these evils were generally kept in check by the powerful emperors, except the evil of disloyalty, which was fairly widespread. This evil is observed from the earliest period. So little loyalty was found among Babar's *begs* that he had to make them take an oath with the Quran in their hands before the battle with Rana Sangram. It is true there existed in many places a good deal of loyalty towards the emperor who was the only symbol of national unity, yet it cannot be denied that treachery and ingratitude were common traits in nobles' character. Many of those occupying the highest position in the State had their hands soiled with dirty intrigue against their royal master. When Shah Jahan was made a prisoner by his son Aurangzeb, not one of the *amirs* of this grand monarch offered to assist him, and he found himself almost deserted. Seeing the star of their old master dimmed they turned their eyes to the rising sun. Such a usurpation could never have been tolerated by the nobles under a constitutional monarchy. Even if there were any who felt for the old Emperor they did not have the courage to speak out. Self-interest

[58] De Laet's *The Empire of the Great Mogol.* Translated by J. J. Hoyland, p. 90.

prompted them to abandon a king who had governed them like a father, and with a mildness which is not common with sovereigns. If the nobles had been like those of Europe, they could have at that time given Aurangzeb plenty of occupation. Manucci tells us that among the nobles of any importance and influence there were not more than two who were not included in the ranks of traitors to Dara.[54] The two exceptions were Danishmand Khan, the greatest scholar of his time and Taqarrab Khan, the physician of Shah Jahan. These two refused to side with Aurangzeb and stayed at home. Khalilillah Khan's conduct towards Dara, and Alliwirdi Khan's conduct towards Shah Shuja, during the struggle for the throne, were equally traitorous. They were guilty of the blackest ingratitude and treachery to their respective masters. The fact is, no vital bonds joined the Mughal emperor to his nobles, even though most of them professed the same faith as he. His mighty power extorted from them full submission and instant obedience, but not loyal affection and wholehearted devotion. While Humayun was fleeing from Sher Khan most of his nobles deserted him. The old class of nobles included many honourable exceptions who were bound by personal ties to the emperor. But taking them as a class it is disappointing to find nobles of all shades of opinion characterized by treasonable propensities. They were in many cases ready to correspond secretly with the foreign invader. The nobles were sure to lose their ranks as well as their *jagirs* if the invader was victorious, unless they had secretly expressed their homage to him. The existence of an elaborate system of espionage shows that the emperor's power did not rest on the solid basis of genuine loyalty. So long as the throne was occupied by strong rulers the

[54] Manucci's *Storia Do Mogor*. Translated by William Irvine.

nobles were kept in check and were outwardly loyal. But some of them behaved in an admirable manner. We may get an idea of the old Mughal nobility from Seir-i-Mutakherin's description of Asad Khan who had been so long Prime Minister to Aurangzeb. "He may be said to have been the seal and last member of that ancient nobility of Hindustan, that had done so much honour to the Empire. He had every qualification that can constitute a character equally eminent in public, and amiable in private; of a placability of temper, and of a benignity of disposition so endearing, that to this very day, his name is affectionately remembered by every one. Without having ever stooped to any Lords of the recent Courts, he lived with dignity and splendour to the very last, exerting uninterruptedly his boundless influence over every part of the Empire, where, to his immortal honour, as well as to the emolument of all contemporaries, he never ceased to employ his credit, as well as purse, in obliging any one that presented himself, whether a friend or stranger".[55] Courage being an indispensable qualification for those who were anxious to better their fortunes in the State, most of the old nobles possessed it in no small degree. A display of bravery brought further promotion and increase in *Jagir*, while cowardice led to degradation and disgrace. Their manners were highly polished and their address greatly refined. Any display of bad manners was sure to bring to the guilty person discomfiture. An uncivil thing was never heard among them. The nobleman held a regular *Darbar* where those inferior to him paid their respects and showed the greatest servility. All looked attentively at his countenance, answered his questions in a way pleasing to him, and thought it rude as

[55] Syed Ghulam Husain Khan's The *Seir-i-Mutakherin*. Published by Cambray & Co. p. 100.

well as unsafe to contradict him even if he said something to which they did not agree. They all stood "silent and immovable as statues".[56] This ceremonial of paying court was always rigidly observed.

But these manners seriously declined when the old nobility passed away and their place was taken by inexperienced men under the later Mughals. The extinction of the old nobility exposed the weak sovereigns to great dangers. In that period of decadence very few nobles could justly pride themselves upon doing their duty by the weak sovereign. Most of them were, as already stated, characterized by narrowness of aim and pettiness of purpose which had been kept in check so long as the throne was occupied by a powerful personality. But when the sceptre passed to the feeble grasp of the weak successors of Aurangzeb the worst characteristics of the baronage manifested themselves, and resulted in the destruction of their own order and the devastation of the empire. The deterioration in the character of the emperors led to a rapid decline in the standard of the nobles. All chivalry departed from them and loyalty was regarded as a losing virtue. Many of them turned traitors from selfish motives. "The basest disloyalty marked the rise of the family of Oudh, which owed everything to Muhammad Shah. It was Saadat Khan who invited Nadir Shah, whose invasion gave the final stab to the empire; and it was his son Safdar Jang, who, when commandant of the artillery (*Mir Atish*), turned it against his sovereign's palace, and then conveyed it to Oudh."[57] They came to despise fidelity and sincerity because these virtues were not generally appreciated and did not bring any promotion as their reward. The might of the royal

[56] Orme's *Fragments of the Mughal Empire*. p. 426.
[57] Tod's *Rajasthan*. Vol. I. p. 330.

prerogative waned and the Mughal Court became honey-combed with intrigue.

It was at that time that the worst features of the noblemen's character exhibited themselves. People were not sure of slow and steady promotion and naturally thought of short cuts. Cleverness, when coupled with unscrupulousness, was thought to pay. Men rose and fell every day. No one seemed to be fastidious about the means he employed. With the growing weakness of monarchy no peace and order could be kept in the country. The loyalty of the *amirs*, who were always lacking in steadfastness, was severely tried as the rapid changes in weak government prevented them from knowing who would ultimately win and have power to claim their allegiance.[58] Each noble became a law to himself and refused to recognise any higher authority. Many nobles behaved like highway robbers, and the spirit of personal aggrandizement stalked abroad. The sovereign ceased to be regarded as a sacred person, and his rights were usurped by those more powerful than himself. Any attempt to stop the brigandage of the turbulent nobles was sure to drive them to a defiance of the royal authority which sometimes ended in an open rebellion. The monarch was left alone only so long as he did not interfere in the lawless conduct of his powerful *amirs* who recognised no half-way house between servile subjection and open rebellion. They found it impossible to combine self-respect with personal safety. There were just a few nobles who because of their antecedents and associations were characterized by hereditary or personal loyalty, and continued to look upon the emperor as the dignified head of the State of which they themselves were pillars; but their number was very small and tended to grow smaller every day.

[58] Tod's *Rajasthan*. Vol. I. p. 330.

During the palmy days of the Mughal rule the titles of nobility were very carefully chosen and appropriately bestowed. Up till the time of Akbar 5000 was the highest rank open. Towards the end of the Mughal period higher ranks were freely bestowed with a view to securing the support of nobles. Under Muhammad Shah, Muhammad Amin Khan, who had plotted the murder of Syed Husain Ali, was promoted to the rank of 8000, and the same rank was conferred on Khan Dauran. A title had generally some reference to the character of the recipient and was as a rule a reward for meritorious services. This careful selection was always good not only from the point of view of the State but also from that of the individual. It stimulated merit to a large extent and eliminated favouritism. It was a complicated system which was rendered still more complex after 1707. The Emperor Bahadur Shah, before coming to the throne, had made a foolish vow that if he could become the emperor of India he would never deny any one's request. As a result of this vow the *mansabs* and ranks bestowed by him were higher than ever. This reduced the value of ranks in the estimation of the people. But that was not all. The same title came to be held by more than one person. Consequently titles came to lose all importance and ceased to be regarded as real marks of honour. All attempts at adjusting the respective claims of different holders were futile. Grades of six or seven thousand were carelessly conferred on men of low rank. "Dignities came at last to lose their weight and titles to forfeit all credit."[59] Khafi Khan relates that one *mansabdar* represented to the Emperor that his family title had been granted to another person. On his petition Bahadur Shah wrote: "granted,

[59] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 17.

granted, granted! even if another has it." From this time all system was abandoned and all discrimination disappeared, although such an able man as Munaam Khan was the scrutinizing officer. Danishmand tells us that there were three persons enjoying the title of Fazil Khan at one and the same time. This had never happened before since the rise of the House of Taimur. "The grants of *mansabs*, *Naubat* and *Nakara*, elephants, the *jigha* and *sarpech* were no longer regulated by the rank and dignity of the recipient. This fact earned for the Emperor the title of the Heedless King."[60]

After Aurangzeb the emperors became mere ciphers in their own dominions, and the boundless influence of some of the powerful nobles like the Syed brothers gave rise to jealousies in the hearts of others. During the reign of Muhammad Shah when the royal power was weak, the nobles grew very powerful. Muzaffar Khan and Burhan-ul-Mulk forgot themselves so far as to quarrel in the Emperor's audience-chamber.[61] The nobles amassed large sums of money from their own *jagirs*, and from those government lands which they had forcibly seized. With this ill-gotten wealth they could hire large armies, and defy the Emperor, who became a dependent of his own nobles, unable to depose any one of them.

