

CRIME AND PUNISHMENT
IN
MUGHAL INDIA

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P R E F A C E

The subject of this thesis was suggested by Principal Sri Ram Sharma being an original topic for research. Although Mr. A.B.Ahmad has written a book on the judicial system under the Mughals, and important contributions on the subject have been made by eminent scholars, no effort was ever made to bring out an exhaustive work on this problem. The writer of this thesis consulted almost all the available contemporary works in Persian and English. He laboured hard on the Jaipur Akhbarat in the Raghuvir Library, Sitamau, consulted books in the Imperial Library, Calcutta, in the different libraries in Simla, Archaeological Library, New Delhi, D.A.V.College Library, Sholapur, the Hamidia Library and the Hamidia College Library in Bhopal.

The first chapter of this thesis deals with the Muslim Criminal law and administration of criminal justice in Mughal India. A brief description of the sources of Muslim law has been followed by a mention of the different schools of Muslim jurisprudence. Then comes a brief account of the administration of criminal justice by the Mughal Emperors and Governors, judicial and executive officers. In the end are described the punishments as prescribed in Muslim law and as administered by the Mughals.

Chapter II is entitled THEFT, ROBBERY AND HIGHWAY ROBBERY. After giving definitions of the terms theft and robbery according to the Islamic law, there comes a general account of the conditions as prevailing in Mughal India. This is followed by an account of cases of theft, robbery and highway robbery in Mughal India and finally come punishments.

While dealing with punishments, I have described at first the Muslim theoretical law regarding these crimes and then the Mughal law. Punishments as actually meted out to the criminals have been grouped under different

sub-heads, viz. Death Punishment and Imprisonment, Transportation and Enslavement, Mutilation and Retaliation,.

Besides awarding punishments to the criminals, the Mughal Emperors used to take measures against the robbers and the robber tribes. The faujdars and military commanders were sent to lead expeditions against them. Governors and faujdars and kotwals were invested with special powers to deal with the menace. In case the officers showed negligence or failed to perform their duty in a diligent and efficient manner, they received punishment. Such punishments varied according to the nature of the case. They differed from warnings to transfers and dismissals. In a number of cases the officers concerned were asked to produce the thieves along with the stolen property or give compensation.

Chapter three deals with MURDER. Five kinds of murder have been mentioned in the Muslim theoretical law. They were : *katl l-'Amd* or wilful murder, *katl shib'l 'Amd*, *katlu 'l-khata*, *katl qa'im maqam'l khata*, and *katl be-sabab*. As the wilful murder was the most prominent of all sorts of murder, major space has been allotted to this in the chapter. After giving the legal definition and the prescribed punishment according to Islamic law, the different cases of homicide have been grouped under the sub-heads of various punishments awarded to the criminals. Punishments varied from death and imprisonment to fine and diminution of rank. If there were cases of royal pardon, there were also cases of retaliation on the spot. Retaliation and compensation being important parts of punishment of murder in Islam, a brief account has been given of these two in the end of the chapter.

The fourth chapter on RELIGIOUS CRIMES has been divided into eleven parts. First comes drinking and sale of wine. As we are facing the problem of prohibition in our own times, the Mughals also tried to control the use and sale of wine in India. It is doubtful, however,

if they met with much success in this respect. Similarly, they tried to control gambling and prostitution. Slaughter of animals was prohibited on certain days. Fallacious writings and blasphemy and heresy came under the category of crimes and were punished as such. Hindu widows were not permitted to be burned alive along with their dead husbands against their wills. There are, moreover, sub-heads on marriages, conversions from Islam and forbidden Hindu practices.

OFFENCES AGAINST THE SAFETY OF THE STATE forms the caption of the fifth chapter which has been divided into 13 sub-heads. Under each sub-head have been mentioned cases dealing with the particular form of crime and various punishments as actually meted out to the criminal. There could be no graver crime than an attempt on the life of the Emperor and naturally the criminal in almost all such cases deserved nothing less than death punishment. Another serious offence against the safety of the State and that of the ruling dynasty was rebellion. Rebellions of very serious nature met came under the category of treason or treason-felony and were very seriously dealt with. Rebellions of less serious nature met with less severe punishments. Then there were other offences, e.g., espionage, correspondence with the enemy and desertion from the battle field. Besides these, there were other crimes dealt with in this chapter, viz. neglect of duty, dis-obedience of emperor's orders, insult or disobedience of imperial officers, criticism of government by the officers, leave without permission, breach of court etiquettes, infringement of royal prerogatives and riot in the kingdom.

The sixth chapter deals with PIRACY. The Mughals did not pay very serious attention to the development of a

strong navy and had to suffer for this. Since time immemorial India had been carrying on a lucrative trade with the outside world and it received a rude setback during the mughal rule because of the menace of pirates. These pirates mostly belonged to Europe and spared no opportunity to loot Indian merchant ships laden with riches. The Mughal authorities had no strong fleet to send against the culprits. At the most, they could harass the representatives of the European trading companies in India, place them in prison, seal their factories and put pressure on them for the return of the property looted by the pirates. Some time they met with success; but at times, it yielded bad results. The authorities of these companies gave orders to their captains to loot Indian ships and imprison Mughal subjects in the ships and keep them as hostages for their losses in India. When there was peace between the Mughal authorities and the trading companies, the latter would safe-conduct the Indian ship against the pirates on basis of payment. Mention is made of various cases of piracy during the Mughal times.

OFFICIAL CORRUPTION forms the caption of the seventh chapter which is divided into two sub-heads, bribery and embezzlement. Mention is made of the general conditions prevailing in Mughal India regarding the two forms of crime and of the cases as available in the contemporary records.

The eighth chapter is entitled : ABUSE OF AUTHORITY BY PUBLIC SERVANTS. It begins with the description of general conditions in Mughal India regarding oppression by the officials, and proceeds with the complaints against the Governors and the Faujdars and the Custom Officials. There were complaints of oppression perpetrated against the peasants, artisans and the merchants. The complaints against the foreign merchants have been examined in detail as records left by foreign merchants are full of bitter complaints against the so called high-handed behaviour of the Mughal

officials. Undoubtedly, such complaints more often were full of exaggeration. And lastly, there is the mention of punishments as meted out to the officials charged with the offence of oppression.

The last chapter deals with SEXUAL CRIMES. These crimes have been divided into three categories : Fornication, Adultery, and Sodomy. Adultery was a more heinous crime in Islamic law than even murder and its punishment has been prescribed in the Quran. The cases dealing with these crimes in Mughal India have been given and also their punishments.

Thus each chapter has been divided into different parts throwing light on the general conditions prevailing in Mughal India regarding the particular crime, the legal punishment prescribed in the Muslim law, and the actual punishment meted out to the criminal. A brief history of each case -- the circumstances under which it was committed and the punishment meted out --- has been attempted. About certain crimes, e.g. Robbery, Piracy and the Abuse of Authority by Public Servants, the main evidence has been left by the contemporary European authorities or in the English Factory Records. The Mughal court historians and the official chroniclers have mostly mentioned crimes committed against the ruler or the ruling dynasty and as such punished by him or by his subordinate officers. In the official records we come across detailed accounts of the rebellions of the Princes or nobles and not of cases of robbery or Piracy or of official corruption and oppression. That was natural, too. The European merchants who had to travel in different parts of the country for purposes of trade, experienced exploits of the robbers and recorded them. They experienced, too, difficulties at the hands of the officers in the prosecution of their trade according to their own sweet will, and made a mention of them. The same was true in case of piracy where

their countrymen were the perpetrators of the crime or the victims of the vengeance of the Mughals.

The writer of these pages had to spend a number of years in recording, sifting and arranging the material from so many different sources and but for the inspiring guidance of his revered teacher, Principal Sri Ram Sharma, of the D.A.V. College, Sholapur, this laborious work would have been impossible of realization. Twice did Principal Sharma go through the chapters, discussed them with the writer and gave him most valuable instructions and suggestions. The writer is very much indebted to him. He is also thankful to Dr. Raghuvir Singh who was so kind to him as to give him access to his valuable Library at Sitamau.

SATYA PRAKASH SANGAR

CHAPTER I.

MUSLIM LAW AND ADMINISTRATION
OF
CRIMINAL JUSTICE IN INDIA

MUSLIM LAW AND ADMINISTRATION OF
JUSTICE IN MUGHAL INDIA

MUSLIM LAW

SOURCES.

There are four recognized sources of Muslim law :

1. The Quran;
2. The Sunna;
3. Ijima', i.e. the consensus of opinion in the Muslim community; and
4. Qiyas, i.e. analogical reasoning.

1. THE QURAN. The Holy Quran, according to Abu Hanifa, the great Sunni Imam, 'is the word of God, and is his inspired Word and Revelation'. It is the most important source of Muslim Law. The Quran is divided into one hundred and fourteen chapters, or suras, each of which bears a name referring to some parts of its contents, and contains varying number of verses.

2. THE SUNNA. Ash-Shafi'i (766-820 A.D.), the great Muslim jurist, was the first lawyer to define Sunna as the model behaviour of the Prophet of Islam. 'Two generations before Shafi'i, reference to traditions from companions and Successors was the rule, to traditions from the Prophet himself

1. Hughes' Dictionary of Islam, 484.

the exception, and it was left to Shafi'i to make the exception his principle.¹ The traditions, mainly from the Prophet, were collected in the third century A.H. in a number of works, and most of the traditions from the Prophet are not the documents of the time to which they belong. They represent the successive stages of development of doctrines during the first centuries of Islam. According to Gaudetroy-Demombynes, many of the traditions were invented in the 8th century in order to justify innovations and tendencies which were very foreign to the intentions of the Prophet. Still² they are documents of great interest.

3. Ijima'. Ijima' does not mean the harmonious opinion of the masses, but only that of the theologians and jurists of any one time, particularly of the scholars of Medina at a given period. According to a hadith of the Prophet, the community could not possibly give its general assent (ijima')³ to a mistaken theory.

4. Al-Qiyas. This source allows a jurist to apply to a novel case a ruling made to fit analogous cases. 'The right of so deciding is to be found chiefly used in legal and theological consultations (fatwa, pl. fatawa) recorded by persons whose learning is generally recognized, but who do not necessarily occupy an official position (mufti)'⁴.

From these various sources sprang a variety of doctrines which gave rise to fierce legal and theological quarrels as a result of which it was not possible to achieve a perfect unity. The schools of law that were founded in the 9th century on orthodox basis, have maintained their differences until today.

1. Joseph Schacht : Origins of Mohammadan Jurisprudence. 348

2. Muslim Institutions
Origins Of Mohammadan Jurisprudence, 348.

3. Ibid.

4. Ibid.

SCHOOLS OF JURISPRUDENCE.

There are four recognized schools of jurisprudence in Islam and the orthodox have adopted in various times and places one or another of these. They display some divergences of course, but these are of a secondary nature and do not go to the principles of law.

The first attempt at the codification of the Muslim law was made by Malik Ibn Anas (716-795 A.D.). His principal source is the Quran and second in importance is the Sunna of Mohammad and his Companions. With regard to traditions, his authority is generally quoted as decisive; in fact, he considered them as altogether superseding the judgment of a man. Occasionally he adds something from the customs and laws of Medina as well. He was also in favour of the use of consensus of the doctors of Medina on a given point.

Abu Hanifa (80-150 A.H.) is the most eminent representative of another school. His system is not so different from that of Malik as is commonly believed, except that the latter is more moderate in the use of Ray or personal opinion. The main difference between the two systems was with regard to consensus.

Ash- SHAFI'I (766-820), the leader of a new school of jurisprudence, established consensus as a general principle. His insistence on the general *ijma'* of doctors of law delegated infallibility to the community. Henceforward, the doctors of law in Islam could do as they wished provided there was unanimous agreement among them. According to Shafi' the authoritative basis of Islamic jurisprudence are the Quran, the Sunna, *Ijma'*, and *Qiyas*. The Shafi'ite doctrine, in spite of, or because of its eclecticism, did not gain general acceptance.

Ibn Hanbal (780-855 A.D.) was the founder of the Hanbali school. He laid insistence on tradition and admitted ray or personal opinion in case of absolute necessity.

It was not possible for the Mughals to govern the country in strict observance of the law as described in the Shara'. The Muslim law as detailed in the law books had grown to maturity outside of India. No monarch could be blind to the peculiar features of the country. The orthodox Muslim law was bound to undergo changes. Even the Sultans of Delhi had recognized the futility of governing the country in strict accordance with the law. Aurangzeb who tried to rule according to the tenets of Muslim law did not meet with success, particularly towards the end of the reign.

Still the observance of the main forms of the orthodox law was essential. The Indian rulers and judges had always looked for guidance to the decisions of eminent Muslim jurists outside India. They themselves did not feel competent and authoritative enough to set precedents. The Indian rulers and judges, like those in other countries, based their decisions on any one of the four schools of jurisprudence.

As a matter of fact, the Indian Kings and the majority of Sunni Muslims regarded the Hanafi school as orthodox. It became necessary for the Indian judges to have at their elbow a digest of Islamic Law compiled from the accepted Arabic writers, and such digests were prepared from time to time. Aurangzeb appointed a syndicate of theologians to prepare such a digest in India. The result was the FATAWA-I-ALAMGIRI, prepared in Arabic at a cost of two lac of rupees, 'an authoritative work on Muslim Polity, Law and Religious usages.'

1. Mughal Administration, 101.

2. A Bibliography of Mughal India, 130.

THE ADMINISTRATION OF JUSTICE

THE EMPEROR.

The Emperor was the highest authority in the kingdom. It is wrong to say, as written by the foreign travellers, that his will was law in all affairs. There was the Islamic law and he dared not transgress its boundaries without provoking misgivings in the hearts of the orthodox. It was particularly true of ShahJahan and Aurangzeb who were staunch Sunnis and based their decisions as far as possible on the orthodox law. But the Mughal Emperors were subordinate to no other religious authority in or outside India.

The Mughal Emperors were extra-ordinarily hard-working. The monarch had his eyes on all departments of the State. So naturally that of law and justice received its proper share of attention. The Emperor himself was the highest court of appeal as well as the court of first instance. It seems however improbable that he had the time of disposing of all the cases that came up before him. A large number of appeals from distant parts of the country could not be filed in his court. The innumerable inconveniences that attended long travels in the middle ages might have made the people hesitant in going to the imperial court.

The Mughal Emperor held court every day where ordinary cases were decided. Akbar used to hold his court after prayers and administered justice. Every Mughal Emperor, however, set apart a day of the week for the administration of justice. In the case of Akbar it was Thursday, for Jahangir Tuesday, and for ShahJahan and Aurangzeb Wednesday. As regards Akbar,

* De Laet, 93; The Embassy, 89; 104; 435; Eng. Fac. 1618-21, 14-15.

1. Akbar Nama, Bev., III, 373; Text, III, 257.
2. Akbar Nama, Bev., III, 1069; Text, III, 717. Monserrate's Commentary, 209-12.
3. The Embassy, 87. De Laet, 93; Early Travels, Hawkins, 116; Finch, 184.
4. Mughal Administration, 184.

Abul Fazl says : 'In the investigation of cases of the oppressed, the Emperor placed no reliance on testimony or oaths. He drew his conclusions from the contradictions in the narratives, the physiognomy, and from sublime researches, and noble conjectures'. Father Monserrate has praised Akbar's regard 'for right and justice in the affairs of Government'. He was by nature kindly and benevolent and was 'sincerely anxious' that offenders should be punished. While going on the Bengal expedition, Akbar held his court in the boat, and decided a case of incest. Jahangir sat in the jharoka every day for about three hours when he was in Ahmadabad in 1618, and administered justice and awarded punishment to the guilty on the spot.

No court was held on the special day reserved for the administration of justice. Straight from the darshan-window, the Emperor, followed by law officers, qazis, muftis, scholars and the kotwal, went to the Private Audience Hall. From 8 O' clock in the morning till noon the Emperor continued deciding cases. He learnt the case from the plaintiff, tried to ascertain the fact by inquiry, consult the lawyers about the law, and pronounced judgment. This was perhaps the case when he acted as a court of first instance. Appeals were also filed in his court. This was the case when the plaintiff had either been refused a hearing in the local courts or had got an adverse judgment. Most often it was not possible for the Emperor to ascertain the facts; so he would send the case back to the court of its origin. The court would make full investigations and deliver judgment. In certain cases the matter could again be referred to the Emperor.

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1. Akbar Nama, Bev., III, 373; Text, III, 257.
 2. Monserrate, 209-12.
 3. Ibid.
 4. Akbar Nama, Bev., III, 124; Text, III, 88.
Tabaqat, De, II, 436-38. Text, II, 285.
 5. Tuzk, Bev., II, 13-14. Text, II, 234.
 6. Eliot & Dowson, VII, 172-73;
Studies In Mughal India, 14; 70;
Bernier, I, 300.

Besides the special day reserved for administering justice, the Mughal Emperor would hear cases in the Diwan-i-'Am also on almost all days of the holding of the court. The petitions of the aggrieved were presented before him. These grievances usually concerned different matters. The persons involved were ordered to approach the Emperor who cross-examined them. Decisions were prompt and the grievances of the aggrieved parties were often redressed on the spot. If the facts of a particular case were obscure to him, he would not pronounce judgment unless full investigations were made and a report submitted to him. According to Bernier, Aurangzeb used to devote two hours on another day to hear in private the petitions of ten persons selected from the lower order.¹

1. Bernier, I, 300;
Manucci, II, 462.

THE QAZI AND THE MUFTI

The word qaza means philologically consideration of a matter and determining it. 'The Qazi is an arbiter who settles disputes between persons who appeal to him, and who pronounces sentence of the law on delinquents against whom charges are brought by private persons'. Although the Muslim rulers considered it their duty to do justice personally, the first caliphs had already been forced to delegate their judicial powers to a judge. The Umayyad Caliphs were the first to create the post of the qazi together with other judicial appointments. They appointed a qazi for each province. Later on his duties multiplied and he had delegates for the performance of those duties. 'He is therefore a Chief Justice, sitting on the high seat of judgment.'

It was the duty of the Sultan to appoint the Chief Qazi. The latter was to be of full age and understanding, free, a male, a Muslim, equitable, possessed of hearing, sight and knowledge.

It was necessary for him to know the Quran, the Sunna, what the community had agreed upon by ijima' and the divergent opinions held by earlier doctors. He must have the capacity to comprehend the various aspects of qiyas when need arose. He must be intelligent, alert, reliable, firm and clement. He must possess reasoning powers. Above all, he should be chaste, an abstainer, just, upright, truthful in speech and resourceful. It was best if he belonged to the Quraish.

In case there was only one man really capable of holding the office, it was his duty to accept the post and the king

1. Muslim Institutions by Gaudetroy-Demonbynes, 216.

2. Ibid.

3. Hurgonje, 111.

4. Ibid.

could compel him for it.¹

The qazi was to sit for justice in an open place in the middle of the town, one well known to the people. It was not to be in a mosque. The Fatawa-i-Alamgiri, however, allowed him to sit in a mosque. He could, if he liked, decide cases in his house. It was preferable if the house, like the mosque,² was situated in the middle of the town.

The qazi held a prominent position in every Muslim country, and so in India. The Chief Qazi was appointed by the Emperor and he could appoint his subordinates. Usually the qazis did not enjoy a good reputation. "In hand-books of the law of all times 'the qazis of our time' are represented as unscrupulous beings, whose unreliable judgements³ were chiefly dictated by their greed." The same thing was true in Mughal India. The contemporaries are one in their opinion as to the covetousness of the qazis. Money was their main consideration. Those who could appease their greedy natures, were sure to receive favourable decisions. This, however, was not true in all cases. Some qazis were known⁴ for their honesty.

The muftis were those who gave the fatwa by a judicial consultation based on one or more precedents. 'As their usual counsellors were inefficient, the qazis..... had recourse to a few men who enjoyed a reputation for learning, and who gave legal consultations (fatwa). Those givers of fatwa, those mufti, became, by princely decision, official⁵ interpreters of the canon law.' A mufti must be acquainted with the Quran, the Sunna, ijima' and qiyas. He must be⁶ chaste, Muslim and intelligent.

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1. Hurgonje, 111.
 2. Ibid. Muslim Institutions, 217. 3. Hurgonje,
 3. Muslim Institutions, 217; Hurgonje, 111.
 5. Muslim Institutions, 217.
 6. Hurgonje, 111.

The practice of doing justice by the qazis was the same in the provinces as at the centre. Friday was a holiday. On Wednesday they had to attend the darbar of the governor or of the Emperor. On the remaining five days they were to sit in their office from two hours after day break until noon and decide cases.¹

Bernier lamented that the Indian judges were not armed with sufficient powers to redress the grievances of the oppressed subjects.² It might be true. Cases of oppression of the subjects at the hands of the officials and of official corruption do not seem to have worried the qazis much. But they had their inalienable sphere of jurisdiction. All the cases that lay under canonical law were to come before the court of the qazis. Aurangzeb's farman of 1672 throws a flood of light on the working of the qazi's court. There were very few criminal cases which did not engage his attention. The only such cases perhaps were those where the criminals were an organized band of robbers or rebels. Against them large armies were sent and the punishment was inflicted at the hands of the royal generals or faujdars. Otherwise, almost all cases of theft and highway robbery were to be tried in the qazi's court and so the other crimes. The crime was to be established by him and the punishment to be carried in his presence. In the case of murder, after a charge had been established against the accused, the qazi was to report the facts to the Emperor. The kotwal and the muhtasib sent such cases to the qazi as needed judicial investigation. The qazi would send a criminal to the kotwal for detention. The kotwal did not imprison him unless there was a written order of the qazi.³

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1. Aina-i-Gujrat, I, 165; cf. Mughal Administration, 117.
 2. Bernier, I, 253.
 3. Aina-i-Gujrat, I, 167-71.

How were the criminal cases among the Hindus themselves and between the Hindus and Muslims decided during the Mughal period? Our authorities do not help us much here. We can take resort only to imagination and conjecture. It seems that the criminal law both for Hindus and Muslims was the same. In case of theft and robbery, fornication and adultery, treason and murder, riot and official corruption, different punishments could not have been provided for different communities.

According to an agreement in 1618, between Prince Khurram, the Mughal Governor of Gujrat, and Sir Thomas Roe, the English Ambassador to Jahangir's court, the East India Company had been permitted to decide the cases of quarrel¹ between the Englishmen themselves.

In the provinces there were provincial qazis. Every important town had its own qazi; there was a qazi for the army also.

Akbar had acknowledged the village panchayats, which, since old times, decided cases between the contending parties in the villages. They continued during the Mughal period.

1. The Embassy, 478.

THE EXECUTIVE OFFICERSA N DTHE ADMINISTRATION OF CRIMINAL JUSTICE

The executive officers played no less an important part in the administration of criminal justice. The Governor, like the Emperor, set apart a day for administering justice in person.¹ The qazi and the other law officers attended the court and helped the Governor in deciding cases. It seems that the procedure was the same as in the Emperor's court. He took the law from the law officers and pronounced judgment. In case, however, there was not much legal evidence, but the Governor and the officers of the court were otherwise satisfied of the guilt of the accused,² he was sentenced. Large bands of the robbers and the rebels engaged his attention. Against these he would send large armies probably under the command of the faujdar. The Governor, the faujdar, and the kotwal, were held responsible³ for all the robberies that occurred in their jurisdiction.

The faujdar and the other officers sent captives to the Governor, who inquired into their cases, and sent them⁴ to the qazi for trial, whenever necessary.

Aurangzeb wished that the local cases should be decided locally. The local officers were to decide all the cases in their courts so that no necessity remained of their⁵ coming up to the royal court.

The kotwal was an important officer. His primary responsibility was the maintenance of law and order in the city.

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1. Aina-i-Gujrat, I, 165.
 2. Ibid., 167-68; cf. Mughal Administration, 124-25.
 3. Manucci, II, 461-62; Marshal, 39; English Factories, 1637-41 61; Ibid., 1670-77, 255; 1656-60, 313.
 4. Aina-i-Gujrat, I, 171. cf. Mughal Administration, 129.
 5. Aina-i-Gujrat, I, 153.

If a thief were not found, the kotwal was to compensate the sufferer.¹ In the Jaipur Akhbarat there are copious references to the fact that Aurangzeb made the faujdars and the kotwals responsible for catching the thieves and robbers and getting the stolen property restored and in case of failure to make compensation.² A criminal was first brought before the kotwal. If found not guilty, he was to be immediately released, otherwise he was to be presented before the qazi³ for trial.

According to Dr. P. Saran, often the three posts of the qazi, sadr, and mir 'adl were combined in the same person.⁴

In the pargana there was the court of the Thanedar, at least during Aurangzeb's time. In the Akhbarat, mention is made of the court, its officials, its time of working and its actual function. Usually the thanedar had the title of 'Tahawwar Sha'ar' or 'Tahawwar Dastgah'. Those who used to be present at his court were : gumashtas, News-writer, biographer, chaudharis, qanungos, etc. Some time the qazi also used to be present. In the 49th year of the reign of Aurangzeb, Tahawwar Dastgah Udai Singh, Thanedar of pargana Bhaurasa in the sarkar of Sarangpur, held court in the village Sahiya. The muqaddams of the village came and gave a feast to him and also his soldiers on foot and horse.⁵ There is mention of assistant tahawwar dastgah also.

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1. Fryer, I, 246; Thevenot, III, 19-20; Ovington, 137-38; Manucci, II, 420-21; Tavernier, I, 447. 2. Jaipur Akhbarat
 3. Aina-i-Gujrat, I, 171; cf. Mughal Administration, 129-30
 4. Provincial Govt. of the Mughals, 349.
 5. Jaipur Akhbarat, 49th year.

P U N I S H M E N T S

According to Muslim law there are two categories of crime. The first includes crimes of human and private nature and are subject to the law of talio and ransom. In the second category are the the crimes of theft, brigandage, extra-marital sexual relations, apostacy and wine-drinking. In neither case will the penalty wipe out the offence. The offence may however be expiated by a course of conduct¹ (kaffara) which no earthly authority can enforce.

For these crimes four kinds of punishments have been prescribed. They are qisas, diya, hadd and ta'zir.

QISAS. If a person committed a wilful murder, or inflicted a wound which did not prove fatal, he was liable to qisas or retaliation. The victim or his authorised representative, after the trial by the judge, could take² his revenge under the supervision of the judge. In occasions affecting life, retaliation is incurred by wilfully killing a person whose blood is under continual protection, such as a Muslim or a zimmi, in opposition to aliens who have only³ an occasional or temporary protection. A freeman is to be slain for a freeman, and a slave for a slave. A man is slain for a woman, an adult for an infant, and a sound person for one who is blind, infirm, dismembered, lame or insane. A father is not to be slain for the murder of his child, but the child is slain for the murder of his parent. The next of kin was to execute retaliation with some mortal weapon or sharp instrument capable of inflicting a mortal⁴ wound.

1. Muslim Institutions, 216.

2. Ibid.

3. Hughes' Dictionary Of Islam, 481.

4. Ibid.

In cases of retaliation short of life, a hand was cut off for a hand, a foot for a foot, a nose for a nose, and a tooth for a tooth.

DIYA. In case the legal conditions necessary to render the qisas possible were not present, or when the heirs of murdered person enter into a composition with the murderer for a certain sum, retaliation was remitted, and the sum agreed to was due, to whatever amount. 'The indemnity for the murder of a man was fixed by the Sunna at a hundred camels or something equivalent. For wounds the judge decided the amount of the indemnity by calculating the depreciation of the mercantile value of the victim caused by the crime supposing he had been a slave. The diya for a crime committed against a woman is half than given for a man; the diya of a Jew or a Christian is one-third of a Muslim'.

HADD. It means legal punishment. It is punishment exactly defined in the Quran or the Hadis by the Prophet and which can neither be increased nor decreased. Offences like adultery and fornication, qazf (false accusation of a married person with adultery), apostasy and drinking wine, robbery and highway robbery, come under the category of hadd punishment.

TA'ZIR. Ta'zir or reprimand was 'that discretionary correction which was administered for offences, for which Hadd or 'fixed punishment', has not been appointed.' According to one writer, it varied with the social status of the accused : 'in the case of great men and notabilities it was a discreet warning uttered by a delegate of the qazi; fuqah and such-like were called into his presence and admonished; merchants went to prison, and the common people received the lash.'

1. Hughes' Dictionary of Islam, 481.

2. Muslim Institutions, 218. 3. Ibid.

4. Hughes' Dictionary of Islam, 153.

5. Ibid., 632.

6. Muslim Institutions, 215.

As regards capital punishment, the Mughal Emperors always took care that provincial governors and others should not inflict it in an arbitrary manner. In 1582 Akbar issued a farman that the governors of the provinces should not award punishment without his permission. Monserrate would have us believe that when Akbar himself acted as judge, the guilty, by his directions, were not punished until he gave orders for the third time. Jahangir had ordered that no person who had been awarded capital punishment even by the Emperor should be put to death until sunset. It was done as the Emperor once issued orders for the remission of capital punishment of an offender, but before the second and revised order reached, the criminal had already been executed. According to Thevenot³ Jahangir had reserved the power of awarding capital punishment to himself. Whenever any provincial governor wanted to inflict capital punishment on any one, he sent a courier to the court to know his pleasure. The same was true of ShahJahan.⁵

According to Edward Terry, death punishment could take one of the following forms:— hanging, beheading, impaling, killing by dogs, elephants, serpents, according to the nature of the case. But no where has there been a mention by contemporary authorities of punishment by the snakes. Death punishment could be inflicted on the accused by throwing him down from the roof.⁶

Besides capital punishment, there were other forms of punishments too in Mughal India, e.g., mutilation, flogging, banishment, imprisonment, fines and confiscations, forfeiture of rank and title, dismissal etc.

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1. Akbar Nama, Bev., III, 559.
 2. Monserrate, 209.
 3. Tuzk, Bev, II, 28. Text, ii, 242. 4. Thevenot, III, 19.
 5. Badshah Nama,
 6. Early Travels.

Mutilation was taken resort to in very extreme and rare cases, particularly where there were habitual robbers who had become very notorious by their unsocial and inhuman activities.

Some time influential nobles or mullas were exiled to Mecca as a way of punishment, although it could not be called punishment for established crimes.

So far as imprisonment was concerned there was usually no specific and fixed period for it. That went quite hard for the majority of the prisoners. According to William Finch, the Emperor had three 'noble-prisons or castles'. One was at Gwalior, second at Ranthambor, and the third at Rohtas in Bengal. The fort of Gwalior was the place to 'keepe nobles that offend'. To the fort of Ranthambor were sent such nobles as were intended to be put to death. They met their doom there two months after their arrival there. The 'governor then bringing them to the top of the wall and giving them a dishe of milke, which having drunke, he is caste downe thence on the rocks'. To Rohtas were sent those nobles who were condemned to perpetual imprisonment, from 'whence¹ very few retorne home.'

For temporary confinement there were the lock-ups ready at hand in the cities, known as the Chabutra of² the kotwal.

According to Islamic law qazis and magistrates were expected to visit the prisons and inquire into the conditions there, and release those who showed signs of repentence. Usually, however, the qazis neglected their duty. The only redeeming feature for the prisoners was that orders for their release were issued on special

1. Early Travels, 145.

2. Jaipur Akhbarat, 49th year.

occasions. Those occasions were birth of a crown prince, the recovery of the Emperor or a prince from long illness, or the visit of the Emperor to some of the prison fortresses during royal tours. On the birth of Prince Salim, Akbar ordered that all the prisoners in the imperial dominions who were shut up in the fortresses on 'account of great accounts'¹ were to be released.

Soon after his accession, Jahangir ordered that all those persons who had been confined for a long time in the forts, be released.² In 1610, he released some of the prisoners in the Gwalior fortress.³ In 1616, he ordered the release of some of the prisoners at Ranthambor, while he happened to pass that way.³ Two years later, he again inspected the condition of the prisoners in that fort. According to his orders they produced before him all the prisoners imprisoned there and he looked into the case of each of them. With the exception of those convicted for murder or some dangerous criminals, he freed them all and to 'each one in accordance with his circumstances gave his expenses and dress of honour.'⁴

There were standing instructions during ShahJahan's reign that whenever the Emperor passed by a fort, the case of the prisoners there should be brought to his notice. When in the beginning of his reign, he visited the fort of Gwalior, he gave orders for the release of all prisoners excepting those charged with very serious crimes.⁵ In the 11th year of his reign, he again happened to pass by that fort. He inspected the cases of the prisoners there, found only eleven with cases of long duration, and set them all free.⁶

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1. Akbar Nama, Bev., II, 504-5; Farishta, II, 350; Badauni, Lowe, II, 124. Text, ii, 120; Akbar Nama, Text, ii, 34.
 2. Tuzk, Bev., I, 100; 10; Text, i, 6.
 3. Ibid., 270; 345.
 4. Ibid., 256; II, 59-60.
 5. Lahori, I, 245.
 6. Ibid., 246.

On the occasion of the celebrations of recovery from illness of the favourite Princess Begum Sahib, Shah-Jahan released prisoners in 1638.¹

In the 46th year of his reign (1703), Aurangzeb ordered Mohammad Mas'ud that all the prisoners confined in the fort should be set free with the exception of a murderer of a faqir, who had confessed his crime.²

1. Lahori, II, 355.

2. Akhbarat (provincial), 46th year.

P O L I C E

During the Mughal rule in India, the kotwal was the most important officer in the city. He looked after the peace and apprehended thieves and evil-doers. The faujdar performed police duties in the sarkar and the thanedar in the pargana and they apprehended criminals there. It was the duty and responsibility of the police officers to keep peace. There are constant references in the Akhbarat, as shown in the following pages, to the fact that in cases of theft and robbery, Aurangzeb almost always ordered the faujdar or the thanedar or the kotwal, as the case may be, to produce the thieves and the stolen property.

In 1695, Akbar had specifically defined the duties of the Chief Police Officer. He was to take round of the streets and houses of the city and to take a bond from the chief persons of every street. According to this bond, the chief man was to keep a watch on every man who came in and went out. He was not to permit troublesome and disorderly persons or thieves to take up abode there. If any one acquired money in an irregular manner, he was to make inquiry and report the matter to the Emperor. He was to inform the Chief of Police of all marriages and feasts, births and deaths in his locality. The Chief of Police was to keep in his employ in every street and bazar and every ford of the river a person whom he could trust and who was to keep him informed of every thing that went on. He was to be so careful in guarding the roads that no one who had lost his way or who was a fugitive, 'should be able to get out of reach'.

1. Badauni, Lowe, II, 404. Text, II, 390.

CHAPTER II

THEFT, ROBBERY AND
HIGHWAY ROBBERY

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THEFT, ROBBERY AND HIGHWAY ROBBERY

Muslim jurists make a distinction between theft and highway robbery. As we shall see, different punishments are provided for the two crimes. It seems, however, that in actual practice theft by single individuals was less prevalent in Mughal India than by groups of individuals operating on a large scale. They would sometime infest the roads, plunder towns, and commit robberies in the country-side. They attacked from their fortresses or from their hiding places in dense forests and inaccessible jungles. Thus the Mughal Emperors had to take cognizance of organized robbery. This they did by providing severe punishments, sometimes going beyond those sanctioned by Muslim law. Further, they made the executive officers responsible for tracing and punishing the thieves and compensating the sufferers.

According to Muslim law, sariqah signified the clandestine removal of property in the safe custody of another person.¹ Custody implied guarding an article in a house or a shop, or keeping a personal watch over it.²

Highway robbers, in the eyes of the law, were persons too powerful for travellers and who fell upon them with some weapon and robbed them when distant from a city.³ They could only be punished for their offence if they were arrested before they had repented and returned the loot⁴ ed property.

1. Fatawa-i-Alamgiri, II, 703.

2. Ibid. , 716.

3. Ibid. , 727.

4. Ibid. , 728.

GENERAL CONDITIONS IN MUGHAL INDIA.

Ralph Fitch who was in India during Akbar's reign from 1583 to 1591, has recorded that there were 'many thieves' in India at that time. While on his way to Akbar's court, the Portugese priest, Father Monserrate, came across a large number of thieves from Surat to the capital. Akbar's court historian, Abul Fazl, wrote in 1596 that one lac of muhrs which had been sent for the equipment of the army of the south, had remained in Gwalior on account of the insecurity of the roads. Three years later he again complained about the unsafe condition of the roads.

William Hawkins who remained in India during Jahangir time from 1608 to 1613, has written that the country was so full of outlaws and thieves that it was not possible for people throughout the country to stir out of the doors without great force. William Finch, another English traveller in India during almost the same time, holds testimony to the fact that from Gwalior to Ahmadabad it was all a sandy, 'woody country, full of theevish beastly men.' From Ahmadabad to Cambay also the way was 'sandy, woody and theevish.' The Bay of Cambay was extremely difficult to cross because of very dangerous thieves who looted the people or threw them to the fury of the tides, 'which comes so swift that ten to one you cannot escape'. Sir Robert Shirley found the way from Thatta to Agra 'much infested by thieves.' Even the road from Agra to Lahore, which was planted on both sides by mulberry trees, was dangerously full of thieves. Sir Thomas Roe, the English

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1. Early Travels, 23.
 2. Monserrate's Commentary, 13.
 3. Akbar Nama, Bev., III., 1060-61. Text, iii, 712.
 4. Ibid., 1141.
 5. Early Travels, 113-14.
 6. Ibid., 167.
 7. Ibid.
 8. Eliot & Dowson, VI, 495.
 9. Ibid. 496.

Ambassador to Jahangir's court, refused to agree to the proposal of Prince Khurram, the Governor of Gujrat, that the English should not wear arms. That way their caravans, which went to Ahmadabad and other parts of the country every year, would be exposed to the danger of thieves and robbers on the way. Things had become rather more unsafe during ShahJahan's revolt. A letter written by the English factors at Ahmadabad in 1622 records that there was great danger on the way. It was increasing daily and it was difficult to pass without violence by thieves and robbers.² John Willoughby at Agra wrote to the Surat Factory on April 15, 1623, that the roads were very dangerous, 'for heare is nothings butt killing every these parttes'.³ Yet another letter from Ahmadabad to Surat says, 'Ways are so full of robbers that no one can pass'.⁴

Tavernier tells us that theft was very rare during SHAHJAHAN'S reign. Although he ruled over his subjects as a father over his house and children, he was very strict in the maintenance of order. The police performed their duty with remarkable diligence. Roads were safe and thieves could not be successful in their nefarious activities.⁵ Manrique was surprised to see the great justice and rectitude which the Indians observed in the market places. Property was quite safe, and there was no fear from thieves.⁶ The great solicitude evinced by ShahJahan, writes Rai Bhara Mal, towards the promotion of the national weal and the general tranquillity was instrumental in restraining the people from committing offences against one another and breaking the public peace.⁷

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1. The Embassy, 480.
 2. English Factories, 1622-23, 190.
 3. Ibid., 239.
 4. Ibid., 239.
 5. Tavernier, I, 325.
 6. Manrique, II, 188.
 7. Eliot & Dowson, VII, 172-73.

The evidence of Peter Mundy, Mandelslo, and the English Factory records, however, is to the contrary. Mandelslo gives an account of his fight with the highwaymen, and the factory records complain about the looting of their caravans. As regards Peter Mundy, our main authority on the subject, we have to remember one thing. Most of the evidence recorded by the traveller revolves round the years 1630-33. The western part of India at that time was in the throes of a terrible famine. Human beings died in thousands for want of food. Tormented by pangs of hunger, the people grew oblivious of frail human relations. Father distrusted son, child feared mother, brother hated brother, friends became hostile to one another. Mutual confidence receded into a far corner. Struggle for existence was at its worst. Unable to find anything for the maintenance of their lives, the inhabitants began to prey upon their fellow beings and did not show any repugnance against taking human flesh. Rather they looked forward to every opportunity to get it by any means. Now, under such circumstances, it is not surprising to find theft or highway robbery as rampant as Mundy declares it to be. Bernier fails to cite particular instances of the crime. He only records that as robberies were often committed, it was prudent always to be on the alert. Robbers, says he, often waylaid and murdered travellers.

Things were not happy during AURANGZEB'S reign, though Ovington assures us that the Indians in the city of Surat always refrained from heinous crimes such as murder and robbery. The situation grew worse in the latter half of the period. The wars in various places gave the malefactors a free hand in the interior of the country. According to Manucci thieves infested the whole kingdom, and particularly the woods round about Burhanpur.

1. Eliot & Dowson, VII, 24; Eng. Fac., 1630-34, 122; P. Mundy, 142, 49, 275-76, 339-49; Journal of Indian Hist., 1937, 67-68.
2. Bernier, II, 106.
3. Peter Mundy, I, 267-68. (Van Twist).
4. Ovington, 137-38.
5. Orme, 142.
6. Manucci, I, 67; II, 467.

In his letters Aurangzeb complained of the bad condition of the roads and of the activities of the highwaymen. He wrote to Prince A'zam that the road from Bahadurpur, near Burhanpur, to Aurangabad was full of danger. Highwaymen fell upon the merchants and the travellers and looted them of their goods. Wayfarers could not travel in security. When such conditions, lamented the Emperor, existed near his own and A'zam's headquarters, the conditions on the far-off roads must have been appalling.

In another letter the Emperor wrote that he failed to understand the cause of disorder prevailing in the districts of Hajipur and Miyanpur. The Kolis had plundered the town of Mirganj, situated close to the quarters of the royal army. They bound the inhabitants of the town and carried them away.

Aurangzeb complained that the roads between Chamar Gunde and Kadirabad in the Deccan were in bad condition. Highwaymen perpetrated tyrannies freely, and the travellers found it extremely difficult to traverse the road in safety.

Thevenot would have us believe that crafty thieves harassed travellers on the road linking Agra and Delhi. They would strangle a woman through the agency of a beautiful woman. She used to cast a spell on some innocent traveller and lure him to get her on the horse-back behind him. Sitting there she would throw the snare round his neck and strangle him, till her robber companions came to complete the process. Some wily highwaymen would cast a snare round the neck of a traveller from a distance. When Thevenot reached a village seven leagues from Broach, he suspected the inhabitants to be thieves from the manner of their dress.

1. Letters, xx, 26-27. 2. Ibid., xxxvii, 40-41. 3. Ibid. xl, 43.
4. Thevenot, iii, 41.

Despite the picture drawn by the contemporary European travellers, we are to be on our guard against their generalisations. Those were not the times of adequate communications, and, if a rebel raja or a disgruntled mansabdar took into his head to resort to robbery and oppression of the people with a view to molesting the Mughal authorities, he could do so easily and successfully, so long as sufficient forces were not sent against him. Even then the rebels would turn to the mountains where dense forests provided them with inaccessible spots. The failure of the Mughals to surprise and extirpate them can be easily understood if we keep in view similar attempts on our part to deal with the notorious dacoit gangs in these days of vast mechanised forces and improved communications. The travellers who have left us accounts of the unsafe conditions prevailing during Mughal times, forget to mention the situation in their own countries during those days. The conditions there were perhaps worse than they were here. The modern methods of communications and vastly developed machinery have not been able to put an end to the activities of the robbers even in the best administered countries of the world as the U.S.A. Moreover, the foreign travellers could not always make distinction between the Mughal territory and that of a local chief and the conditions in the latter were usually more disturbed than in the former. There were certain areas, as in these days, which, because of their peculiar situation, were more frequented by robbers. On the whole, there seemed to be higher ratio of safe rather ^{than} unsafe journey during the Mughal rule in India excepting the times of rebellions and wars.

ROBBER TRIBES.

Besides the individual thieves and organized bands of robbers, there were in Mughal times certain tribes notorious for their nefarious activities. They were the Ghakkars, Kathurs and Dalzaks, Kolis and Grasias, Rajputs and Pathans, Baluchis and Marathas.

Rohtas was the stronghold of the Ghakkars and they inhabited the country roundabout. They were warlike people much given to theft and brigandage. 'They lie in wait for, and intercept free travellers, shave their heads, hamstring¹ them, take them to Persia, and there sell them as slaves.' Father Monserrate who came to India in Akbar's time, found them very sturdy, though of medium stature. Jahangir found this tribe in 1607 as 'wonderfully like animals'.²

The Kathurs and Dalzaks who lived in the West Punjab, were notorious for mischief, oppression and highway robbery. On his way to Kabul in 1607, Jahangir found, in the village of Amrohi, beyond Hasan Abdal, about 8,000 households of these tribes.³

The Grasias, who lived in the hills of Malwa, were 'theevish', and often looted caravans. Some hundred of them could have looted a caravan had William Finch (1608-11) not reached there along with their caravan.⁴ According to the same authority, the Pathan thieves infested the forests between Lahore and Kabul, 'often sallying from the mountains⁴ robbing caravans and ransacking townes'.

According to Nicholas Withington (1612-16), the Rajputs⁵ lived by 'robbinge and spoylinge poore passengers by the way'. Peter Mundy has recorded that during SHAHJAHAN'S reign, the Rajput highwaymen frequented the country and committed⁶ robberies. They most often lived as outlaws in the jungles.

Nicholas Withington found the Baluchis of Sind mostly robbers who looted and murdered the people.

During Aurangzeb's reign, Kolis, Marathas, Rajputs⁸ and others plundered and ruined the people in Gujrat.

1. Monserrate, 13. 2. Tuzk, Bev., I, 99. 3. Ibid, 100. 4. Early Travels, 143-44; 167. 5. Ibid. 198-99. 6. P. Mundy, ii, 41. 7. Ibid., 220. 8. Fryer, i, 301.

AREAS WHERE MUGHAL AUTHORITY WAS UNCERTAIN.

The European travellers have mentioned that they often had to pass through territories where authority of the Mughal Emperor was uncertain but the robbers made themselves felt.

While on his way to the Mughal court during Akbar's reign, Father Monserrate had to pass through the Satpura range which was full of dense forests. 'The inhabitants of these mountains are always at war with the Mughals'. The robbers killed one of his guards and they could take no¹ revenge against them.

According to Nicholas Withington, between Nagar Parker and Juno (half a day's journey from Thatta) lived a people who paid no tribute to the Mughal Government. When any Mughal general came and attacked them, they burnt their own houses which were built of 'straw and mortar' and fled to the mountains. After taking from the travellers what they please 'under colour of custome', they guarded them so long as they were in their territory. They considered it a² disgrace if any other person from outside looted them.

At another town 'Gundajaw' on 9th January, 1614, Withington and sixteen associates along with ten camels, were set upon by thieves. They tried to defend themselves and give the thieves a regular fight. But they thought it advisable to come to terms with them on payment of five³ lairs. After travelling for three hours, they were again set upon by many thieves. They treated them in a similar manner and bribed them. At another town, 'Sarrune', the Rajput chieftain proved very kind to them and entertained them at night in his castle. Next day, along with fifty of his horsemen, the chieftain, in order to guide Withington and his party to the gates of Thatta, misled them to the jungles. There they looted the caravan of goods worth Rs.20,000/-. The chieftain ordered his men to tie the

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1. Monserrate's Commentary, 13.
 2. Early Travels, 210.
 3. Ibid.

camels' ropes round the necks of the three unfortunate merchants and five of their servants who formed part of their caravan. Then they gave such a twist as to strangle all the eight of them. They stripped them naked and threw them together into a hole which they made in the ground. After that they took from Withington eighty rupees that he had upon him and that belonged to the Company, deprived him of his horse, gave him the two horses belonging to the dead persons, and sent him and his men along with four of his men, to his (chieftain's) brother, some twenty kos away in the mountains. His brother kept them as virtual prisoners for 22 days. After that they had a terrible journey in which his men had to beg food and fodder. At one place the six soldiers who had been sent by one of the chieftains to accompany them, stripped him of a very good apparel of the country fashion and a quilt of chhints and of many other things. They deprived his men also of every thing, till they were left only with their breeches. It was on about 5th of March that they reached Parker in a wretched condition. There a merchant of Ahmadabad recognized Withington, felt pity for him and provided him and his men with food, clothes and money and accompanied them upto Paddingpore on 19th March. Withington told him that the Rajput Chieftain had not permitted them to proceed to Thatta where they were going, but had sent them back to Ahmadabad from where they had started. He was afraid they might not give the news of robbery at Thatta. From Paddingpore Ahmadabad was a week's journey.

During his march from Ajmer to Mandu in 1617 along with Jahangir's army, Sir Thomas Roe found that after crossing the pass of Mukandwara, they came to a country full of thieves. It belonged to a Raja, who was not completely under the authority of the Mughals, but was kept under by force. Jahangir attacked their town at night, and made them run to the woods. They 'set upon a company of stragglers behind, slew divers and robbed them.'

CASES OF ROBBERY IN MUGHAL INDIAAKBAR'S REIGN.

Jamal-ud-din, son of Mahmud Barah, who had a love affair with Siyah Yasmin, a dancing girl at the court, fled to the mountains. He collected a force and gave himself upto looting the parganas of the neighbourhood and robbing on the highways. Later on he came to Patan in Gujrat and took refuge with his uncle, Sayyid Qasim.¹

On his way from Surat to the Mughal court, Father Monserrate found that beyond Mandu the roads were infested by robbers. On their way back from the Mughal court, in the pass over the 'Avazus', they met a band of robbers. They collected their company closely and marched 'as it were hand in hand'. Only then they could escape the danger. The robbers were hiding themselves in the thickets of the forests. Glimpses could be caught of them through the bushes which almost blocked the roads. They were planning to attack the travellers from behind out of their ambush. When they saw, however, that their intended victims were going so closely, they gave up the idea of attacking and following them.²

JAHANGIR'S REIGN.

Nicholas Withington mentions that when he and his colleagues came within four leagues of the bar of Surat, they met with the 'Ozeander', which was one of their fleet and was anchoring there. It had got a pilot out of a boat of the country, and 'left one of our carpenter's mates in hostage for him, whoe unwiselye carryinge some moneye aboute him, when the Moores were from the shippe, they cut his threate and tooke what hee had, as afterwards wee were certaynlye informed.'³

1. Badauni, Lowe, II, 356-57. Text, ii, 345.

2. Monserrate's Commentary, 186-87.

3. Early Travels, 197.

When Nicholas Withington was in Sind, the Baluchis took a boat in which there were seven Italians and one Portugese fryer. They fought till all of them were slain with the exception of the Portugese. He was taken alive and being very fat, his belly was ripped open by the Baluch robbers to find out if he was not hiding any gold or jewels¹ there. When he went from Ahmadabad to Cambay in 1613, he felt on his way a great danger of robbers. At a place named Bareja, the Cambay caravans met on every Tuesday 'for feare of theeves.'² At one place a man of theirs was slain and a camel stolen by the thieves. Going further they met a caravan from Thatta which had been robbed completely. At the next town, known as Nagar Parker, they met another³ caravan, robbed within two days' journey of Thatta.

When Sir Thomas Roe encamped in Chopra village in November, 1615, he was warned by king's officers against the danger of sleeping outside. There were two hundred thieves in the hills round about. Roe was provided with guard that 'watched all night'⁴.

Thomas Kerridge from Surat informed the English factor at Ahmadabad in a letter of April 10, 1619, that the rials they paid on the last bills from Agra, and which were 'beeinge dispeeded towards Molies', were stolen by robbers. They had also killed some of the attendants. The loss was upwards of 25,000 mahmudies. The English, however, succeeded in capturing four of the robbers. They 'pitted' three of them 'on so many stakes', and made them pay the penalty⁵ with their lives.

An English factor from Masaulipatam wrote, 'My said Bampa was robbed of all, and a peece of hies eare was cut off'⁶.

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1. Early Travels, 220.
 2. Ibid., 206.
 3. Ibid., 209.
 4. The Embassy, 67.
 5. English Factories, 1618-21, 91.
 6. Ibid., 217.

The Governor of Malwa refused to permit the English caravan to depart unless they gave in writing absolving him all blame if it were robbed.¹

An English caravan was looted in January, 1619, in the territory of Shah Nawaz Khan, the Khan Khanan's son, between 'Manderabarre and Sundelva'. The robbers looted 14 'churles' Bayana indigo and killed four or five servant accompanying the caravan. Although the qazi refused to accept the testimony of the 'camel men', pretending that they were the interested parties, they had lodged the complaint with the Khan Khanan and prayed for compensation and justice. In September 1619, Prince ShahJahan ordered the Khan Khanan to compensate the English for the robbery of their indigo.²

We learn from a letter of April, 11, 1623, from Robert Tottle at Nosari to the English President at Surat that the natives had stolen their butts of arrack. They admitted under pressure that they had received two quilts, but had denied all knowledge of the chests. Upon their denial the English 'had them whipped till the skine was of there body and finding them still obdurate, they sent for their wives and children 'to have them punished to see whether they would acknowledge any thing more'. When they protested their innocence, they were remanded to prison.³ Robert Tottle again informed the English President in a letter written five days later that it was suspected that the four native peons had emptied one chest of tobacco that had drifted ashore during his absence.⁴

Some time afterwards, a caravan belonging to the East India Company and coming from Ahmadabad, was robbed of the bales, and of a part of the fourth, though they made a stout defence against the robbers.⁵

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1. English Factories, 1618-21, 217x 230.
 2. Ibid., 59-60; 81; 91; 120.
 3. Ibid., 1622-23, 219-20.
 4. Ibid., 222-23.
 5. Ibid., 1624-29, 210.

SHAHJAHAN'S REIGN.

Mundy wrote that from Agra to the gates of Ahmadabad was a desert full of thieves. On his way from Surat to Agra, he, along with the caravan, reached a place Viara, which was notorious for its thieves. After a few days they saw the Rajput highwaymen, eleven in number, all on horseback, well armed and provided with guns and swords, lances and arrows. They were robbers and were in search of a caravan which had gone further into the valley. Hard by lay the bones and skulls of some men, believed to have been killed by these persons. Some days later they arrived at Boadoore. Here they learnt that about 2,00 horsemen, who, only a short while before, had robbed a whole town, awaited them nearby. On their forward march, their caravan was attacked by a number of thieves. They were successful in carrying away three carts after doing injuries to some of the party.¹

On their journey from Agra to Cole (Aligarh) Peter Mundy and his party came in December, 1631, to a place called 'Jallesere' (Jelesar). Here they learnt that in the early hours of the morning, certain 'thieves' had carried away two women, four oxen, and six asses that were going towards Agra. This place seemed to them very dangerous on account of robbers.²

In August, 1632, they reached a place, Barramal Ka Sarai, situated between Agra and Patna. One month before a robbery had been committed in the vicinity of 'Ahumolo Sarai'. On inquiry, the goods stolen were discovered in this town. They passed through a little town, 'Roherbuns Ka Sarai'. There they came across a party of men armed with long bows and swords. They were all naked except for a loin-cloth round their waist. These men were called 'Guares' or 'Rebbells', and forced custom from the

1. Peter Mundy, II, 264; 40; 41; 42-43; 45-46.

2. Ibid., 71-72.

travellers, as they did from Mundy's party. On their forward march, they came across more parties of such men who demanded custom from them in an insolent manner.¹

On his return from Patna to Agra in 1632, Peter Mundy stayed in a sarai at Banaras. There some robbers carried away five horses and other goods at night.²

At another time Mundy had to go to Agra from Surat. In the way his party came across some robbers in the dark. The robbers aimed shots at them, hit one of the party through the neck to death, stripped him naked of every thing, and followed others who had taken to their heels. Further, they reached a plain, where a part of a Dutch caravan was assaulted by some sixty robbers, who had carried away some indigo, a few camels laden with goods, and killed one person. On they marched and stayed at a place. There a Koli snatched from a traveller what he had and, when he tried to follow the culprit, the other Koli shot him so hard in the shoulder as to make him fall.³ During their forward march, a number of armed horsemen forced custom from them. Under a tree they found some tombs, all of the same size. They were told that they all belonged to ten Sayyids who had been killed by the Kolis. At another place some 15 thieves set upon their camels which were grazing in the field. The thieves, when attacked fled, leaving one behind them. This man, after showing stubborn resistance, surrendered himself. He was brought before the Mughal officer in the city who plainly took his side. At another place they found that the Kolis pillaged the carts of Murari, who, formerly was a Government officer at Baroda, and who had much vexed and troubled the Kolis.⁴

In March, 1638, the East India Company complained that a caravan of theirs was looted by the Rajput robbers.⁵

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1. Peter Mundy, II, 109-110; 119-20.
 2. Ibid., 174.
 3. Ibid., 253-54; 256-57; 263.
 4. Ibid., 263-65; 269-70.
 5. English Factories, 1637-41, 61.

On his return journey to Surat in 1638, the caravan, along which Mandelslo was travelling, was attacked by a band of the Rajput highwaymen. A sharp conflict ensued as a result of which the robbers withdrew. The armed soldiers in the caravan took part in the conflict, as also did Mandelslo and the English merchants with him.¹

The way from Agra to Thatta in 1639, for a distance of 40 kos, was very dangerous due to a tribe at variance with the Mughals.²

The English factor at Broach was expecting a caravan from Ahmadabad in May 1647. He was anxious to make provisions against the highwaymen, who, only a few days before, had looted a caravan nearby.³

During the Wars Of Succession, when Dara, after his defeat at Samugarh, fled to the Punjab, Manucci also decided to follow him with a party. In the way the traveller lagged behind his companions due to the delay which the cart-driver made in a village. Something terrible met his eyes, when his cart entered into a wood. The greater number of the party were heaped together, either wounded or decapitated, and all robbed and ruined.⁴ The few who survived had been stripped naked.

AURANGZEB'S REIGN.

In a letter to Asad Khan, Aurangzeb recorded that Mu'tamid Khan's jagir had been ruined by robbers. The Khan had requested the Emperor to get his buildings repaired.⁵

Two Frenchmen who came to visit Aurangzeb's court, failed to gain any access thereto. On their way back they were robbed, and one of them wounded also.⁶

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1. Mandelslo, 50-51.
 2. English Factories, 1637-41, 137.
 3. Ibid., 1646-50, 129.
 4. Manucci, I, 308.
 5. Letters, cxxiv, 123.
 6. English Factories, 1665-67, 158; 267-68; Thevenot, III, ,35.

It was reported to Aurangzeb on 25th January, 1667, that thefts had occurred in the city of ShahJahanabad. ¹ Orders were issued to faujdar Fulad Khan to be very careful.

In Atak theft had taken place in April, 1667, in the house of Talib Beg Tehsildar. Orders were sent to Mubarak Khan, faujdar of the place to investigate and get the property restored to Talib Beg. ²

In June the robbers looted and took away 25,000/- rupees that were coming to Gwalior. Letters were sent from the court to different faujdars to exert themselves, ³ chastise the culprits, and get the money back from them.

In July a letter was received from the news-writer of Akbarabad that thefts had occurred there, but the Governor of the province had written to the contrary. Aurangzeb felt surprised at this and ordered Sayyid Mehdi, ⁴ the Diwan of the province, to institute an inquiry.

In the same month the relatives of Mohammad Quli Khan were looted of 7,000 huns near Akbarabad. The faujdar there was ordered to inquire into the robbery and make ⁵ good the loss.

During the same period the robbers looted merchants of Rs. 16,000/- near Nalawari. Abdul 'Aziz Khan, the faujdar of the area, made efforts to find out the clue of the robbers from Nalawari to Faizabad and from there to Panipat and also in the faujdari of Fulad Khan. Hearing this, the Emperor ordered that the zamindars of the area should be ⁶ sent for and questioned in the royal presence.

On 23rd September a number of Banjaras petitioned that 200 of their oxen laden with grain had been looted by the

1. Jaipur Akhbarat, 9th Year.

2. Ibid.

3. Ibid.

4. Ibid.

5. Ibid.

6. Ibid.

¹
robbers near Jaunpur.

In 1668, one Sayyid and twenty Yusufzai Afghans took a house on rent in the capital. The people of the muhalla complained to the kotwal that while during the day they kept themselves engaged in gambling, at night they committed theft. They were arrested and put into confinement. On inquiry they confessed that they had committed twenty-four² thefts, the proofs of which were also found.

In 1675, a large number of highwaymen, making a force of about 900, plundered a consignment of cloth belonging³ to the East India Company.

On November 17, 1679, news came from Akbarabad that the Meo robbers had collected themselves for dacoity near Ferozabad. When the Karori and the Amin of the place prepared themselves to oppose them, they turned their attention from⁴ there and began to loot travellers.

In the same month some persons from the hilly tracts began to loot some villages in the pargana of Murabad. They fled away when Faizulla Khan, faujdar of Muradabad, collected⁵ a force to punish them.

In December, news was received of the occurrence of many thefts in the neighbourhood of Akbarabad. The Meos committed dacoity in a serai where Sheikh Bazid, the dismiss⁶ Bakshi of Urisa, was staying while on his way to the court, and looted him completely. Moreover, they plundered the treasury of Rohtas and looted 12,000 rupees. The sons of Champat Bundela also committed robberies. The robbers fled away when the Mughal commandant got himself prepared⁶ to attack them.

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1. Jaipur Akhbarat, 10th year.
 2. Ibid.
 3. English Factories, 1670-77, 255.
 4. Jaipur Akhbarat, 23rd year.
 5. Ibid.
 6. Ibid.

In March, 1680, Sayyid Ibrahim, the thanedar of Nagar, wrote to the Court that a rebel zamindar of the locality had collected a force of 250 persons and committed robberies in the neighbourhood.¹

It was reported to Aurangzeb on 5th May, 1680, that some gunmen had robbed from the fort of Rohtas a certain quantity of lead. The commandant of the fort took them prisoners and kept them in the fortress. The Emperor ordered that the commandant should realize from the gunmen the price of the lead and then turn them out of the fort.²

In June a number of robbers collected in the sarai of Ruhulla in order to commit robbery.³

A letter was written on 14th February, 1681, to Multafat Khan, the Faujdar of Akbarabad, that frequent reports of thefts had been received from his area. This time the Emperor had forgiven him. In the future he was asked to be more careful and see that no thefts took place.⁴ Six days later another robbery took place in the house of a merchant there. Taj Mohammad Kotwal got wounded while fighting with them. The dacoits not only looted the property of the merchant, but killed his seven servants.⁵

Khan Zaman, the Governor of Burhanpur, wrote to the Court in April, 1682, that a number of thieves had committed robbery in the house of Braj Raj merchant there. They wounded him and took away cash and grain from his house. The Emperor ordered that the Khan should produce the thieves and the looted property.⁶

On September 26, 1682, it was reported from Akbarabad that Kanjhi etc., two servants of the merchants, had come

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1. Jaipur Akhbarat, 23rd year.
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. Ibid., 24th year.
 6. Ibid., 25th year.

from ShahJahanabad and stayed near serai Farrukh. There came the robbers, who killed the two servants, looted from them 2,000 ashrafis and 25,000 rupees along with their cart. A letter was written under royal orders to Husain Ali to explain why he had failed to strengthen the thana. No robbery had taken place there before that time. He was ordered to strengthen the thana and produce the thieves¹ along with looted property.

On November 7, a letter was written at the instance of the Emperor to Sayyid Bahadur, Zamindar and Faujdar of Narwar,² to explain why so many thefts had taken place in his jurisdiction.

On 20th November, report came from Sheogaon that while royal servants had taken oxen belonging to the topkhana for grazing purposes towards Ankola thana, Bhaku Banjara attacked them with his men. The robbers killed seven camels, some camelmen and cartsmen and wounded others, and then took³ to flight.

On January 2, 1683, letters were issued to Aqil Khan, the Governor and to Abdulla Khan, the collector of Shah-Jahanabad, under royal orders. It was brought to their notice that many cases of thefts had been reported between Islamaba (Mathura) and Faridabad and that the Muslims there were being put to trouble. They were asked to be careful and the collector was to inform the faujdars to be⁴ vigilant.

On 14th February, report came that many thefts had been⁵ occurring between ShahJahanabad and the capital.

News was received in the royal court on 7th March that a dacoity had taken place in Burhanpur. The local authorities had asked the kotwal there to produce the thieves or the

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1. Jaipur Akhbarat, 26th year.
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. Ibid.

stolen property; ^{he replied that} but he would try to find out the thieves or the stolen property. He succeeded in finding out the leader of the gang, Baranga Afghan, in Zainabad. The kotwal wanted to catch him alive, but in the fight which ensued Baranga got killed and the kotwal and three of his companion¹ got wounded.

On March 21st, came the report of a robbery in Akbaraba²

A letter was received in the royal court on 17th Oct., 1684, that a zamindar of Jagangirabad had built a fort in the forest near the town and started committing robbery in the pargana of Alwar. He had ruined some villages there.³

In November of that year, Mubaraz Khan, the faujdar of Mathura, who had received his transfer orders, joined a gang of robbers and started helping them in dacoities. This had caused a great panic in the public. A request was made to Aurangzeb that Safi Khan, the revenue faujdar, be ordered to reach there immediately.⁴

As a result of the departure of Mohammad Khalil, faujda of Narwar, and of the Thanedar, for Aurangabad, thefts had occurred in Narwar. The Emperor ordered on 1st January, 1685 to call explanations from them.⁵

Aurangzeb ordered on 6th January that the twelve broker arrested on the charge of stealing horses and camels from the royal army and for re-selling them again in the army, should be entrusted to Jalal Chela (perhaps for investigations).⁶

One hundred robbers collected near Himmat Nagar in the district of Akbarabad and looted the travellers. Already reports had been received about a number of robberies there. On January 8, 1685, orders were written from the imperial court to Safi Khan, the collector, to make proper arrangements and to see that no man was put to trouble.⁷

1. Jaipur Akhbarat, 26th yaer.

2. Ibid.

3. Ibid., 28th year.

4. Ibid.

5. Ibid.

6. Ibid.

7. Ibid.

News was again received of the operations of the robbers and the highwaymen in the sarkar of Akbarabad, in the month of January of that year.¹

A number of dacoits entered the house of Dayal zaminda in Sikandarabad, plundered it, wounded the zamindar, and escaped with the booty. They also attacked Harkishan zamind who had gone there to look after his agriculture and took away his cattle. On 6th February, 1685, orders were written to Mohammad Naeem, the Diwan of ShahJahanabad, to ask the faujdar of the place to produce the robbers along with the property that had been looted by them.²

In the province of Akbarabad, some robbers waylaid a merchant named Jahan, inflicted wounds on his body and forcibly snatched seventy horses from him. Orders were sent to Safi Khan, the Governor of the province, to chastise the culprits.³

In the same month, i.e. March, 1685, a few servants of Misri Afghan, while on their way from ShahJahanabad to Garh Muktesar, were set upon by thieves and rifled of all their belongings. On 15th March, orders were issued from the imperial court to 'Aqil Khan, the Governor, to ask the faujdars concerned to produce the thieves along with the stolen property.⁴

In Lucknow some thieves killed one Madda and wounded four servants at night and fled away with Rs.2,000/-. Orders were issued on 16th September to the faujdar of the place to chastise the culprits.⁵

At the same time orders were issued to Faujdar Sher Afghan to produce the thieves who had stolen two horses along with cash and grain from the house of one Ahmad, and who had looted the property of two other merchants, 'Inayat and 'Usman. He was to produce the stolen property also.³

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| 1. Jaipur Akhbarat, 28th year. | 2. Ibid. | 3. Ibid. |
| 4. Ibid. | 5. Ibid. | 6. Ibid. |

Orders were sent on 6th December, 1685, to Ray Rayan to chastise the robbers who had attacked Puran and Nathu Banjaras, who were carrying grain to Bhelsa, wounded Nathu and carried away 107 oxen. The Ray Rayan was to produce¹ the oxen.

A Mughal caravan under Aghar Khan coming from Kabul was attacked near Agra by the Jat robbers. They seized the cattle and plundered the carts that were in the rear, and carried² off some women as prisoners.

Gokul Jat was a merciless and ruthless robber who³ brought ruin to the pargana of Saidabad.

Anand Rai merchant petitioned the Emperor on Dec. 18, 1691, through Fazail Khan, that Alah Dad, faujdar of Ahirwari, had stolen Rs. 16,000/- and killed a number of men. It was requested that one mace-bearer be appointed to force the faujdar to return him the money. Aurangzeb ordered on that very day that Sa'adat Khan should send one mace-bearer⁴ to get the money of the merchant restored to him.

Sayyid Habib Ullah of the secret police reported on April 30, 1693, that Mayora Badshahi in front of the thana Burj Kakona in the jurisdiction of of Raja Kalyan Singh had been killed by the thieves. All the Mayoras of the chauki came and reported the matter. In this connection, an order had already been issued a day before asking Raja Kalyan Singh to produce the thieves. Shahab-ud-din who went for⁵ investigations, brought the culprits of the said village.

According to Manucci, when Aurangzeb fell ill in 1694,⁶ robbery became rife.

Khwaja Musa petitioned that thieves had entered his house and carried away all the grain and cash. He requested for help as he was in a bad plight. Aurangzeb ordered that

1. Jaipur Akhbarat, 28th year. 2. Eliot & Dowson, vii, 343.
3. Ma'asir-i-Alamgiri, 62. 4. Jaipur Akhbarat, 35th yr.
5. Jaipur Akhbarat, 38th year. 6. ~~Manucci~~ Manucci, ii, 467.

should be given Rs.2,000 cash and Rs.3,000 for the purchase of grain. The kotwal was ordered to produce the lost property¹ of the Khwaja.

In 1703, thieves broke open the house of Paras Ram of Raj Nagar, the agent of Raj Singh. The watchmen of Raj Singh pursued the thieves, killed three of them, and recovered² their property.

Some thieves entered the village of Mohan Singh and drove a number of buffaloes. The villagers chased and killed two of them. The heads of the thieves were presented before the governor who ordered that they should be exhibited on³ the trees.

Damodar and his companion, who were in prison on charge of theft gave surety that if there was a recurrence of theft in the army, they would be held responsible. They were let⁴ off on furnishing reliable security.

In 1706, Man Singh Kumudkar, resident of Othal in the sarkar of Ujjain, came to the court of Tahawwar Sa'ar Ajab Singh thanedar and reported that theft had occurred in his house and the thieves had taken away five cows besides other articles. The thanedar replied that he had sent men in different directions in search of the cows. It was learnt from the chaudharis and other people of the town that the thieves were living in the village of Nawada in the jagir of Fazil Khan. Two horses that had been stolen from⁵ Ujjain had also come in that very village.

Iskandar Khan, resident of Othal came before Tahawwar Sh'ar and submitted that the thieves had stolen one sword⁵ from his house.