Aurangzeb's weak successors conferred rights that made the feudal aristocracy almost independent, and the long anarchy that followed as a natural result enabled the latter not only to use, but to extend and fortify, their illegally acquired power. Some emperors strove in vain to curb their insolence, but the circum-

[60] Elliot's *History of India*. Khafi Khan's *Muntakhab-ul-Lubab*. Vol. VII, p. 410.

[61] *Ibid.*

stances tended more and more to narrow the influence of the Crown and complete the independence of the turbulent nobles. They now became petty tyrants in their own dominions, and proved to be the greatest enemies of the social order. But the personality of the emperor, even when impotent, served a useful purpose. He represented order and legitimate ownership, and so far was still necessary to the political system.

The empire was perhaps past redemption, for a fatal ailment paralysed all its efforts. The emperor was weak. The chief object of the magnates was to keep the monarch in his state of helplessness. They could successfully bind the newly selected monarch to respect all their present powers, including those which they had just extorted from him as the price of their support. They checked all his attempts to recover his lost power and prestige. They surrounded him with their own creatures, to keep an eye on his every action. They appropriated to themselves all that power which properly belonged to him. Thus fettered, the emperor sought only to make the most of his short tenure. He knew that any sign of independence on his part might drive his powerful nobles to depose him. His individual and personal relation with his subjects was replaced by a merely legal and formal one.

Those nobles who were not strong enough to disregard the royal power tried their best to weaken it. It had always been a practice for a new king to secure the goodwill of the nobles by conferring on them new ranks. But augmentation of *mansabs* and promotions in rank grew so lavish after Aurangzeb that they might rightly be regarded as a sort of bribe. The crown became a gift of the powerful nobles. It could be not only given but also taken away whenever they pleased. The rightful sovereign was scoffed at, his arm of authority paralysed, his authority openly defied. His invitations to his rebellious *amirs* to

return to their lawful master were often courteously and sometimes curtly declined. Nizam-ul-Mulk's words in the reign of Muhammad Shah—"To resist His Majesty's will, or to oppose the pleasure of one's master, was neither proper nor laudable"—fell upon deaf ears. Muhammad Shah's personality was not such as to encourage any one to rise to that high ideal.

The occasional outbursts of anger on the emperor's part were the most conclusive proof of his weakness. His commands which were at one time regarded as commands of the vicegerent of God, were treated with scant respect. The only vestige of royalty left about the emperor was the ceremonial splendour with which custom had surrounded him. The right to the imperial name was never denied to him, but it was a mere name, with no real power to support its dignity. The ancient forms existed but with no reality. Royalty degenerated into a royal pageant, and kings yielded the first place to king-makers. The country saw itself distracted by the interminable feuds of rival factions of nobles, who vied with each other in ridiculing the pretensions of the weak emperors to be regarded as real sovereigns.

The spirit of self-aggrandizement was not a characteristic of any particular faction; it was general, though there were a few men of pure motive and disinterested action. The old, experienced nobles had left the scene of their triumphs and reverses. The new generation of nobles was young in age, immature in policy, weak in experience and comparatively devoid of scruples. The successors were distinctly inferior to their predecessors. They quarrelled with the emperor and at the same time among themselves. The history of the later Mughal period is a record of almost continuous strife. Though very few nobles ventured to declare themselves formally independent of the nominal sovereign yet their actions were tantamount to

this. The emperor could not venture to tax the loyalty of his nobles too highly. They were ever ready to contend with him on equal terms. Powerful Viziers began to exercise unconstitutional powers. All solidarity disappeared from the State and distant provinces, in which was found a good deal of lawless independence, began slipping from the emperor's grasp.

During the days when monarchy was strong the nobles had acted as royal instruments in the policy of controlling and restricting the administrative machinery. They were the monarch's personal servants and were responsible to him for their every act. It was unfortunate that, at a time when the administration of the country was becoming increasingly dependent upon the nobles of the realm on account of the personal weakness of the head of the State, the former developed those traits of character which could not but spell the ruin of the mighty political fabric. They proved utterly lacking in the ability and the diligence that were necessary for a successful government. The master and the servants were triflers and neglected the business of the State. The kings bestowed their favours upon worthless upstarts and thereby touched baronial pride and aroused the enmity of the senior members of that order. The burden of the government of the country was placed on shoulders that were unable to bear it. The royal prerogative, upon which the royal autocracy depended, became utterly valueless without the practical power of the emperor to enforce it.

When the emperor's control over the great departments of the State weakened, the personal system broke down and threatened to bring in its place administrative anarchy. This result was natural as there was nothing to fill the gap created by the growing weakness of the king. Every system depends for its ultimate success upon the skill and loyalty of its administrators. Even kings like Aurangzeb had found it impossible to super-

vise personally all the various departments of their government. It was much more difficult for his weak successors to do so. The vast extent of the empire required that a good deal of the work should be left to the nobles who occupied important positions. After Aurangzeb the system of government rapidly declined. The causes which brought about the final downfall of the glorious Mughal dynasty are to be found as much in the character of the emperor as in the personal and senseless ambition of some of the nobles. They sacrificed the interests of the country for their personal considerations. The jealousy between Abdul Mansur Khan and Jawaid Khan, for example, was responsible for a disgraceful peace with Ahmad Shah Abdali. The Punjab and Multan were ceded to him. Jawaid Khan was supported by many *amirs* who played the traitor on account of their jealousy of the Vizier Abdul Mansur Khan, who was acquiring fresh strength every day.[62] The country suffered from what might be regarded as a natural reaction from the intensely centralised rule of Aurangzeb.

Under strong rulers the struggle between the autocratic emperor and the feudal nobles had never become serious. Rebellions were easily stamped out and the rebellious nobility crushed. To inflict a crushing defeat upon the emperor a confederation of the whole body of nobles would have been necessary. Such concerted action on their part was impossible. The nobles had no desire to form themselves into a ruling class and place the royal power within any limits. They were swayed only by one motive, and that motive was to become independent of the central authority. They did not try to extort any charters of liberty from the sovereign; nor were they anxious that

[62] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. III. p. 327.

the emperor should remain within the four walls of the law. They took no steps to create any tribunal which could decide whether the sovereign's authority remained within bounds or overstepped them. Their factiousness prevented them from growing so powerful as to aim at dividing the kingdom into estates for themselves. Hence their failure. The Mughal *amirs* could regard themselves as persons of some importance during the interregnum when the throne was to pass from one emperor to another; but when once a king with their help was firmly seated on the throne the nobles could not do much against him.

There being no distinction between the king and the crown the nobles had no legal right to prevent the king from doing any damage to the crown. There is only one instance in which such an attempt was made. Mahabat Khan tried to vindicate the dignity of the crown against the king. His motive, he said, was an attack, not on the prerogative, but upon its abuse by irresponsible persons who had obtained an undue influence over the Emperor. Jahangir had allowed his queen Nur Jahan to exercise many of the royal prerogatives to the detriment of the State. Mahabat Khan, who did not like to see the queen's encroachments on royal power, boldly stood in opposition and tried to supply a remedy. She had usurped royal powers by virtue of the position she held near the king. Mahabat Khan's act was an effort to save the king from his own queen, though he knew that what he did was not in accordance with the king's dignity or his wishes. His bold act and equally bold speech were due to the fact that Jahangir, through a tactical blunder, had lost his liberty of action, and the Court party headed by Nur Jahan was powerless for the time being to strike a blow. Jahangir put up with the bold reprimand of his powerful subject only because he feared lest his confinement might end in something

worse. He, therefore, was quick to promise everything demanded of him. His capture by Mahabat Khan resembles that of Henry III of England by Simon de Montfort.