1. Akhbarat (Provincial) of 46th year of Aurangzeb;
cf. Mughal Administration Government And Administr
213.

2. Ibid.

3. Ibid. cf. Mughal Govt. & Adm.p.214.

4. Jaipur Akhbarat, 49th year.

5. Ibid.

Gopal Banjara petitioned that he suspected Bahar Ganesh, the muqaddam of the village Kakroh, to have stolen his horse. Tahawwar Sh'ar Ajab Singh, thanedar of Othal, took the muqaddam into custody and released him on bail. The muqaddam paid the price of the horse to the thanedar on the condition that he would get the price from the Banjara in case the horse were found from somewhere else. In the meanwhile the thanedar was transferred and another, Puran Mal Har Narain, came in his place. The muqaddam went in search of the horse and learnt that the horse had been found and the thief arrested by the hākim of the village Tal. He came back and reported the matter to the thanedar of Othal, who sent a letter to the hākim of Tal and requested him to send back the thief along with the horse. The hākim replied that he would send both provided he got the necessary receipt in advance under his own seal through his (tahnedar's) trusted man. Then he sent the thief and the horse along with the men who had brought the receipt. The thanedar cast the thief into prison.

Now Bahar Ganesh muqaddam submitted that Gopal Banjara had wrongly mentioned his name while the horse had been discovered from another village along with the thief. The Banjara was punished for giving wrong information. He was required to pay ten rupees to the muqaddam as the price of the horse which he had already paid to the thanedar. He had to pay Rs.15/- to the hākim of pargana Tal. In addition, he had to part with Rs.15/- for the purchase of cows etc. The muqaddam paid $\frac{1}{2}$ of Rs.15/- in the Government treasury.

In the same year as above (1706) Ranjhur Brāhmin of Othal submitted a detailed list of articles that the thieves had stolen from his house. Thanedar 'Ajab Singh assured him that he had already sent men in all directions in search of the thieves and would bring all the articles ~~from~~² them as soon as their clue was found.

1. Jaipur Akhbarat, 49th year.

2. Ibid.

It was perhaps the same Brāhmin (in another place his name is written Rujī) who went to a magician and asked him who had committed theft in his house. The magician mentioned the name of a certain cultivator of the town. The Brāhmin mentioned his name to the thanedar who sent for the cultivator and cast him into prison. There he remained for 12 days. Afterwards men of the town came and submitted to the thanedar that there was no proof of guilt against him in this connection. They suggested that they should be sent before the magician to ask him the proof of the theft. Accordingly they were sent before the magician. He replied that he had named him by mistake and he did not know who the thief was. They returned and mentioned the whole fact¹ to the thanedar. He released the cultivator on bail.

1. Jaipur Akhbarat, 49th year.

P U N I S H M E N T SMUSLIM LAW.ROBBERY.

According to Muslim theoretical law, if a man stole out of undoubted custody property worth ten dirhams, he incurred the penalty of amputation of hand. No distinction was made between slave and freeman with respect to the punishment of theft. If a group of men committed theft, and every of them got as his share property worth ten dirhams or more, the hands of all of them were to be cut off. But no penalty was incurred if the share of each was less than ten dirhams.

The charge of theft was established on the testimony of two witnesses or the confession of the culprit. The qazi was to examine the witnesses as to the manner, time and place of the theft; and when he was satisfied with the answer and the reliability of the witnesses, he was to award the punishment. The thief was to be held in confinement until the witnesses were fully examined. A person who had been robbed could not pardon the thief when sentence had been pronounced against him. In case the witnesses differed, their evidence was not to be accepted.

The owner had the right to slay a thief in self-defence or in an effort to retain his property when the latter took it out of his safe custody.

If two witnesses withdrew their evidence against a person whose hand had been cut off, and named another as the culprit, their new evidence was not to be accepted and they were required to pay blood money for having caused an innocent person to lose his hand.

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| 1. | Fatawa-i-Alamgiri, II, | 703. | |
| 2. | Ibid. | 704. | 9. Ibid. 710. |
| 3. | Ibid. | 705. | |
| 4. | Ibid. | | 10. Ibid. 711. |
| 5. | Ibid. | 708. | |
| 6. | Ibid. | | |
| 7. | Ibid. | 709. | |
| 8. | Ibid. | | |

No man could suffer punishment unless a certain number of persons gave evidence against him, or unless he himself pleaded guilty.¹

It was unlawful to slay a notorious thief if he was not caught stealing. He was to be arrested and brought before the qazi who was to imprison him until he repented.²

There was to be no amputation for articles such as wood and grass, fish and fowls, garden stuff and fruit on the trees,³ milk and meat, unreaped grain, guitar or tabor, or a crucifix.

The thief's right hand was to be cut off at the joint of the wrist; the stump was kept in hot oil or in fire to stop bleeding. For the second theft, the left foot was to be struck off and for any theft beyond that the thief was to suffer punishment. A magistrate could award death punishment on him if he so desired. Punishment could not be inflicted when the weather was too hot or too cold.⁴

HIGHWAY ROBBERY.

According to Muslim law, highwaymen, who intended to commit highway robbery, but were arrested before they seized any property or caused damage to life, were liable to ta'zir and imprisonment, till they repented. If they robbed and each got property equal to the value of nisab (i.e. ten dirhams), their right hands and left feet were cut off. In case they committed both robbery and murder, the magistrate could punish them in two ways. He could, if he liked, cut off their right hands and left feet, and then put them to death by the sword, or by crucifixion, or could kill them at once without inflicting amputation. Their bodies were to be publicly exposed for three days on a cross. If they committed murder and not robbery, they deserved death punishment. This was hadd (legal) punishment and the pardoning of the culprits by the heirs of the murdered carried no weight. If they robbed

1. Fatawa-i-Alamgiri, ii, 711-13.
 2. Ibid.
 3. Ibid.
 4. Ibid.

and wounded, their alternate hands and feet were to be cut off.¹ If ten highwaymen committed both robbery and murder, they were all to be put to death and they incurred the responsibility of the property robbed. Highway robbery was established by confession or if two witnesses bore² evidence.

MUGHAL LAW.

In 1672, Aurangzeb issued a farman which in some cases supplemented the Muslim theoretical law. In the Muslim law no punishment had been laid down for the theft of articles, the value of which did not reach the nisab (ten dirhams). Aurangzeb's farman laid down that if a man stole an article not worth ten dirhams, and for which he incurred no hadd or legal punishment, he, in the first instance, was to be chastised. In case of the repetition³ of the crime, he was, after ta'azir, to be kept in prison till he repented. If he committed theft again, he was to be sentenced to life imprisonment or was to be executed. The stolen property was to be restored to the owner, or deposited in the Bait-ul-mal.³ The accomplice of the

1. Fatawa-i-Alamgiri, ii, 728.

2. Ibid., ii, 729.

3. Aina-i-Gujrat, i, 167; cf. Sarkar's Mughal Administration, 123.

Sarkar's translation is slightly different from the text. The text reads *حسب سبب* meaning life, and not prolonged, imprisonment, as Sir J.N. Sarkar seems to have applied. Again, the text reads *بسیاست قتل رسانند*. It does not mean siasat and execution, as translated by Sarkar, but execution by way of siasat, i.e. punishment.

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thief deserved the same punishment. For cases incurring legal punishment, there was no deviation from the theoretical law. Hadd punishment was to be inflicted on a person who committed theft twice. For a third offence, the thief, after ta'azir, was to be kept in prison till he repented. The commission of any further crime made the offender suffer life imprisonment² or death punishment.

If a shroud-stealer was arrested, he was, after chastisement, to be released. If, however, he took it as a profession, the qazi and the court officials could, if they so decided, banish him or cut off his hand. The repetition of the crime condemned him to severe chastisement. But in case he still repeated the offence, he was to suffer imprisonment.³ The Fatawa-i-Alamgiri, on the other hand, is not in favour of the amputation of the hand so far as this crime is concerned.⁴

If a man robbed the property of another by setting fire to his house, or by rendering the inmates insensible through the administration of some intoxicants, he was, after severe chastisement, confined till repentance. If he repeated the offence, but showed penitence, he was to be released. In case, however, he still persisted in his crime, he was to be executed.⁵

The habitual malefactors who committed dacoity and did injury to life and property, were to receive death sentence.⁶

If a person robbed others by strangling them, he was, in case of first offence, chastised and confined till penitence.⁷ But if he was a habitual criminal, he was to be executed.

The Grasias and the zamindars of Gujrat were often guilty of robbing the people. It was laid down that if the death of such habitual robbers was required in the public interest, they were to be executed after proof.⁸

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1. Aina-i-Gujrat, 1, 167-68; cf. Mughal Administration, 124.
 2. Ibid.
 3. Ibid.
 4. Fatawa-i-Alamgiri, 11, 714.
 5. Aina-i-Gujrat, 1, 168; cf. Mughal Administration, 125-26.
 6. Ibid.
 7. Ibid.
 8. Ibid.

RECORDED CASES OF PUNISHMENTS IN MUGHAL INDIADEATH PUNISHMENTS.

When it was reported that Jamal-ud-din, son of Mahmud Barah, who had resorted to robbery, had taken refuge at Patan with his uncle, Sayyid Qasim, Khan Khanan, in obedience to Akbar's farman, demanded him from Sayyid Qasim, and sent him bound to Lahore. There he was hanged on a stake in the Royal Market and was shot at with arrows.¹

Jahangir ordered a band of one hundred robbers, brought in chains before him, to be carried away for execution and their chief to be torn to pieces by dogs. The prisoners were sent to various corners of the city and executed in the streets. Sir Thomas Roe bears testimony to the fact that the chief was torn to pieces by twelve dogs near his house. He adds, moreover, that the hands and feet of thirteen of his associates were held together and their necks and heads were cut by a sword, 'yet not quite through', and their naked and bloody bodies were left to corrupt in the streets.²

On another occasion Roe saw at a place six 'cosses to Ramsor' the naked bodies of one hundred men, who had been executed on account of robbery.³

Some thieves plundered the public treasury of the kotwali in 1616. After a few days seven of them were apprehended along with their chief, Namal. They received a fitting punishment, which could be nothing but execution. Jahangir ordered their chief to be trodden under the feet of an elephant. The Emperor granted his request to fight the formidable animal. Surprisingly enough Namal succeeded in driving back the animal. He was spared his life. He, however, made good his escape, and, when caught again, he was ordered by Jahangir to be hanged by the neck.⁴

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1. Badauni, Lowe, II, 356-57. Text, ii, 345.
 2. Roe in Kerr's Collection, op. cit. in Eliot & Dowson, VI, 506.
 3. Eliot & Dowson, VI, 510.
 4. Ibid., 346-47. Tuzk, Bev., I, 339-40. Text, i, 168.

According to Manucci, a thief, accused of committing theft in a serai, received capital punishment.¹

According to the same authority, Aurangzeb, after his coronation, ordered the heads of 500 thieves, probably lawfully convicted already, to be cut off. These executions took place in front of the mosque, called Qadma-i-Rasul.²

A gang of robbers waylaid a number of coolies who were carrying the silver cot of Bakar Khan, a Mughal officer. One of these thieves was arrested and produced before Bakar Khan. An order was given for the culprit to be trampled under the feet of a furious elephant.³

Fidai Khan, the Governor of the Punjab, issued orders for the execution of a powerful and notorious robber, Thika Arain. He also awarded capital punishment on 15 robbers, who had robbed a house at midnight. They were executed in front of that very house.⁴

According to Fryer, a gang of about 15 highwaymen was arrested. These men were accused of cunningly making the travellers dismount from their horses, and of strangling and robbing them. They lurked in narrow lanes as well. Aurangzeb sent an express order for their execution. They were condemned to be hanged and delivered to the kotwal, who led them to the execution ground. There was no sign of sorrow manifest on the face of any one of them. Instead, they were singing. They 'were advanced half a foot from the ground; and then cutting their legs off that the blood might flow from them, they left them miserable spectacles, hanging till they dropped of their own accord'.⁵

In 1668, one Sayyid and twenty Yusufzai Afghans were arrested for alleged gambling in the day in a rented house in the capital and committing theft at night. They had confessed that they had committed 24 thefts. Aurangzeb ordered that the 20 Afghans be awarded capital punishment.⁶

1. Manucci, i, 68. 2. Ibid., ii, 4. 3. Ibid.
 3. Peter Mundy, ii, 232-33. 4. Manucci, ii, 209.
 5. Fryer, i, 244.
 6. Jaipur Akhbarat, 10th year.

IMPRISONMENT.

In 1607, Jahangir encamped at the village Amrohi in the Punjab. In this village and the neighbourhood there were about 8,000 households of Khaturs and Dalzaks, notorious for mischief and oppression and highway robbery. Jahangir ordered that they should march all the Dalazaks to Lahore and capture the headmen of the Khaturs and keep them in prison.¹

The persons accused of stealing English goods in April 1623 at Nosari, were flogged at the orders of the local officer.² On their denial, they were committed to prison.

The Sayyid who was the accomplice of the 20 Afghan thieves in 1668, as quoted in the previous page, was sent to the fort of Ranthambor to be kept there as a prisoner.³

The forty Meos captured by Faujdar Fulad Khan in June, 1680, on the suspicion of robbery, were brought before the qazi where they confessed that they had gathered there to commit robbery. Aurangzeb ordered that they be kept in the fort of Alwar as prisoners.⁴

On 9th May, 1681, Multafat Khan, the Faujdar of Akbarabad, captured one of the robbers, who had committed robbery in the village of Birka, and put him in prison in the custody of Darogha of Mahalat.⁵

TRANSPORTATION AND ENSLAVEMENT.

Jahangir sent through Asaf Khan to Thomas Roe two boys caught on charge of theft, to be sold into slavery. Roe told the kotwal who had been sent to him by Asaf Khan along with the boys that he was prepared to pay for the boys on condition that they would be released by him and not kept as prisoners.⁶

According to Manucci, it was the practice of ShahJahan to sentence such criminals who did not deserve death punishment to transportation beyond the Indus, to be sold into slavery.⁷

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1. Tuzk, Bev., I, 100. Text, 1, 49.
 2. Eng- Fac. 1622-23, 222-23. 3. Jaipur Akhbarat, 10th yr.
 4. Jaipur Akhbarat, 23rd yr. 5. Ibid., 24th year.
 6. ~~Ibid.~~ The Embassy, 266-67.
 7. Manucci, I, 204.

MUTILATION.

When Jahangir entered the city of Ahmadabad in 1617, he was informed by the gardener there that a servant of Muqarrab Khan had cut down some Champa trees above the bench alongside the river (and thus carried them away). The Emperor made personal inquiry into the matter. The theft being established, he ordered both the thumbs of the culprit to be cut off 'as a warning to others'.¹

MUTILATION AND RETALIATION.

During that very time the kotwal of the city of Ahmadabad brought before Jahangir a thief who had committed many thefts before, and each time he was punished with the mutilation of a part of his body. Once they cut off his right hand, the second time the thumb of his left hand, the third time his left ear and fourth time they hamstrung him, and last time they cut off his nose. Even then he did not stop stealing and entered the house of a grass-seller in order to commit theft. The owner who was awake, succeeded in catching the thief. The latter, however, wounded the grass-cutter several times by his knife and killed him. The relatives of the deceased grass-cutter overpowered the culprit and brought him to the kotwal. Janahgir handed over the thief to the relatives of the victim in order to have retaliation on him.²

1. Tuzk, Text, 1, 216;
Beveridge, 1, 432.

2. Tuzk, Text, 1, 216;
Beveridge, 1, 433.

MEASURES AGAINST THE ROBBERS

In addition to the punishments as mentioned before, the Mughal Government used to take different measures against the robbers.

EXPEDITIONS.

One of the measures was sending expeditions against the robber gangs. These expeditions were commanded by the Emperor himself, by the Governor, the faujdar or the thanedar, as the occasion might require. Whenever the Mughal Government learnt that a certain part of the country was being ravaged by robbers or highwaymen, they sent armies to subdue them. In case the robbers were very powerful, large armies were sent against them. The military forces destroyed all their towns, seized their goods, made their wives and children into slaves. Sometime the heads of these robbers were made into minars. They were hanged on stakes, or by trees, roasted alive or beheaded. Armies were sent against those who forced custom from travellers. Their towns were burnt, men were massacred, women and children were sold as slaves.¹

In 1562, Akbar led a small expedition consisting of 200 horsemen and 200 elephants^{against}/Athgarha, eight villages, in the pargana of Saket. These villages were notorious for robbery and manslaughter. The immediate cause of attack was the slaughter by them of the son of a Brahmin Hapa and looting his property. These people fortified themselves in a village called Paronkh and offered a stubborn resistance. Then Akbar went ahead in person on the elephant Dilsankar and drove the elephant against the gate. The wall broke down and Akbar entered their dwelling followed by four other elephants. A large number of the people were killed. Many

1. Peter Mundy, ii, 73; 90; 110; 185; 234; Letters, xx, 26-27; Manucci, ii, 451; Thevenot, iii, 20; Eliot & Dowson, vii, 343; English Factories, 1646-50, 129; 1670-77, 255.

shut themselves into the house. In obedience to the royal command the house was broken and fire flung in. 'The breath of these ill-fated ones was converted into smoke. Nearly a thousand of them were sent to the abode of annihilation by the fire of the Divine anger.'

While on his way to Lahore during Jahangir's reign, William Finch (1603-11) had gone some distance from Delhi, he came across the Faujdar of Delhi with some two thousand horse and foot. They were in pursuit of robbers, who, following the false report of Jahangir's death, 'were abroad'. The faujdar burnt their towns and took them and theirs, whatever he could get².

When William Hawkins (1608-13) and his companions entered Panipat, they found at 'the entry' a minar with the heads of some hundred thieves 'newly taken', their bodies set on stakes a mile in length.

Jahangir issued a sanguinary order for the extirpation of the race of the Kolis who were notorious robbers living in the most inaccessible parts of Gujrat. A large number of them were slaughtered, and the rest hunted to their mountains and deserts⁴. Withington saw in 1613, 169 heads of such Kolis killed in battle by Nurulla Ibrahim, commander of 'Bollodo'.

In 1623, Jahangir ordered Khan Jahan to lead an expedition of mansabdars against the villagers and cultivators on the other side of the Jumna. These persons accused of robbery and highway robbery were ordered to be slaughtered, imprisoned and plundered; their strongholds and forts were to be razed to the ground. Next day the force crossed the Jumna and made an attack on them. After a hot engagement many of them were put to the sword, their womenfolk and children were taken prisoners, and their property was seized⁵.

1. Akbar Nama, Bev., ii, 251-55; Text, 163-65.

2. Early Travels, 143-44.

3. Ibid., 159.

4. Eliot & Dowson, vi, 504; Early Travels, 209.

5. Tuzk, Bev., ii, 285-86.

Text, ii, 384-85.

In March, 1680, Aurangzeb ordered Mukarram Khan to lead an expedition against the rebel zamindar who with a force of 250 persons had been responsible for robberies in the locality of Nagar. Mukarram Khan brought back on the same night (14th March) the heads of a few robbers whom he had killed. He also brought the camels that the robbers had carried away. The Emperor ordered that the camels be entrusted to Ihtimam Khan kotwal who, after inquiry, was to restore them to their owner.¹

In June of the same year Fulad Khan Faujdar led an expedition against the Meos who had collected near the serai of Ruhulla in order to commit robbery. He killed three of them and captured forty.²

In April, 1682, Khan Zaman, the Governor of Burhanpur, sent a force against the robbers who had committed robbery in the house of Braj Raj merchant.³

In November, Sheikh Abdulnabi, Thanedar of Ankola, and Barqandaz Khan rode on horseback and chased the robbers of the gang of Bhaku Banjara who had carried away camels belonging to the royal topkhana of Sheogaon and killed and wounded some cartamen. They brought back 125 oxen.⁴

On Oct. 17, 1684, Aurangzeb ordered that Tarbiat Khan, the faujdar of Jaunpur, Saghir Andesh Khan, faujdar of Lucknow, Tahawwar Khan, faujdar of Oudh, and Mohammad Khan Bijapuri, faujdar of Bharaich, should pool their resources, and kill or chastise the robber zamindar of Jahangirabad who had been committing robberies in the pargana of Alwar.⁵

Orders were issued from the royal court to Hanfi Khan on 19th January, 1685, to despatch a force to chastise the robbers who were troubling the travellers between Akbarabad and Himmat Nagar.⁶

1. Jaipur Akhbarat, 33rd year. 2. Ibid. 3. Ibid. 25th yr.
 4. Jaipur Akhbarat, 28th year. 5. Ibid., 28th year.
 6.. Ibid.

SPECIAL POWERS TO EXECUTIVE OFFICERS.

The second measure against the robbers was that the executive officers were given special powers to deal with them. Aurangzeb had supplemented the Muslim law by investing his officers with discretionary powers in cases uncovered by the law. He gave the governors and other executive officers the right of keeping in prison notorious offenders even when there were no specific cases against them at the moment. If a specific complaint was made against them, the case was transferred to the case of the qazi for proper decision.¹ Sometimes the demands of the Muslim law would make it possible for a malefactor to escape lawful conviction. Here Aurangzeb authorized his governors and the officers of the adalat to step into the breach and avoid 'miscarriage' of justice. They could demand his execution probably when they were convinced of his notoriously evil activities.²

RESPONSIBILITIES OF OFFICERS.

The executive officers had special duties and responsibilities as well in this connection.

THE GOVERNOR.

The governor was responsible for the robberies committed in his province. In case the offenders were not found, he was to make up the losses of the plundered persons.^{3 1} He would send expeditions against notorious robber gangs and chastise them.

FAUJDAR.

The faujdar was responsible for all the robberies that occurred in his jurisdiction. He was to supervise the roads and compensate the plundered travellers. He was to traverse⁴ the country along with his soldiers, and hunt out the robbers.

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1. Aina-i-Gujrat, 1, 168; cf. Sarkar's Mughal Administration, 125.
 2. Aina-i-Gujrat, 1, 167. cf. Mughal Adm., 124.
 3. Manucci, ii, 461-62; Marshal, 39; Eng. Factories, 1637-41, 61; 1656-60, 313; 1670-77, 255.
 4. Thevenot, iii, 35; English Factories, 1656 1665-67, 267-68.

KOTWAL.

The kotwal was an officer in the city and it was his duty to go about in the streets at night, accompanied by a guard of soldiers. He set guards in several places. If he discovered any man in the street or found a house-breaker, he would commit ¹ him to prison for some time. But if the culprit repeated the offence, he was flogged. The kotwal performed the round three times in the night. He was to be answerable for the thefts in his jurisdiction and was forced to make good the loss.

PUNISHMENTS OF OFFICERS.

In order to compel the executive officers to be diligent in the performance of their duties, the Mughal Emperors made them responsible for thefts and robberies and compelled them either to produce the culprits or to restore the stolen property. The officers who were negligent in their duties were awarded different punishments.

WARNING.

Aurangzeb was pained to learn that Feroz Jang, a military commander, had executed a man on the charge of highway robbery without adequate proof. The Emperor feared that he would not be able to support the Khan if the heirs of the slain person refused to accept the price of his blood and demanded retaliation. It was impossible to show mercy ² in the exercise of penal laws.

COMPENSATION.

As mentioned above in invariable cases the Emperor made the officer concerned compensate the loss of the sufferer. Once he compelled the faujdar of Agra, in whose jurisdiction a French envoy had been plundered and wounded, to pay the Frenchman more than Rs.15,000 as compensation. Besides, Aurangzeb granted the Frenchman an equal amount from the ³ royal treasury for his injuries.

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1. Fryer, i, 244; 246; Thevenot, iii, 19-20; Ovington, 137-38; Manucci, ii, 420-21; Tavernier, i, 447.
 2. Anecdotes, 84.
 3. Thevenot, iii, 35; English Factories, 1665-67, 267-68.

DISMISSAL.

Mubaraz Khan, the faujdar of Mathura, had joined a gang of robbers as a protest against his transfer. Aurangzeb ordered on 1st December, 1684, that Mubaraz Khan should be removed from his post, deprived of his rank and jagir.¹

Alah Dad, the faujdar of Ahirwari, who was involved in a dacoity case, was dismissed from his post on December 18, 1691.²

TRANSFER.

Letters were written on November 7, 1682, under orders of Aurangzeb, to Sayyid Bahadur, faujdar of Narwar and zamindar of Karetra, to explain why so many thefts had taken place in his jurisdiction. If he failed to take proper precautions, he would be punished by transfer.³

In the case of Bhaku Banjara, who, as mentioned above,^{4.41} had carried away cattle and oxen near Sheogaon in November, 1682, it was reported to Aurangzeb that Khandu Thanedar had not chased the dacoits and thus failed in the performance of his duty. The Emperor ordered that another thanedar should be suggested in his place.⁴

In February 1683 a report was sent to Aurangzeb that Sayyid Bahadur, the Faujdar of Narwar, had failed to stop dacoities between the capital and Shahjahanabad. As Bahar Singh Gaur, the Faujdar of Anuda, was performing his duty diligently, it was recommended that Debi Singh, son of Bahar Singh, should be appointed Faujdar of Narwar. It was expected that matters would improve that way. The recommendation was accepted by Aurangzeb and Debi Singh was appointed the Faujdar of Narwar.⁵

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1. Jaipur Akhbarat, 28th year.
 2. Ibid. , 35th year.
 3. Ibid. , 26th year.
 4. Ibid.
 5. Ibid. , 28th year.

CHAPTER III

M U R D E R

MURDER

In Mughal India murder was looked upon as crime primarily against another person. The right to demand justice lay with the heirs unless the murdered man was heirless. The punishment also depended upon the temper of the survivors. It could vary from execution¹ to payment of a varying amount of blood-money. Notice was taken of the circumstances under which the man came to commit the crime and punishment varied accordingly.

According to Muslim Law, *Katl* or *Jinayat 'l-nafas* is the act of a man whereby the life of a fellow human being is brought to a close. Homicide of which Muslim Law takes cognizance is of five kinds:-

1. *KATLU L-'AMD*;
2. *KATL SHIBU'L 'AMD*;
3. *KATLU 'L-KHATA*;
4. *KATL QA'IM MAQAM 'L-KHATA*;
5. *KATL BI-SABAB*.

1. *KATLU L-'AMD*. (قتل العمد) or wilful murder arose where the criminal intentionally killed a person with a weapon or something that served for a weapon, such as a club, a sharp stone, or fire. If one committed a wilful murder, one was a sinner and deserved hell; and, secondly, he was liable to retaliation. But retaliation lapsed if the heir or the next of kin either forgave or compounded for the offence. The Muslim Law admitted of no other expiation for wilful murder. The murderer cannot benefit by his crime and thus he loses his right of inheritance to the murdered person if such a right otherwise accrues.¹

With regard to the commission of homicide, Aurangzeb had ordered that when a murder had been proved against any man according to the Holy Law, or was close to certainty, the offender was to be kept in prison and a report of the fact² was to be made to the Emperor.

1. *Fatawa-i-Alamgiri*, IV, 503.

2. *Aina-i-Gujrat*, I, 170;
cf. Sarkar's *Mughal Administration*, 128-29.

The following are the cases where the perpetrators of wilful murder were punished in one way or another.

DEATH PUNISHMENTS

ADHAM KHAN ATKA VS. SHAMS-UD-DIN KHAN ATKA.

Adham Khan Atka was very envious of Khan-i-A'zam, Shams-ud-din Mohammad Khan Atka, the Prime Minister of India during Akbar's reign. Khan Khanan Mun'am Khan and Shahab-ud-din Ahmad were also jealous of the Prime Minister. They abetted and excited Adham Khan against him. On May 16, 1562, while Mun'am Khan, Shahab-ud-din Ahmad Khan and Shams-ud-din were sitting in the audience chamber engaged in the business of state, Adham Khan entered violently with a party of ruffians. Those present in the court rose up to show respect, Shams-ud-din half stood up. Adham Khan clapped his hand to his dagger in a threatening way and cast an angry look upon one of his associates, Khusham Uzbek. The latter took up the hint, drew his sword, and inflicted a terrible wound in the bosom of the Prime Minister. And, when Shams-ud-din rushed off towards the Emperor's apartments, he received two more sword-cuts and fell dead in the courtyard.

This cold-blooded murder of the Prime Minister shocked the Emperor, who, awakening from his slumber by the noise, learnt what had happened. Adham Khan, in the meantime, had come to the parapet which surrounded the palace on all sides about the height of a man and a half. The culprit fell at the feet of the Emperor and seized both his hands in a manner that the sword of Akbar fell on the ground. Akbar, however, gave such a fierce blow in his face with his fist that Adham Khan fell senseless. The Emperor ordered Farhat Khan and Sangram Hoshnak and others who were standing there to bind the culprit, and cast him headlong from the parapet. This, however, only half killed him. Akbar ordered them to drag him back by the hair and throw him down more carefully. This broke his neck and knocked out his brains.

Adham Khan undoubtedly deserved capital punishment,
ⁱⁿ yet it was given/a barbarous manner and in a fit of rage.¹

JUJHAR KHAN BAKSHI VS CHANGIZ KHAN.

Jujhar Khan Bakshi, one of the great and distinguished officers of Gujrat, slew Changiz Khan. The mother of the deceased lodged a complaint with the Emperor Akbar while, on his way to Gujrat in 1573, he happened to be at Bharonch. The Emperor ordered a thorough inquiry into the matter. The charge having been proved, and the accused having confessed his guilt, he was awarded capital punishment. He was thrown under the feet of an elephant named Manmil, in the presence of 'high and low'.²

WRESTLER VS KHWAJA ALAM.

The eunuch Khwaja Alam was a hard task-master and kept several wrestlers under him. He beat one of them with a stick. The wrestler, by way of revenge, killed the eunuch in 1582 with a dagger. The Emperor awarded the murderer capital punishment and he was executed.³

MULLA AHMAD VS MIRZA FULAD BEG BARLAS.

Mirza Fulad Beg Barlas was a bigoted Sunni and regarded the doctrines of Mulla Ahmad, a Shiah, with contempt, and was violently opposed to him in matters of religion. On the night of December 31, 1587, Mirza Fulad Beg managed to get Mulla Ahmad out of his house on some pretext. Then, with the help of a companion, attacked and fatally wounded him in a street of Lahore. Akbar appointed an inquiry committee, consisting of three eminent persons, Abul Fazl, the Khan Khanan, and Asaf Khan, to inquire and report. They were

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1. Badauni, Lowe, II, 49-50; Text, ii, 52-53.
 Tabaqat, De, II, 263, 264, 655; Text, ii, 158-59.
 Akbar Nama, Beveridge, II, 269-73; Text, 174-175.
 Elliot & Dowson, VI, 26-27.
 Farishta, III, 334-5. Text, i, 377.
 According to Farishta, he was murdered while reading the Quran.
 Khafi Khan, i, 161-62.
 2. Akbar Nama, Beveridge, III, 46; Text, iii, 32.
 Badauni, Lowe, II, 151; Text, ii, 147.
 Tabaqat, De, II, 389. Text, ii, 262.
 3. Akbar Nama, Bev., III, 515. Text, iii, 351.

able to ascertain the truth from Mulla Ahmad himself who retained some consciousness before he succumbed to injuries. On the submission of the report to the Emperor, he awarded the offenders capital punishment. The Mirza and his companion were bound to the foot of an elephant and dragged through the streets of Lahore, till they gave up the ghost.

A WIDOW'S DAUGHTER VS MUQARRAB KHAN'S MAN.

In 1610, a widow complained to the Emperor JAHANGIR that Muqarrab Khan, the Customs-Officer of Cambay and Surat, had taken her daughter by force in the port of Cambay, kept her in his house and later on declared that she had died of an unavoidable death. The Emperor ordered an inquiry as a result of which it was established that one of the attendants of Muqarrab Khan had been guilty of the outrage. He was² awarded death punishment by the Emperor.

MOTHER VS. PAHAR.

Pahar, the son of Gaznin Khan, was given the province and fort of Jalaur, the place of his ancestors. He fell upon evil ways and refused to listen to the advice of his own mother. Instead, he got fed up with her advice, and entered his house with some of his companions and killed his mother with his own hands. The matter was reported to Jahangir when he was camping in 1616 in the village of Deh Qazian in the neighbourhood of Ujjain. The Emperor summoned the murderer into the royal presence and ordered an inquiry. The case³ was proved against him and he was executed under royal orders.

ALI NAQI VS MURAD.

Prince Murad Baksh, the youngest son of ShahJahan, was guilty, while Governor of Gujrat in 1657, of wrongfully killing Ali Naqi, his revenue minister and chief counsellor. Four years later, at the instigation of Aurangzeb, the second son of Ali Naqi brought a charge against Prince Murad Baksh.

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1. Akbar Nama, Beveridge, III, 803-5; Text, iii, 527. Badauni, Lowe, II, 328; 376. Text, 319; 364-65.
 2. Tuzk, Beveridge, I, 172. Text, i, 84. Early Travels.
 3. Tuzk, Beveridge, I, 353. Text, i, 175.

He was sent to the fort of Gwalior where the Prince had been kept as a prisoner under orders of Aurangzeb. The Qazi made an inquiry into the charge. The charge having been established, the Qazi suggested to the complainant to accept blood-money. He refused and insisted on retaliation. As a matter of fact, he was demanding this at the Emperor's instigation who wanted to get rid of his brother. So on December 4, 1661, two slaves under the orders of the Qazi killed the Prince with two blows of their swords.

PORTUGUESE VS. HIS WIFE AND DAUGHTER.

A Portugese picked a quarrel with his country men, and, exasperated by their talk, went to his house and killed his wife and daughter. The relations of the woman petitioned the Court for his execution. The court was prepared to liberate the culprit if he accepted Islam. The Portugese refused to be converted and consequently was executed.

FARJAM BARLAS VS NEPHEW

Farjam Barlas, a faujdar in the service of Aurangzeb, broke the marriage bond between his daughter and his sister's son, due to the ill nature of his sister. The youngman, at the incitement of his mother, killed his uncle in the Diwan-i-Am in the presence of all. The case was brought before the Emperor who requested the kinsmen of the murdered person to give up their demand of retaliation. On their refusal to do so, the youngman was awarded capital punishment. He was executed in the presence of all and his body was entrusted to his mother who was waiting at the gate outside the fort.

SON OF QAZI CHAKLA HISAR.

The son of Qazi Chakla Hisar was accused of committing murder. Aurangzeb awarded him capital punishment and he was executed on July 20, 1667.

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1. Bernier, I, 122-23; Manucci, I, 240; 332-83; Eliot & Dowson, VII, 131-32; 267-67; Amil Salih quoted in Eliot & Dowson's ShahJahan published by Susil Gupta Ltd., p.140.
 2. Manucci, II, 452-53.
 3. Ma'asir-i-Alamgiri, 40.
 4. Jaipur Akhbarat, 10th year, July 20, 1667.

IMPRISONMENT

KHWAJA MU'AZZAM VS WIFE.

Khwaja Mu'azzam, Akbar's maternal uncle, was notorious for his wicked deeds. One day in 1564, the Khwaja's mother-in-law, Bibi Fatima, complained to Akbar that he was taking her daughter, Zohra Agha, to his pargana in order to put her to death there. The Emperor soothed her and assured her that while going a-hunting, he would pay a visit to the Khwaja's house and tender him good advice. The Emperor crossed the river by boat and sent two servants to the Khwaja's house in order to apprise him of his arrival. Upon this, the Khwaja lost his temper, rushed to the female apartments, drew his dagger and killed his wife, Zohra Agha, when she had just come from her bath and was dressing herself in the dressing room. Then he threw his sword out of the window to the place where the royal attendants were standing and shouted in a loud voice, 'I have shed her blood, go and tell'. The Emperor lost his temper and went in. The Khwaja was arrested by those standing. When the Emperor enquired from him as to the reason of his wicked deed, he began to utter delirious ravings. They silenced him by blows and kicks. They dragged him by the hair and kicking him, brought him to the river, and, under royal orders, dipped him in the river. He continued his ravings, and they kept on ducking him; but even the strong buffeting of the waves failed to kill him. The Emperor handed him over to Muqbil Khan to be taken to Gwalior and be imprisoned there. He died of a disordered brain.