Mahabat Khan is the only instance of an over-mighty subject in seventeenth-century India. He was powerful enough to invade the sanctity of the imperial palace and carry off the Emperor. His life had been attempted by the ambushes of Asaf Khan and by the machinations of Nur Jahan and his future safety lay only in a *coup d'etat*. He declared that he was trying to defend the crown against the king who had damaged it by allowing others to usurp the royal prerogative. Jahangir had divested himself of the power of active participation in the administration and had allowed others to direct the policy of the State. Nur Jahan's name was inscribed on the coin and she sat at the *Jharoka* to be seen by the subjects. Such a state of affairs according to Mahabat Khan, was detrimental to the government and dangerous to the loyal and faithful subjects of the crown, among whom he counted himself. He never said that he was trying to assert his independence of the Emperor by defying the latter's authority, and his past career of loyalty and undaunted courage in the imperial cause lent support to his declarations. He expected a regard for his past meritorious services to the Emperor and had ample justification for resenting the suspicion with which he had come to be regarded, and blaming those who surrounded his royal master and poisoned his ears against him. He was not slow to realise that so long as the baneful influence did not leave the Emperor he would not be able to come into his own. He therefore wanted to reduce his enemies to powerlessness by forcibly getting the Emperor into his own power. He openly accused the favourites of being the cause of all dissensions in the empire. But he depended on his gallant and chivalrous Rajputs to save

him from the inevitable consequence of his boldness. Even under those circumstances he did not forget what was due to his master and benefactor, whom he treated with the utmost respect. He entertained him lavishly and saw personally to his every comfort. He provided for him new pleasures every day and left no stone unturned to make the position of the Emperor as comfortable as possible under the circumstances. When Jahangir found it impossible to live without Nur Jahan, Mahabat Khan told him that the queen would be permitted to join him, provided she agreed to do her obedient subject the honour of being his guest. Soon after this Nur Jahan joined her royal husband.

Most of the rebellions of the nobles were devoid of any such noble motives. They were merely attempts on the part of feudal anarchy to weaken the central authority. The Mughal grandees knew that the law of the country did not allow them to meddle with the royal power and that they could never become the final executive authority. If they were permitted to exercise a certain amount of executive power it was only because the emperor, who was the source of all such authority, had of his own pleasure delegated portions of it to various individuals; but nothing could affect the position of the emperor as the ultimate power. Even if from a weak sovereign his *amirs* could wrest some privileges, those privileges were valueless, for as soon as the king regained his power he would at once deprive them of what they had unlawfully obtained, for the royal position depended not only on prerogative but also, and to a greater extent, on executive power. The triumph of the nobles could, therefore, be only short-lived. According to the custom and tradition the king enjoyed complete control over the administrative departments of the government, and no external control could be exercised in a legal manner over the king who could

easily set at nought all checks placed on his authority by his enemies. Any limitation of the royal authority was possible only if there existed in the country another organisation which could successfully bring under its control royal administration. The Mughal nobles were quite incapable of evolving any such organisation. Apart from other things their mutual jealousies were sufficient to prevent them from standing forth as a constitutional body whose authority could be readily acquiesced in by the people of the country. Their actions, also, could be supported and maintained only by force, and force always lacks permanence. They could never make the emperor into a willing slave of an oligarchy. Their victory, which meant the subversion of the normal system of government, could never have been looked upon with equanimity by the populace. Their aims being always personal, they could never count upon the popular support. All they could hope to achieve was to make the system of government inefficient, for the success of that system depended to no small extent on the personal character of the officials, who, if they wished, could introduce gross abuses into it.

Even nobles of the type of the Syed brothers found it impossible to remain in power for very long. Temporarily they succeeded in overshadowing the royal power and exercised unlimited authority in the country. Orders were issued at their requests which were hardly different from respectful commands. Appointments were made at their instance, and they exercised the prerogative of issuing pardons and safe conducts. They obtained the highest honours for themselves and allowed their dependents to shine in their reflected glory. Their behaviour was rather that of an independent power than of officials subject to the royal authority. A subject's drums could not be beaten near the residence of the emperor but Husain Ali violated this

rule and thereby repudiated allegiance to the emperor. He as it were declared that he did not reckon himself among the servants of the Crown, as is clear from the words he uttered at that time. Khafi Khan tells us that "At the end of the month Rabi-ul-awwal, at the beginning of the eighth year of the reign, Husain Ali Khan approached Delhi and encamped near the *lat* of Firoz Shah, two or three *kos* from the city. There he showed his rebellious designs by ordering his drums to be beaten loudly in defiance; for it is contrary to all rule for (a subject's) drums to be beaten near the residence of the emperor. Complaining of the Emperor, he entered his tents, and repeatedly said that he no longer reckoned himself among the servants of the monarch. 'I will maintain the honour of my race, and care neither for loss of my *mansab,* nor for royal censure.' "[63] The Emperor was surrounded by the creatures of the two brothers, who kept a strict watch over all his actions. Yet, in spite of this overwhelming power, the Syed brothers' star did not remain very long in the ascendant. They could not manufacture that sanctity which was, in the popular estimation, indissolubly associated with royalty. In order to keep the emperor permanently under control it was necessary for them to take into confidence, on a footing of equality, the other members of their order. But such an idea was foreign to their mind. They were anxious to exercise undivided all that authority which properly speaking belonged only to the emperor. It never occurred to them to constitute a permanent council consisting of the great *amirs* of the realm to carry on the government. They tried to perpetuate the personal system of administration forgetting that such a system was a weapon that could be

[63] Elliot's *History of India.* Khafi Khan's *Muntakhab-ul-Lubab.* Vol. VII, p. 474.

successfully wielded only by a member of the royal family. Having no royal blood in their veins their high position subjected them to the jealousy of their fellow-nobles who could not tolerate one of themselves placed above them. Their leadership did not go unchallenged, since many of their order had strong royalist leanings. An appeal to the people for support would have fallen on deaf ears, and their own adherents lacked cohesion. Their fall, therefore, was only a question of time.

Even the two brothers could not work together for a long time. The Emperor Muhammad Shah chaffed under the strict constraint under which he was kept and he wrote to Nizam-ul-Mulk about the galling conditions of his office. The matter came to the knowledge of Husain Ali who brought complaints and charges against Nizam-ul-Mulk. The latter saw that his life would be in danger unless he forestalled the Syed brothers. In the turmoil that ensued Husain Ali was killed by the "sword of retributive justice" and Syed Abdullah died, according to some, of poison, after he had been defeated and captured. All the devotion of the gallants of the Barha clan could not make the rule of the two brothers permanent. They had risen because of the weakness of the kings and they fell because of the inherent strength of the crown.

The sudden fall of the Syed brothers furnishes an instructive lesson in the futility of a subject's attempt to exercise royal power. The sceptre of sovereignty could be successfully wielded only by royal hands. Though their clansmen, namely the Syeds of Barha, stood by them gallantly and "such was their sense of honour, and such the sense of zeal amongst them, that not one of that whole multitude shrank from his post,"[64] yet

[64] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 193.

nothing availed them. Their own creatures whom they had raised to high positions turned against them. "The infamous murder of the martyr Emperor (Farrukh Syer) the sight of the indignities which the Emperor, the representative of the House of Taimur, had to endure, and the fact of the administration being under the direction of a base-born shop-keeper (Ratan Chand), had under the guidance of the Converter of Hearts, so changed their feelings, that some of them often said, 'Although we know that we shall suffer many hardships through the downfall of the Barhas, still we hope that, through the blindness of its ill-wishers, the House of Taimur may again acquire splendour.' "[65] We must admit that these two brothers were distinguished by a considerable amount of statesmanship, and were quite superior to the other members of their order. They wisely reverted to the liberal policy of Akbar in creating a Hindustani party consisting of both Hindu and Muhammadan *amirs*. After the death of Farukhsyer they advised the newly appointed Emperor to conciliate the Rajputs by abolition of the *Jizya* and the appointment of Raja Ratan Chand in place of Inayatullah Khan. They had vast resources and had access to the royal treasures. They had the unflinching devotion of the brave Barha clan. But all these advantages could make them only king-makers, not kings. They failed to appeal to the popular imagination as a royal prince alone could do. They wisely never assumed the royal dignity, for any such attempt on their part would have given rise to a storm in the country. Things were different in the Pathan period when any man by winning over the army to his side could sit on the throne of Delhi and have his commands obeyed by others. During the Mughal

[65] Elliot's *History of India*. Khafi Khan's *Muntakhab-ul-Lubab*. Vol. VII. p. 501.

period no *amir*, however powerful, dared to proclaim himself a king, excepting Sher Shah who made a bid for the throne before the Mughal power had taken a deep root in the soil. After Aurangzeb the throne was occupied by a number of puppets but all of them were scions of the royal House of Taimur.