KALIYAN VS OTHERS.

Kaliyan, the son of Raja Bikramajit, was accused of having kept a common Muslim woman in his house and for fear of being found out, having killed her father and mother and buried them in his house. The Emperor Jahangir ordered in 1607 an inquiry against him. After his crime was established

1. Akbar Nama, Bev., II, 334-37; Badauni, Lowe, II, 71; Tabaqat, II, 266-89.
 Text, ii, 216-19; Text " , ii, 71; Text, ii, 175-76.

it was ordered that his tongue be cut out and he be imprisoned for life. He was to be fed at the same mess¹ as the dog-keepers and sweepers.

BROTHERS VS MIRZA BADI-UZ-ZAMAN.

The half-brothers of Mirza Badi-uz-zaman, the son of Mirza Shah Rukh, the jagirdar of Patan in Gujrat, murdered Badi-uz-zaman one night. The matter was reported to Jahangir in 1623. They were summoned to the royal court; but the mother of the deceased Mirza did not demand retaliation. Jahangir ordered the murderers to be kept in prison for² the time being and the matter to be taken up again.

WARRIS MOHAMMAD VS MULLA.

Warris Mohammad Khan, a mansabdar of 900 rank and 500 horse, kept with him by way of giving him protection a certain Mulla. As the said mulla was subject to fits of insanity on occasions, he, at one time, attacked the Khan with a knife and killed him. Before the Khan succumbed to injuries, he gave out that as the mulla was not guilty of intentional murder, no body should hold him responsible for it, nor make any claims on him. Aurangzeb was informed of the incident while he was in Ajmer. He ordered on April 9, 1680, that the mulla be kept in prison.³ Under ordinary circumstances, the mulla might have been excused in accordance with the wishes of the victim; but as he was suffering from insanity, he could have proved dangerous to others. Hence, perhaps, this punishment.

MANIA VS SUNDER.

Kania was murdered by Sunder and the widow lodged a⁴ complaint against the accused. He was ordered to be imprisoned

1. Eliot & Dowson, VI, 314-15;
Tuzk, I, Bev., 104. Text, i, 51.

2. Tuzk, II, Bev, 259; Text, ii, 368.
Iqbal Nama, 140. Text, 204.

3. Jaipur Akhbarat, 23rd year.

4. Ibid., 46th year; cf. Sharma's Mughal Government
and Administration. 210

IMPRISONMENT AND DISMISSALIBRAHIM VS. KOLI'S DAUGHTER.

Ibrahim, a mansabdar in the army (under the command of Shahab-ud-din Khan), killed the daughter of a koli in Nasik. For this offence, the Khan cast him in prison. When the matter was brought to the notice of Aurangzeb in 1682,¹ he ordered that Ibrahim be dismissed.

C U S T O D YFAUJDAR VS. SAYYID WAFI MOHAMMAD.

On May 16, 1667, Sayyid Wafi Mohammad killed the faujdar of Lahore. Ibrahim Khan, the Governor of the province, sent the murderer to the court. Aurangzeb ordered that he be kept in the custody of Abid Khan. There is no further reference to the case.²

DIMINUTION OF RANKWIDOW'S DAUGHTER VS. MUQARRAB KHAN.

In this case as quoted above on page 66, the rank of Muqarrab Khan was reduced by one-half.³

HARJAS GAUR'S MEN VS. TAHSILDAR'S BROTHER.

Pargana Seomar in Ranthambor was in the possession of Harjas Gaur and Kesari Singh. The Tahsildar of the area confiscated the pargana. The men of Harjas Gaur quarrelled with the Tahsildar and killed on February 7, 1667, one of his brothers. Aurangzeb punished Harjas Gaur by diminution⁴ of his rank.

MUKAND PANDIT VS. GANGA RAM.

Mukand Pandit, the gumashta of Raja Jaswant Singh Bundela, murdered one Ganga Ram, servant of the Faujdar of Iraj, and appropriated his property. The Raja's rank was reduced by 500.⁵

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1. Jaipur Akhbarat, 25th year. 2. Ibid., 10th year.
 3. Tuzk, Text, 1, 84; Beveridge, 1, 172.
 4. Jaipur Akhbarat, 9th year.
 5. Ibid., 25th year.

CASES DECIDED ACCORDING TO SHARI'AT

The following are the cases where orders were issued in accordance with the Shara'. It means that choice was given to the kinsmen of the murdered persons either to demand retaliation or blood money or in some cases only minor punishment.

RAGHUNATH SINGH VS GRANDMOTHER AND AUNTS.

Raghunath Singh, the son of Saram Deo Sisidia of Mandalpur was guilty of inflicting wounds on his grandmother and two aunts who had appropriated the property of his deceased father in the village of Koraras, and of killing two persons. Man Singh, the faujdar of Mandal, sent his men who arrested the accused and reported the matter to the Emperor. Aurangzeb ordered on 21st December, 1682, that he be sent along with the property to Asad Khan and be punished according to Shara'.

SHEIKH ALA-UD-DIN VS MOTHER-IN-LAW.

Sheikh Ala-ud-din, the librarian at ShahJahanabad, sent one night for his mother-in-law to his own house on some pretext, and cut out her tongue, blinded her in one eye and wounded the other. He wound her in a piece of cloth, and asked his eunuch Mashub to throw her in the desert. The thaneda^y came to know of the case and reported it to the faujdar who took the accused into custody and sent the report of the matter to Aqil Khan, the collector. Aqil Khan reported the whole matter to the Emperor at the court. On 21st January, 1685, Aurangzeb sent orders to Aqil Khan that the accused be² deprived of his mansab and punished according to shari'at.

MOHAMMAD RAZA VS MOHAMMAD ZAMAN.

On October 4, 1691, it was reported to Aurangzeb that Mohammad Raza and others, nephews of Hakim Mohsan Khan, had killed one Mohammad Zaman by administering arsenic. It was³ ordered that they be punished according to shari'at.

1. Jaipur Akhbarat, 26th year.

2. Ibid., 28th year.

3. Ibid., Oct. 4, 1691.

CHATTA VS PIR MOHAMMAD.

The sons of Chatta petitioned the Qazi that Pir Mohammad had beaten their father to death. The accused was summoned and tried in accordance with the Muslim Law in 1703. When he pleaded not guilty, two witnesses were produced by the plaintiffs. The crime being thus established, the Qazi asked the complainants either to demand retaliation or blood-money. They demanded neither, but said that they would be satisfied if two of Pir Mohammad's companions were turned out of the fort. This was acceded to.

CASES WHERE INQUIRY WAS ORDERED BY THE EMPEROR

The following are the cases where the Emperor ordered an inquiry. There is no further reference to the case in the available records. It seems, however, that after the completion of the inquiry, the cases must have been decided in accordance with the Muslim Law.

A SLAVE VS A BIJAPURI

A slave who was accused of a crime was imprisoned in Bijapur. After a time he was excused and released. He, however, had taken the whole thing to heart and wreaked vengeance on a Bijapuri by putting an end to his life. Aurangzeb ordered on April 11, 1667, that the report be relied upon if it were confirmed.

A MANSABDAR VS A MURDERER

A mansabdar was killed by certain person. The Emperor on April 13, 1667, ordered Fulad Khan to make inquiries.

RAJA NARSINGH DAS VS HIS DIWAN'S SERVANT

Raja Narsingh Das had killed a servant of his diwan. According to the orders, the 'Amils produced the Raja in the Court. The Emperor Aurangzeb ordered Jundtulumk on the same date as above to make inquiries.

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1. Akhbarat, 46th year; cf. Mughal Govt & Administration, 210.
 2. Jaipur Akhbarat, 10th year, 11.4.1667.
 3. Ibid. " 13.4.1667.
 4. Ibid. " "

ROYAL PARDON OR SILENCE

MAHAM ANKA VS TWO MALWA BEAUTIES.

When Akbar was on his way from Sarangpur to Agra in 1561, he stayed at Patancor. There Adham Khan intrigued with his mother's servants who waited in the royal harem and spirited away two special beauties from the Emperor's enclosure out of Baz Bahadur's women. These two ladies had already been exhibited to the Emperor, who, on learning this, ordered a search to be made. Maham Anga got afraid of the fact that if they were introduced to the Emperor, it might bring trouble on her son. She therefore caused these innocent ladies to be put to death. As Maham Anga was ^{quite} very powerful, Akbar perhaps thought it wise to overlook the matter and not to punish the offenders.

MUSLIM SOLDIER VS CUSTOMS OFFICER.

We learn on the authority of Manucci that a customs official insisted on seeing the cart in which his wife was sitting. The soldier repeatedly tried to assure him that the cart contained no tobacco, and put the officer to death when he refused to believe him. Aurangzeb took ²compassion on the temper of the youngman and granted him pardon.

SUHRAB VS AHAD BEG.

Suhrab, the son of Barqandaz Khan, was attached to Badshah Quli Khan in the army of Prince Mohammad Akbar. He picked a quarrel with Ahad Beg on the way and killed him. As a result he was dismissed from service. Aurangzeb ordered on 27th September, 1680, that one mace-bearer should go and arrest and bring him to the Court. On January 16, 1681, Lutfulla Khan suggested to the Emperor that it was necessary to inflict death punishment on the accused. Prince Shah Alam who was present there held a brief for the accused and requeste^d

1. Akbar Nama, Beveridge, II, 221. *Text* 143. *Text*, ii, 143.

2. Manucci, II, 175.

the Emperor that as he was a useful man, pardon might be granted him. Aurangzeb pardoned the offence of the accused and ordered that he might be taken back in service.

ESCAPE FROM PUNISHMENT

ABUL FAZL VS BIR SINGH DEO

Jahangir himself describes with gusto how he got Abul Fazl murdered by Bir Singh Deo who at that time was engaged on a 'plundering expedition'. The murderer was promised favours and considerable rewards if he could kill Abul Fazl on his way to the court from the Deccan in 1602. Bir Singh Deo succeeded in his nefarious deed. Jahangir justifies his action, because, according to him, Abul Fazl had been standing between him and his father and had poisoned Akbar's mind against him.

This cold-blooded murder of his favourite minister and the court historian naturally shocked Akbar beyond mention. Orders were issued to inflict punishment on Bir Singh Deo. Forces were sent against him and they several times attacked his abode and plundered it; the culprit, however, escaped every time. The army of Abdur Rahman was re-inforced. Raj Singh shot many of his followers and wounded Bir Singh Deo, but every time he effected his escape. Jahangir, however, thought differently from his father and called Bir Singh Deo a 'simple-hearted and valorous man'. At the time of his accession, Jahangir rewarded the murderer of his father's minister by promoting him to the rank of 3,000.

SAIF KAHN'S SOLDIERS VS HIS DIWAN.

Saif Khan, the Governor of Allahabad, owed to his army three months' salary. The part of the money had come from his jagir. The Khan asked his Diwan to distribute salary out of the money available and give the rest later on. Upon this the soldiers killed the Diwan in 1682 along with 24 of his men and appropriated two lac of rupees and made good their escape.

1. Jaipur Akhbarat, 24th year.
2. Badauni, Love, II, 292-93; Akbarnama, Bev, III, 924
1135; 1217; 1220; 1223; 1225; De Laet, 166-68;
Eliot & Dowson, VI, 288-89, 442; 106-7; 113-14; Tuzk, I, 24-25, 20
3. Jaipur Akhbarat, 25th year. | 280.

F I N EMERCHANT VS WIFE.

A rich Muslim merchant slew his wife along with a baby when he found her in bed with her lover. For this crime only a fine excused him.

NO PUNISHMENT MENTIONEDMISRI VS BALRAM.

In 1592, Balram, the nephew of Raja Bhagwant Das, abused Misri, the elephant driver, in Banaras, while sitting on an elephant. Misri killed him with his dagger.

THIEF VS KOTWAL

In 1599, Khairulla Khan, the kotwal of Lahore, sent for a noted thief from prison in order to examine him in his private room. The thief brought with him his companions, too. They sent out his servants, perhaps, on the pretext of supplying information, and killed Malik Khairulla and his son.

ACTUAL AMOUNT OF BLOOD MONEYAN ENGLISH MAN VS PAHALWAN SAFED'S MEN.

The East India Company claimed 560½ Mahmudis from the Mughal Government for the life of an Englishman who had been killed by the men of Pahalwan Safed. This sum was ' accordinge to the rate which wee paid in Surat for the like fact donn by one of our own people.'

RETALIATION ON THE SPOTCUSTOMS OFFICER VS RAJPUT SOLDIER

A customs officer of Surat during SHAHJAHAN'S reign excited the fury of a Rajput soldier by demanding from him custom on some pieces of calico, and abusing him on his

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| 1. Fryer, I, 245. | |
| 2. Akbar Nama, Beveridge, III, 924. | Text, iii, 605. |
| 3. Ibid., 1135. | Text, iii, 759. |
| 4. English Factories, 284. | |

refusal to do so. The soldier attacked ^{him} /fatally, though he
himself was hacked to pieces by the attendants.

TWO HINDU RAJAS VS COURT OFFICIAL

Two Hindu rajas came to the Court to pay their respects to Emperor ShahJahan. The Grandmaster of the Emperor's household told one of them that he was unaware of the court etiquettes. The raja considered this as an insult and slew ² the official. They were killed on the spot by the attendants.

A PATHAN VS SOLDIERS.

A tailor in the service of a Pathan was compelled by soldiers to postpone the Pathan's work and give priority to that of their officer. One of the soldiers grew excited and slew the Pathan's brother. The Pathan lost his temper and killed the members of his family. Then, assisted by the tailor, he indulged in an open fight with the soldiers and ³ killed many of them. They also received mortal wounds.

A HINDU RAJA VS AN OFFICIAL.

Manucci records the story of a Hindu raja who stabbed a high officer of ShahJahan in the court, and, subsequently ⁴ was himself cut to pieces.

A RAJPUT VS AN OFFICER.

According to Peter Mundy, a Rajput, before he himself was slain, put to death a Mughal officer and some of his companions, when under the orders of ShahJahan they tried ⁵ to demolish a temple.

ACCOMPLICE OF THE MURDERER

MUN'AM KHAN AND SHAHAB-UD-DIN VS SHAMS-UD-DIN

Mun'am Khan and Shahab-ud-din Mohammad Khan, accomplices in the murder of Prime Minister Shams-ud-din, recoiled before the wrath of Akbar and took to flight. Mun'am Khan was arrested in pargana Surat and sent to the Court. The ⁶ Emperor pardoned both of them.

1. Tavernier, II, 251-52.
3. Fryer, I, 242-43.
5. Peter Mundy, II, 178.

2. Ibid., 219-20.
4. Manucci, I, 207-8.
6. Akbar Nama, Bev, II, 269-73;
Farishta, II, 335;
Eliot & Dowson, VI, 28.

II. KATL SHIB'L 'AND.

قتل شبه العمد

When the perpetrator struck a man with something that was neither a weapon nor served as such, came under the category of this crime. It was held that this was sinful and required expiation. Expiation consisted in freeing a Muslim slave-girl, or in fasting two months successively. A fine was to be paid with camels only.¹ We do not come across any case under this heading.

III. KATLU 'L-KHATA.

قتل الخطأ

or homicide with misadventure was of two kinds : error in intention and error in act. Error in intention was where the mistake occurred with respect to the subject, as where a person aimed an arrow at a man supposing him to be game; or at a Muslim supposing him to be a hostile infidel; error in the act, on the other hand, was where a person shot an arrow at a mark and it hit a man. The homicide with misadventure required expiation and diya; and the slayer was excluded from inheriting the property of the slain.²

A group of young boys was busy at the play, 'King and Wazir'. The 'King' ordered that the 'thieves' be beaten. The 'Kotwal' gave blows to the 'thieves' so severely that they died on the spot.³

(قتل قائم مقام الخ)

IV. KATL QA'IM MAQAM'L KHATA or homicide of a similar nature by misadventure was, where a person turning sides in sleep fell upon another, so as to kill him by the fall. The same rules applied to it as to homicide by misadventure.⁴

V. KATL BI-SABAB (قتل بسبب) or homicide by misadventure intermediate cause was where, for example, a man dug a well on the highway or set up a stone and another fell into the well or over the stone, and died. In this case blood money must be paid.⁵

1. Fatawa-i-Alamgiri, IV, 503.

2. Ibid.

3. Ma'asir-i-Alamgiri, 26-27.

4. Fatawa-i-Alamgiri, IV, 504.

5. Ibid.

If a man caused premature birth of a still-born child by striking the stomach of a pregnant woman, the offender had to give the woman a slave or a slave girl or a horse worth 500 dirhams. If the woman lost her life along with the child, the offender was liable to pay the blood-money¹ for the death of the woman as well.

If a man built a wall which was not straight and it fell so as to kill somebody or to destroy the property of some one, the owner was to be held responsible.²

If the quadruped, on which a person was sitting, trampled another person under foot, the rider was to incur diya and expiation and he was to lose his right to inheritance.³

If a slave committed an offence which incurred diya, the possessor of the slave was either to lose the slave or give 'arsh.⁴

A person who killed a slave by misadventure, was to pay the price of the slave.⁵

RETALIATION AND COMPENSATION

In cases of murder a free man was to be slain for a free man and a slave for a slave, a man for a man and woman for a woman. An infidel was to be slain for the murder of a Muslim, a zimmi for a zimmi and a Muslim for a zimmi. Even if a zimmi turned Muslim after putting a zimmi to death, he was to be murdered in retaliation. An adult was to be slain for an infant and a sound person for one who was infirm, blind, lame, insane or dismembered. A son was slain for the

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| 1. | Fatawa-i-Alamgiri, IV, | 554. |
| 2. | Ibid., | 556. |
| 3. | Ibid., | 577. |
| 4. | Ibid., | 585. |
| 5. | Ibid., | 620. |

murder of a father and mother, but a father and mother were not to be slain for the murder of their child. A master was not to be slain for his slave, and retaliation was not incurred if one of the two partners in a slave killed such a slave. Retaliation was to be executed with a sword or a weapon like a sword.¹

There was no retaliation for a man guilty of strangling another person; but if the strangler was a habitual offender, he must be executed.² According to a farman of Aurangzeb, a person suspected of this crime, was to be kept in prison. In case a specific charge was brought against him, he was to be tried in the court of a qazi.³

If a man immersed another person into water from which escape was impossible, retaliation, according to Abu Hanifa, was not incurred. His two disciples, however, maintained otherwise.⁴ Aurangzeb had ordered that a man who killed another by drowning^{him} into water was to be chastised and imprisoned and diya or exculpatory fine was to be charged from him. In case of the repetition of the offence, strict siasat was to be done to him.⁵

There was no retaliation for compelling a man to take poison, but diya must be paid.⁶ Poisoning was not uncommon in Mughal India. The cases of suspected poisoning, however, that we come across during our study of the contemporary authorities fail to inform us of the punishment for the crime.

DIYA.

Retaliation could be commuted for by a sum of money, called diya. Diya could be paid to the heirs to the murdered person in place of retaliation. Diya for murder was to be paid for by a hundred camels or a thousand dinars or ten

1. Fatawa-i-Alamgiri, IV, 504-6. 2. Ibid., 507
 3. Aina-i-Gujrat, I, 168. cf. Sarkar's Mughal Administration
 4. Fatawa-i-Alamgiri, IV, 507. 125
 5. Aina-i-Gujrat I, 170. cf. The farman as translated in
 Mughal Admn. 127-28.
 6. Fatawa-i-Alamgiri, IV, 508 7. Ibid.

thousand dirhams according to Abu Hanifa. The same diya held good in case of a Muslim, a zimmi and a hostile infidel who took refuge in a Muslim country.¹

Any one who was the rightful heir of the property of the murdered person had the right to demand retaliation. Where there were more than one heir, no one had the right of retaliation unless all heirs agreed. In case of wilful murder the only heir of the murdered person could slay the murderer with sword, whether the qazi ordered it or not. A mad man could kill the slayer of his son in retaliation or compound with him, but he could not excuse him. If the right of retaliation was shared by a major person and a minor person, the major could exercise it according to Abu Hanifa, but his two disciples disagreed with him.² There was difference of opinion as to who would exercise the right of retaliation in case all the heirs of the murdered man were minors. Some viewed that the right would accrue to the Sultan while others held that one or all the heirs should be allowed to grow major. The right of retaliation went to the king and the qazi, if the murdered person was heirless. If a slave, who was the property of two or three persons, was killed, the right of retaliation would belong not to one but to all of them.³

Retaliation lapsed if the murderer and the heirs of the murdered person composed among themselves for a certain amount of money. The right agreement should be for an amount less than 100 camels, 1,000 dinars, and 10,000 dirhams. There was no retaliation if husband, mother or grandmother of the murdered person forgave the murderer. If one out of the two heirs forgave the murderer, the other would get diya from the property of the slayer within three years.

1. Fatawa-i-Alamgiri, IV, 537.

2. Ibid.

3. Ibid. 511-12.

If an heir pardoned one out of the two murderers, he could¹ slay the other in retaliation.

There was neither retaliation nor diya if a person invited another to kill himself. Retaliation was inflicted if A asked B to kill his (A's) minor son and if a person asked another to kill his brother; in these cases the murderer² incurred retaliation. If a boy lost his life by falling from roof or in water, his parents were to incur expiation in case the boy could not protect himself³. If a father caused the death of his son by punishing him for reformation and a husband killed his wife in the same manner, and a teacher his pupil, the father and the husband both incurred⁴ expiation and diya and the teacher only expiation.

1. Fatawa-i-Alamgiri, IV, 531-32.

2. Ibid., 546.

3. Ibid. 552.

4. Ibid. 553.

CHAPTER IV

RELIGIOUS CRIMES

RELIGIOUS CRIMES

Akbar secularized the Muslim state and in doing so he destroyed many of the religious crimes. Jahangir brought about some modification in this system. ShahJahan, however, introduced several changes making many acts criminal again. Aurangzeb tried to govern entirely in accordance with the advice of the theologians and restored the entire Muslim penal code in the religious sphere.

We shall take up the subject under the following sub-heads:-

1. Drinking And Sale Of Liquors.
2. Gambling.
3. Prostitution.
4. Fallacious Writings.
5. Blasphemy.
6. Heresy.
7. Marriages.
8. Slaughter Of Animals.
9. Conversions From Islam.
10. Sati.
11. Forbidden Hindu Practices.

DRINKING AND SALE OF LIQUORS

Drinking of wine is forbidden in the Quran. In case a Muslim drinks wine and is seized while his breath yet smells of wine, or is brought before the qazi while intoxicated, and two witnesses give evidence that he had drunk wine, scourging is to be inflicted. The punishment is eighty¹ lashes for a free man, and forty lashes for a slave. According to Ma'alim-Al-Qarba the punishment was forty stripes for a free man and twenty stripes for a slave.² Before awarding the punishment it was necessary to establish the offence. If a man smelled of wine and did not confess his guilt, or two witnesses did not give evidence, he was not to be³ punished.

The Muslim law provides no penalty for the sale of wine. Aurangzeb, however, supplemented the Muslim law by providing penalty for this offence. For the first offence a wine-seller was to be severely whipped. The repetition of the offence condemned him, after chastisement, to imprisonment till he repented. Severe whipping was to be inflicted on a distiller in the service of a wine merchant and the⁴ merchant was to be reprimanded.

The habit of drinking wine seems to be prevalent in Mughal India and all the four monarchs took steps to bring it under control and even to stop it. Akbar was anxious to bring the drinking of wine under control. In 1593 (990 A.H.) he issued an ordinance that wine could be taken only on medical grounds and on the advice of the physician. He did not prohibit the drinking of wine as such, but laid down that severe punishment would be meted out to those who indulged in excessive 'drinking, carousals and disorderly

1. Hughes' Dictionary of Islam, 670.

2. Ma'alim-Al-Qarba, 11.

3. Ibid. ; Fatawa-i-Alamgiri, 11, 688.

4. Aina-i-Gujrat, 1, 169-70, Mughal Administration, 127.

Conduct'. In order to control the drinking of wine, Akbar ordered a wine shop to be set up near the palace. The porter's wife was placed in charge of this shop; she belonged by birth to a class of wine sellers.¹

JAHANGIR in the first year of his reign forbade the drinking, manufacture and sale of every sort of intoxicating liquor. The Emperor himself was a hard drinker and according to his own account, took as many as twenty cups of double-distilled liquor in the early years of his reign which he could reduce to five or six cups only after seven years.²

According to Badauni, Akbar did not meet with success in his policy to control wine drinking. For Jahangir, who could not give up drinking himself, success was not easy. At one time Jahangir issued an order that none of his officers should come into his presence 'smelling of liquor'. William Hawkins, the English merchant, who was much addicted to this habit, offended against the regulation. He was publicly insulted by Jahangir and forbidden to sit in the place that was meant for him near the Emperor.³ In 1609, Jahangir forbade the use of bhang, buza (rice-spirit) as they were injurious to health, and stopped their sale in the market.⁴ In the 12th year he stopped the use of tobacco.

In the sixth year of his reign, SHAHJAHAN issued an order prohibiting the sale, public or private, of wine. In the previous reign the law had confined itself only to public sales, now it was extended to private sales as well.⁵ The Christians, however, formed an exception as they retained the right of manufacturing drinks for their own use.⁶

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1. Badauni, ii, Lowe, 302; 310-12. 311-12; Text, ii, 302.
 2. Tuzk, Bev. i, 8~~xxx~~. Text, 5, 76.
Eliot & Dowson, VI, 284-86.
cf. Religious Policy, 84.
 3. Early Travels, 67.
 4. Tuzk, Text, i, 76; Bev., i, 157; Eliot & Dowson, v, 351.
 5. Qazvini, 405;
cf. Religious Policy, 111.
 6. Manucci, i, 140;
cf. Religious Policy, 111.

AURANGZEB made strict rules against the manufacture, use and sale of wine. It was prohibited to use wines brought from Persia or any other place. Restraint was placed on the use and sale of beverages like bhang, toddy and opium. The Christians, however, were allowed to prepare spirits for their own consumption. They could use strong drugs according to their religious practices. Aurangzeb ordered all the Christians, with the exception of physicians and surgeons, to leave the imperial capital. They were to remove themselves to a place at a distance of one league from the city. There they could prepare and drink wine, but were not permitted to sell it.

Aurangzeb was anxious to make his prohibition scheme a real success. For this he made several provisions. The Chief Muhtasib and the large body of subordinate censors under him were required to explain to the people the harm done by the use of the intoxicants. If they found arguments of no avail, they could use force. In that case the censors could break the pots and pans in which these beverages and liquor were found. They were required to prohibit the use of wine even in the camps of the mansabdars. The bazars where these mansabdars purchased wine, were to be abolished. To guard against the Christians selling wine sentinels were kept over them. By a royal command the provincial governors were required to render all possible assistance to the censors. Books, such as the *Diwan-i-Hafiz*, serving as incentives to the use of wine, were proscribed in the schools.

All these precautions, however, were not destined to guarantee success. Innumerable references to the infringement of these rules have come down to us. If we believe Manucci's statement, every person in the kingdom, with the only exception of Aurangzeb himself, was addicted to

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1. Ovington, 140; Tavernier, ii, 249; Manucci, ii, 6-7; Letters, No. 90; Aina-i-Gujrat, i, 149; Religious Policy, 122.
 2. Manucci, ii, 6; cf. Religious Policy, 122.
 3. Manucci, ii, 7; Ma'asir-i-Alamgiri, 385; Aina-i-Gujrat, i, 148-49; Khafi Khan, ii, 8; Kazim, 391-92.
 4. Religious Policy, 122; 5. Ibid. 6. Ibid.

the use of wine. Although according to the Muslim law, non-Muslims were not to be punished for drinking intoxicating liquors, Aurangzeb had extended the law to them also. The Christians who formed an exception, were permitted the use, though not the sale, of wine. They, however, frequently infringed the law and engaged in the sale of the prohibited spirits. They knew that it was easy for them to make money by supplying to those who could not do without it. For this they resorted to numberless expedients and sold it on the sly. The Muhtasib had to face practical difficulties in the performance of his duties, as the opposition came from the ministers themselves who 'loved to be drunk'.

When Prince Shah Alam was in Kabul, an army general complained against the misbehaviour of a commander of 500 horse. The Prince had just finished off several bottles of the Kabul wine, and, in this condition of drunkenness, issued an order for the punishment of the said commander. He, however, had to repent later on.

Shah Alam's sons were also addicted to the vice. Once Manucci sent a bottle of wine to Sultan Muizz-ud-din. A spy reported the whole affair to Aurangzeb. It was with a great difficulty that the Prince extricated himself from the difficult position and on the plea that the wine was to be used a medicine for a sick lady.

Like all other Princes, Sultan Mohammad A'zam also took wine secretly. The reports about his misbehaviour reached Aurangzeb, who, out of affection for the Prince, usually overlooked them.

The news-writers of the province of Gujrat informed the Emperor that Mohammad Amin Khan, the governor, held the court while in his cups. The Emperor considered it scandalous.

1. Manucci, ii, 6-7; Fatawa-i-Alangiri, ii, 687; Ma'alim-Al-Qarba, 12. 2. Manucci, ii, 7. 3. Ibid, iii, 254.
4. Ibid., ii, 393-94. 5. Ibid. 6. Anecdotes, 120.

Manucci narrates the story of twelve officials who emptied cups of wine and enjoyed the company of women in the Dilkusha garden at Lahore.¹

Aurangzeb got enraged to learn that a reporter, Hidayat Keesh by name, had the temerity to adopt an insulting behaviour towards a deceased saint. He had gone to his tomb in a state of intoxication. He was ordered to be brought in chains in the Emperor's presence.²

Complaints reached the Emperor about some mansabdars who infringed the prohibition rules by the purchase and use of wine.³

Some time reports would disturb the royal mind about a whole army exceeding the bounds of decency by indulging in wine.⁴

Different types of punishment were inflicted on those who infringed the rules. The police raided his house and put fetters on him. With the still hung round his neck and receiving constant showers of blows in the way he was brought before the kotwal. He was hurled into prison where he had to remain for many months. He was released after he had received a good deal of thrashing and paid a heavy fine.⁵

For the offence a mansabdar could be transferred or degraded.⁶ Some mansabdars who were charged with the offence of purchasing wine from the Bazar-i-Mansabdaran, were ordered to remove their tents to the neighbourhood of the imperial bazar.⁷⁸

Aurangzeb got enraged at the door-keepers of the apartment of a concubine. They were guilty of allowing wine to pass into her room. They were ordered to be bastinadoed.⁹

Prince A'zam, when charged at a time with the offence of drinking wine, was locked up and remained in prison for a year.¹⁰

1. Manucci, ii, 463-64. 2. Letters, No. lxxi, 69-70.
 3. Religious Policy, 121-22. 4. Khafi Khan, ii, 220.
 5. Manucci, ii, 6. 6. Khafi Khan, ii, 6. 7. News I
 May 6, 1702; c.f. Religious Policy, 121. 8. News I
 28 Feb. 1703; Religious Policy, 122. 9. Manuc
 10. Manucci, ii, 393-94.

GAMBLING

During the reign of Akbar, gambling was much prevalent in India. Akbar never tried to abolish the practice, but he brought it under state control.¹ On the other hand, Jahangir ordered the complete abolition of gambling in the state.² Aurangzeb ordered that if, after proper inquiries, a charge of gambling was proved against a person, he was to be chastised. In case he took it as a profession, he was, after proper chastisement, to be imprisoned, till he repented. If he still repeated the crime, he was to be given life imprisonment. The property thus obtained, was to be restored to the owner or to be kept in trust.³

Aurangzeb was aggrieved to learn that the son of the Superintendent of the Palace of Mohammad A'zam had taken to gambling. The Prince was reprimanded for showing indifference and carelessness. The Emperor ordered him to appoint news-writers to give correct information.⁴

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1. Badauni, ii, Text, 338. cf. Religious Policy, 32.
 2. Tuzk, Text, i, 76; Beveridge, i, 157. cf. Religious Policy, 84.
 3. Aina-i-Gujrat, i, 169. cf. Religious Policy, 124.
 4. Letters, 37.

PROSTITUTION

Like drinking and gambling, Akbar tried to control the vice of prostitution also. Badauni informs us that the prostitutes of the imperial dominions had gathered in the capital in such swarms as to defy counting or numbering. Akbar set apart separate quarters for them outside the city, called Shaitanpura. A staff of officers consisting of a keeper, a Deputy and a Secretary was appointed there. Any one who wanted to associate himself with these people or to take them home, had to give his name or address. According to Badauni, although there were many rules and regulations to control prostitution, it could not be controlled. Akbar would sometime call some of the prostitutes into his presence and ask the name of officers who had visited them. Many a time a number of imperial officers were reprimanded and imprisoned in this connection. Aurangzeb proclaimed an ordinance that prostitutes and dancing girls should either marry or leave the kingdom.² In 1665, he issued orders for the suppression of prostitution.³ These orders do not seem to have served their purpose as in 1679 Ovington found in Surat a large number of prostitutes and dancing girls.⁴

FALLACIOUS WRITINGS.

It was considered a crime to indulge in any sort of fallacious writing. Qazi Mir, who had been the chief minister and chancellor of Shah 'Alam, and was renowned for learning, wrote a book with pre-Christian views. Aurangzeb took serious objection to it. The Chief Qazi, however, did not see eye to eye with the Emperor on this point and refused to pronounce death sentence on him. He was imprisoned in Asirgarh fort and later on executed. Yet another person was executed for a similar offence.⁵

1. Badauni, Lowe, ii, 310-12; Text, ii, 302; 380. 2. Manucci, ii, 9. Rel. Policy, 123. 3. C. 35; Maasir, 385. Aina-i-Gujrat, i, 156. 4. Ovington, 153. 5. Manucci. iv. 318-21.

BLASPHEMY

The literal meaning of blasphemy is to hide (the truth).
'It included a denial of any of the essential principles of
Islam'. A Muslim convicted of this crime was sentenced to
death in Muslim countries.¹

In Mughal India, particularly in the reigns of SHAHJAHAN
and AURANGZEB the punishment was extended to non-Muslims as
well. During ShahJahan's reign, a Hindu who was charged with
the offence of using disrespectful language towards the Quran,
was awarded death punishment. Another Hindu, alleged to have
uttered abusive words about the Prophet, also received death
punishment.²

During Aurangzeb's reign, a man charged with this crime,
could receive any serious, including death, punishment.³ Some-
time A Muslim could intimidate and silence a Hindu merchant
that in case the latter persisted in his demands of debt, he
would level the charge of blasphemy against him. If the
merchant refused to be cowed down and to forgo his debt,
the other fellow could charge him with the crime, and the
qazi could force him to be circumcised and converted.⁴

Husain Malik, a Shia', earned death punishment for using
disrespectful language towards the Companions of the Prophet.⁵

Diwan Mohammad Tahir was beheaded for uttering abusive
words about the first three Caliphs.⁶

'Ali Sirhindi, when asked to give up the habit of drink-
ing, gave out that he stood on an equal footing with the
angels in this respect. He was executed for this language.⁷

The son of a learned man of Sialkot forsook his father's
house and took the garb of an ascetic to preach the gospel of

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1. Hughes' Dictionary Of Islam, 42.
 2. Religious Policy, 111.
 3. Manucci, II, 409.
 4. English Factories, 1665-67, 284.
 5. Tarikh-i-Kashmir, 165; cf. Religious Policy, 126.
 6. Ma'asir-i-Alamgiri, 120; cf. Religious Policy, 127.
 7. Tarikh-i-Kashmir, 166; cf. Religious Policy, 127.