CHAPTER X

THE MUGHAL NOBILITY—(*Continued*)

PRESENTS

The wealth of the nobles was derived from posts conferred upon them by the emperor. A fair proportion of this wealth found its way back to the royal treasury. The Mughal *amirs* were bound by custom to make suitable presents to the emperor on various occasions. This was a custom which none dared to disregard as it was a sign of allegiance which the subjects owed to their liege-lord, the sovereign. The nobles who came frequently into personal contact with the emperor could not avoid these occasions. A failure to observe the custom would have invited disaster. A subject when received by the emperor in audience had to present a *nazar* . . . . a custom that is invariably observed in the Indian States to the present day. If the emperor accepted the offering it dignified the *amir*. European travellers bear ample testimony to this fact. Tavernier tells us "Whoever it may be who desires to have audience of the king, they (the officials) ask before everything else, where the present is that he has to offer to him, and they examine it to see if it is worthy of being offered to His Majesty. No one ever ventures to show himself with empty hands, and it is an honour obtained at no little cost."[1] Tavernier himself offered at Jahanabad to the Mughal Emperor on December 12, 1665, the

[1] Tavernier's *Travels in India*. Translated by V. Ball Vol. I. pp. 140-41.

following presents:—a shield of bronze in high relief thoroughly well gilded, the whole piece worth 4378 *livres*, equal to £328-7; a battle mace of rock crystal, all the sides of which were covered with rubies and emeralds inlaid in gold in the crystal, costing 3119 *livres*, equal to £233-18-6; a Turkish saddle embroidered with small rubies, pearls, and emeralds, costing 2892 *livres*, equal to £216-18-0; also another horse's saddle with the housing, the whole covered with an embroidery of gold and silver, costing 1730 *livres*, equal to £129-15-0.

The practice of accepting presents from the governors of provinces was as old as the time of the Caliph Osman[2]. The governor of the Mughal province had, besides sending a fixed amount of annual revenue to the imperial treasury, to make valuable presents to the emperor whenever he went to pay respects to him. He had also to make presents as a token of goodwill to the *vizier*, eunuchs, ladies of the seraglio, in fact to everyone who had influence at Court and whose goodwill it was worth the governor's while to secure.

There were various occasions on which it was customary for the nobles to offer presents to the emperor. On the birthday anniversary of the emperor, when he was weighed with a great deal of ceremony in the midst of great rejoicings, all the *amirs* were expected to make presents to him commensurate with their respective positions and ambitions[3]. These presents were by way of congratulations offered on the happy occasion. Some of the presents were exceedingly costly and consisted of gold *mohurs* and various kinds of precious stones. Bernier tells us that it was rather hard on the nobles to be expected to make such costly presents. The nobles, being fond of ostentation,

[2] Khuda Baksh's *The Orient under the Caliphs*. p. 128.
[3] Manucci's *Storia Do Mogor*. Vol. II. pp. 347-48.

vied with one another in the matter of these presents. Offering a valuable present was, moreover, the easiest way to put the emperor in good humour. Some of the *amirs* might have been guilty of serious malpractices during the course of their official careers and were naturally anxious to avert their master's wrath which might have been aroused by the insinuations of their enemies. Or again many of them wanted to ingratiate themselves with the emperor with a view to securing an increase in salary or advancement in rank. They looked upon these presents in the light of discreet investments and regarded the whole thing as a good business proposition. They were therefore quite free with their pearls and diamonds on these occasions[4]. Presents should be distinguished from bribes as there was no secrecy about the former. They were a recognised part of the social etiquette prevalent at the time and were offered openly, even ostentatiously[5]. They were an index to the position as well as the ambition of the person who offered them. Every *amir* kept a stock of gold *mohurs* (*asharfis*) and precious stones to be presented to the emperor on all solemn occasions.

Another occasion on which the emperor received presents from his magnates was the New Year's Day. It was a festival introduced by Akbar from Persia and observed with the greatest pomp and magnificence. A throne was erected for the occasion in the middle of a courtyard. An enclosure was formed by means of valuable curtains, and the top was covered with costly awnings. Beautiful Persian carpets covered the floor. The great magnates of the realm and persons of high position were

[4] Bernier's *Travels in the Mughal Empire*. Translated by Archibald Constable. p. 271.

[5] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 344.

admitted to the enclosure, while the courtyard was filled with the tents of the nobles who delighted in spreading out their wealth and displaying their treasures. The emperor could enter any of these tents and take whatever took his fancy. Then he mounted the throne and received the gifts which were offered by all who were present. On that occasion even ordinary people were permitted to offer gifts to him when he showed himself[6].

On the birthdays and other important occasions the ceremony of offering presents was observed not only in the *Darbar*, where the emperor sat surrounded by the nobles, but also inside the palace in the quarters occupied by the ladies of the royal household. The wives of all important nobles had to go to offer their congratulations to the queens and princesses. As it was considered wrong to go with empty hands, the congratulations were always accompanied with costly presents[7].

When a prince was born the nobles offered jewels, money, elephants or horses as presents to the emperor.[8]

Whenever a great victory was obtained by the royal arms the nobles offered presents to the emperor by way of congratulations. When Nizam-ul-Mulk gained a victory over Mubariz Khan, the former sent to the Emperor an account of the battle together with his congratulations and "a number of *asharfis* (gold *mohurs*), usual as a *nazar* on such occasions"[9]. When

[6] De Laet's *Description of India* and *Fragments of Mughal History*. Translated by J. S. Hoyland. p. 100.

[7] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 345.

[8] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 343.

[9] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. I. p. 248.

Jahangir's armies gained some victories in the Deccan, Kunwar Karan, son of Rana Amar Singh, came to kiss the ground and presented his congratulations, offering 100 gold *mohurs* and Rs. 1,000 by way of *nazar* and the value of Rs. 21,000 in jewelled vessels, some horses, and elephants as *pesh-kash*.[10]

Whenever the emperor passed, etiquette required that princes, nobles, and chiefs should come out to the edge of their camp to make a present to him. They might offer a gold *mohur* or anything else befitting the occasion. The absence of a present was accounted a breach of etiquette.

The emperor received *nazars* not only from the nobles but also from the royal princes who were as much his subjects as the other *amirs* and were therefore equally bound by the rules of the court ceremonial. When Prince Khurram had audience of the emperor in the fort of Mandi in 1026 A.H. he presented him with 1,000 gold *mohurs* and 1,000 rupees.[11]

Even the rajas who went to pay homage to the emperor had to make presents to him, because he was their liege-lord and they were his sworn vassals. When the Raja of Kumaon came down the Sawalak hills to pay his homage to Akbar at Lahore he brought rare presents including a yak and a musk-deer among other things[12].

The visit of the emperor to the house of an *amir* was an honour to the latter and was always an occasion for him to make valuable presents. Bernier bears testimony to this. The *amir* so honoured was expected to entertain his master right royally and also to make suitable presents. When Babar visited his

[10] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II. p. 54.

[11] Elliot's *History of India*. Khafi Khan's *Muntakhab-ul-Lubab*. Vol. VII. p. 474.

[12] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 377.

paymaster the latter's offerings in money and goods were worth more than two *lacs* of rupees. When Jahangir did Asaf Khan the honour of paying a visit to his house the latter offered presents worth Rs. 1,14,000 consisting of jewels, jewelled ornaments, articles of gold, and cloth. It was possibly as a result of his presents that Jahangir promoted Asaf Khan from the rank of an *amir* to that of *vizier,* and raised his rank from the command of 2,500 horses to that of 5,000. When the emperor visited Itimad-ud-daulah at his house the latter presented to his master a throne of gold and silver worth Rs.4,50,000. Prince Khurram's present to his royal father when he visited him at the former's house was worth from four to five *lacs* out of which things worth one *lac* were accepted and the rest returned to the prince. When Aurangzeb paid a visit to Jaafar Khan, entitled *Umdat-ul-Mulk,* who was his kinsman as well as *vizier,* on the plea that he wanted to see the house newly built by him, the latter made a present to the emperor consisting of "gold coins to the amount of one hundred thousand crowns, some handsome pearls, and a ruby, which was estimated at forty thousand crowns"[18].

The presents given by the nobles to Jahangir were always of very great value. We learn from his *Memoirs* that the offering of the *Khan-i-Khanan* on one occasion consisted of three rubies, 103 pearls, 100 rubies (*Yaqut*), two jewelled daggers, and an aigrette adorned wtih rubies and pearls, a jewelled water-jar, a jewelled sword, a quiver bound with velvet, and a diamond ring. The total value of these articles came to Rs. 1,00,000. Besides jewels and jewelled things there were cloths from the Deccan and Karnatic, fifteen elephants and a horse whose mane

[18] Bernier's *Travels in the Mughal Empire.* Translated by Archibald Constable. p. 271.

reached to the ground.[14] Mahabat Khan's present once consisted of a jewelled dagger worth Rs. 1,00,000 and jewels and other things worth Rs. 1,38,000. Khan Jahan Lodi's offering consisted of 1,000 gold *mohurs*, 1,000 rupees, four rubies, 20 pearls, one emerald, and a jewelled *phul katara*, the total amounting to Rs. 50,000.

The custom of receiving presents was not confined to the emperors but extended also to the princes of the blood royal. When a prince grew up he was given leave to hold a princely court and sit at the head of a hall of state. After a prince was married he was given a separate palace. There he observed this custom as rigidly as the emperor himself. He had a certain number of nobles attached to him who owed him fealty and paid him homage. He held his own Darbar where he received presents from his nobles on his birthday as well as on other festivals. Manucci relates a story that when Shah Alam was celebrating his birthday in 1679 A.D. at the town of Aurangabad in the Deccan, he received many curiosities valued at fifty thousand rupees as a present from his mother—the queen. This was probably less than what he had been used to receiving on such occasions from the queen. He expressed his dissatisfaction openly, and the queen was compelled to give her son something more to satisfy his avarice.