Christ, and started attacking the Quran. He reached Ahmadabad in 1699 and started discussions with the Qazi of the place. He extolled the Christian Gospels and decried what the Prophet had enjoined. The Qazi grew furious and gave the youngman a good thrashing. He, however, refused to be intimidated and continued his attacks. He was ordered to be thrown into prison. For full forty days questions were put to him followed by bright promises and honeyed words. Adament as he remained, thrashing was administered to him almost every day. In the end he was¹ beheaded.

1. Manucci, iv, 120-21.

H E R E S Y

Heresy was also considered a crime. It was reported to Jahangir that soon after his accession, Sheikh Ibrahim had set himself up as a religious leader in the pargana of Lahor. A large number of Afghans had gathered round him as his followers. He was ordered to be brought before the Emperor. As he could not satisfy him, he was entrusted to Parvez¹ to be imprisoned in the fortress of Chunar.

Jahangir ordered Qazi Nurullah to be flogged to death² on the charge of being an effective Shi'a writer.

Jahangir learnt that Kaukab, son of Qamar Khan, had become intimate with a Sanyasi and had made his cousins, Abdul Latif and Sharif, 'partners' in that sin. Kaukab and Sharif were ordered to be flogged and imprisoned and Abdul³ Latif received one hundred lashes in the presence of Jahangir.

During SHAHJAHAN'S reign, when Aurangzeb was the Viceroy of Gujrat, one Sayyid Raju was accused of giving expression to heretical views. He was ordered to be expelled from Ahmadabad. Officers were sent to hasten his departure. As he⁴ offered opposition, he was subsequently killed.

A person who instigated others to innovations in religion, was an enemy of orthodox Islam. Aurangzeb ordered that if through the teachings of such a man there was the possibility of the spread of heresy, he was to suffer⁵ capital punishment.

Dara, in reality the political opponent of Aurangzeb, was executed on the excuse that he held heretical views. He considered the Vedas as the revealed books, had translated the Upanishads, adopted the Hindu epithet for God i.e. Prabhu and had abandoned the Muslim religious obligations such as⁶ prayer and fasting as imposed by Islam.

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1. Tuzk, Bev., 1, 77; Text, 37.
 2. Religious Policy, 80.
 3. Tuzk, Bev., 1, 171. Text, 1, 83.
 4. Aina-i-Gujrat, 1, 132-33.
 5. Ibid., 1, 170.
 6. Eliot and Dowson, vii, 179; 246.

Aurangzeb became angry when an illiterate Dervish spoke against charity. The Emperor wrote to Asad Khan to demand from the fakir an explanation for this. If he failed to make a proper answer, he was to receive the punishment due to a heretic.¹

A fakir who claimed himself to be God, was beheaded² in 1694.

Sarmad, the famous Sufi fakir, who had commanded the respect of Dara, was asked through the Chief Qazi the reason of his nudity. His answer offended the qazi. He was ordered to present himself at the royal court and repeat whole of the Muslim creed. The mulladom was enraged to hear from his own lips that there was no God. He declared that beyond that he knew nothing. For this he was condemned to death³ and died as a martyr.

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1. Letters, No. cvii, 106-7.
 2. Religious Policy, 126.
 3. Ibid. , 127-28.

MARRIAGES.

Akbar promulgated orders regarding marriages as well. In 1583, it was laid down that no one was to marry one's cousin or near relation. The marriageable age of boys was fixed at sixteen and that of the girls at fourteen.

Five years later it was laid down that ^{a man} people were not to have more than one legal wife, unless he was childless. Widows were permitted to remarry.

Still seven years afterwards in 1595, Akbar issued an order that if a woman was older than her husband by twelve years, he should leave her.

No son or daughter of the common people was to be married unless they had gone to the office of the Chief of the Police, and had been seen by his agents and the correct age of both the parties was investigated.

These laws regulating marriage were not in accordance with the Islamic law. It does not seem that any effort was made to enforce them seriously. Nor do we come across any punishment meted out to those who infringed them.

If a young woman were found running about the lanes and bazars of the town unveiled, or if a woman were deceitful and quarrelled with her husband, she was to go to the quarters of the prostitutes.

1. Badauni, Lowe, II, 312; 405.
Text, II, 302; 391.

SALAUHTER OF ANIMALS.

In 1584, Akbar issued orders against the taking of animal flesh. It was prohibited to slaughter animals on the first day of the week, during the first days of Farwardin, the whole of the month of Aban (the month in which Akbar was born) and on several other days. Akbar had issued these orders as a concession to Hindu sentiments and extended them to the entire kingdom. Any one who acted against the order, was punished and his property confiscated. During these days the Emperor abstained from taking meat altogether and extended the practice to six or seven months in the year. Eight years afterwards it was forbidden to use the flesh of cows, buffaloes, sheep, horses and camels. The flesh of goat⁵ and sheep was used in the royal kitchen at the time when the Ain was compiled and its price is recorded in the Ain.²

JAHANGIR continued the practice of his father of³ absention from slaughter of animals on Sundays and Thursdays. Sunday was Akbar's birth day and Thursday was Jahangir's⁴ day of accession. Those who infringed these orders were seriously punished. Once the kotwal who failed to get these rules observed, was flogged by Jahangir's⁵ orders. In Gujrat certain animals were not killed as the Jains there had⁶ agreed to pay highly for this concession.

To some extent SHAHJAHAN continued the practice of prohibiting the slaughter of animals on certain days.

Manrique relates the story of the killing of two peacocks by a Muslim who was one of the party which was travelling from Bengal to the imperial court. The inhabitants of the

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1. Badauni, Lowe, 11, 312; 331; 338; Text, 11, 321-22; Tuzk, text, 22.
 2. Ain-i-Akbari, 1, 58.
 3. Tuzk, 5, 90, text.
 4. Religious Policy, 86.
 5. Payne, op.cit. 38, Religious Policy, 85-6.
 6. Roe, 124; Religious Policy, 86.

of the nearby village were roused to fury at such a sacrilege. Finding themselves unable to wreak vengeance on the offenders, they petitioned the judge or the kotwal of the city of Narangor.

At the dead of night, 12 soldiers raided the serai where the travellers were enjoying sound sleep. With their hands and feet tied, they were led to an underground dungeon. After a harsh confinement of 24 hours, they were led in the morning to the court. The judge addressed himself to the culprit, a Bengali Muslim, and reprimanded him for the infringement of the Hindu religious practices in a predominantly Hindu locality. Manrique appealed to the religious fanaticism of the qazi and requested him not to show any scruples for the religious practices of the Hindus. The judge explained to the Portuguese the law of the realm where offences against the Hindu religion were to be punished by whipping and the amputation of the hand. The Emperor, explained the qazi, had promised the Hindus the freedom of following their own laws and customs. He assured him, however, that he would inflict a milder punishment.

All except the offender were set free and the latter was shut up in the public prison. Bribery at last saved him. Through the mediation of a eunuch, Manrique supplied the wife of the judge valuable presents and secured the liberty of his companion.

AURANGZEB refused to follow into the footsteps of his predecessors. The liberties of the Hindus were curtailed. The law prevailing in the previous reigns and allowing the Hindus their freedom, lost its rigidity. The killing of animals, sure to excite the religious feelings of the Hindu, was not considered crime now. In the Hindu states, however none could dare to do so as the people could take the law into their own hands and deal out a severe punishment to the culprit. The Hindus in the Mughal territories did take offence at such an outrage and protested to the authorities.

CONVERSIONS FROM ISLAM

It was a usual practice for the Muslim rulers to convert non-Muslims, particularly Hindus, to Islam. In the beginning of his reign, even Akbar did not form an exception and made many converts from Hinduism. He, however, made it a crime to make forcible conversions. In his sixth year, Jahangir issued an order against forcible conversions to Islam. But as protector of the faith he wanted to save it from outside attacks. When it came to his knowledge in 1620 that the Muslims of Rajauri (who were converts from Hinduism since the days of Feroz Tughlaq) married their daughters to the Hindus of the locality, who converted them to their religion, he issued orders to stop the practice. The guilty were to be awarded capital punishment.

SHAHJAHAN was touched to the quick to discover the practice of the marriages of Hindu youths with Muslim girls in certain parts of the Empire. These girls were converted to Hinduism and cremated at their death according to their rites. An order was at once issued to stop this practice. Such marriages were declared unlawful, the converted girls were to be taken away from their husbands who were to be fined. The fine could be remitted in case they became converts to Islam. Full force was allowed to be used in the suppression of this practice.

Dalpat, a Hindu enthusiast from Sirhind, married a Muslim girl, renamed her from Zinab to Ganga, and naturally brought up their children as Hindus. Moreover, he converted to Hinduism six Muslim boys and six Muslim girls. ShahJahan ordered to seize from Dalpat his wife and children. He was asked to choose death or Islam. Dalpat preferred to die as a martyr and was put to death with all show of cruelty.

1. Eliot & Dowson, vi, 60-61.

2. Akbar Nama, (Text), 11, 159.

3. Tuzk, Text, 101.

4. Ibid., 322; (Bev.), 11, 181; Iqbalnama, 117; Eliot & Dowson, vi, 376.

5. Religious Policy, 105-6.

6. Ibid.

ShahJahan made it unlawful for the Hindu soldiers to enslave Muslim prisoners of war and for the Hindu public to buy Muslim prisoners of war. He was afraid of the fact that the Hindus might not convert them to their religion.¹

AURANGZEB, on the other hand, had thrown the entire machinery of administration into proselytising activities. There is a long list of persons in the Jaipur Akhbarat, who were converted by the Emperor from Hinduism. In a number of cases the converts were given robes and rewards and mansabs as price for conversion. In other cases, choice was given to become Muslims as an alternative to punishment. The dismissed officers were given back their jagirs and restored to their rank if they showed their willingness to become the followers of Islam. No convert who once embraced Islam, was permitted to change his religion.

A Portugese who had become Muslim, expressed a wish to the qazi of Aurangabad to be reconverted to his faith. The qazi kept him in prison and held out to him various promises and threats. When he spoke against Islam, he received thrashing. When the matter was reported to Aurangzeb, he ordered that if the Portugese did not give up his resolve for re-conversion, he was to be executed² publickly.

On May 18, 1682, Aurangzeb ordered that they should write to Raja Ram Singh who had been appointed in Kabul that Kunwar Kishan Singh had converted some women and two eunuchs who had become Muslims, again to Hinduism, and had kept them in his house. They were to be brought to the qazi and were to be released and the eunuchs were ordered to be sent³ to the court, obviously to be reconverted.

1. Religious Policy, 107.

2. Manucci, II, 159-60.

3. Jaipur Akhbarat, 1682.

There are two interesting cases recorded in the Jaipur Akhbarat which show that even a promise by a person to become a convert to Islam, made it obligatory on his part to do so.

A certain Rikhi Kesh, Chaudhari of Surat, had promised to become a Muslim and had failed to keep his promise. On April 11, 1667, a mace-bearer was sent by Aurangzeb who returned after converting him to Islam. Another mace-bearer was despatched to bring him to the court.

A more interesting case was that of Dalpat Kanbhu, the faujdar of Mandal and Pur and the Diwan of Badhnur. While he was sitting in his court, a certain hafiz was reading the Quran. Dalpat told the hafiz that during his childhood he had read the kalma. The latter asked him to read it again, and Dalpat made no reply to it. The matter was reported to Aurangzeb on 30th September, 1682. The Emperor issued orders that Asad Khan should investigate into the matter and ask Dalpat to become a Muslim. In case he refused to do so, he was to be thrown into jail. As he refused to embrace Islam, he was thrown into prison. Moreover, another man, Dindar Khan, was recommended as his successor to the post. On December 4, it was reported to the Emperor that Asad Khan had made inquiries and found that the case against Dalpat could not be proved. The hafiz had perhaps made a false statement. On the recommendation of Asad Khan, Dalpat was released and restored to his post. If, however, it were proved that he had read kalma in his childhood, he had to embrace Islam, or to undergo punishment as Aurangzeb had originally ordered.

1. Jaipur Akhbarat, 1667. 10th year.

2. Ibid. , 1682.

S A T I

Akbar issued an order against forcible Sati and appointed inspectors to see that no widow was to be permitted^d to be burnt against her will. Whenever he heard of a case of Sati, he went in person, or sent special officres, saved the widow and punished the offenders. When he learnt that the widow of Jaimal, the son of Maldeo, was being forced by her son and Udai Singh to burn herself alive, he forthwith reached the place on horseback and saved her. Some of the party offered resistance, but later submitted. They were ordered to be placed in confinement.

Under JAHANGIR also it was unlawful to burn an unwilling widow, and so during the reigns of SHAHJAHAN and AURANGZEB. Padam Singh was killed in action against the Marathas in the south in 1683. Aurangzeb ordered that if his wives wanted to perform Sati, they should be permitted to do so. This was a special concession as the Emperor was pleased² with the services of Padam Singh.

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1. Akbar Nama, Bev., 111, 594. Text, 111, 402. -
Badauni, Lowe, 11, 376-78; 388. Text, 11, 365-66.
 2. Jaipur Akhbarat, 26th year.

FORBIDDEN HINDU PRACTICES

In 1665, Aurangzeb ordered that Holi and Deepavali¹ be abolished. In 1703, he disallowed the Hindus to burn their dead on the banks of the Sabarmati, while seven years earlier such an order had been issued imposing² restrictions with regard to the Jumna.

The Hindus used to close their shops on certain days such as amavash and ekadshi. Aurangzeb ordered them to³ discontinue the practice in the future.

Barring the exception of the Rajputs and the Marathas, the Hindus were forbidden to use 'Iraqi or Turani horses,⁴ elephants and palanquins. When a person infringed the⁵ rules, his saddle and horse were confiscated. The Hindus⁶ were also prohibited to carry arms in public. It was ordered in 1682 that they should not go about wearing⁷ dhoti; instead, they should wear pyjamas.

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1. News Letter, Nov. 20, 1665 and April 1, 1692; Manucci, II, 154; Aina-i-Gujrat, I, 155; cf. Religious Policy, 149-50.
 2. Religious Policy, 150.
 3. Aina-i-Gujrat, I, 154-55.
 4. Ibid.
 5. Ibid.
 6. Ma'asir-i-Alamgiri, 262-63.
 7. Jaipur Akhbarat, 29th April, 1682.

CHAPTER V

OFFENCES

AGAINST THE SAFETY
OF
THE STATE

OFFENCES AGAINST THE SAFETY OF
THE STATE

In Mughal India the ruler was the state and offences against him were considered crimes against the State.

We shall take up the subject under the following heads:-

1. Attack on the life of the Emperor.
2. Rebellion.
3. Espionage.
4. Correspondence with the enemy.
5. Desertion or flight.
6. Neglect of duty.
7. Disobedience to the Emperor's orders.
8. Disobedience to or insult of the imperial officers.
9. Criticism of Government by public servants.
10. Leave without permission.
11. Breach of court etiquettes.
12. Infringement of royal prerogatives.
13. Riot in the kingdom.

ATTACK ON THE LIFE OF THE EMPEROR

When on January 11, 1564, Akbar, on return from hunt, entered Delhi and reached in procession near the Madarsa-i-Begum, a slave named Fulad aimed an arrow at him from the balcony of the madarsa. This slave had been set free by Mirza Sharf-ud-din Husain before he had fled and gone to Mecca. The arrow, according to Badauni, did not more than graze the Emperor's skin. Abul Fazl and Farishta, however, make us believe that it penetrated the right shoulder about the length of a span. The Emperor's attendants wished to examine Fulad and investigate into the matter, in order to find out if it was the result of a conspiracy. Akbar did not, however, favour the idea and ordered that the offender be immediately put to death.

Four years later in 1569, when Akbar was again returning from hunt to Agra, some body gave the information that the rebel Deo Sultan, the son of Darbar Khan, was hiding in his father's tomb, possibly to attack the Emperor. In accordance with orders, he was arrested and made over to Jagmal Panwar. He died in prison. It is not recorded anywhere if he was tried for this suspected attack on the Emperor.

In 1580, a number of persons such as M. Ali Alamshahi, Miraki and others hatched a conspiracy against Akbar and then ran to Bengal in order to join the rebels there. The plan was discovered and an inquiry was instituted first by the imperial officers and then by the Emperor himself. There is no mention of any trial. As a result of the inquiry, Miraki was executed and others were put in prison.

1. Akbar Nama, Text, ii, 201-2; Beveridge, ii, 312-13; Badauni, Lowe, ii, 60; Text, ii, 62.
 Tabaqat, II, 275-6; Text, ii, 167.
 Farishta, II, 337.

2. Akbar Nama, Beveridge, II, 509; Text, 349.

3. Akbar Nama, Bev., III, 441. iii, (Text) 298.

During his journey to Kabul in 1606, it was discovered that some officers like Fatehulla, Nur.ud-din, Asaf Khan and Sharif had, at the instigation of Khusrow, formed a conspiracy to murder the Emperor JAHANGIR. The Emperor ordered the chief insurgents to be captured. After perhaps their guilt was established, Jahangir punished them according to the gravity of the crime. Fatehulla was imprisoned¹ while others were executed.

While on April 9, 1680, AURANGZEB was returning from Friday prayers, seven persons threw stones towards him. They were arrested and questioned as to the purpose of their action. They replied that fifteen thousand rupees had been earmarked for the distribution of alms. As they had been excluded from the list of the recipients, they had become broken-hearted and resorted to this step. Their intention was not to kill the Emperor. They were ordered to be entrusted to Ihtimam Khan Kotwal to be thrown into² prison.

1. Tuzk, Bev., I, 122-23; Text, i, 59.

Iqbal Nama, 20; Text, 28-29.

De Laet, 177;

Eliot & Dowson, VI, 315-16.

2. Jaipur Akhbarat, 23rd year.

REBELLIONS

To rise in rebellion against the ruling monarch was considered a grave crime. The Mughal royal princes were in many cases heads of different provinces. Vast resources at their disposal enabled them to risk such undertakings. Almost all of them were pastmasters in warfare, as they had the opportunity, at one time or another, of leading armies and directing campaigns. Hindu rajas, anxious to regain their freedom, would rise up in arms against the Mughal Emperor. Their motive was not to overthrow the reigning monarch; their anxiety was to release themselves from all obligations to the Central Government. Their risings were taken by the central Government with all seriousness. Full preparations seemed necessary to nip the evil in the bud. Influential imperial generals sometimes took up arms against the sovereign. Organized bands would at times fling down the gauntlet to the provincial authorities and disturb the peace of the locality by their unlawful activities. Peasants would refuse to recognize the Central Government and cease to pay revenue, and thus incur the wrath of the Emperor¹. Against all these, the Emperor took immediate measures and according^{to}/the need of the moment, sent either large armies under the command of experienced military officers, or levies under the command of the faujdar. Then there were the religious heads whose fatwas against the Emperor could be a source of great nuisance. Very often such leaders deserved and received death punishment or transportation for life.

In 1553, Bairam Khan, the all-powerful minister of AKBAR, charged Musahib Beg with the offence of rebellion and awarded death punishment on him. He was executed in Delhi without the

1. Manucci, II, 223-24; 319-20.

knowledge of the Emperor. The other nobles raised huge¹ cry against the arbitrary decision of Bairam Khan.

In 1565, one Sher Mohammad Divana made disturbance in pargana Samana in sarkar Birhand, killed the officiating faujdar, Mir Dost Mohammad, looted the goods and chattels; he also plundered the pargana of Maler and killed its shiqdar and seized property. A number of persons had collected round him. Mulla Nur ud-din Ahmad Tarkhan, the faujdar of Samana, on his return to the pargana, went after the rebel² with an army, defeated and killed him.

Khan Zaman Ali Quli Khan and Bahadur Khan were serious rebels against Akbar. They were defeated by imperial forces in 1567. Ali Quli was killed in the battle-field. Bahadur Khan was produced before the Emperor who did not favour his execution. But after urgent solicitations from his officers, Shahbaz Khan and Banarsi Das Kamboh, were ordered to behead him.

At Manakpur, a number of associates of Khan Zaman and Ali Quli Khan were produced before the Emperor in the same year. They included rebels like Khan Quli Uzbek, Alam Shah Badakshi, Mir Shah Badakshi, Yahiya Bakshi and Kalma Khan. They were ordered to be trampled under the feet of mast elephants before the eyes of the Emperor. An elephant was let loose against Mirza Mirak Rizvi of Meshed. He had fled from the court and had become a special confident of Ali Quli. The elephant caught him in his trunk and squeezed him from one side to the other. For five successive days he was brought out and tortured in this manner in the place of execution. Later on he was pardoned at the intercession of the nobles. At this time Jai Tiwachi brought to court Shah Nasir Khwaja, a ring-leader of the rebels. He was awarded capital punishment.⁴

1. Akbar Nama, Bev, II, 107-8, Text, 70. Tabaqat, De, II, Text, 138. Eliot & Dowson, VI, 257.
2. Akbar Nama, Bev., II, 392-93; Text, 263.
3. Akbar Nama, Bev., II, Text, 294-97; Bev, 431-35. Tabaqat, De, II, 335-36; 656; Text, II, 209-12. Badauni, Lowe, II, 103; Farishta, II, 347. Text, I, 487.
4. Ibid.

I'timad Khan and other Gujrati officials, accused of conspiracy in Gujrat in 1572, were produced by Shahbaz Khan before the Emperor. Akbar ordered all of them to be handed over to an officer in order to be placed in¹ confinement.

The rebels who fell into the hands of the royal army after the defeat of Khan Zaman and the capture of Surat in 1573 were ordered to be imprisoned and so was Baz² Bahadur after the surrender of Malwa.

The famous rebel Ibrahim Hussain Mirza was defeated by Husain Quli Khan in 1574. His brother Mas'ud Husain was imprisoned. After the defeat the Mirza himself fled towards Multan where he was caught by the Baluchis. Makhsus Khan, the Governor of Multan, secured him, cut off his head, and, coming to the Court along with Husain Quli Khan, presented³ the head of Ibrahim Husain Mirza to Akbar. Husain Quli Khan had brought along with him to the capital Fatehpur Mas'ud Khan and 300 other prisoners. These prisoners were presented to Akbar, with the skins of asses, hogs and dogs drawn over their faces. Some of them were put to death⁴ by ingenious tortures and the rest released. The head of Ibrahim Husain Mirza was ordered to be exhibited at the gate of the Agra Fort. His brother Mas'ud was sent to the fort of Gwalior as a prisoner. He died there the⁵ same year.

In the same year another rebel noble Mohammad Husain Mirza was defeated and captured in Gujrat. Akbar handed him over to Ray Rayan to be kept in safe custody. The Ray Rayan became afraid of the fact that the Mirza might not fall into the hands of Ikhtiar-ul-Mulk, whose army had

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1. Akbar Nama, Text, iii, 9-10; 11; Beveridge, iii, 13-15.
 2. Badauni, Text, ii, 51; 97-100; 148-49; Lowe, ii, 38, 48, 149.
 3. Akbar Nama, Text, iii, 36-38;
Badauni, Text, ii, 151-61; Lowe, ii, 158-59;
Tabaqat, Text, ii, 255; 260;
Farishta, Text, i, 496;
 4. Ibid.
 5. Ibid.

appeared just at that time. He killed the Mirza on the advice of Raja Bhagwan Das, though without the express orders of the Emperor. Akbar did not mind the action of the Ray Rayan. He himself was in favour of awarding the Mirza capital punishment. Mirza's koka, Shah Madad, was taken prisoner on the battle-field. He was a fakir. Akbar cast him on the ground with his spear and the others cut him to pieces by the blows of sharp-edged swords.¹

In 1575, imperial armies were sent under orders of the Emperor in the command of Taiyab Khan and others to suppress the rebellion of Raja Chandra Sen, the son of Raja Maldeo, in the neighbourhood of Jodhpur and Siwana. Chandra Sen betook himself to an accessible place, a jungle covered with trees, and disappeared. The royal army was content to layhold some of his men and wreak vengeance on them, and plunder much wealth.²

In 1577, the Gujrat rebels were ordered to be executed.³

Some Sheikhs and Imams got enraged with Akbar and started preaching against him in the mosques. The Qazi-ul-qazzat, Mulla Mohammad Yazdi of Jaunpur, gave the fatwa that as Akbar had become irreligious, jehad should be started against him. Thus a number of rebels raised their head in Bengal in 988 A.H., mullas fanned the embres of rebellion, and the nobles joined them.

Akbar was determined to stamp out the revolt and mete out an exemplary punishment to the ring leaders among the mullas. He summoned Mulla Mohammad Yazdi and Mulla Mu'iz-ul-Mulk on some pretext to the court. At Ferozabad near Agra they were separated, in order to be sent to Gwalior. The guards placed them in a broken boat and drowned them in the

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1. Tabaqat, Text, ii, 271-72; De, ii, 417; Farishta, Text, i, 496; (Urdu), ii, 356-58; Badauni, Text, ii, 167-68; Tuzk, Text, i, 21; Bev., i, 44.
 2. Akbar Nama, iii, Text, 111; Bev., iii, 155; Tabaqat, Text, ii, 300; De, ii, 455; Badauni, Text, 186, ii; Lowe, ii, 188-89.
 3. Akbar Nama, Text, iii, 213; Bev., iii, 300.

river. All the Sheikhs and mullas, suspected of treason, were put to death. The Amirs who were their associates were transferred to distant places. Hindu diwans were ordered to make investigations about the accounts of the Sheikhs without showing any favour. Old families of the mullas were exiled and otherwise punished. Haji Ibrahim Sirhindi, the ¹sadr of Gujrat, was, on charge of rebellion, ordered to be kept in custody.

Roshan Beg, the collector of exchequer lands in Bengal, embezzled money and fled to Kabul. At the instigations of some persons, he returned to Bengal and there joined the rebels in 988 A.H. He was caught, and, on the orders of Akbar, awarded capital punishment. Mir Ali Akbar, another rebel in Bengal, was brought in chains ²to the court and ordered to be cast into prison.

In the same year, Ma'asum Khan Farankhudi became a rebel and fled away. He was chased and captured. He sued for pardon and was forgiven. But he again ran away. During his flight he was caught and cut to pieces by ³the armed guard.

Two years later, Bahadur, the son of Sa'id Khan Badakshi, became a rebel. He made the hill country of Tirhut the 'abode of turbulence', and, finding an opportunity, plundered and distressed the peasantry in the neighbourhood. Gazi Khan Badakshi, the jagirdar of the pargana, attacked him, plundered his home and capture^d his children. Bahadur came to Gazi Khan and sued for mercy. The latter took him to Khan-i-A'zam at Hajipur, and he sent the rebel to the court with chains on his neck. He was awarded capital punishment. Another rebel, ⁴Nur Muhammad, sent by Khan-i-Azam to the court in the same year was ordered to be executed. ⁵

In 1597, Yaqub fled to Kashmir and became a rebel.

1. Badauni, Text, ii, 276-77; Lowe, ii, 284-85; Akbar Nama, Text, iii, 309; Bev., iii, 455.

2. Akbar Nama, ibid. Badauni, Text, ii, 280; Lowe, ii, 289.

3. A.N. Text, iii, 329-30; Badauni, Text, ii, 298.

4. A.N. Text, iii, 374-75. 5. Ibid., Text, iii, 397.

However, finding resistance futile, he sought an interview with the Mughal commander and went to do homage to the Emperor. Akbar sent both father and son to Raja Bhar Mal in Bihar to be put in prison there. They sighed away their last days in prison there.

In the first year of JAHANGIR'S reign, after his accession to the throne, his eldest son, Khusrow, raised the standard of revolt against his father and fled towards the Punjab. The royal armies pursued him. He tried to capture the fort of Lahore, but could not succeed. He was defeated in an engagement and fled to the west. While trying to cross the Chenab at the village Sodhara, he was caught, and, with his hands bound and a chain on his legs, brought before Jahangir in Lahore. He was ordered to be put in custody.

Two of his special associates, Husain Beg and Abdul 'Aziz, were ordered to be enclosed in the skins of cows and ass, face to the tail, and to be paraded through the city. As the skin of the cow dries quicker than that of the ass, Husain Beg died near the fourth watch. Abdul 'Aziz, however, survived.

Prior to Khusrow's defeat, five of his associates were captured and brought before Jahangir. The Emperor ordered one of them to be cast before the elephants and other three to be put in custody.

As to Khusrow's punishment, there are different theories. According to Du Jarric and De Laet, he was blinded at Jahangir's orders. William Finch says there were two stories prevalent at that time. One makes us believe that his eyes were blinded on the battle-field with glass. The other has it that Jahangir merely caused a handkerchief to be tied over his eyes and that he sealed it with his own seal. Terry mentions that his eyes were sealed up for the space of three years, after which time the seal was taken away. In 1617, Thomas Roe saw Khusrow with his eyes intact.

1. Badauni, Lowe, II, 307. Text, ii, 298.

As for the other rebels, they were punished most severely. Nearly 300 of them (according to Price's text, 600), were impaled on the stakes, set up between the city of Lahore and the gardens of Mirza Kamran, on both sides of the road. 'Than this', writes Jahangir in the Tuzk, 'there cannot exist a more excruciating punishment, since the wretches exposed frequently linger a longer time in the most agonising torture, before the hand of death relieves them', and the 'spectacle of such frightful agonies' served a warning to others.

Guru Arjun Dev, the head of the Sikh religion at that time, who was living at Govindwal on the Beas, was reported to have waited on the rebel Prince Khusrow, done him homage, and put tilak on his head. Thus he was, in the eyes of Jahangir, guilty of treason. Moreover, he had earned the displeasure of the Emperor by his proselytising activities. He was ordered in 1606 to be produced before Jahangir who awarded him capital punishment. His children were imprisoned and his property confiscated.

In 1610, Jahangir appointed Maha Singh, the grand son of Raja Man Singh, to put down the rebellion of Bikramajit, a rebel zamindar of Bhandu.

In the same year, a certain person by the name of Qutb, impersonated himself as Khusrow, collected some people round him, entered the city of Patna and attacked the fort. Sheikh Banarsi and others who had been left in charge of the fort by Afzal Khan, the Governor of Bihar, ran away. On receipt of the news, Afzal Khan returned, inflicted defeat on Qutb, and captured him. Qutb was put to death and several of his followers were cast into prison.

1. Tuzk, Beveridge, I, 51-59; 61-62; 64; 66-68; 70; 72; 174; Iqbal Nama, 7, 11; Text, 16, 17, 19; Tuzk Text, 24-35; 84-85; De Laet, 173-76; The Embassy, 238; Khafi K., Text, i, 154-155; Eliot & Dowson, VI, 267-68; 273-74; 292-96; 300; 401, 448-49.
2. Tuzk, Bev., I, 72-73; Persian Text, 35.
3. Tuzk, Bev., I, 176. Text, i, 86.
4. Tuzk, Bev., I, 173-76; Text, i, 84-86. Iqbal Nama, 174. Text, 42-44.

Jahangir ordered in 1615, that the head of Ahdad, the Afghan rebel, brought from Bangash by Ifthikhar Khan, should be hung by the gates of the fort of Lahore. Ahdad had for a long time been in rebellion in the hilly country of Kabul. He was defeated and killed by Khan Dauran.¹

Chaupar Mal, the son of Raja Basu, who was sent for the conquest of Kangra in 1620, rebelled. Shortly afterwards the Raja was made prisoner and executed under orders of Jahangir.²

In 1622, Prince ShahJahan raised the banner of revolt against Jahangir. Being defeated by the royal armies near Delhi, he went towards the south. Wandering through Golkunda, Telangana and Orisa, he reached in the southern provinces and conquered Bengal and Bihar. Failing in his efforts to take Oudh and Allahabad, he again fled to the south. In 1626, he sued for peace and was granted pardon.³

Darab, the son of Khan-i-Azam, who had joined the rebel ShahJahan, was caught by imperial forces. Under orders from the Emperor, Mahabat Khan cut off his head and sent it to the imperial court in 1624.⁴

In 1623, Nur-ud-din Quli brought in chains to the royal court forty-one of the rebels who had been taken prisoners at Ahmadabad. Their ring-leaders, Sharza Khan and Qabil Khan, were ordered by the Emperor to be trampled under the feet of warlike elephants.⁵

Mahabat Khan was a powerful noble and commander-in-Chief of the royal army which was sent to suppress the rebellion of Prince ShahJahan. After the defeat of the Prince, Mahabat Khan was ordered to go to Bengal as Governor of the province. Asaf Khan wanted to disgrace him, and for that purpose, Mahabat Khan was ordered to send the elephants conquered in Bengal,

1. Tuzk, Text, i, 153; Beveridge, i, 311-12.

2. Eliot & Dowson, vi, 374.

3. Eliot & Dowson (Susil Gupta), 155-60; Tuzk, Text, 361-74; Beveridge, ii, 247-53; 256-64; 267-69; 271-74; 275-81; 289-90; 294-95; 298-99.

4. Iqbalnama, Text, 239-40; Urdu, 166-67.

and come to court personally. Moreover, his son-in-law, Khwaja Barkhurdar, was insulted in the court, thrown into prison, and forced to return the dowry given by Mahabat Khan. All this enraged the powerful noble and forced him on the path of rebellion. In 1626, with a band of about 5,000 Rajputs, he came from Bengal and virtually took Jahangir in his custody on the Jhelum when the entire army under Asaf Khan had crossed the river, leaving the Emperor to cross later on. After an unsuccessful effort by Nur Jahan to defeat him, she secured the permission of Mahabat Khan to permit her to stay with the Emperor in the royal camp. It was through a cunning strategem that Nur Jahan effected her and Jahangir's escape. The Emperor was not strong enough to punish Mahabat Khan and only ordered him to proceed towards Thatta. Shortly afterwards, Jahangir¹ died in 1627.

In the first year of SHAHJAHAN'S reign in 1628, Jajhar, the son of Nar Singh Deo, left the capital Agra, and proceeded to Uchcha, his stronghold. There he started raising forces, strengthening forts, providing munition of war and closing the roads. A force was sent against him under Mahabat Khan² Khananan. Upon this Jajhar made his submission.

In 1629, Khan Jahan Lodi revolted. Forces were sent against him. After many engagements he was ultimately defeated and pierced by a spear by Madhu Singh, the royal commander. He and his sons, 'Aziz and Aimal, were cut to pieces by the soldiers. About one hundred of his adherents fell in the battle field and their heads were cut off. The heads of Khan Jahan and his sons were sent to the imperial court and were placed³ over the gates of the fort.

In 1635, Jajhar Singh again revolted. Large armies were sent against him. Jajhar Singh fled with his family and property.