The practice of making presents to the emperor is found throughout the Mughal period. Presents were given to Babar by all the *begs*, small and great, on the birth of Humayun. Babar says in his *Memoirs* that "such a mass of white *tankas* was heaped up as had never been seen before when he held the feast of Humayun's nativity[15]." Akbar issued a general order that

[14] Jahangir's *Memoirs*. Translated by A. Rogers. p. 295.
[15] Babur's *Memoirs*. Translated by Beveridge.

every person from the highest to the lowest should bring him a present[16]. Under Jahangir the system of making presents grew particularly burdensome. We learn from his *Memoirs* that whenever any present was made to him he carefully calculated its intrinsic value. Those who offered the most valuable presents generally received the highest rewards. The narratives of the Jesuit missionaries contain many references to the eagerness with which the emperor received presents from his nobles. In fact presents offered to Jahangir were more valuable than those offered to any of his predecessors.

These presents, which were sometimes called *pesh-kash*, might be regarded as a sort of income-tax. In many Indian States of the present day there is no income-tax and the presents made to the ruler are the only substitute for it. The value of a present depended on the pay or income of the giver. The presents ranged from five rupees to a thousand and one gold *mohur* accompanied by precious stones. The emperor received these presents in the capacity of sovereign. Those who offered presents to him expressed their allegiance. He looked upon them as his right which none of his subjects could withhold. It was the tangible form of homage which his subjects must render to his supreme majesty. Even the presents brought by the ambassadors of foreign potentates were treated by him in the same light. He believed that the donor must feel highly honoured if his present was accepted. His refusal to accept it was a sign of his displeasure and would render the other party most unhappy. Sometimes he would only touch a present and return it to the giver, which was as good as accepting it. Sometimes a part of the present was accepted and the rest returned.

[16] Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 332.

Presents were offered and accepted with great demonstration and involved a most imposing ceremony. They were generally costly, as a poor present served no useful purpose; rather it lowered the giver in the estimation of the emperor as well as in that of the other members of his order. In fact it was necessary that the value of the present must be at least as much as, if not more than, what the position and means of the donor would warrant. It might be and generally was more than what was reasonably expected of an *amir*, but it could never be less than that. Otherwise the very object of making the present would be defeated and instead of bringing any profit or satisfaction to the giver it might draw upon him the wrath of his royal master.

Presents might also be regarded as an investment; for on the occasions when the emperor received the nobles' offerings he also gave away valuable gifts to them. Those who were anxious for an appointment or promotion (and there was hardly anyone who was not), spent lavishly on their presents which were expected to bring to the donors big prizes in the shape of careers at Court. Some were rewarded immediately, for the emperor not only received presents but also in return bestowed employments and new honours on his servants. Those who gave the most, probably received the most.

Manucci tells us that the kings in his turn scattered his favours to his subjects by giving them jewels, elephants, horses, and sets of robes.[17] According to him the Mughal king kept buying, through his governors and officials, pearls, horses, and all rare things to bestow on the princes and the nobles. An *amir* might be given a present any day by the emperor, though the

[17] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 349.

latter received presents only on special occasions. A noble was sometimes presented with an ordinary *khilat* which was generally composed of three pieces. A *khilat* of four pieces was a mark of special distinction. Sometimes as a mark of special favour a noble was presented with a *sar-pech,* which was a piece of jewel work worn upon the fore part of the turban with the drop or gem hanging on the forehead. The presents given by the emperor were jewelled swords, belts, robes of honour, horses with gilded saddles, cash, shawls from his own wardrobe, gold-embroidered cloaks, etc. It was also customary for the emperor to send clothes to the nobles suitable to the season. Jahangir sent dresses of honour for the winter by the hand of Qara to the *amirs* of Kabul.[18] In the tenth year of his reign he sent by the hand of Ihtimam Khan winter dresses of honour to Qasim Khan, governor of Bengal, and the *amirs* that were attached to that prince.[19] Dresses of honour for the rainy season were sent by the same Emperor to the Ataliq Commander-in-Chief, Khan-i-Khanan Jan-Sipar, and the other great *amirs* who had been sent on duty to the Deccan, by the hand of Yazdan.[20] When Jahangir went to condole with Itimad-ud-daulah's sons and sons-in-law he presented dresses of honour to forty-one of his children and connections and twelve of his dependents so that they might put off their mourning garments.[21] This pretty custom was meant to show the royal sympathy with the family of the deceased and was much appreciated by those who mourned the death of a dear relative. We learn from Manucci that once a year the Mughal Emperor conferred a *barani* (outfit for the

[18] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. I. p. 348.
[19] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. II. p. 303.
[20] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. II. p. 97.
[21] Jahangir's *Memoirs.* Translated by A. Rogers. Vol. II. p. 223.

rains) which was "a cap of very fine broadcloth."[22] On every festive occasion the nobles received *khilats* and presents.

A victory was always followed by increase of rank and presents of money and jewels to nobles who offered congratulations. When Humayun after defeating Sultan Muhammad, son of Sultan Sikandar Lodi, returned victorious to Agra he held a great *Darbar*. "All the nobles and chiefs were honoured with robes and Arab horses. It is said that 12,000 persons received robes at that feast, and 2,000 of them were presented with outer garments of gold brocade with gilt buttons."[23] At the occasion of an emperor's accession nobles received an increase in ranks. Azam Shah's cause was weakened because he refused to give promotions or grants of money to the nobles, who therefore did not care to support him. Sometimes the emperor took off from his body his upper coat and made a noble put it on in his presence. This was a proof that he held the noble in very high esteem and loved him as well as he did his own person.[24] The highest honour that the emperor could do to an *amir* was to put his own turban on the latter's head. Jahangir placed the turban from his own head on that of Itimad-ud-daulah as a mark of special favour. When Farukhsyer wanted to reconcile the mighty Syed brothers he paid a visit to the Vizier Abdullah Khan. He solemnly promised to be a friend to the Syed brothers and he sealed the pact by taking off his turban and putting it on the vizier's head. It meant that the brotherhood thus

[22] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 464.

[23] Elliot's *History of India*. *Tabakat-i-Akbari* by Nizam-ud-Din Ahmad. Vol. V. 189; also Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. I. p. 451.

[24] Manucci's *Storia Do Mogor*. Translated by W. Irvine. Vol. II. p. 464.

established was to be regarded as indissoluble. On the occasion of a new appointment the noble was as a rule granted a *khilat*. When Shuja-ud-daulah was appointed *vizier* by the Emperor Shah Alam the latter at the time of investiture conferred on him a *khilat* of seven pieces with four plates of jewels and gems, a chaplet of pearls which was thrown round Shuja-ud-daulah's neck, and the casket of *vizier*, which was made of gold and studded with jewels.[25] There were many other occasions on which the Mughal *amirs* received valuable presents from their emperor.

The *Ain* XVI of *Ain-i-Akbari* deals with royal donations to the nobles, and runs as follows:—"His Majesty, from his knowledge of man's nature, gives donations in various ways. It looks as if he lends, but in his heart he makes a present or he calls the donation a loan, but never asks it back. The far and near, the rich and poor, share His Majesty's liberality. He gives away elephants, horses, and other valuable articles."[26]

According to *Ain* XXII "He (His Majesty) bestows his fostering care upon men of various classes, and seeks for occasions to make presents. Thus, when His Majesty was informed of the feasts of the Jamsheds, and the festivals of the Parsi priests, he adopted them, and used them as opportunities of conferring benefits".[27]

The nobles were paid by means of *jagirs*. Except the royal domains, generally known as the Khalisah lands, the whole

[25] Syed Ghulam Husain Khan's *Seir-i-Mutakherin*. Published by R. Cambray & Co. Vol. III. p. 395.

[26] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. pp. 265-66.

[27] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. p. 276.

country was split up into *jagirs* held by the *amirs*.[28] These *jagirs* resembled to some extent the baronial fiefs of feudal Europe. They were feudal and governmental units held and administered by the nobles, but there was no element of heredity in their possessions. They served as the basis of the noble's authority, as well as the chief source of his income. A *jagir* did not mean a freehold but only the right to collect revenue from a certain area. This right was delegated by the emperor who would assign the government revenue from that land to an *amir* as a remuneration for the post conferred upon him. Except the officers on the pay-list of the emperor himself, very few nobles were paid in cash.[29] This mode of payment was not peculiar to the Mughals, but had been in existence under the Pathan kings of Delhi as well. The evils of the *jagir* system were realised as early as the time of Ala-ud-din Khilji. Taimur used to pay his *amirs* by granting them lands in the frontier provinces.[30] The practice of paying the nobles or officials by granting them *jagirs* was popular both with the emperor and the nobles. The distant provinces of the empire were only imperfectly subdued and the State found it not always easy, and in some cases even impossible, to collect its legal dues from them. The Mughal rule was highly centralized but the influence of the emperor, however despotic, could but faintly reach those parts of his dominions which lay at a great distance from the Capital. It is true that the governor of a province was only a steward of his province and was bound therefore to see to the careful farming of his master's estates. It is also true that he could not openly defy the authority of the central government, because in that case his

[28] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 193.