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1. Eliot & Dowson (Susil Gupta), *Memoirs of Jahangir*, Iqbal Nama, Text, 254-273; Khafi K, 1, 358. Iqbal Nama, 188-204.
 2. Ibid., ShahJahan, Lahori's Badshah Nama, 6-7.
 3. Ibid., Ibid., 7-24.

and was given a hot pursuit. Durga Bhan, the son of Jajhar, and Durjan Sal, son of Bikramajit, were made prisoners. Jajhar and his son Bikramajit were slain by the Gonds in the jungles. Khan Dauran, the imperial commander, rode forth to seek their bodies, and, having found them, cut off their heads and sent them to the Emperor. He ordered their heads to be hung over the gates of Sehore (near modern Bhopal). By the orders of ShahJahan, Durga Bhan and Durjah Sal were made Musalmans, renamed Islam Quli and Ali Quli, and placed under the charge of Firoz Khan Nazir. Rani Parbati, the chief wife of Nar Singh Deo, being severely wounded by her son and grandson, was passed over. The other women were sent to attend upon the ladies of the royal harem. Udbihan and Siyan Dawa, the other sons of Jajhar, who had fled to Golkunda, were made prisoners by Qutb-ulmulk, and were sent in custody to ShahJahan. They were offered the alternative¹ of Islam or death. They chose the latter and were executed.

Emperor ShahJahan fell ill in 1657 and rebellions started in many parts of the country. Prince Murad Baksh proclaimed himself king in Gujrat, and Shuja' did the same in Bengal. Aurangzeb started with a large army from the south, defeated Dara's forces at Samugarh, entered the capital, and, after throwing his father into prison, took² the reins of administration into his hands in July, 1658.

During the reign of AURANGZEB the Kolis rebelled in 1667 in the neighbourhood of Idar in the province of Gujrat. Tajjamal Husain, the Faujdar of the place, was ill at that time. A letter was written under orders of Aurangzeb to Mahabat Khan, the Governor of Gujrat, that the responsibility of the rebellion lay on his shoulders. Mahabat Khan informed the Emperor that he had suppressed the rebellion, killed³ 150 of the rebels, and arrested some of them.

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1. Eliot & Dowson (Susil Gupta), ShahJahan, Badshah Nama, 51-55; 57.
 2. Ibid. " , Aml Salih of Mohd. Kambu, 136-39.
'Aml Salih, i, 325-28.
Ibid., Lubbu-t Tawarikh-i- Hind by Rai Shara Mal. 155-56.
 3. Jaipur Akhbarat, 10th year.

The zamindars of Kara Manakpur in the province of Allahabad also rebelled in June 1667. Orders were sent from the royal court to chastise them.¹

On September 29, 1667, Sayyid Murtaza Khan informed Aurangzeb that the rebel inhabitants of pargana Nagranu had been imprisoned at the chabutra of the kotwal. On his suggestion, the Emperor ordered that they be sent to the fort of Gwalior as prisoners.²

On Oct. 30, 1667, orders were issued to Shaista Khan, the Governor of Bengal, to attack and extirpate the rebel zamindars of Assam.³

There was another rebellion by the fictitious Shuja'. The magic of the name and the hope of reward secured him a good following. But he was no match for the Mughal Emperor.⁴ He merited and received capital punishment.

Prince Mohammad Akbar, the fourth son of Emperor Aurangzeb, had failed in the campaigns against the Rajputs. He rebelled against his father. The Rajputs pledged him support. The Prince proclaimed himself Emperor on January 1, 1681, and created Tahawwar Khan as his Prime Minister. But because of his indolence and foolishness, his plans failed. By the cunning strategem of Aurangzeb even the Rajputs deserted him and left him alone. He had to flee for dear life with only 350 horse and it was Durga Das who took all the risk to take him to the court of Shambuji in Konkan in June 1681. Severe punishment was meted out to his followers who fell into the hands of the Emperor. The Princess Zeb-un-nisa, who was in correspondence with Prince Akbar, was deprived of her allowance of four lac of rupees and of her landed property and confined in the Salimgarh fort. Akbar was hounded out of India⁵ by the imperialists and found escape to Persia.

1. Jaipur Akhbarat, 10th year, p.339.

2. Ibid.

3. Ibid.

4. Manucci, II, 193-94; Eng. Factories, 1665-67.

5. Orme, 101;

Eliot & Dowson, VII, 298-304; 308; 231;

cf. Sarkar's Short History Of Aurangzeb.

The nephew of Shamsheer Khan, an army officer under Aurangzeb, had joined the rebel Prince Mohammad Akbar. The Emperor ordered Shamsheer Khan to produce his nephew. When he expressed his inability to do so, the Emperor sent him orders to surrender his sword. On his refusal to comply with the orders, force was used against him. He showed bold resistance, but was put to death by the imperialists.¹

On January 20, 1681, it was reported to Aurangzeb that Jamil Beg, the commandant of the fortress of Mandalgarh, had been murdered along with his sons by the Rajput rebels there.²

In February, 1681, the rebels looted Burhanpur for three days. They besieged the Mughal commandant there. The Diwan of Raja Indar Singh fought with the rebels and killed many of them. Aurangzeb sent him orders to despatch their heads to the capital so that a minaret might be made of them.³

In December of the same year, Hathi Singh Girasia, a rebel in the neighbourhood of Ujjain, was attacked by the royal forces and forced to return the looted property.⁴

Aurangzeb was informed on January 4, 1682, that the two Rajput rebels sent from Ajmer were in prison and deserved death punishment. The Emperor ordered that they should be sent across the river and permitted to go wherever they wanted to.⁵

In February 1682, Misri, along with other Mughal servants, while on their way from Bengal to the capital, were attacked by Narind, son of Dip Chand. They were looted and killed. Orders were issued to faujdar Sayyid Bahadur to chastise the culprits and produce the looted property.⁶

In May 1682, some rebels looted some villages in the sarkar of Shahjahanabad. Shukrulla Khan, the faujdar of the place, rode thither, engaged the rebels and killed many of them.⁷

1. Manucci, IV, 60.

2. Jaipur Akhbarat, 24th year, pt. I, 271. 3. Ibid., 377, 382-3

3. Ibid., 382-83. 4. Ibid., 25th yr., p. 15.

6. Ibid., 144.

5. Ibid., p. 302.

Aurangzeb ordered on June 30, 1682, that fortyone horsemen and twenty foot soldiers belonging to Ganga Ram rebel should all be put to death. They had been captured by Bahroz, son of Murid Khan, faujdar of Garhi, and sent to Buzurg Ummed Khan.¹

The rebel Bhaku Banjara was attacked by Sardar Narain, the faujdar of Sheogaon in December, 1682. Sardar Narain killed and wounded a large number of them rebels and chased them for seven kos.²

Raja Dharam Pal, zamindar of Karoli, in the province of Agra, had been laying waste the villages in pargana Mahauli. He himself was a mansabdar and usurped the jagirs of many other mansabdars and refused to come to the court. On Jan. 8, 1684, the Emperor sent a letter to the collector of the district to give him assurances and send him to the Court.³

Akram, the son of the zamindar of Nizamabad, collected a number of people around him and went to the villages of Kharli and Sultanpur. The rebels laid waste the villages, took away the cattle and the belongings of the people. Aurangzeb issued orders that Tarbiat Khan, the faujdar of the place, should chastise the culprits and get the looted property restored to the owners.⁴

News was received on 15th April, 1685, by the Emperor of the rebellion of Raja Ram Jat in the villages of Mathura. In July the rebels were creating trouble in the neighbourhood of Fatehpur itself, killed a number of people and took away the cattle. Orders were issued to the faujdar there to punish the rebels and get the property restored to the owners.⁵

Mohammad Afzal, the son of Khushal Jang zamindar, looted 27,000 rupees from the merchants between Peshawar and Kabul,

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1. Jaipur Akhbarat, 25th year, 425.
 2. Ibid. 25th year, part II, p.38.
 3. Ibid., p.39.
 4. Ibid., 28th yr., part I, 148-49.
 5. Ibid., p. 211; Part II, p.281.

laid waste the serai of Khairabad, and looted property there. Aurangzeb ordered on July 24, 1685, that the commandant of Aurangabad should send to the court Mohammad Ashraf, the second son of Khushal Jang, who was already a prisoner of the Mughals.¹

It was reported to Aurangzeb that Ganga Ram rebel had gone from the province of Bihar and laid waste territory in the neighbourhood of Saharanpur in October, 1685. The Emperor ordered a reduction in the rank of Buzurg Umed Khan, the collector of Saharanpur, who had failed to prevent the entry of the rebel into his territory.² Sayyid Yahiya, the kotwal and faujdar of Shahjahanabad, sent 300 horse to Thanedar Mohammad Sharif who went at night and defeated Ganga Ram rebel and killed many of his companions.³

Durjan had proved very troublesome to the Mughal authorities. He had been indulging in rebellious activities, laying waste villages and looting travellers. Sometime he joined Pahar Singh, another rebel, and created trouble. Orders were issued by the Emperor in October, 1685, to chastise and extirpate the rebels. On Oct. 30th, news was brought to the Emperor that Pahar Singh along with his son and many followers had been killed by the imperialists in a battle near Ujjain.⁴

Persons belonging to the Momna tribe in Ahmadabad collected near Sironj and made disturbances. The faujdar, amin and bakshi and news-writer who happened to be there, attacked and killed a number of them.⁵

Orders were issued in the same month as above (Nov. 1685) to Mukarnat Khan, the faujdar of Muradabad, to attack Raja Ram Jat, the rebel, and inflict exemplary punishment on him.⁶

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1. Jaipur Akhbarat, 29th year, p.6.
 2. Ibid., 298;.
 3. Ibid., 333.
 4. Ibid., 27th year, pp. 29; 241; 242-43.
 5. Ibid., 29th year, 375-76.
 6. Ibid., Ibid., 382-83.

News was received on 19th November, 1685, that Mihrab, the faujdar of Mathura, had turned rebel and laid waste territory there. It was ordered by Aurangzeb that Mihrab¹ being the servant of Prince Shah Alam, should be sent to him (perhaps for the purpose of punishment).

Bhagwant Singh, the son of Pahar Singh, and the sons of Champat Bundela were creating trouble round about Iraj. The gumashta of Raja Jaswant Singh Bundela had been asked by the Mughal commandant to render help in defeating the rebels; but he paid no heed to this. The Emperor ordered on November 26,² 1685, that the rank of the Raja be reduced.

On September 20, 1691, an inhabitant of Mandasor petitioned the Emperor that the rebels of that district had demolished one storey of his house and the mosque belonging to him. He requested that if Kishwar Singh be appointed zamindar of the district, the situation would improve. His request was³ granted by the Emperor.

'Azmatullah, the kotwal of the village Sayyiah, was an accomplice with the Girasia rebels. In 1705, Tahawwar Dastgah Udai Singh, thanedar of pargana Bhaurasa, district Sarangpur, went to the village concerned along with a band of soldiers, and besieged the house of the kotwal. At first the kotwal got ready to give fight to the thanedar, but on second thought, regarding it inadvisable, he surrendered. He was arrested and detained and a guard was placed over his house. The thanedar sent Kesari Singh Rajput to the capital to intimate the Emperor about the arrest of 'Azmatullah Khan. After that he took him along with him to the capital, leaving⁴ Anand Ram Rajput as the assistant Tahawwar Dastgah (thanedar).

The Kolis who belonged to a class of rebels were attacked

1. Jaipur Akhbarat, 29th year, 382-83.

2. Ibid., 421.

3. Ibid., 49th year, pp. 24, 27. p. 13.

4. Ibid., pp. 24, 27.

by Samfadar Khan in the 50th year of the reign of Aurangzeb. He laid waste some of their villages and wounded the Kolis¹ who came to oppose him.

Aurangzeb had ordered that rebels were to be confined till penitence, in case they were seized before taking up any position. If they took up a position for fight, they were to be attacked and extirpated. All among them were² to be slain mercilessly.

1. Jaipur Akhbarat, 50th year.

2. Aina-i-Gujrat, I, 168-69;
cf. Sarkar's Mughal Administration, 126.

S P Y I N G

Spying was a serious crime and was punished as such.

During the reign of Akbar two Portugese were caught by the Custome officer of Surat. They were interrogated and confessed that they were spies. They were given the choice of Islam or death. They refused to become converts, and¹ were immediately put to death.

After suppressing the revolt of Mirza Hakim in Kabul, and emerging from the Khaibar pass and reaching the plain, Akbar had several villages burnt, because their inhabitants had refused him grain and supplies on the way up and could not be persuaded to sell him any food either by entreaties or by large offers of money. The wretched people of these villages fled across the river, as soon as they heard that the Emperor was returning. They suffered for their loyalty² to Mirza Hakim.

In 1666, in the reign of AURANGZEB, the commandant of the fortress of Ghazni arrested eight persons, and, on charge of spying, sent them to the Governor of Kabul. He in turn sent them to the Governor of Lahore, who, after inquiry, sent them to the Court. The Emperor entrusted them to I'timad Khan for investigations. One of them wounded the said Khan fatally, and, consequently, seven of them were put to death by I'timad Khan's men. The one who survived was ordered to be permanently³ kept in confinement and the whole truth ascertained from him.

In 1667, the ruler of Bukhara sent a woman, along with the ambassador as a spy. She confessed that she was one and⁴ was ordered on Sep. 3, 1667, to be imprisoned and closely watch^{ed}.

On June 14, 1682, the ten spies of Samba, who had made their confession in prison, were executed, at the Emperor's⁵ orders, in front of the chabutra of the kotwal.

1. Monserrate, 189. 2. Ibid., 156. 3. Jaipur Akhbarat, 30. 10. 66
4. Jaipur Akhbarat, 3. 9. 1667 5. Ibid., 25th yr. 14. 6. 1682.

CORRESPONDENCE WITH THE ENEMY

It was a serious crime to correspond with the enemy and the offender merited serious punishment.

Shah Mansur, Diwan-i-Kul, was suspected of carrying on correspondence with Mirza Mohammad Hakim, who had revolted against Akbar. A number of letters were intercepted from which it appeared that Shah Mansur was in correspondence with Mirza Hakim. As a matter of fact Shah Mansur did not enjoy a good reputation and because of his greed, selfishness and oppressive nature, had alienated the sympathies of the powerful nobles at the court, including Raja Todar Mal and Raja Man Singh. Many amirs were set upon his ruination. Near Shahabad, on his way to Kabul, for the purpose of suppressing the revolt of Mirza Hakim, Akbar received letters written by the Mirza to Shah Mansur. Suspicion became confirmed, and, on the suggestion of the nobles, the Emperor ordered the Captain of the Guard to hang him by a tree. At Kabul, when the Emperor learnt that the said letter was a forgery of the Amirs, he felt grieved.

Jahangir learnt in 1622 that the eunuch Muhtarim Khan, Fida'i Khan, the Master of the Ceremonies, and Khalil Beg Zul-qadr, had allied themselves and corresponded with the rebel Prince ShahJahan. They were imprisoned, and, after inquiry, awarded capital punishment.

Arif had written with his own hands a letter to the rebel Prince ShahJahan, professing loyalty and sincerity to the Prince on the part of his father and on his own behalf. The letter fell into the hands of Mahabat Khan who showed the letter to the accused. Arif could make no excuse and Mahabat Khan ordered him to be executed in 1624.. His father

1. Akbar Nama, Bev., III, 501-3; Text, III, 342-43.
 Badauni, Lowe, II, 301; 303; Text, II, 292-93.
 Farishta, II, 365; Text, I, 502.
 Monserrate, 64, 68, 98-99.

2. Tuzk, Bev., II, 249. Text, II, 362.

and two brothers were kept in confinement.¹

With the illness of ShahJahan, the virtual power had actually passed into the hands of Dara Shikoh. Aurangzeb's supporters were over-vigilant and kept him informed of the situation. This was more than Dara could put up with. Orders for the arrest of such persons were issued and carried into effect immediately.²

Aurangzeb was upset to learn about the activities of Jaswant Singh on the eve of the Deorai battle. The main responsibility of the battle rested on Jaswant Singh. His correspondence with Dara had resulted in luring the unhappy prince over to his doom. The Prince little knew that the coward would, unlike a true Rajput,³ flinch back, at a threat from Aurangzeb, from his pledged word.

Aurangzeb's reign was full of battles. The latter half particularly was an unbroken spell of continued warfare. The imperial generals did not always wish a speedy end of the campaigns. They stood to gain by their being prolonged. Sometimes they communicated their intentions to the enemy who made a prompt reply. Constant endeavours were made to conceal the proceedings from the Emperor.⁴

1. Tuzk, Beveridge, II, 297. Text, II, 391.

2. Manucci, I, 255.

3. Ma'sir-i-Alamgiri, 13.

4. Manucci, III, 270-72.

DESERTION OR FLIGHT

Desertion in the face of the enemy or flight from the battle-field were considered crimes sometimes punished very seriously.

Tardi Beg had fled from the battle-field in the fight against Hemu. As a matter of fact Bairam Khan had an old enmity with him and was in search of an opportunity to get rid of him. According to Badauni, he got a sort of permission from the Emperor to finish him off. Bairam Khan was all powerful at that time and took important decisions himself. By treachery he took Tardi Beg to his tent where he was clubbed to death or stabbed in a barbarous manner. (1556)¹

While returning from Burhanpur in 1562, Pir Mohammad Sherwani was drowned in the Nerbada while crossing it. The other nobles reaching Malwa found that Baz Bahadur had reconquered the province. They fled away from Malwa and came to the court without permission. For this they were punished and committed to prison for sometime.²

In December, 1590, it was reported to Akbar that Shahbaz Khan had come from Swad without orders. He was committed to prison for three years.³

Mirza Sharf-ud-din Husain had fled from Nagor. He fell into the hands of Bahar Jiv, the Raja of Baglana. The Raja presented the Mirza before Akbar while the Emperor was at Ahmadabad after the conquest of Surat. He was ordered to be flogged and sent to the Gwalior fort as a prisoner. He died there.⁴

It was reported to JAHANGIR in 1605 that Abhay Raj, son of Akhya Raj, son of Bhagwan Das, was desirous of despatching his wives and children to his own country without permission, and

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1. Akbar Nama, Bev., II, 51-52; Text, 32-33; Tabaqat, De, 216, 654; Text, ii, 130-31; Badauni, Lowe, II, 6, 7; Text, ii, 14, 50-51; Farishta, II, 315-16;
 2. Akbar Nama, Bev., II, 258-59; Text, 162-63; Text, i, 363-64.
 3. Ibid., III, 585-86; Text, 396; Eliot & Dowson, V, 467.
 4. Badauni, Lowe, II, 151; Text, ii, 147. Farishta, II, 355. Text, i, 493-94.

afterwards himself running away to the Rana. When no body was prepared to furnish security for him and his two brothers, they were ordered to be handed over to Ibrahim Khan Kakar. When they tried to disarm them, they began to quarrel and fight. Jahangir ordered that they should be punished 'according to their deeds'. They were killed after fighting bravely.

It was reported that Badi-uz-Zaman, the son of Mirza Shah Rukh, had started with a body of rebels with a view to joining the Rana of Mewar. Abdulla Khan, the Governor of Malwa, gave them a chase, took Badi-uz-Zaman a prisoner, and slew several of his associates. An order was given by Jahangir that Ihtiram Khan should start from Agra and bring the Mirza to the Court.

As Sheikh Banarsi and Ghias Zain Khan and some other mansabdars had failed to protect Patna against the impostor Qutb, and fled from there, Jahangir summoned them to the Court in 1610, and punished them. Their hair and beards were shaved off, they were clothed in women's dresses and paraded round the city.

Aurangzeb felt disgusted at the cowardly act of Maharaja Jaswant Singh when he deserted the imperial side in the thick of the battle of Khajwa in Jan., 1659, and joined the enemy. Aurangzeb ordered a punitive expedition against him. The order was withdrawn only at the intercession of Raja Jai Singh. Jaswant Singh's apologies calmed the impending storm.

In June, 1659, Prince Sultan Mohammad deserted Mir Jumla and went to his uncle, Shuja', who offered him the hand of his daughter, Gul Rukh Bano. The unlucky Prince could not grow a liking for his father-in-law, and, after eight months, returned to join the imperial forces in Bengal. From there he was sent to his father, Aurangzeb, who ordered him to be sent to prison. He sighed away his last days there.

1. Tuzk, Bev., I, 29-30. Text, I, 13.
2. Ibid., 127. Text, I, 61.
3. Ibid., 173; Text, 84-5. Eliot & Dowson, VI, 32.
4. Peter Mundy, II, 202-3.
5. Bernier, I, 97-98; Manucci, I, 337-38; English Factories, 1565-69, 289; Eliot & Dowson, VII, 249-51; Maasir-i-Alam-giri, 17, 20, 22; Tavernier, I, 360-61, 367; Riaz-ul-Salatin, 216.

NEGLECT OF DUTY

Neglect of duty was considered a serious crime and punished according to the nature of the offence.

Shah Abul Ma'ali who failed to attend the court on the day of Akbar's accession, was arrested and imprisoned in Lahore. From there he, out of the negligence of the kotwal, Pahalwan Gulguz, fled away. From fear of punishment, Gulguz committed suicide.

In order to ensure that the attendants did not fail to do their duty in a proper manner, Akbar had laid down rules and regulations for the proper care of the elephants. Those who failed to do their duty towards horses and elephants were to be fined and a whole list of fines has been mentioned in the Ain.²

Mahmud, the son of Iskandar Afghan, had been made over to Shahbaz Khan, to be placed in confinement. The prisoner escaped from his guards in 1572 and fled to the Deccan. Shah-³baz Khan was severely censured and chastised.

While Akbar was in the eastern provinces in 1574, in connection with the conquest of Bihar, it was reported that the special elephant, Lal Khan, was drowned at the Causa ferry. Sadiq Khan, who, along with Yusuf Khan, held charge of the camp, had not taken sufficient care in crossing the elephants. He fell out of royal favour and got his fief confiscated. He was not permitted to perform the kornish and was transferred to Thatta. Moreover, he was required to produce a choice elephant of the comparison of Lal Khan before he could be permitted to do kornish.⁴

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1. Akbar Nama, Bev., II, 28-30; Text, 16-17;
Tabaqat, De, II, 276-79; Text, II, 127.
Eliot & Dowson, V, 264; Farishta, II, 313. Text, I, 261.
 2. Ain, (Blochman), 139; 148-49.
 3. Akbar Nama, Bev., III, 23; Text, III, 15.
 4. Ibid., 149. Text, III, 107.

Imperial commanders were sent against Chandra Sen, the son of Raja Maldeo, in 1574. They gained partial victory, and, thinking that his flight was the end of the task, they returned to the court without being summoned. The Emperor degraded them from the post of trust.¹

Qutb-ud-din Khan and Raja Bhagwan Das were sent against Rana Pratap in 1576. Finding him not there in his abode, they returned hastily and without orders to the court. They were forgiven when they showed signs of repentence.²

It was reported to the Emperor JAHANGIR in 1618 that Jahangir Quli Khan, the Governor of Bihar, was showing neglect in performing his duty. He had failed to restrain his brothers and sons-in-law from exercising oppression on the people. Jahangir issued orders dismissing Jahangir Quli Khan from the governorship of Bihar and appointing Muqarrab Khan in his place.³

In 1643, it was brought to the notice of SHAHJAHAN that Prince Aurangzeb had determined to retire from the worldly affairs and pass his days in seclusion. The Emperor absolutely disapproved of the idea. The Prince was punished with the loss of mansab and dismissal from his office as Viceroy of the Deccan.⁴

If a Governor failed to keep order in his province and was incompetent in managing the affairs of the Government, he was punished for the same. ShahJahan dismissed Nawab A'zam Shah, the Governor of Bengal, when the latter proved an utter failure in the province against the invaders from Assam.⁵

In the reign of AURANGZEB, Kuar Ram Singh was suspected of allowing Shiva Ji to escape. He was punished in 1666 first by being forbidden the court and then by being deprived of

1. Akbar Nama, Bev., III, 142-155; Text, iii, 141.
 2. Ibid., 274-75. Text, iii, 274-75; 194-95.
 3. Tuzk, Bev., II, 37-38. Text, ii, 246.
 4. Eliot & Dowson, VII, 69.
 5. Riaz-ul-Salatin, 207-8.

his rank and pay.¹

Orme writes that the Customs Officer of Surat who held charge of the fort during the second raid of Shiva Ji was suspected of connivance and neglect of duty. Aurangzeb got rid of him by administering him poison.²

In the beginning of his reign, when Aurangzeb left Burhanpur for Delhi, the gunners had left some thrity sacks of gun-powder in a cellar of the citadel. It remained there till 1681 when one day it burst, blew off the roof and burnt several men. The officers who were responsible for this were censured for their neglect of duty and degraded in their ranks.³

Munaram was accused of neglect of duty. He was degraded and similar treatment was meted out to other officers.⁴

A charge was levied Against Ibrahim Khan that he had delayed in carrying out orders. Aurangzeb at once issued an order for the reduction of one thousand in his rank.⁵

Prince Bedar Bakht was entrusted with the command for reducing the fort of Sinsani belonging to Raja Ram Jat. The length of the campaign exhausted his patience. He ^{sent} said a verbal message to the said chieftain asking him to give him (the Prince) his brother's daughter, and himself to go out of the fort. The knowledge of the matter annoyed Aurangzeb. He punished the Prince for his neglect of duty by reduction of rank.⁶

An enemy Maratha commander plundered some merchants on the highway of Surat, 80 miles from Ahmadabad. When the matter was brought to the notice of the provincial Governor, Prince Mohammad A'zam, he evinced lack of concern as it had occurred within the jurisdiction of Amanat Khan, the collector and faujdar of Surat. For this neglect of duty his rank was reduced; his agents were required to compensate merchants.⁷

1. Ma'asir-i-Alamgiri, 39.

3. Eliot & Dowson, VII, 310.

5. Letters, CXIX, 119.

7. Anecdotes, 74.

2. Orme, 25.

4. Letters, XIC, 108-9.

6. Anecdotes, 68.

DISOBEDIENCE TO THE EMPEROR

During his march against Mirza Hakim, Emperor Akbar ordered a certain officer to proceed upstream to a certain place and try to find out whether the river could be forded there by cavalry. The said officer went 25 miles upstream, found no ford, and learnt from the inhabitants that none existed in the whole region. He returned, and gave the necessary information to the Emperor with the suggestion that it was necessary to build a bridge there. The Emperor learnt from the officer that he had not gone to the specified place as ordered. He was ordered to be seized and dragged to that particular place, bound prostrate on an inflated bag of ox-hide, and launched upon the Indus. The officer was carried hither and thither in the middle of the river at the mercy of the current, and was weeping and imploring pardon with miserable cries, and trying to move the Emperor to mercy. As he was carried past the royal pavilion, Akbar ordered him to be rescued from the river. But he was 'entered in the inventories as royal property, exposed for sale in all the bazars, and finally auctioned as a slave'. One of his friends purchased him for eighty pieces of gold, which was paid into the royal treasury. Later on he was¹ pardoned.

1. Monserrate's Commentary, 82-83.

ATTACK ON ORDISOBEDIENCE OR INSULT OF IMPERIAL OFFICERS

A Turkish slave and door-keeper of Pir Mohammad Sherwani insulted Bairam Khan in 1559. Pir Mohammad's apologies did not satisfy Bairam Khan. He was shorn of all powers, then imprisoned in the fort of Biana, and afterwards ordered to be exiled to Mecca. But as shortly afterwards the Mulla heard of the fall of Bairam Khan, he returned to the court and was favourably received by the Emperor.¹

After the defeat of Bairam Khan at Gunachor on August 23, 1560, one of his associates, Wali Beg, was wounded and sent to prison where he died. His head was cut off and sent to the Eastern provinces as a warning. When it was brought to pargana Itawa by a Twaci, the jagirdar of the pargana, by the name of Bahadur, murdered the Twaci. Bahadur was saved by his loving companions who induced him to feign madness.²

Raja Ganesh of Nadaun in the Punjab attacked Jan Mohammad, the jagirdar of Birka in the neighbourhood in 1562. His exploit did not meet with success. On the other hand, his property was confiscated, his beautiful wife was dishonoured and killed. From the Punjab, the imperial officers were sent to inflict 'suitable punishment on him'. It was through Raja Birbal that he was presented before Akbar and received into royal service.³

Hamid Bokhari, one of the equerries, in a fit of intoxication, tried to shoot another servant of threshold. When the matter was reported to Akbar in Lahore in 1567 by the complainant Qulij Khan, he grew angry, gave a special sword to Qulij Khan, and ordered him to behead Hamid Bokhari with it. Qulij Khan twice struck him with the sword, but did not injure a hair of his head. Then the Emperor ordered to shave off his head only, and gave up the idea of capital punishment.⁴

1. Akbar Nama, Bev., II, 131-32; Text, 86; Tabaqat, De, 232; Text, ii, 146.

Farishta, II, 321-22, *ibid.* 2. Akbar Nama, Bev., II, 175-76, T.

3. *Ibid.*, 261-62, Text, 169-70.

4. *Ibid.*, 417; Text, 282; Tabaqat, De, II, 328-29. Text, ii, 207

In the same year, Mohammad Amin Diwana encountered one of the Superintendents of royal elephants as he was riding on an elephant and launched an arrow against him. When the matter was reported to Akbar, he ordered him to be put to death. The courtiers attached to the harem interceded for him. The Emperor granted him life, but ordered corporal punishment. After receiving punishment Mohammad Amin fled away the next/^{day} and joined the rebel Ali Quli. On his way a mansabdar, Shahab Khan Turkhan, gave him refuge in the pargana of Bhojpur and then gave him horse and money in order to enable him to go to Ali Quli Khan. When Akbar was going from Agra to Lahore sometime later in the same year, he ordered Shah Fakhr-ud-din Meshedi to produce Shahab Khan¹ at Palwal where he was given capital punishment.

In 1572, Baba Khan Kakshal behaved towards Shahbaz Khan, the Amir-i-Tuzk, in a rude and presumptuous manner. He was severely punished, though the manner of punishment is² not mentioned.

In 1573, Shuja'at Khan, who used improper language about Mun'am Khan Khanan, was severely rebuked by Akbar. He was handed over to the Khan Khanan for punishment or forgiveness according to his choice. The Emperor pardoned him at³ the intercession of Mun'am Khan who treated him with respect.

A Rajput who came as an ambassador in 1573, struck Khan-i-Kalan with a jamdhar at Siroho. The weapon pierced his breast and came out at the shoulder blade. The wound, however, did not prove fatal. The Rajput was killed then⁴ and there.

In 1576, Mirza 'Aziz Kokaltash, the Governor of Gujrat, handed over to his servant, Talib, his diwan, who was suspected of dishonesty and embezzlement. Talib, on score of old

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1. Akbar Nama, II, 420; Text, 284; III, 337, Bev. Text, iii, Tabaqat, De, II, 328-29. Text, ii, 207. . 266.
 2. Akbar Nama, II, Bev., 538; Text, 370.
 3. Ibid., Bev., III, 89; 120. Text, iii, 64; 85,.
 4. Badauni, Lowe, II, 144. Text, ii, 140.

enmity, beat the Diwan Ala-ud-din so severely that he died. Khan-i-A'zam awarded Talib capital punishment by way of re-
¹
 taliation.

On the night of 28th July, 1587, when Raja Todar Mal was going from the palace to his house a person came out of ambush, and struck him with a sword. He was seized and killed by the Raja's attendants. On investigation he was found to be the wicked 'Khatiri'. His accomplices were seized and awarded
²
 (capital?) punishment.

In 1616, in the reign of JAHANGIR, Abdulla Khan Bahadur Firoz Jang, the Governor of Gujrat, quarrelled with Abid Khan (the son of the historian Nizam-ud-din), the Bakshi of the province. The ground of the quarrel was that the Bakshi had recorded and sent to the court certain events that were un-pleasing to the Governor. He had sent a body of men against him and had insulted him by carrying him away to his house. Jahangir took the matter seriously and sent Dayanat Khan to inquire into the matter. The charge against him being proved, he was dismissed from governorship and Muqarrab Khan was
³
 appointed in his place.

Dayanat Khan was always addressing unbecoming speeches and making palpable allusions to I'timad-ud-daula and his son Asaf Khan. One night, without reason and without motive he began to speak unpleasant words to him and said them to such an extent that I'timad-ud-daula felt annoyed. Next morning, Jahangir sent Dayanat Khan in the custody of a servant of court to Asaf Khan. He was to be shut either there or in the fort of Gwalior and was not to be released unless he made amends to his father. According to orders, Asaf Khan
⁴
 sent him to Gwalior fort.

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1. Akbar Nama, Bev, III, 387. Text, iii, 266.
 2. Ibid., 792-93. Text, iii, 519-20.
 3. Badauni, Lowe, 377. Text, ii, 365.
 4. Tuzk, Bev., I, 330-31. Text, i, 162-63.
 4. Ibid., 278-79. Text, i, 137. (In the text the name is Sabit Khan.)

CRITICISM OF GOVT. BY PUBLIC SERVANTS.

Mirza 'Aziz Koka criticised the branding of horses and used 'unbecoming' language. For this presumptuousness he was degraded in 1575 and was sent to Agra to be kept under surveillance in his own garden.¹

Shahbaz Khan, while in charge of the capital Agra in 1581, used disrespectful language to the servants of Akbar's mother. Abul Fazl calls him 'foul-tongued' and Jahangir terms him as 'foul-mouthed and scurrilous'. Under Akbar's orders he was sent to prison in the custody of Rai Sal Darbari for three years.²

In JAHANGIR'S time a letter was discovered which was alleged to have been written by Khan-i-A'zam Mirza 'Aziz Koka to Raja Ali Khan, the Governor of Khandesh. The letter was full of abusive language against Akbar and Jahangir. After confirming the truth, Jahangir punished him by depriving him of his jagir. According to De Laet, he was treated with the greatest ignominy, loaded with chains, and sent off as a prisoner to the Gwalior fort. He was released and restored to favour after two years.³

In 1623, Abdulla, the son of Nur-ud-din, was accused of using disrespectful language against Jahangir in 'assemblies and companies'. After the charge was confirmed in his absence, he was summoned to the Court by the Emperor and ordered to be executed.⁴

During AURANGZEB'S time, Mukarram Khan, the faujdar of Oudh, had a mansab of 5,000 zat and 4,000 horse. In his place, Masum Khan, having the mansab of 2,500 zat and 1,200 horse was appointed in 1667 the faujdar of Oudh. Masum Khan refused the offer on the ground that though having the same nature of work to do, he was still holding a lower rank. Aurangzeb replied that he had shown a special favour to the Khan by giving him a higher rank. For raising this objection, Masum Khan was punished by diminution of rank.⁵

1. Akbar Nama, Bev., III, 209; Text, 148. 2. Ibid: 550-51, Te. 375.

3. Tuzk, Bev., I, 79-81; Text, 39; Iqbalnama, Badauni, Love, II, 333.

4. Ibid., 286-87. ii, Text, 385. 14; De Laet, 179.

Iqbalnama, 147. 5. Jaipur Akhbarat, 3.8.1667.

Text, 213.

LEAVE WITHOUT PERMISSION

In 1615, during JAHANGIR'S reign, Qizalbash Khan, a Gujrat official, came to the court without permission of the Governor. Jahangir ordered him to be put in confinement and sent back to the Governor of Gujrat, in order to set an example to others. There is no mention of the treatment meted out to him by the Governor.¹

In 1621, Abdulla Khan went to his father without the permission of ShahJahan, the Governor of the Deccan. Jahangir ordered the Chief Diwan to deprive him of his jagir. I'timad Rai was ordered to act as a sazawal and send him back to the Dec²an.