[29] W. Irvine's *The Army of the Indian Mughals*. p. 14.

[30] Davy and White's "*Institutes*". p. 237.

own authority over his subjects would have been considerably weakened and he would have lost that prestige, and that support, which he could command only so long as he acted as the representative of the mighty Mughal emperor. But it cannot be denied that the State found it difficult to see to the details of governmental affairs in outlying provinces and was content to leave their management to its provincial governors. The task of collecting the State revenue was gladly made over to the *jagirdar* who was thus paid out of what might never have reached the royal treasury.

On the other hand, nobles were quite happy to have *jagirs* assigned to them. They could raise a larger amount of revenue from the *jagir* than it was nominally worth. They sometimes obtained through influential friends a larger *jagir* than the emperor intended to grant. Moreover, the possession of a *jagir* always carried with it great prestige and honour. Abdul Jalil of Bilgram wrote to his son:—"Service has its foundation on a *jagir*; an employee without a *jagir* might just as well be out of employ."[31]

We find an elaborate description of the *jagir* system in *Ain-i-Akbari,* 'the code and gazetteer of the empire'. As a rule *jagirs* were conditional on rendering military service, but we also hear of *jagirs* to which no military service attached. The latter were called *bedagh-o-mahalli,* i.e., the holder had neither to provide any military contingent nor to collect the taxes. Badaoni had such a *jagir* of 1,000 *bighas.* The *jagir* of Fathulla of Shiraz at Basawar was also of the same nature.[32]

The process of granting a *jagir* was very elaborate. The

[31] W. Irvine's *The Army of the Indian Mughals,* p. 15.

[32] Abul Fazl's *Ain-i-Akbari.* Translated by H. Blochmann. Vol. I, p. 261.

Ain 11 of the *Ain-i-Akbari* gives an account of the manner in which a *jagir* was granted.

"When the *Taliqah* has been made out, the *Diwan-i-Jagir* (who keeps the *jagir* accounts) pays the stipulated grant. If the *jagir* is given for military services, with the order of bringing horses to the muster, the grant is once more sent to the *Bakhshis* for inspection, when the following words are written either on the back or the corner of the paper 'this is special; the estimate for the salary may be made out. The proper officers are to prepare the descriptive rolls.' When the horses have then been branded at the time of the muster, the *Bakhshi* General takes the *Taliqah,* keeps it, and hands instead of it a writing specifying the amount of the monthly salary, duly signed and sealed. This paper, which the *Bakhshi* grants instead of the *Taliqah,* is called *Sarkhat.* The *Sarkhats* are entered in the *daftars* of all *sub-Bakhshis,* and are distinguished by particular marks. The *Diwan* then keeps the *Sarkhat* himself, prepares an account of the annual and monthly salary due on it, and reports the matter to His Majesty. If His Majesty gives the order to confer a *jagir* on the person specified in the *Sarkhat,* the following words are entered on the top of the report: 'They are to write out a certificate of salary.' This order suffices for the clerks; they keep the order, and make out a draft to that effect. The draft is then inspected by the *Diwan,* who verifies it by writing on it the words 'ordered to be entered'. The mark of the *Daftar,* and the seals of the *Diwan,* the *Bakhshi* and the accountant of the Diwan, are put on the draft in order, when the Imperial grant is written on the outside. The draft thus completed is sent for signature to the *Diwan.* The Military Accountant keeps the former *Taliqah* with himself, writes its details on the '*Farman*', and seals and signs it. It is then inspected by the *Mustaufi,* and is signed and sealed by him. Afterwards the *Nazir,* and the

Bakhshis do likewise, when it is sealed by the *Diwan*, his Accountant and the Vakil of the State."[33]

The system was productive of much gain to the nobles as they were able to raise more from the *jagirs* than their nominal value. We learn from Sir Thomas Roe that the viceroy of Patan, whose nominal rank was 5,000 horses, actually maintained 1,500 cavalry which cost him Rs. 3,00,000 a year. The amount he drew from the Imperial treasury was as high as Rs. 10,00,000. This enabled him to make a legitimate profit of Rs. 7,00,000 for the rules did not require him to maintain more than 1,500 horses though his nominal rank was 5,000. But in addition he could keep for himself whatever he extorted from the people over and above the fixed rent representing the value of his *jagir*. In this way the profits of the nobles reached a high figure. By means of fraudulent practices, with regard to both the contingents and the establishments, the nobles had plenty of opportunities to make money. They did not spend the proper amount on their contingents which they were required to do. In an emergency, or on the occasion of a muster, their servants and attendants were put into soldier's uniforms and passed off as regular soldiers. As soon as the occasion for their services was over the pseudo soldiers ceased to have anything military about them and became once more private servants in the nobleman's household. With a new emergency the nobles resorted to the same subterfuge and again employed 'borrowed soldiers'. All this was done to throw dust into the eyes of the government, for a few days after the show "no trace was to be found of the imaginary horse and the visionary saddle".[34] This state of things

[33] Abul Fazl's *Ain-i-Akbari*. Translated by H. Blochmann. Vol. I. pp. 261-62.

[34] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 194.

was not always unknown to the emperor. Several times Akbar learnt on enquiry that the soldiers and their very clothes and saddles were hired or borrowed for the occasion.[85] While they were at their own *jagirs* there was no efficient check on the doings of the nobles. Their vast influence protected them from the chances of being found out, but the emperors were fully alive to this danger and adopted measures to check the evil. *Jagirs* were frequently changed from one part of the country to another. Whenever the emperor was angry with or afraid of an *amir* he would appoint the latter to a distant governorship. When Farukhsyer wanted to get rid of Husain Ali he allowed him to become the viceroy of the Deccan, thinking that living at a great distance from the Court he would not be able to do much mischief. Edward Terry tells us that "his (the emperor's) vicegerents continue not long in a place, but to prevent popularity receive usually a remove yearly".

It was not necessary that a noble should get a *jagir* at or near his home. As a rule *jagirs* were granted at a distance from the homes of those who received them. Jahangir, to please the Akbari and Jahangiri nobles, tried to make it possible for them to have *jagirs* at their respective homes. He who wanted to have his birth-place made into a *jagir* for himself was allowed to apply to the *Bakhshi* and in many cases his request was granted and in accordance with the canon of Chingiz Khan (Tura) the estate was conveyed to the applicant *Al tamgha* and it became his property to all intents and purposes. The grantee had no further fear of change.[86] But even about these *jagirs* there could be no finality. All the lands in the empire being the pro-

[85] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 194.

[86] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I. p. 23.

perty of the emperor he could give and take them back at his pleasure. William Hawkins tells us that if an *amir* having his *jagir* at Lahore was sent to the Deccan to take part in the wars or about some other business his *jagir* was made over to another person.[87] *Jagirs* were sometimes transferred to mark the royal displeasure. Jahangir transferred the *jagir* and hereditary lands of Raja Jagman, as he had failed in his service in the Deccan, to Mahabat Khan.[88]

The *jagir* system was another name for the military feudal system. Every member of the royal family and every *amir* received a grant of a town or district. He ruled the *jagir* area practically with absolute power and exercised all the functions of a feudal lord. Out of the revenue of his town or district he had to transmit a fixed amount to the royal treasury and had to equip and support at his own exepense a certain number of soldiers, at the head of whom he marched into the field to fight the battles of his liege lord. A military feudal system had existed under the Abbaside Caliphs. All the *amirs* were like tenants-in-chief and the emperor alone was the supreme landlord.

The result of the *jagir* was not always beneficial to the country. Both De Laet and Bernier condemn the system in very strong terms. According to the former ".....the government is purely tyrannical, for the king is the sole master of the whole kingdom, and gives estates at his will to his subjects or takes them away again. He often also compels the magnates to change their place of residence together with the lands allotted to them. Those of smaller fortune, and the common people, are plagued by being compelled to change the land they hold,

[87] *Purchas and His Pilgrims* by S. Purchas. Hawkins Vol. III. pp. 43-44.