BREACH OF COURT ETIQUETTES

In 1560, while Akbar was on his way to the Punjab, Shah Abul Ma'ali, in the pargana of Jhajar, wanted to salute him while seated on his horse. Akbar felt annoyed and handed him over to Shihab-ud-din Ahmad Khan to be kept in custody as a prisoner.³

In 1571, Lashkar Khan came to the court drunk and made a disturbance. When the matter came to the knowledge of Akbar, he ordered Lashkar Khan to be tied to the tail of a horse⁴ and to be led around. After that he was sent to the prison.

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1. Tuzk, Bev., I, 289. Text, i, 143.
 2. Ibid., II, 217. Text, ii, 342.
 3. Tabaqat, De, II, 242; Text, ii, 146.
Farishta, II, 324-25. Text, i, 469.
 4. Akbar Nama, Bev., II, 534-35;
Text, 368.

INFRINGEMENT OF ROYAL PREROGATIVE

The infringement of royal prerogative was considered an offence. The charge of the commission of the crime was usually levied against the governors of the provinces who seemed anxious to play the king. An offender found it difficult to escape the punishment if his guilt was brought to the notice of the Emperor. Usually he was punished by degradation in rank. Some time only censure would do.

The wearing of umbrella was a royal privilege and none could violate it without meriting punishment.

It was a Mughal regulation that no one could carry his quiver in his hand. His hunting ground also was a taboo for others. Any one entering it was made a slave.

It was an established convention that after a victory the articles of plunder and the women belonging to the enemy, came in the possession of the Emperor. Some time royal commanders infringed this rule, and, without the knowledge of the Emperor, kept the elephants, valuables and women to themselves. This was done by Khan Zaman Ali Quli Khan and Bahadur Khan after their victory over Sher Khan in Jaunpur (1561), by Adham Khan after defeating Baz Bahadur in Malwa (1561) and by Asaf Khan after the Garha victory. But as soon as the matter was reported to the Emperor, the generals were usually obliged to part with their prizes.

As Mahabat Khan had not returned the elephants that had fallen into his hands in Bengal (1624), it was ordered by Jahangir that he should return all such elephants.

To give the Emperor uninvited advice was also considered a crime and punished accordingly. A royal servant, Khaksar Sultan, had the audacity of suggesting to Akbar in 1564 that he should give up expedition against Abdulla Khan Uzbek in Malwa. The Emperor became furious and attacked him with a sword. Somehow Akbar overpowered his anger and spared his life.

1. cf. Sarkar's Mughal Administration for a description of pre-rogatives.

2. Ovington, 185-86.

3. Akbar Nama, Bev., III, 974; Text, 635/4. Farishta, II, 320-32, 339-40.

5. Iqbalnâme, 172-73, Text 252-53. Akbarnama, 215, 323-30, Text, II, 139.

6. Akbar-Nama, II, 347; Text, II, 226. 208-13.

Qazi Tawaisi represented to Emperor Akbar in 1567 that to capture and kill Khan Zaman's people and to confiscate their goods and chattels after the victory, was not in accordance with the Holy Law. (A similar advice was tendered by Badauni to Mulla Pir Mohammad Sherwani in Malwa in 1562). According to Mulla Badauni, Akbar did not like the advice of the Qazi, removed him from his place, and appointed instead Qazi Ya'qub.

2

Huntin of lion was a special royal prerogative.

During a royal hunt, when the Emperor Jahangir had in 1610 got within a shot of a nilgao, a groom and a carrier appeared suddenly. In a fit of rage the Emperor ordered to kill the groom on the spot and to hamstring the carriers. They were to be mounted on asses and paraded through the camp, so that no one in the future might infringe the royal prerogative in this manner.

In 1666, the hunters complained to Aurangzeb that Bahadur Khan had pitched his tents in the hunting ground and as a result the game had dispersed from there. The Emperor ordered Himmat Khan to send twenty mace-bearers in order to send away the tents and the men of the army from there.

In 1667, the hunters reported to Aurangzeb that a large number of cultivators had cultivated the land earmarked for the royal hunt. They moreover had cut down the jungle. Orders were given to Niaz Beg, the mace-bearer, to bring them bound. He accordingly brought some of these persons who were entrusted to Darab Khan.

When Mandelslo was at Ahmadabad, a new kind of cloth, which was a mixture of silk and cotton, interwoven with flowers of gold, was being manufactured there. None was allowed to use it as it was reserved for the special use of the Emperor.

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1. Badauni. Lowe, II, 104. Text, ii, 100-101.
 2. Bernier, II, 115.
 3. Tuzk, Bev., I, 164.
 4. Jaipur Akhbarat, Oct. 23, 1666.
 5. Ibid., Aug. 20, 1667.
 6. Mandelslo, 26-27.

To award capital punishment was another royal prerogative. In case the offender was at a distant place, the crime was¹ thoroughly determined before the pronouncement of punishment.

It was reported to Emperor AURANGZEB that Prince Mu'azzam while holding court, had ordered four kettle-drums to be beaten. The Emperor was annoyed at this violation of the² royal prerogative and censured the Prince.

The Prince was again accused of ordering an elephant³ fight. For this he was reprimanded.

Ibrahim Khan, the Governor of Gujrat, was charged with the offence of going to the Jama Mosque riding in a palki.⁴ As this was a royal privilege, he was rebuked by Aurangzeb.

Aurangzeb learnt that Prince Bahadur Shah used to sit, while holding court, on a platform, raised one yard above the ground. The mace-bearers were sent to force him to come⁵ down from his seat in open court and to pull down the platform.

Another report regarding the Prince came from Kabul. It was reported that during the performance of traditional prayers in the Jama Masjid, the Prince used to set up canvass screens. Aurangzeb ordered inquiries into the matter. He ordered that if the inquiries confirmed the report, the Prince was to be dismissed from the governorship of the province⁶ and sent into the royal presence.

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1. Ovington, 138.
 2. Anecdotes, 58.
 3. Ibid., 59-60 .
 4. Ibid., 123-24.
 5. Ibid., 60
 6. Ibid., 58-59.

RIOT IN THE REALM

Riot was considered an offence against the safety of the state and the offenders deserved and were awarded punishment.

During Akbra's expedition to Gujrat in 1572, some mischief-mongers spread the false news that the Emperor had issued an order for the plundering of the camp of the Gujratis. The royal soldiers started plundering the camp and a great commotion resulted. When the matter was reported to Akbar, he summoned the high officers and ordered them to inflict punishment on the plunderers and put to death those who were found in possession of plunder. He himself held a public court and ordered that fierce elephants be brought there. The rioters were brought before the Emperor and trampled under the feet of the elephants. The goods were restored to the owners and order restored.

In the Deccan where Prince Parwez was the Governor, an incident occurred in 1623, which led to a serious quarrel between the Sayyids of Barah and the Rajputs. The servants of Sayyid Kabir Barah, an attendant of Prince Parwez, struck a cutler some blows with a stick after exchange of a few hot words about the charges of sharpening the sword of Sayyid Kabir. The men of Raja Girdhar who happened to be there, used their whips on the Sayyid's servants. More Sayyids came from the neighbourhood and a regular fight started between the Sayyids and the Rajputs with arrows and swords. Hearing this, Sayyid Kabir came with thirty or forty horsemen in order to assist his people. At this time, Raja Girdhar and his people, all barebodied, were taking their meals in their house. Becoming aware of the violence of the Sayyids, Raja

1. Akbar Nama, Beveridge, III, 11.

Text, iii, 8.

Girdhar brought his men inside the house, and closed the door. The Sayyids came and set fire to the door, forced their way in and started unprovoked attack on the Raja. They killed him along with twenty-six of his men and wounded forty more. Four of the Sayyids were killed. After this, Sayyid Kabir took from the Raja's stable all his horses and returned to his house. On learning of this tragedy, the Rajputs came out of their houses and from the other side the Sayyids began to collect in the plain outside the citadel, in order to have a pitched fight. Immediately then Mahabat Khan came on the spot, brought the Sayyids inside the citadel, soothed the Rajputs, took their chief men and went to the house of the Khan Khanan nearby. The Prince also reached there and calmed the Rajputs. Mahabat Khan became a security for an inquiry into the matter. Next day he contrived to get hold of Sayyid Kabir and put him into confinement. The Rajputs were satisfied only when Sayyid Kabir was executed by way of punishment.¹

During AURANGZEB'S reign in 1685 a terrible famine occurred in the province of Gujrat. One day the crowd attacked Mohammad Amin Khan, the Governor of the Province, when he was going in procession to the mosque for the 'Id prayers. The people accused him of indifference to the terrible misery that had befallen them. The mob attacked the procession under one Abu Bakr. The soldiers put up a brave defence but the foresight of the Governor prevented them from committing excesses. Aurangzeb felt incensed at the news of the incident and ordered that the offenders be executed. Mohammad Amin took resort to wisdom, only picked up Abu Bakr and treacherously made him swallow poison.²

When four years after, another famine visited Gujrat, the angry mob attacked Sheikh Muhi-ud-din, the Sadr, while on his way to the Jama Mosque and tore his palki to pieces. He himself reached home unhurt. The Sheikh while reporting the matter to the Emperor, accused Khwaja Abdulla, the qazi of the city, of having³ stirred the trouble. But nothing came out from the complaint.

1. Tuzk, II, Dev., 283-84. 2. Aina-i-Gujrat, I, 181-82. 3. Ibid 186. Text, ii, 383.

CHAPTER VI

P I R A C Y

PIRACY

The Mughal rulers of India failed to realize the importance of a strong naval power. This was a serious flaw which could always be exploited by the European merchants trading in India. It was never the policy of the Mughals to discourage India's foreign trade and ita could never pay them to discourage India's foreign traders. As a matter of fact strict orders were issued to local authorities from time to time to provide adequate facilities to them. Strict observance of law, however, was not possible and irregularities occurred here and there. The European merchants might, at one time or another, run across some local authorities, who, for selfish motives, placed certain disabilities in their way. This would enrage them and make them capture the Indian ships on high seas. They sent regular instructions to their respective commanders for systematic plunder of Indian ships. For them it was a regular weapon to have their rights recognizes and their wrongs redressed. The commanders would rifle the ships of their contents and take into custody prominent persons among the crew as hostages. These methods did not always yield happy results as the Mughal Government could not be awed into acceptance of their demands. If the pirates managed to escape the clutches of the Mughal officials, their fellow-countrymen in India could not.

Besides, there were seasoned pirates who did serious damage to Indian shipping and incalculable harm to Indian trade. The might and majesty of the Mughal Emperors inspired no awe in them. On the other hand, they had the audacity of laying their hands on ships carrying Muslim pilgrims and looting vessels belonging to members of the Mughal royal family. If the English and French, Dutch and Portugese pirates escaped punishment, it was visited on their co-

co-patriots in India.

In addition to these, there were the Maratha warships which cruised about their newly built forts in the sea opposite the island fortress belonging to the 'habshis'. Then there were the Sakans who were very notorious for their acts of piracy. But the Maratha and Sakan pirates were not so dangerous as the European ones.

In the 16th century, it was only the Portugese who held undisputed command of the Indian seas, and controlled all traffic from the Persian Gulf to Mozambique, and from there to Malacca. The King of Portugal almost enjoyed a monopoly of trade in certain goods and on certain routes. To ply trade outside these limits, licenses on payment had to be obtained from him. Unlicensed ships were 'treated as prizes of war, sunk, burnt or captured as circumstances might determine'. Corruption in administration, however, was a loophole almost always exploited by the Indians. They could pay for the privilege otherwise denied to them.¹

The situation underwent a change in the 17th century. The Portugese power received a great set-back at the appearance of the English who proved their serious rivals. The Mughal ships were now subjected not only to the raids of the Portugese but also of the English and the Dutch. The three European nations, although engaged in mutual rivalries and disputes, seemed to vie with one another in ruining Indian trade and shipping. The main culprits of the 17th century hailed from England and the burden of punishment fell naturally on the English merchants in India. Law had to run its course and they had to pay for the misdeeds of their brethren. Subsequent inquiries, however, showed that the culprits were not always Englishment. They could be Dutch or the Portugese. This

1. Moreland : India At The Death Of Akbar, p.202;

De Laet, 116; 244-45.

provided the English with a fresh excuse for piracy : this time, of course, to force the Mughals to let off their prisoners. This step might result in counter-reprisals from the other party.

The Mughal authorities thus always took a serious view of the situation and never took it lying down. If they were not strong on sea, they were not weak on the land. They did not sit idle after a ship belonging to India had been subjected to pirates' raids. They were not slow to inquire about the nationalities of the culprits. This known, the Government compelled the members of that nation, living in India, to compensate the sufferers. If a ship was looted by some English-men, the President of the English East India Company at Surat had to face a difficult situation. The merchants concerned demanded justice from the Mughal authorities. The latter at once ordered a guard to^{be} placed over the English factory. The President was taken into custody and asked to make up the loss. Some time the members of the Council as well had to suffer imprisonment. If this proved unavailing, they would threaten the English trade throughout India. The English factors at Agra, Ahmadabad and other places were imprisoned and their goods sealed.

Naturally it was not profitable for European merchants to encourage looting of Indian ships. The fear of prison life and financial loss and commercial break-down held them in check. Even rumours of piracies sent a shiver through them as they feared to be kept fast, and their goods seized upon.¹ The East India Company had issued specific instructions to the pirates against robbing of Indian ships²,

1. English Factories, 1618-21, p.339.

2. The Embassy, 390-91.

although such a warning remained ineffective. Sir Thomas Roe, the English Ambassador at the court of Jahangir, strongly condemned the activities of the English pirates as they served no useful purpose. On the other hand, the possible disastrous consequences weighed heavily on his mind. He complained to the Company against the pirates 'for whose faults they may be engage'. He warned the Directors that 'your goods and our persons' would have to answer for the nefarious activities of the sea-rovers, 'there must be no traders' and consequently 'your trade in India is utterly lost'.¹ Not only this. Some time effective steps had to be taken against the pirates. Roe refers to the activities of the two Englishmen, Sir Robert Rich and Phillope Bernerdoo, who, although they set out against pirates, turned out pirates themselves. They chased the Queen Mother's ship and could have looted it but for the timely arrival of the English fleet from India. Roe ordered the 'seizure of the ships, prizes and goods and converted them to your use'.² During his interview with Jahangir, Roe assured him regarding this incident that the captains were made 'prisoners in our ships, kept in irons; and that I would see send them home to His Majestie, who make them an example of such bouldness to dare to disturbe the allies of his crowne'.³ On April 9, 1625, Kerridge, the English President at Surat, and his Council, sent instructions to Captian Clevengar that the ships belonging to the Great Mughal's dominions must not be molested.⁴

The strong position of the Europeans on seas placed a powerful weapon in their hands. If, on the one hand, they could harass the Mughal ships, on the other, they

1. The Embassy, 451-52.

2. Ibid., 451-52;

Letters Received, Vol. VI. 173-74.

3. The Embaddy, 422-23.

4. De Laet, 116.

offered them protection on payment basis. The Mughals often applied for safe-conduct of their ships to different European nations. We learn on the authority of De Laet that the Portugese exacted huge sums from the Indians (including even the magnates and the King's sons) for safe-conduct, commonly called passports. For these passports huge sums of money ranging from three to eight thousand mahmudis were demanded. According to Monserrate, for the sake of safety on their sea-vovages, the Mughal authorities had to go to Dieu and ask for safe-conduct, which they could only obtain on certain conditions. If they refused to do this, and their ships afterwards fell into the hands of the Portugese, they were are treated as prizes of war. " However, the governors of Baroccium (Barroch) and Surat obstinately persist in sending off ships without a safe-conduct, and hence suffer great losses, for which cause they bear the greatest ill towards the Portugese.¹ Again, we learn on the authority of the Portugese Father, that at Surat the Portugese blockaded the mouths of the Tapti river. This was done in order to cut off any ship sailing from Mekka without a safe-conduct.² William Finch holds testimony to the fact that the Portugese wielded great power on seas and without their pass ' none may passe',³

The Dutch also took advantage of the weakness of the Mughals and did not lag behind the Portugese. They also sold passes to the Mughals assuring safe-conduct and provided⁴ convoy to the Indian vessels when approached.

To the English, the system of issuing passes seemed to provide an opportunity for commercial advantage. 'No ship dares go out the river of Surat without our pass,'

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1. Monserrate : 166-68.
 2. Ibid., 187.
 3. Early Travels, 135, 203;
The Embassy, XXV;
Letters Received, I, 300.
 4. English Factories, 1624-29, 192, 356;
Ibid., 1622-23, 216.

boasted the English representative at Ahmadabad in November, 1613. Roe shared his opinion and held the belief that to convoy native ships on payment basis 'may help in the establishment of trade'. He wrote to the Company in February, 1618, that the 'feare of us' had compelled the Mughals to apply for passes. From Ahmadabad in the same month he wrote to Thomas Kerridge at Surat two years before he had made public his offer to safe-conduct the goods and ships of the Indians. In January, 1618, Thomas Roe issued instructions to all commanders of the Company's ships to keep 'company' with the Indian ships that they came across on the seas and to 'stay them at the Bar of Suratt until they heare from shore how our trade contineues.' If all be well 'then suffer them quietly to goe at their pleasures'. Again, in the same month he wrote to Thomas Kerridge regarding convoying the native junks to Mocha, and instructed the captain and the cape merchant, that they might agree with the Gujrati traders to convoy their ships on suitable terms.

In January, 1618, Ikhlās Khan, the captain of the 'Jahangir', applied to Roe for safe conduct to the Red Sea. The English ambassador sent instructions to all the English merchants to refrain from molesting the vessel and its mariners.

Next month, Roe assured I'timād-ud-daula that the English stood by their promise to safe-conduct Indian ships to the Red Sea.

William Bidulph told the Khan-i-Khanan at Burhanpur that every year the English ships guarded the ships of Prince Khurram and of the merchants from Surat to the Red Sea and back again.

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1. English Factories, 1622-23, 3; 12.
 2. Early Travels, The Embassy, 439.
 3. English Factories, 1618-21; 5.
 4. Ibid., 2.
 5. Ibid., 13.
 6. Ibid., 20.
 7. Ibid., 2.
 8. Ibid., 5.
 9. Ibid., 172.

Earlier in 1617, at the entreaty of the merchants the English at Surat gave passes to two ships of 'Danda Rasponse'¹ for the Red Sea.

The President and Council at Surat wrote to Captain John Hall in February 1623 that he should seize all Indian ships not provided with English passes.²

The pass system, however, failed to provide adequate safeguard against the nefarious activities of the pirates. The loss caused by them to Indian trade and shipping was not negligible.

In a letter to the Company written in February 1618, Sir Thomas Roe expressed the fear that the English might not succeed in procuring a suitable port from the Indian Government. The reason, he said, was that the Indians had become weary of the English. 'Indeed wee see wee have empoverished their ports, and wounded all their trade, so that by much perswasion of the Governors the merchant goes to sea.'³ He warned the Company that if the activities of the pirates were not stopped, 'you will have the seas full and your trade in India is utterly lost and our lives exposed to pledge in the hands of Moores. I am loath to lie in irons for any mans faults but myne owne.'⁴

India had been enjoying a lucrative trade with the outside world from time immemorial. It was quite profitable even before the advent of the European merchants in the Indian commercial arena. The Dutch Pelsaert who wrote his account of India in 1626 bears testimony to this fact. By that time this trade had been reduced only to a fraction of its past greatness. And the major portion of blame for this damage, according to the same authority, must be borne by European

1. English Factories, 1618-21, 172.
 2. Ibid., 1622-23, 203.
 3. Ibid., 1618-21, 13; The Embassy, 434.
 4. Ibid., Ibid. 17.

traders whom the Indian merchants termed as 'the scourges of their seas and of their prosperity.' The leading native merchants would frankly lay bare their hearts before the European traders when they told them to their face that 'they heartily wish we had never come to their country.'

Monserrate has given an account of the capture of an Indian ship by the Portugese. The Mughals sent their spies into Daman under a pretence of friendship. And, when a Portugese fleet under Jacobus was lying at the mouth of the Tapti river, they suddenly attacked a party of young soldiers who had landed with the object of catching birds and enjoying themselves on the shore. Being thus attacked, the sailors fled, and most of them reached the ships. However, nine were dragged to Surat and 'cruelly treated.' They were given the choice of death or conversion to Islam. The sailors accepted the former and were executed.

While at another time¹ the Father had been awaiting the arrival of his colleagues at Daman, the Portugese admiral captured a ship sailing from Mecca to Surat. She surrendered to him on the condition that all on board, except the Turks, deserters and the Christian renegades, should be allowed to go in safety. The admiral, however, delayed fulfilling this condition and many of the prisoners died of starvation, thirst and hardship. Others were kidnapped and sold into slavery 'by certain wicked Christians'. The priest was permitted by the admiral to find out who among them were the Turks and the Christian renegades. These were detained as prisoners and the Mughals were allowed to go free.

In 1608, during JAHANGIR'S reign Sir Edward Michelborne looted a ship belonging to a Surat merchant.

Having been finally refused by Muqarrab Khan, the customs officer of Surat and Cambay, permission to establish a factory

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1. Jahangir's India by Pelsaert, 39-40.
 2. Monserrate, 166-68.
 3. Ibid., 190.
 4. William Finch in Early Travels, 125-26.

at Surat, the English departed on February 11, 1612, for the Red Sea. There Middleton found Captain Saris with a fresh fleet from England. The English held up the Indian vessels trading to Mokha and Aden and forced them to exchange their goods for English commodities. As a punishment for the action of the Gujrat officials in excluding the English at the dictation of the Portugese, they required the Diu and Surat ships to pay a heavy ransom. These measures had their effect in India, and 'when a little later, Best and Downton demonstrated that their countrymen were as powerful at sea as the Portugese, the Gujrat seaports were only opened to English trade. '¹

Sir Henry Middleton, the English captain, robbed a number of Indian vessels in the Red Sea in 1612. His activities were seriously resented by the Mughal authorities who were keen on restitution for the alleged losses. His fellow-countrymen in India had to pay for his misdeeds as they were put into prison and their goods confiscated,² obviously to compel them to make up the loss.

The advent of the English and the favourable reception accorded to them was resented by the Portugese who made vain efforts at persuading the Emperor to expel them from India. Reduced to despair at the lack of success, they resorted to violence by by seizing four vessels that frequented the port of Surat. The vessels had a rich cargo of coral, silver, gold and other articles. Moreover, the Portugese took captive a large number of persons whom they carried away to Goa, to turn men into slaves and convert women and children into Christianity. This was done in spite of the fact that the ships had Portugese passes and that the Queenmother had a large interest in the cargo.

On hearing the news, Emperor Jahangir got incensed and issued orders immediately to seize all their goods, to seal their church gates and imprison all the Portugese in India. Muqarrab Khan, the customs officer of Surat, was ordered to

1. Early Travels, 68.

2. Letters Recd., 1602-13, I., 279; Early Travels, 197, 203, 207.

proceed to Daman and lay siege to the city. The war came to a close after two years' fighting and a preliminary treaty between the two parties was signed in June, 1615. The Portugese agreed to make compensation and to grant certain conditional passes to the native vessels proceeding to the Red Sea.¹

Early in 1617, Alexander Childe, Captain of the 'James', surprised a Surat vessel laden with timber in the Red Sea. He detained it for three months and spent the 'one half of her lading'. The Company was required to make compensation for it.²

Soon after, the Company's fleet seized yet another ship belonging to the same owner. The occupants who were Banias, clamoured for liberty. At night six of them leapt overboard and swam to the shore to apprise the customs officer of Surat of the situation. The latter sent for Kerridge, the English President, and expressed his anger in so many words. Kerridge, however, satisfied him by assurances. The subsequent news of the capture of some Indians by the Captain of the same ship obliged the customs officer to adopt a strict attitude. Their broker was kept in irons in order to force the English to make compensation.³

Early in October, 1621, the Surat President was informed by Captain Waddel at Swally that some English pirates had taken an Indian ship and sunk it along with its passengers. Property including two tons of gold and invaluable treasure fell into their hands. Waddel feared that their action 'will fall heavy on us' if they were allowed to carry away the spoils. He was sensible of 'future inconveniences..... and the great disturbances of our long continued commerce in these parts.'⁴

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| 1. Early Travels, 201; The Embassy, xxv; Letters Recd. I, 300, 306; | |
| 1. Letters Received, V, 206-7. | Ibid., II, xvii; III, |
| 2. Ibid. | xxxvii; Tuzk, Bev, I, |
| 3. English Factories, 1618-21, 300-1. | 255; Eliot & Dowson, VI, 337. |
| | Tuzk, Text, i, 126. |

In the beginning of January, 1622, the 'London' and other ships had taken on the coast of India three vessels worth 80,000 rials. Two months later the English factors at Ahmadabad were made to appear before Mohammad Taqi, the Diwan of the province, to make compensation for the alleged loss. They pretended ignorance and shifted the blame on to the Dutch. After a fortnight they were again sent for. When they refused to plead guilty, they were remanded to custody. It was only when an Indian merchant Gurdas furnished security for the English President that he was released. The English had to suffer in Agra as well. They were kept in prison for over five months, first in their own house and then in the castle.

In order to get their grievances redressed, the English resolved to seize Indian ships. Under instructions from the Surat President, Captain Hall and others captured by the beginning of October, 1623, seven Indian junks. The 'Dolphin' seized 'Toklie' and 'Tawrie', the two Surat vessels, with Maqsd Ali and Shiva Ji Vaniya as their respective captains. The 'Blessing' captured the Prince's junk from Gogha, a vessel of Dieu, and a small junk belonging to Pahalwan Shafi; in addition, they captured the 'Ganjawar' and the 'Shahi'. They anchored near Daman where they had^{under} them seven junks and 'a world of people to mayntaine with water and victuals'.

As the Mughal authorities were engaged at this time in quelling the rebellion of Prince ShahJahan, they did not pay serious attention to this matter. The Indian merchants, however, were not sitting idle and they made a strong representation to the Central Government. Consequently, Emperor Jahangir issued in February, 1624, four farmans 'to the apprehending of our persons, restitution of our recoveries and lastly our expulsion out of his countries'. As a result of these orders, the English merchants at Surat were seized

1. English Factories, 1622-23, 18; 68-69; 71; 72; 74; 79-80.

and put in irons. Their residence and warehouse were ransacked and their goods confiscated. They were packed and stifled together 'into close and airless and unwholesome corners'. The Surat merchants were not the only sufferers; this treatment was meted out to the English merchants in other places also. They could stand this no longer and their resistance collapsed. At last President Rastell and his companions signified their consent to come to an agreement with the Mughal Government. They got ready to make compensation for all that had been taken away from the Indian merchants. Even during the negotiations an unsuccessful attempt was made by the English to force the issue by trying to capture three Indian junks going to Arabia.

In the reign of Emperor SHAHJAHAN, two Mughal vessels, one of whom had a pass from the Surat Factory, were looted in 1635 at the mouth of the Red Sea by Cobb, the captain² of an English ship.

The looting of a Surat merchant vessel, 'Taufiki', early in April, 1636, put the English to great trouble. A guard was placed over the English Factory and was later doubled. The English President Methwold and the English factors were made prisoners and removed to a close and inconvenient room. At last after protracted negotiations the Company consented to pay a heavy sum of Rs.1,10,000/- to satisfy the demands of the robbed merchants. The President and the Council at Surat decided to send the 'Blessing' to search and seize³ the offenders.

Just upon the heels of this incident came the news of another act of piracy. A Dieu junk was looted by some pirates and the charge was levied against the English. The merchants of Ahmadabad began to clamour for the satisfaction of their demands. The English factors were imprisoned and their goods

1. English Factories, 1622-23, 271, 193-94; 296;
 Ibid., 1623-24, 18; 1624-29, 36, 55-56.
 2. English Factories, 1634-36, Bidulph, cf. Sarkar's
 3. Ibid., 1634-36, Aurangzeb, V, 340.
 192-93; 195-96; 247.

confiscated. On furnishing sureties they were released, but were not permitted to go outside the gates of the city. At Agra their house was seized and their broker was kept under surveillance. In Sind their goods and money were confiscated. It was after a month that the orders for the release of their persons and goods at Agra, Ahmadabad and Thatta were¹ given.

In October, 1636, some English pirates again looted an Indian vessel. The departure of the interested parties² to the Court for justice frightened the English at Surat.

In 1638, Indian vessels were plundered by an English captain. For his misdeeds, his countrymen in Surat were seized and kept in prison. They were released only when they³ paid Rs.1,70,000 by way of compensation.

A Turkish merchant complained in 1639 that he had been robbed by the English. The customs officer of Surat refused him hearing. The Turk appealed to the Court. A farman was at once issued to the customs officer of Surat to compel the English to pay back the losses suffered by the Turk. He was to decide it for himself whether his demands were just⁴ or not.

In March 1641, two English vessels captured three Malabar junks laden with cocoanuts etc. They burnt two of the ships, took fourteen of the principal men as prisoners, and they turned adrift the rest of the crew in the third vessel without sail or oars. The Malabaris petitioned the customs officer of Surat for justice. The latter turned a deaf ear to their request as he required the services of the English to undertake the convoy of his junks to Basra. The⁵ matter was dropped after a formal warning to the English.

1. English Factories, 1634-36, 278; 294-95.

2. Ibid., 315-16.

3. Bidulph, 2-9; cf. Sarkar's Aurangzeb, V, 340-41.

4. English Factories, 1637-41, 107-8.

5. Ibid., 1642-45, 2-3.

In December, 1650, Humphrey Morse surprised a Malabar frigate possessing an English pass. The customs officer of Surat sent for the English President and asked him to make up the losses. In case of failure on his part the customs officer would be obliged to write to the Emperor. The President^t wrote to Morse to compensate the losses without delay and to desist from similar acts in the future. The President and the Council, however, disclaimed all responsibility for the activities of Morse and informed the Mughal official that it was the duty of the Mughal monarch to secure his seas¹ from the attacks of the pirates.

In July, 1661, the English at Surat got into some trouble with the customs officer. They were responsible some years before for the capture of some Malabar ships trading with the port of Surat and this had caused friction between them and the Surat authorities. Now they had brought a Malabar prize to Swally and the customs officer forced them to give² up the vessel.

Some five years later, a fresh trouble arose on the seizure of a Muslim ship by some pirates. It ended only when³ it was discovered that the pirates were the Swedes.

Since the annexation of Bengal by Akbar till the conquest of Chatgaon in 1666, the Magh and Feringi pirates of Arakan proved a constant terror to the peace and prosperity of the province. With their boats they penetrated into all parts of Bengal and seized upon the inhabitants without distinction of caste and creed, sex and age. Even tiny babes and their mothers had no escape from their merciless jaws. Like the Huns they perpetrated unheard of cruelties upon their victims. The Feringi pirates would often sell their prisoners to the English, French and Dutch merchants at the ports of the Deccan; but the Maghs forced their captives to serve on land or do

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| 1. | English Factories, | 1646-50, | 129; |
| | Ibid., | 1651-54, | 39. |
| 2. | Ibid., | 1661-64, | 12-13. |
| 3. | Ibid., | 1665-67, | 33. |

other ~~of~~ kinds of service.

A letter written from Bombay in 1669 makes a mention of the injuries and affronts suffered by the Indians at the hands of the Portugese at sea. Aurangzeb resolved to send² an army against the Portugese.

In 1688, two ships under English colours plundered vessels in the Red Sea. In 1689, a number of pirates from the West Indies infested the Malabar coast and looted Indian³ and English vessels alike.

In August, 1691, certain pirates sailing under English colours plundered a ship belonging to the distinguished Surat merchant, Abdul Gafur, and containing nine lac rupees cash. A guard was placed on the English factory in Surat and their trade was forbidden throughout the country. The embargo was removed, however, when one of the pirates, who⁴ was captured, proved to be a Dane.

In September, 1695, Henry Bridgman, alias Every, one of the most notorious pirates, seized off Socotra 'Fateh Mahmudi', a richly laden ship, belonging to Abdul Gafur. Every rifled the ship of all its valuable contents and took captive a young Muslim lady belonging to a good family. Soon after Every captured the 'Ganj-i-Sawai', the royal pilgrim ship, returning from Mecca, and containing 52 laos of rupees. He took captive a number of men, dishonoured women, and stripped them of their possessions. Several women, to preserve their honour, threw themselves into the sea, and some made an end of their lives with knives and daggers.

Already the news of the capture of the 'Fateh Mahmudi' had made popular feeling at Surat rise to fever heat and the English Factory there had to be protected from the angry mobs by the military commander of the city. Now the capture of the

1. Studies in Mughal India, 123-24; Manucci, I, 371.
 2. English Factories, 1668-69, 257.
 3. Aurangzeb, by Sarkar, 342.
 4. Ibid.

imperial pilgrim ship fanned to the fiercest heat the fires of fanaticism in Surat. The conciliation of the popular feeling by some energetic action became essential. The customs officer of Surat swept into the common prison, that the factory now had become, all Englishmen who could fall into the soldiers' hands. Heavy irons were put on all of them and a guard of about 300 men was placed over the factory.

To Aurangzeb the 'audacious crimes of Every were calculated to be as a spark introduced into a barrel of gun-powder', and, in a fit of rage, he issued orders favouring strong measures against the English. The advocacy of their cause by Asad Khan, the Prime Minister, their friend at the Court, made the Emperor withdraw his orders. At last, towards the end of the year directions were sent to the customs officer of Surat that the English, the French and the Dutch should send ships to search for and bring in the pirates or pay the damages sustained by the loss of the 'Ganj-i-Sawai'. The obligation to furnish a convoy was entered into and Annesly signed the bond on January 6, 1696. The English, however, were not released, due to 'the infinite capacity of Mughal officialdom for circumlocution', till the 27th¹ June.

Soon after, a new danger arose in the person of that 'grand villain Sivers, commonly called Chivers'. He and his associates attacked the native shipping from the Persian Gulf to Cape Comrin on one side and from Cape Comrin to the Red Sea, on the other.²

But the most dangerous man was William Kidd, 'the most redoubtable pirate who ever besmirched the honour of England'. The imprisonment of Annesly and his colleagues at Surat had made the authorities at India House realize the magnitude of the peril. The Government at that particular time was unable to take measures for the suppression of piracy. The idea of

1. Bidulph, 13; cf. Sarkar's Aurangzeb, V, 342-43; Wright, 160-62; 163-64; 174-87; Eliot & Dowson, VII, 350-51.

2. Wright, 191.

sending an expedition under private auspices to encounter pirates in the Indian Seas gained ground among certain English nobles. So a vessel named the 'Adventure' was fitted out with considerable armament, and Kidd was appointed its captain. Arriving outside Calicut early in 1697, he showed himself in true colours and shamelessly told his victims that his activities had no motive of private gain, but were in conformity with a deliberate state policy. First of all he looted a vessel owned by a Dutchman of Surat. On Feb. 2, 1697, he plundered the 'Queda Merchant', 400 ton, with a rich cargo of four lac of rupees and belonging to Mukhlis Khan, a principal noble of the Court. Soon after Kidd was joined by a number of restless English sailors, the former servants of the East India Company, and became the most formidable menace to peaceful shipping in the east at that time. The pirate fleet contained 120 guns and was manned by 300 Europeans, the greater part of whom were Englishmen. In vain did the English authorities in India deny the complicity of their co-patriots in piratical activities. Many of the pirates had been recognized by reliable Indian sailors as former servants of the East India Company. At last the customs officer of Surat issued a stern letter to Annesley demanding guarantees for the clearance of the seas of the pirates and compensation for the capture of the 'Queda Merchant'.