[88] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. I. p. 241.

often every half-year, for the king will either resume their land itself, giving them poorer land instead, or will take land from one man and give it to another. Hence it comes about that the whole country is carelessly cultivated."[38]

Bernier's condemnation of the *jagir* system is equally strong. In his letter to Monseigneur Colbert he says ". . . . . the king, as proprietor of the land, makes over a certain quantity to military men, as an equivalent for their pay; and this grant is called *jah-gir*, or, as in Turkey, *timur*, the word *jah-gir* signifying the spot from which to draw, or the place of salary. Similar grants are made to governors in lieu of their salary, and also for the support of their troops, on condition that they pay a certain sum annually to the king out of any surplus revenue that the land may yield. The lands not so granted are retained by the king as the peculiar domains of his house, and are seldom, if ever, given in the way of *jah-gir*; and upon these domains he keeps contractors, who are also bound to pay him an annual rent. The persons thus put in possession of the land, whether as *timariots*, governors, or contractors, have an authority almost absolute over the peasantry, and nearly as much over the artisans and merchants of the towns and villages within their district; and nothing can be imagined more cruel and oppressive than the manner in which it is exercised. There is no one before whom the injured peasant, artisan, or tradesman can pour out his just complaints, no great lords, parliaments, or judges of local courts exist, as in France, to restrain the wickedness of those merciless oppressors, and the Kadis or judges are not invested with sufficient power to redress the wrongs of those unhappy people. This sad abuse of the royal authority may not

[38] De Laet's *The Empire of the Great Mughals*. Translated by J. S. Hoyland. pp. 94-95.

be felt in the same degree near capital cities such as Delhi and Agra, or in the vicinity of large towns and seaports, because in those places acts of gross injustice cannot easily be concealed from the court".[40]

Rewards and Distinctions.

Besides their official and regular income from their *jagirs* the Mughal nobles sometimes received rewards and distinctions from the emperor. The former included cash, jewels, and other valuable things; while among the latter were titles, robes of honour, kettle-drums, and standards and ensigns. Mention has already been made of the system of entitlature which obtained in the Mughal times. It was a very elaborate system the details of which were carefully worked out by the Government under the direct supervision of the emperor himself.

Robes of Honour were generally called *khilats* and were bestowed on all those who came to pay their homage to His Majesty at court. Whenever the emperor wished to honour a stranger or one of his subjects he would present him with a *khilat* from the royal wardrobe. The quality of the *khilat* was determined by the rank and status of the person to whom it was given. "There were five degrees of *khilat*, those of three, five, six, or seven pieces; or they might as a special mark of favour consist of clothes that the emperor had actually worn (*malbus-i-khas*). A three-piece *khilat*, given from the general wardrobe (*khilat-khanah*), consisted of a turban (*dastar*), a long coat with very full skirts (*jamah*), and a scarf for the waist (*kamarband*). A five-piece robe came from the *toshah-khanah* (store-house for presents), the extra piece being a turban

[40] Bernier's *Travels in the Mughal Empire*. Translated by Archibald Constable. pp. 224-25.

ornament called a *sarpech* and a band for tying across the turban (*balaband*). For the next grade a tight-fitting jacket with short sleeves, called a half-sleeve (*nimah-astin*), was added. A European writer, Tavernier (Ball, i, 163), thus details the seven-piece *khilat:* (1) a cap, (2) a long gown (*kabah*), (3) a close-fitting coat, (4) two pairs of trousers, (5) two shirts, (6) two girdles, (7) a scarf for the head or neck.[41]

The articles other than cash which were given by way of gifts to the nobles were as follows:—

Jewelled ornaments, weapons, such as swords and daggers with jewelled hilts, *palkis* with fringes of gold lace and pearls, horses with gold-mounted and jewelled trappings, and elephants.[42]

Kettle-drums were one of the ensigns of royalty and were played when the emperor was himself at the head of the army during its march. Sometimes they were granted to a noble who was allowed to play them as a mark of special royal favour. But there was one restriction placed on the recipient, he was not allowed to play them at the place where the emperor was present. To do so was tantamount to defiance of royal authority. The *naubat,* or the *beating* of drums, accompanied by the playing of other musical instruments, was clearly a mark of sovereignty and could not be appropriated by any subject without the special permission of the emperor. The *vizier* Husain Ali's case may be cited by way of illustration. When he approached his tent the music played to him and the kettle-drums were beaten.....things which are never done but for the emperors themselves. The *vizier* on entering his tent with great pomp and a large retinue was heard to remark:

[1] W. Irvine's *The Army of the Indian Mughals.* p. 29.
[2] W. Irvine's *The Army of the Indian Mughals.* pp. 29-30.

"That as he did not think himself a subject, he did not care to pay so much deference to the etiquette".[43] We learn from Badaoni that some nobles were allowed to keep the standard and kettle-drums as a mark of royal favour.[44] When the emperor grew angry with an *amir* the latter might be called upon to surrender these at the order of the emperor. When the *Khan-i-Khanan* Bairam Khan was offended with Pir Muhammad Khan he, acting on behalf of the young emperor, ordered him to surrender the standard, kettle-drums and all the other paraphernalia of a noble's pomp. This had to be done. The Pir's fault was that his servants had kept the *Khan-i-Khanan* waiting for some time before allowing him to visit their master. The *Khan-i-Khanan* in his own turn had to make a similar surrender when he incurred the displeasure of the young Akbar.[45] The procedure of granting the drums to a noble was rather amusing. The drums were placed on the back of the nobleman who, with them on his back, did homage to the emperor in the presence of the whole of the Darbar. Sometimes for convenience sake miniature drums were used at the time of the ceremony and drums of the proper dimensions were made over to the recipient afterwards.[46]

The right to carry the flags and similar ensigns before the emperor was conferred on some high nobles. These ensigns were either to be found at the entrance of the audience hall or were carried on elephants before His Majesty. They were called the *Qur*, and the officer who was placed in charge of the

[43] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking.
[44] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 21.
[45] Al Badaoni's *Muntakhab-ut-Twarikh*. Translated by Ranking. Vol. II. p. 33.
[46] W. Irvine's *The Army of the Indian Mughals*. p. 30.

Qur was known as the *Qur-Begi*.[47] One of the ensigns *Mahi-maratib* was so called as it resembled a fish in shape. We learn from *Seir-i-Mutakherin* that it was made in the figure of a fish, four feet in length, of copper gilt, and it was placed horizontally on the point of a spear. Besides the fish there were other things as well, for instance balls, of the same material as the fish. These balls had a circle of fringe round them and rested on the tops of long poles. Both the fish (*mahi*) and the balls (*maratib*) were carried on an elephant. This dignity was granted to the highest nobles whose rank was at least as high as 6,000. Nobles of lower ranks could not aspire to this honour hence it was very rarely seen.[48] A flag (*alam*) which consisted of a triangular piece of cloth with an embroidered figure on it was a distinction of a much lower quality and was granted to any *amir* of a rank of 1,000 or above.[49] *Tuman-togh*, or the yak's-tail standard, was another distinction which was bestowed on some nobles.[50] All these titles and dignities were highly appreciated by those on whom they were conferred, for they lent distinction to the recipients.

[47] W. Irvine's *The Army of the Indian Mughals*. p. 31.
[48] W. Irvine's *The Army of the Indian Mughals*. p. 33.
[49] W. Irvine's *The Army of the Indian Mughals*. p. 34.
[50] W. Irvine's *The Army of the Indian Mughals*. p. 34.

CHAPTER XI

CONCLUSION

The Mughal Kingship was distinctly a beneficial institution for mediæval India. Though the authority of the Mughal emperors was absolute, still the Mughal Government did not as a rule violate the ancient rights of the inhabitants of the country. The Mughal monarchy, whatever its defects,—and no despotism can be an unalloyed blessing,— was, on the whole, grandly conceived and well-adjusted. It was because of its merits that this magnificent structure remained intact so long. The vigorous vitality of the royal house is attested by the personal rule of six successive emperors of lineal descent, each one of whom was a personality of the first order. The general tone of the Government was mild and humane. The Mughal rule was never an unmitigated militarism, heedless of the welfare of the subjects, like that of the Pathan kings. The State did not interfere in the private affairs of the people. Custom was never superseded by enactment, and the Government, though despotic, was, in practice, softened by benevolence. The country was so effectively ruled that even a distant provincial Governor found it difficult successfully to defy the authority of the emperor.

Disorders were suppressed with a strong hand. The Mughal rulers established peace and order in the land and saved the country from the evils of a weak rule and an unstable administration. They were fond of power, but were ever solicitous of the welfare of the subjects. The nobles flourished through the royal patronage and the peasants prospered through the

royal protection. The Government maintained a close and strict supervision upon all matters regarding agriculture. The bulk of the revenue being derived from land, the Government had to be mindful of the welfare of the peasants. Wherever the imperial armies marched every care was taken to protect the *ryots*. We learn from Abd-ul-Hamid Lahori that Shah Jahan at the time of proceeding to Lahore in 1633 A.D. ordered that "the *Bakhshi* of the Ahadis, with his archers, should take charge of one side of the road, and the *Mir-atish* with his match-lock-men should guard the other, so that the growing crops should not be trampled under foot by the followers of the royal train. As, however, damage might be caused, *daroghas, mush-rifs,* and *amins* were appointed to examine the report on the extent of the mischief, so that *ryots* and *jagirdars* under 1,000, might be compensated for the individual loss they had sus-tained."[1] The inhabitants of Ghazni and its dependencies were awarded 2,000 gold *mohurs* as compensation for the loss suffered by their cultivation when the imperial armies were marching towards Kandhar in 1649 A.D.[2] In fact, the agriculturists were under the special protection of the emperor who knew that land revenue was the mainstay of his Government.

Agriculture was not the only industry that received the royal protection. Art flourished because of the royal patron-age without which it could never have attained such a high degree of excellence. Artists flourished throughout the Mughal period and their work aroused the admiration of many European travel-lers. The *Jahangir-Nama* was illustrated by Indian painters.

[1] Elliot's *History of India.* Abd-ul-Hamid Lahori's *Badshah-Nama.* Vol. VII. p. 43.

[2] Elliot's *History of India.* Abd-ul-Hamid Lahori's *Badshah-Nama.* Vol. VII. p. 96.

Father Francois Catrou bears testimony to the great excellence of Indian painting during Jahangir's reign. "In this time there were found in the Indies native painters who copied the finest of our European pictures with a fidelity that might vie with the originals."[3]

Finest cloths were manufactured in the country. The rich 'bafatas' of Mughal India were much finer than Holland cloth. They were worth "fifty rupees a book, which contains fourteen English yards, and are not three quarters broad."[4] Gold and silver threads were freely used in the preparation of cloths used by the upper classes. The Mughal emperors were great builders, and embellished the country with magnificent buildings. Vast sums were spent on public works, many specimens of which can be seen even to-day. Under the fostering care of the emperors, palaces, mosques, baths, mausolea, forts, and all kinds of public and private buildings sprang up in every part of the country. Along the main roads were built *caravanserais* and rest-houses for the comfort of the travellers. Up to this day glorious monuments of the Mughal times attract visitors from all parts of the world.

The Mughal emperors were patrons of learning and learned men, and their liberality drew many of them to their court. The poets and prose-writers from distant countries were attracted by hopes of handsome rewards. Many of the emperors were authors of great distinction themselves. Babar's *Memoirs* are a brilliant piece of work. Akbar created the office of Poet Laureate for the first time and conferred it on Gazali. Abul Fazl tells us in the *Ain-i-Akbari* that Akbar's generosity attracted many

[3] Father Francois Catrou's *History of the Mughal Dynasty*. Eng. Translation. p. 178.

[4] *Purchas: His Pilgrims*, by S. Purchas. Vol. IV. p. 65.

distinguished poets from Persia, viz., Hakim Senai, Naziri of Nishapur, Hazafi of Isphahan, Jafar Beg Kazwini, Khwaja Husain of Merve, Hayati Gilani, Anisi, Khusrawi, Wafai, Rafiki, Gairati of Shiraz, Halati, Fasuni, Nadari, Qudsi, Haidari of Tabriz, Ashki, Fahimi Razi, Adiri, Jazbi, Sanjar Kashi, Tashbihi, Surmadi, Qasim Arsalan of Meshhed, Baba Talib, Baba Gayuri, etc.

Jahangir was a poet and critic of poetry. He also wrote his *Memoirs*.

Besides the kings and princes, the nobles also were great patrons of learning. Abul Fateh Gilani and Abdur Rahim Khan-i-Khanan established an academy of poetry. Khan Zaman was also a great patron of poets. Gazali wrote an ode for him containing 1,000 verses and received a gold *mohur* for each verse,[5] which was more than Mahmud gave to Fardausi Zafar Khan. The Governor of Kashmir was the patron of Saib. Bairam Khan was a great poet and had Naziri in his *durbar*. Khan Azam Kokaltash, the foster-brother of Akbar, was a great writer, and the patron of Sabzwari Badakshi, Jafar Harwai, Sahmi and Mudami.[6] Urfi received a prize of 1,00,000 rupees for one poem of his (*Ai dashta dar saya-i-ham tegh-o-qalam ra*). Poetic assemblies were frequently held at most of the nobles' houses. Prince Danial was a Hindi poet. Prince Murad was the patron of Naziri Nishapuri. Talib Amali was the poet laureate under Jahangir while Shah Jahan conferred this post on Abu Talib Kalim. Ghazi Khan Wikari, the Governor of Kandhar under Jahangir, was a great patron of literary men like Mir Nimat Ulla. The Persian poets on their way to India made his *darbar* the first halting place.

[5] Shibli's *Sher-ul Ajam*. Vol. III. p. 14.
[6] Shibli's *Sher-ul Ajam*. Vol. III. p. 16.

There were large libraries in the country. When Babar's troops forced open the gates of Mulwut, and rushed in to plunder the place, he checked them and saved from destruction the fine library that had been collected by Ghazi Khan, a poet and a man of learning.[7]

The presence of so many artists and poets shows that the best of the Mughal emperors did not neglect the arts of peace. Whenever there was a respite from fighting they tried to improve the state of the empire and better the condition of their subjects. The revenues were ample, and every rupee which passed through the emperor's hands flowed back to the people through many channels.

Justice was regarded as a sacred thing by the Mughal rulers. The right of appeal to the emperor, though in many cases futile, was a valuable privilege which served as a standing check on judicial iniquity. In several cases it proved a real boon.

The high sense of justice coupled with a tolerant religious policy made the people fairly contented. The connection between politics and theology is most intimate and vital in Islamic states. Still the Mughal emperors of India did not, as a rule, see much political danger in toleration, as was the case in contemporary Europe. No attempt was made to secure anything like universal outward conformity to the religion professed by the ruler. Even Aurangzeb did not make adherence to Islam a necessary condition of State service. We do not come across any "Five Mile Act" or "Corporation Act" in Mughal India. There was no Act of Uniformity to force the people's conscience. The enforcement of compulsory worship was never attempted as it

[7] Ferishta's *History of the Rise of the Mahomedan Power.* Translated by J. Briggs. Vol. II. p. 42.

was in Elizabethan England. Nothing like the Massacre of St. Bartholomew's Day ever disgraced the pages of Mughal Indian history. Wars of Religion, which made the contemporary Europe a welter of bloodshed, never stained the soil of Mughal India. Though the emperor was the guardian and protector of Islam, still he did not desire to exercise any active control over the consciences of his non-Muslim subjects. The chronicles of the Mughal dynasty, from the time of Babar to that of Aurangzeb's accession, are fairly free from the narrow sectarian rancour which characterized so many of the previous Muhammadan rulers of India.

The Mughal policy was more tolerant than the Portuguese policy. The Portuguese, as Orme tells us, pursued a bigoted religious policy and inflicted great severities on many families of the Marhattas within their districts because they refused to become Christians. That was one of the causes of Sivaji's enmity towards the Portuguese whom he regarded as the enemies of his religion. By way of retaliation he successfully demanded "chowth" of all the Portuguese territory in the western part of India.

The great solicitude shown by the Mughal emperors for the welfare of their subjects is amply borne out by the royal declarations. Among Akbar's sayings we come across the following:—

"Tyranny is unlawful in everyone, especially in a sovereign who is the guardian of the world."[8] Ferishta's writings contain the passage, "I speak according to laws. Kings should not persecute their subjects on any account."[9] Jahangir says

[8] Abul Fazl's *Ain-i Akbari*. Translated by H. Blochmann. Vol. III. p. 399.

[9] Ferishta's *History of the Rise of the Mahomedan Power*. Translated by J. Briggs. Vol. I. p. 584.

at one place in his *Memoirs:*—

"For the care of the people of God
"At night I make not mine eyes acquainted with sleep;
"For the ease of the bodies of all
"I approve of pain for my own body."[10]

Aurangzeb once wrote to Shah Jahan after the latter's deposition, "It is clear to your majesty that God Almighty bestows His trusts upon one who discharges the duty of cherishing his subjects and protecting the people . . . . . Sovereignty signifies protection of the people,. not self-indulgence and libertinism."

These sayings were freely translated into action by their royal authors whose administration was not only vigorous but also beneficent. The security and power of the State were conducive to the general well-being, and brought about a fairly long period of peace and material prosperity.

Though the form of Government was autocratic it was suited to the times. The absence of popular or representative assemblies was not felt by the people, who were quite satisfied with the way they were allowed to live. The Government, though outwardly a military despotism, was in practice softened with benevolence. The deep-rooted institutions and settled customs of the subjects could not be safely uprooted, and the country flourished. The forces of lawlessness were usually kept in check and order prevailed. Despotism, as practised by the Mughal emperors, was competent and therefore successful. The danger in the Middle Ages was anarchy and not over-centralization of power, but the Mughals never allowed the disruptive elements in the country to triumph. The supremacy of law was successfully maintained even though law in most cases meant the

[10] Jahangir's *Memoirs*. Translated by A. Rogers. Vol. II. p. 14.

emperor's will. The very fact that people quietly submitted to the form of Government that then obtained shows that it was in harmony with their political way of thinking. It will therefore not be wrong to conclude that the great Mughal, though a great despot, was also a great statesman.

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