After some time the pirates captured a vessel full of rich cargo belonging to a Surat merchant, Hasan Ahmadan. There was a popular outcry against the pirates' activities and the matter was reported to the Emperor. The Mughal Emperor issued an order asking the English guarantees against piracy and for compensation of the robbed vessel. Similar orders were issued to other European Companies in India. On

1. Wright, 194-201; 208-10; 212.

2. Ibid., 230; 232.

January 2, 1699, a guard of about six hundred soldiers was placed over the factory house. A similar treatment was meted out to the Dutch and the French. Any communication with the factories by an Indian was punished with flogging. On instructions from Gayer, the English Governor of Bombay, Annesley refused to part with any money, though he agreed to continue the convoy of the Mocha and Jedda fleets for another year, and he promised to hunt out and punish the pirates. He, however, could not resist for long, and, on January 25 yielded to superior force and gave the required security. The Dutch also showed bold resistance in the beginning, but later on agreed to offer security for Mughal ships in the Red Sea, and pay a sum of Rs. 25,000/- by way of part compensation.¹

In 1703, a Mughal ship returning from Mecca, was captured off the port of Surat. The richest merchants along with the cargo were carried away by the pirates. The customs officer of Surat took the English and the Dutch Presidents at Surat into custody, and threw them into prison. He made the Dutch pay five lac of rupees and the English another big sum of money.²

In September, 1704, the Dutch captured three richly freighted Mughal ships returning from Mecca. They refused to release the crew unless the Mughal authorities paid back the money forcibly taken from them. The Dutch and the English, who were prisoners in their houses, issued forth from prison, and, with a marked boldness, defying all force, went to the sea. They blockaded the port of Surat and seized upon three Surat vessels, laden with valuable merchandise from China. Despite all this, Aurangzeb did not seem perturbed and rather 'concealed the insult'. He instructed the customs officer of Surat to secure the release of the captives on any term and advised him not to insist on indemnity bonds from the Europeans in the future.³ Thus in face of a determined refusal on the part of the Europeans for the acceptance of responsibility of piratical activities and their threat of use of force against the 'unreasonable' demands of the Mughals, the latter would drop the case. This was necessary in order to retain the advantage of the European trade.⁴

1. Wright, 232-34; 236-9. 2. Mannucci, 111, 497-98. 3. *Ibid.* 62-63, 141.

CHAPTER VII.

O F F I C I A L

C O R R U P T I O N

OFFICIAL CORRUPTIONBRIBERY

Bribery was very common during the Mughal rule in India. As the means of communications were undeveloped, it was not easy for the Central Government to remain in close contact with the activities of their officials. According to Manucci, even news-writers, who were supposed to keep the Central Government informed of the activities of the officials, could fall an easy prey to this vice.¹ We learn that even a Governor would sometime bribe the Emperor to secure his continuance² in office. As even today, the people who were anxious to get their work done in a short time and speedy manner could afford to pay for it to the persons concerned.

Then there was the system of presents. It was common practice at that time to present gifts to the higher officials or big people whenever visits were paid to them. This practice³ was prevalent throughout the country and even the Emperor formed no exception. Rather it was regarded as an insult if a person went to the Emperor without proper present. Even the Princes of the royal blood approached their father with some suitable gift for him. Akbar had issued an order that every person from the lowest to the highest should bring a present when he came to visit him.³ Similarly, when any one⁴ went to Jahangir, he had to offer a present. The offer or acceptance of the present did not expose its giver or recipient to any odium in society. There are copious references to the system of gifts by the foreign travellers. Even official records have made no secret of the fact. Tahawwar Sh'ar 'Ajaib Singh, thanedar of Othal in the sarkar of Ujjain, accepted in 1706 one rupee by way of thanks when he released the two wives of Mohan, who had quarrelled with one another⁵ and had been kept in custody by him. In the same year Tahawwar

1. Manucci, II, 451-52.

2. English Factories, 1630-34, 193; Tavernier, I, 17.

3. Badami, Lowe, 332. Text II, 322.

4. Early Travels, 119.

5. Jaipur Akhbarat, 49th year.

Dastgah Udai Singh, thanedar of pargana Bhaurasa in the sarkar of Sarangpur, went to the village of Sahiya in connection with a serious complaint against the kotwal there. The muqaddams of the village came and each presented one rupee to him by way of present. He, moreover, enjoyed a feast there along with his soldiers. Similarly, Rif'at Panah (رفعت پناه) Banarsi Das, munsaddi of the jagir of Nawab Nawazish Khan, who visited the town of Othal, was presented one rupee each by the qanungos and chaudharis in 1706.

There was no normal code to guide the conduct of the government officials in those days and the general conditions of the times did not warrant such a code. The officers as a rule did not feel any sense of responsibility towards the people in this connection. Mostly they lived fast and were always in bad need of money. Moreover, particularly because of the system of presents, it had not been possible for a strong public opinion in the country to develop against the prevalent vice of bribery.

Daulat Khan, entitled Nazir-ud-daula, the head eunuch in Akbar's reign, had, according to Jahangir, no equal in the 'receipt of bribes'. He left ten krors of ashrafis and jewels worth three krors. All the money was appropriated by the Emperor.

We learn from the letters written by the English factors to the East India Company that quite often they had to bribe the officials before they could get their goods released.

Sir Thomas Roe records with satisfaction that in November 1616 he was successful in recovering all the money that had been taken by the Mughal officials from the servants of the Company before his time.

There is again a reference to the corruption of the governors and officials in a letter of February 18, 1620, written by Thomas Kerridge to the Company. He complains that from 'the king to the lowest' there was great corruption.

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1. Jaipur Akhbarat, 49th year.
 2. Ibid.
 3. Eliot & Dowson, VI, 496-97; Price's Memoirs, 34.
 4. The Embassy, 290.
 5. English Factories, 1618-21, 183.

Prior to this an English caravan was detained at Burhanpur by the Mughal authorities on the complaint of a Portugese that some Englishment owed him some silver etc. The Surat factors wrote to James at Burhanpur to spend, if necessary, any reasonable amount in bribes. The caravan was released later on by the orders of Prince Khurram.¹

A letter of March, 18, 1620, has given details about the amounts of bribe to be paid to the Governor of Gujrat, the customs-officer of Surat and the broker there. In lieu of these bribes the English would have their coral released and gain the liberty to buy and sell at their discretion.²

The customs-officer, however, broke the pledge, and, in spite of the bribes, fined both the broker and the shroff³ for buying and selling with the English.

During a consultation held in Surat by President Kerridge and others on February 20, 1621, they decided the amounts of bribe to be paid to different persons serving in the Customs-Department there. It was resolved to offer cloth worth 600 mahmudis to the Customer, of half the value to the Chief Writer, and to distribute 200 mahmudis among other officials. Earlier they had settled with the Customer to offer him a scarf worth 25 mahmudis, but he, instead, took one worth 47 mahmudis. They agreed to this on the understanding that the expected caravan from Mandu would be permitted to come in without further bribes to him or his other officers.⁴

On April 10, 1621, Thomas Kerridge wrote to the Company that there was such a tough opposition in Surat at the arrival of their coral there, that he had to pay the Customs-Officer a large sum of money in bribe.⁵

Some time they bribed the Customs-Officer of Surat to help them recover their debt from some Indian merchant as a letter of September 1621 shows. They complain in another letter⁶ that on their refusal to give the Customs-Officer a certain quantity of cloth, he 'stopt the curreant of your business...'⁷

1. English Factories, 1618-21, 118.
2. Ibid. 187.
3. Ibid. 189.
4. Ibid. 232.
5. Ibid. 249.

6. Ibid., 270.
7. Ibid., 282-83.

A letter of August 31, 1623, records that Nicholas Bangham, an English factor, had to pay a bribe of Rs.30/- to the Diwan and his subordinates before he could be permitted to depart from Broach.¹

In a letter of Oct. 26, 1623, Hopkins wrote from Surat to President Bastell to send them grape wine as Safi Khan² had demanded it twice.

Mirza Ghias Beg, the father of Nur Jahan, was notorious in taking bribes.³

Manrique found that in the reign of SHAHJAHAN the Catholics had managed to control trade in India by bribing the 'governor', i.e. the customs-officer of Surat and his chief officials.⁴

When ShahJahan rewarded a musician with Rs.1,000/- the latter burst into tears and disclosed that that money would have to be given by him to the gate-keepers of the palace by way bribery. This clever representation of the case made the Emperor laugh. He ordered the twenty-five gate-keepers then on duty to receive one thousand stripes each by way of punishment.⁵

Wazir Khan, a noble at ShahJahan's Court, took huge bribes, sometime amounting to Rs.30,000/- a day.⁶

According to Mandelslo, the merchants at Ahmadabad, had to pay no customs on the export or import of goods. They paid, however, fifteen pence per waggon to the kotwal of the place.⁷ Thavenot discovered at the Surat customs house that every way-farer had to pay about 18 pence to the waiter as a tip.⁸

In March 1628 the English and the Dutch got into trouble with the Mughal authorities for buying and transporting salt-petre without the permission of the government. Two of the English factors, Clement and Bangham, were kept prisoners in

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1. English Factories, 1622-23,
 2. Ibid., 292.
 3. Eliot & Dowson, *Tatima-i-Jahangiri*, VI, 397.
 4. Manrique, I, 43-49.
 5. Manucci, I, 189.
 6. Ibid., 207.
 7. Mandelslo, 28.
 8. Thavenot, III, 2.

the castle for a night and day. They were released when they gave bribe and presnt to an officer, Reza Bahadur.¹

On their way from Surat to Agra in November 1630, Peter Mundy ,accompanied by the caravan, came to a place called 'Barnolee'. They were asked there to pay Rs.20/- as custom. They evaded the payment by giving one mahmudi to the peons as bribe.² Two years later Peter Mundy bribed the faujdar of Banaras and got released his cart which had been confiscated for begar.³

In August 1636 John Drake was at the royal camp on the Narbada. He experienced much trouble in procuring firman from the Emperor. The reason was that every one demanded bribe. Khusrow Beg would accept nothing less than Rs.500/.⁴ Drake gave him a gold chain and added Rs.100/- to it.

Methwold and the Council warned the English factors at Ahmadabad in March 1638 not to give further bribes to Saif Khan.⁵

As salt-petre was a prohibited commodity, it had become a practice to pay some quantity of it to the officer concerned. In March 1654 the English at Surat were sure that the salt-petre at Ahmadabad would not be released without a heavy bribe to the customs-officer.⁶ In December 1654 a quantity of saltpetre belonging to the English was stopped at Rajmahal. The English factors there opined that to secure its release and for future negotiations it would be necessary to bribe the Governor and other officers. They were of the opinion that in these thing, they should follow the example of the Dutch and pay annual presents.⁷

Towards the close of 1669 the Dutch in Bengal captured saltpetre belonging to the English. The latter complained to the Mughal authorities who institated a sort of inquiry. It was considered that the presents sent by the Dutch to Shaista Khan would stifle all further inquiry.⁸

1. English Factories, 1624-29, 270.

2. Peter Mundy, II, 40.

3. Ibid., II, 122.

4. English Factories, 1634-36, 28.

5. Ibid., 280.

6. Ibid., 1651-54, 251, 252, 254.

7. Ibid., 303-4.

8. Ibid., 1667-70, 160;

Bernier, I, 269-70; Fryer, I, 244; Manrique, II, 115.

The paucity of the recorded cases might make one believe that bribery was very infrequent in Mughal India. It is necessary, however, to remember that these cases show the general prevalence of bribery among the public servants at that time. The convention of offering presents had its evil effects. Every one expected similar presents from those below in rank. The result was that bribery in itself was not considered a crime, though a complaint could be made against an officer who was suspected of having been bribed into giving an unjust decision in a particular case. This is further proved by the fact that the *Fatawa-i-Alamgiri* does not seem to say a word about bribery as a crime. All the foreign travellers including Pelsaert have complained about the greedy nature of the Mughal officials. His invective even goes against the governors who accepted bribes from thieves and remained inactive, for 'avarice dominates manly honour.'

1. Jahangir's India by Pelsaert, 59.

EMBEZZLEMENT

Our authorities have not much to say about this form of crime. We learn that whenever a case of embezzlement was brought to the notice of the Emperor, he ordered inquiries to be made. The lack of sufficient material does not help us to form an opinion about the punishment of this form of offence. Aurangzeb had ordered that an official, on a charge of embezzlement, could be dismissed from his post or imprisoned, but he was not to be fined.¹

In 1580, during Akbar's reign, Ala-ud-din Yazdi, the Diwan of Gujrat, was suspected of embezzlement. The Governor of the province, Mirza 'Aziz Kokaltash, handed the Diwan over to his servant, Talib, to be kept as a prisoner. Talib, however, exceeded the limits of his powers, and wrongfully killed Ala-ud-din Yazdi. For this offence, the Mirza ordered the execution of Talib.²

Khwaja Shah Mansur, 'an adept at the mysteries of accounts', was an accountant in the Perfumery Department. Later on he joined the service of Mun'am Khan. After the Khan's death, Raja Todar Mal, 'on account of questions about accounts', imprisoned him in 1576 and put chains on his body. Not only was he pardoned by the Emperor, but promoted to the exalted post of Vazir.³

Roshan Beg, a collector of exchequer lands in Bengal, embezzled money and fled to Kabul some time before the Bengal revolt in 1580. Later on, he received capital punishment, but on a different charge of rebellion.⁴

The son of Qazi Jalal Multani, the Qazi of the army, was accused of having embezzled treasury money. Qazi Jalal himself had forged in a firman a draft of one lac of tankas and had drawn it from the treasury for his own use.

K h w a j a F a t e h U l l a h B a k s h i

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1. Aina-i-Gujrat, i, 177-78.
 2. Akbar Nama, Text, iii, 266; Bev., iii, 337.
 3. Ibid., Text, iii, 193; Bev., iii, 273.
 4. Ibid., Text, iii, 292; Bev., iii, 431.

was his accomplice in this act. Both Qaz¹ Jalal Multani and the Khwaja were exiled to ~~the~~ Mecca in 1582. The Qazi died in Mecca. There is no mention of the punishment that was meted out the son of the Qazi.

I'timad-ud-daula was accused by his Hindu servant, Uttam Chand, of having embezzled Rs.5,000. The Emperor ordered him to be handed over to Dayanat Khan who was to² keep him in custody.

ShahJahan came to know that the wife of Khalil Ullah Khan wore shoes worth three millions of rupees. He took this to be the sign of the vast wealth of the noble, a greater part of which he must have got by 'theft', meaning thereby perhaps embezzlement. Khalil Ullah Khan was required to render his accounts in detail so that it might be found out³ how he had come by that money.

The officials, we learn, availed themselves of every opportunity to embezzle the government collections.⁴ Manucci complains that it was always their habit to keep three-⁵fourth for themselves and pay one-fourth to the State.

It was reported by the people of Karnal on December 16, 1666, that the Qazi of the place had appropriated public money. Aurangzeb ordered that he be entrusted to 'Aqil Khan,⁶ perhaps for inquiries.

Aurangzeb learnt that the treasurer and district officer of Lauli collected about Rs.16,000/- annually⁷ as toll on merchants and travellers and sent only about Rs.2,000/ to the royal treasury. The Emperor ordered Prince A'zam to make inquiries.

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1. Akbar Nama, Beveridge, III, 554-55; Badauni, Lowe, III, 78.
" Text, iii, 377-78; Badauni, Text, ii, 313. 323.
 2. De Laet, 178.
 3. Manucci, I, 193.
 4. Ibid., II, 315; English Factories, 1670-77, 267;
Letters CXLII, 137.
 5. Manucci, II, 291.
 6. Jaipur Akhbarat, 16th Dec., 1666.
 7. Letters, LI, 52.

It came to the knowledge of Aurangzeb that Amir Habib Ullah of Jaunpur, the amin of the poll-tax on the non-Muslims, had admitted to have appropriated from the imperial treasury a sum of Rs.40,000/-. The Amir was detained by Inayat Ullah Khan who had appointed strict collectors to exact money from him. The Emperor forgave the amin as he had spent all the money on charity.

Bahadur Khan, the Governor of the Deccan, was accused of embezzlement. Orders for his dismissal and for the confiscation of his property were issued. Later on he was forgiven. Abdulla Khan, the Bakshi there, was dismissed² on the ground of making wrong entries of the collections.

Aurangzeb came to know that Tarbiat Khan, who had got money for distribution among the soldiers of the fortresses, kept it for his own private use. A'zam was³ ordered to make inquiries and take suitable action.

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1. Anecdotes, 96-97.
 2. Ma'asir-i-Alangiri, 116.
 3. Letters, CXLIV, 139-40.

CHAPTER VIII

ABUSE OF AUTHORITY BY PUBLIC SERVANTS

ABUSE OF AUTHORITY BY PUBLIC SERVANTS

There are many references by the contemporary authorities to the tyranny exercised on the people by the Governors and Faujdars, customs and revenue officials. The peasants had to suffer at the hands of the greedy officials who were more interested in extorting money out of them and at the hands of the soldiers who marched through their fields and damaged their crops. The artisans worked under hard conditions and suffered at the hands of the nobles. The merchants experienced difficulties at the hands of the customs and other officers. The Mughal Emperors did not usually ignore the offences of the officers, whether ministers or governors and awarded suitable punishment to the guilty in accordance with the nature of the crime. The punishment differed from fine and imprisonment to dismissal and death.

COMPLAINTS AGAINST THE GOVERNORS

Orme remarked about the 'unhappy' system of oppression that prevailed throughout India from the highest to the lowest scale.¹

Bernier felt pity for the poor lot of the Mughal subjects. They groaned under the tyrannies of the provincial governors possessing boundless authority. The people suffered less under governors of some standing than under those, who, indigent and greedy, first took charge of their provinces. The tyranny was somewhat mitigated by the apprehension that if too much oppressed, the people would abandon the country.²

The same traveller again complains of the absence of a higher authority before whom an injured tradesman, peasant or

1. Orme, 450-51.

2. Bernier, I, 261-62.

artisan could pour out his complaints against the tyrannies of 'merciless oppressors'¹. The Mughal subjects could hope for no redress against the cruelties of the provincial governors, however grievous their injuries might have been.² For a peasant or an artisan it was not easy to travel a long distance to file an appeal in the imperial court. The obstacles that lay before him were almost insurmountable. How could he defray the expenses of a long journey? Was not there lurking in his mind the constant fear of the highway-men who waited for every opportunity to waylay and murder a traveller? Then there was the danger of falling into the hands of the Governor's men. His difficulties did not come to an end even if he managed to approach the royal court. He would find his oppressor's friends busy in distorting the truth, and misrepresenting the whole affair to the Emperor. And there was likelihood of the case being reverted to the local court at the commands of the Emperor.³ These difficulties, however, were peculiar not to Mughal India, but characteristic of the times.

Our authorities fail to inform us of any case of complaint against the Governors during Akbar's time.

On the death in 1614 of Mirza Gazi Tarkhan, the Governor of Thatta, Rustam Khan was appointed in his place. He committed such oppression on the people that they complained of his wickedness to Jahangir.⁴

A'Zam Khan, the Governor of Gujrat in about 1639, though judicious and a man of understanding, was so rigorous that his government inclined somewhat towards cruelty. He put to death some dancing girls who refused to come to his place in obedience to his summons.⁵

1. Bernier, I, 253-54.

2. Ibid., 261-62.

3. Ibid., 266-68.

4. Tuzk-i-Jahangiri, Beveridge, I, 262-63; Text, I, 129.30. Iqbalnama, 51-52. Text, 75.

5. Mandelslo, 38-40.

The English factors complain of the 'unheered of tiranie' and oppressions of the 'villaine' Governor of Surat in 1647-48. He oppressed the innocent and the poor. Whole towns of the miserably poor people were depopulated by him on the pretext of their¹ harbouring rogues and thieves.

Izzat Khan, the Governor of Sind, had great weakness for women and tried all methods, fair or foul, to procure a beautiful girl that came within his knowledge.²

Prince Murad Baksh, while Governor of Gujrat, during the last years of ShahJahan's reign, oppressed the Banjaras so much that they gave up their trade in saltpetre.³

The news-writer of Lahore wrote to Aurangzeb about the oppression which the Governor, Khan Jahan Bahadur, committed at the time of his return.⁴

Aurangzeb brought to the notice of A'zam the cruelties of an officer appointed by the Prince. The subjects under him were bewailing and lamenting.⁵

In another letter to the same Prince the Emperor protested against the appointment by him of a Superintendent of Police at Ahmadabad. He had been exercising tyranny on the people.⁶

In yet another letter Aurangzeb complained against the failure of Prince A'zam to punish the tyrants in his province.⁷

It was submitted to Aurangzeb that Ibrahim Khan, the Governor of Lahore, had oppressed the Qazi of Kashmir. He was punished by the diminution of one thousand horse.⁸

COMPLAINTS AGAINST THE FAUJDARS

The excessive acts of oppression on the part of the faujdar would sometime become unbearable for the peasants.

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1. English Factories, 1646-50, 27-28; 187.
 2. Manucci, II, 219-20.
 3. English Factories, 1655-60, 312-13.
 4. Anecdotes, 86-87.
 5. Letters, XIV, 19-20.
 6. Ibid., XXIII, 29-30.
 7. Ibid., 40-41.
 8. Jaipur Akhbarat, 16th Oct., 1685.

They then rose in rebellion and suffered penalty for it.¹

On his way from Agra to Patna in September 1632, Peter Mundy made a halt at Banaras. Here all his carts were confiscated by the faujdar, Muzaffar Beg. This was done in order to transport the women and household staff of Kulij Khan, the former Governor of Allahabad. Mundy got himself out of the difficulty by bribing off the faujdar.²

On January 20, 1667, a Hindu merchant filed a suit in the court of the Emperor Aurangzeb that Faujdar Mohammad Khan had taken from him by force a big sum of money. The Emperor ordered that mace-bearers should be sent with him in order to bring the said faujdar into royal presence.³

OPPRESSIONS AGAINST PEASANTS

The shortness and uncertainty of the term of a Governor forced him at times to exercise rigour on the peasants. He tried to exact land revenue in advance by frequent resort to force. When the wretched peasants failed to pay, their wives and children were seized and made into slaves. These tyrannies would cause ruin to the villages, as the agriculturists, unable to put up with all this, fled from their homes.⁴

Then there was the realization of land revenue. Whenever the agriculturist did not make ready payment, he had to undergo disgrace and torment. A good deal of beating and forcible infliction of hunger and thirst made them part with only small sums of money. It was not surprising if this treatment sometime did not cause their death. They were bound to a tree and whipped mercilessly. Some time the whips made wheels on their bodies and broke their skins.⁵

In Aurangabad in 1666 the men of Brahm Dev Sisidia cut down the crops of the peasants for the use of their horses. On receipt of complaint, he reduced their mansab.

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1. Manucci, II, 451.
 2. Peter Mundy, II, 122.
 3. Jaipur Akhbarat, 20th January, 1667.
 4. Manrique, I, 53-54; English Factories, 1646-50, 334-35; Tavernier, I, 53-54; Manucci, II, 450-51.
 5. Manrique, I, 53-54; Manucci, II, 450-51.
 6. Jaipur Akhbarat, Oct., 4, 1666.

The heirs of Mardam Bandi petitioned Aurangzeb on May 19, 1681, that Shahab-ud-din Khan had laid waste their village Rai'ti and had captured the men and cattle of the village. They complained that that was a clear case of oppression as they had committed no fault and that they had been wrongly captured and sent to the Court. Aurangzeb ordered that their case be decided in accordance with the Shara'.¹

There was yet another complaint, arising from the movement of the armies. When the soldiery passed through the villages, they plundered everything they could lay hands on - food-² supplies, grass, straw and cattle. They destroyed houses in order to get fuel. They imposed begar on the villagers and forced them to carry their baggage. This however usually happened during war time, although the Emperors issued strict orders against such practices. When such cases approached royal ears, compensation was usually ordered.

Ram Singh, the son of Ratan Singh Rathor, faujdar of Jalaur, complained to Ruhulla Khan at the imperial Court on May 5, 1681, that the movements of the rebel and the royal armies during the war had^{laid} waste the country side and ruined a large number of villages in his faujdari.³

OPPRESSIONS AGAINST ARTISANS

We are asked to believe that the artisan laboured under severe restraints. If a noble required his services, he sent for him. The poor fellow had no alternative but to work for the 'unfeeling lord'. The remuneration was paid not according to the value of the former's work, but in accordance with the caprice of the latter.⁴ It was not surprising if some time the artisan got nothing whatever in return for his labour.⁵ According to Bernier, the long and terrible whip, hanging at the door of every noble, was a source of constant terror to

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1. Jaipur Akhbarat, 19th May, 1681.
 2. Mamucci, II, 451.
 3. Jaipur Akhbarat, 4th May, 1681.
 4. Bernier, I, 257-58; 291; Orme, 405.
 5. Fryer, I, 242-43.

him. He was extremely lucky if he did not receive this in
 'part payment'¹. The men of the Governor were a sort of
 perpetual drain on his meagre income. They exacted continued
 fees from him under the pretence of pressing him from his
 daily work into the service of their master.² A craftsman saw
 no advantage in gaining distinction for having acquired a
 little more money than his fellow workers; he might be compelled^d
 to part with it.³

In 1636, the Governor of Gujrat required cloth for his
 servants. He asked the weavers' brokers at Baroda to sell the
 cloth to him at his own price. At their refusal to comply with
 his order he cast them into prison. The weavers however showed
 a determined resolution and left the city in a body. They did
 not return unless assured by the Governor of a better treatment⁴
 in the future.

A tailor in the service of a Pathan was seized by some
 servants of a governor for their master's service. As the
 Pathan rushed to the help of the tailor, a soldier put to
 death the brother of the Pathan. This developed into a fight,⁵
 in which both the parties sustained heavy losses.

COMPLAINTS AGAINST THE CUSTOMS OFFICERS

Manucci complains that the customs-officers exercised
 much severity upon travellers and deprived them of the money
 they found upon them. They felt no mercy for the poor, and,
 when they found no money with them, they took from them their
 shirts, coats and sheets. Manucci, however, makes an extreme
 statement which is difficult to believe that after rifling
 the travellers of all their possessions, the customs-officers⁶
 would put him to death.

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1. Bernier, I, 257-58; 291.
 2. Fryer, I, 242-43.
 3. Orme, 405.
 4. English Factories, 1634-36, 290.
 5. Fryer, I, 242-43.
 6. Manucci, IV, 116-17.

COMPLAINTS OF THE MERCHANTS

Almost all the European travellers who visited India during the reign of the Mughals, are one in their condemnation of the tyrannical rule of many a provincial governor and other high officers. Their complaints were manifold:-

1. The Emperor would himself keep open their chests and boxes and keep whatever he liked for himself.
2. Their goods were seized by the governors or other high officers on the pretext of presenting them to the Emperor.
3. The provincial governors demanded money from the merchants.
4. Their articles were searched at the customs houses.
5. Their articles were seized by the officers and arbitrary prices were offered to them.
6. Some time they were not permitted to leave the port without permission of the authorities.
7. Tolls were demanded from them.
8. There were some minor complaints.

Some of these complaints may be true, but a close analysis of the accounts shows that the foreign merchants were also in many cases at fault. It was the usual practice for the customs officials to search all the boxes and baggages at the port and it was the usual practice of the merchants, as at present, to avoid the payment of customs. They would try to smuggle in things or to pay less custom than required. The thorough search of the articles took long time and the merchants felt that their patience was taxed. They would then try to carry on inland trade without permission of the authorities; and when the latter would try to stop this practice, they termed this as oppression. Then there was the practice of presents. It is ridiculous that the Mughal Emperors or the Princes of the royal blood were anxious to take articles from the foreign merchants without making any payment. Money was never the consideration with the Mughals. They only liked the curios, and in case of

liking, they selected it. It may be that their orders regarding the payment of a certain article were not always carried out by the officials and that caused the merchants to complain. So far as the seizure of articles at arbitrary prices was concerned, we are to remember one thing. It seems it was always a tendency of the merchants to expect and demand a much higher price for an article than it was justified for them to charge. The government would at such times intervene and fix price for articles. This caused resentment among the merchants who were bent upon reaping larger profits. If a foreign merchant had to suffer for non-payment of toll at certain places, he had only to blame himself for this. There was another significant thing to remember. The Mughal authorities did not always like the movements of the European merchants in India. The former often endured heavy losses on account of the piratical activities on the seas, and, the pirates, usually most of them, belonged to European countries. The foreign merchant companies in India encouraged their sea captains to loot Indian ships laden with merchandise and imprison the crews. To this they resorted sometime, no doubt, to get their demands (which were not always just and fair) accepted and their grievances redressed. In the absence of an effective and efficient navy the only possible check on the nefarious activities of the foreign culprits was to put pressure on their fellow countrymen in India. The spirit of obstinacy exhibited by the latter was bound to inflame the already excited feelings of the Mughal authorities who had to be harsh on the foreign factors. Hence the clamour of high-handed treatment of the Mughal provincial governors.

It may be that in certain cases their complaints^{were} genuine. Some governors and high officers may have been guilty of demanding and accepting bribes from the merchants. But were those merchants and the merchant companies not equally guilty in this respect? The offer of bribe is no less a guilt than its acceptance. And in many cases do we come across instructions issued from higher authorities to the English factors to bribe off the governors and high officers for various

purposes. We find frequent references to the fact that whenever the English merchants found some difficulties in the way of their trade, they thought of resorting to force on the seas in order to intimidate the Indian authorities. That is never the way of peaceful merchants living in foreign lands.¹

The English factors at Burhanpur told Afzal Khan, the Diwan of Prince ShahJahan, that they had undergone 'insufferable injuries' at the hands of the Prince's servants and officers in Surat. They had suffered from 'others the king and the Princes subjects elsewhere: That wee weare not only abused in our persons, dispoyled of our goods, but debarred of our trade, which hath been and now is graunted us by their sundry firmaens extant'. They told him that though they had tried to get their grievance redressed, they had failed in their efforts. Rather they had to suffer more as more sufferings were heaped on them. They wrote to the English President and Council at Surat: 'we.....must be playne and give them to understand that wee intend to right our wrongs by our owne force, seeing we cannot finde justice by the Prince, to whom we are dayly sutors.....'.²

Sir Thomas Roe complained that Emperor Jahangir caused his chests to be privately brought to him and opened, but finding nothing of his liking, he returned all.³

In 1614, Sir Robert Shirley was abused at Laribunder and when he went to Thatta, he was used very unkindly by Mirza Rustam, the Governor of Sind. The latter took away from him jewels and other things of his choice on the pretext that they were to be sent to the Emperor.⁴

Roe complained that Prince Khurram had intercepted the presents and goods on their way up, to satisfy his own 'base and greedy inclinations'.⁵

1. Cf. Article on Piracy.

Roe in Kerr's Collection, op. cit. Eliot & Dowson Vol.VI, 498-99.

2. English Factories, 1618-21, 274-75.

3. Roe in Kerr's Collection, op. cit. Eliot & Dowson,

4. Nicholas Withington in Early Travels, 212.

5. Kerr's Collection, op. cit. Eliot & Dowson, VI, 498-99.

Peter Mundy grumbled against the 'bad' governor of Bihar whose cruel nature was a great impediment in the way of the prosecution of trade by the English in India. The same traveller complained about the tyranny of the Governor of Ahmadabad who exacted¹ a sum of Rs.4,000/- from the East India Company.

In March, 1636, the Governor of Gujrat forced the Dutch to pay² Rs.5,00. His covetousness made him an object of general hatred there.

The English complained that the customs-officer of Surat in 1643 ruined the trade of the place by oppressing and 'robbing' men of all sorts. The 'villaine' either seized the goods of the traders or shared the profits of whatever was bought and sold.³

Again, in 1669, there is mention of the gross injustice done by the customs-officer of Surat. He placed heavy impediments in the way of the English trade and was always actuated by the feelings of pride and self-interest. They had to offer him many presents as was done by the French and the Dutch.⁴

Aungier was forbidden by the customs-officer of Surat in 1672 to depart for Bombay. The latter demanded from him a 'round sum of money'. The Council was determined not to yield on this point. This enraged the customs-officer who sent a strong force of horse and foot to take possession of the factory house and the neighbourhood. The English endured all the violence perpetrated by the guard and handed over at the demand of the customs-officer all the arms and trumpet of the factory. They remained adamant and showed no inclination to part with money. The customs-officer, however, persisted in his demands and did not withdraw his orders unless he had forced from the Company's Indian broker Rs.500/-, threatening to seize his estate, house, wife and children in case of non-compliance with his demand.⁵

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1. Peter Mundy, II, 300.
 2. English Factories, 1634-36, 244.
 3. Ibid., 1646-50, 187.
 4. Ibid., 1668-69, 181.
 5. Ibid., 1670-77, 143.

At one time Roe was upset because Prince Khurram ordered his goods to be sealed. He had done so because his officers had not received custom on them and he desired to get them opened in his own presence. On the complaint of Roe to Jahangir, Prince Khurram undertook to pay for every thing that had been taken by him from the ambassador by force.¹

Then there were complaints about the seizure of goods and paying indifferent and arbitrary prices for them.

William Hawkins, while in Surat in 1608, was 'misused' by Muqarrab Khan, the customs-officer of Surat and Cambay. He took possession of his goods, and kept what he liked for himself, 'giving me such a price as his owne barbarous conscience afforded'. For three months he was kept on empty promises. In the meantime he came to Hawkin's house three times, 'sweeping me cleane of all things that were good.'²

When Hawkins met Jahangir at Agra, he made a sweet present to him and lodged a complaint against Muqarrab Khan. Jahangir told him that he had already got reports against that officer and assured him that he would 'remedie all'. When, again, there was complaint by Hawkins, the Emperor angrily ordered Abul Hasn, his 'chiefe vazir', to see the debt discharged. Thus Hawkins received from Abul Hasn the sum that Muqarrab Khan had taken from him.³

In 1623, the customs-officer of Surat appropriated two chests and three bales of tobacco belonging to the East India Company.⁴

The Council at Surat advised Bangham in March, 1633, to sell cloth at Burhanpur to Mahabat Khan at any price he thought proper. He was asked not to hazard controversy with that noble about it lest he should force from them the 'whole complement.'⁵

1. Roe in Kerr's Collection, Cf. Eliot & Dowson, VI, 498-99.

2. Early Travels, 75-76.

3. Ibid.

4. English Factories, 1622-23, 258.

5. Ibid., 1630-34, 285.

In April 1633 the English at Surat feared that the customs-officer there would buy the lead at his own price. It was bound to remain there unsold if the price were not¹ accepted.

Towards the end of the same year, the Mughal officers at Biana seized saltpetre from the English and offered only² half the English price for it.

In 1650, ShahJahan got displeased with Muiz-ulmulk, the³ customs-officer of Surat, as he had⁴ done⁵ injustice to the merchants. The Governor of Gujrat seized all the saltpetre provided by the English at Ahmadabad and one consignment of theirs from⁴ Agra. In about 1655, the servants of the East India Company at Patna and Rajmahal were arrested and their privileges were⁵ violated and infringed. The English factor at Agra wrote in the same year that he could not let the saltpetre remain there for long. There was every likelihood of its being confiscated⁶ by the ministers, as it had been done previously.

We hear about the 'madd' government of Thatta in June 1656. The real authority there rested with the wife of the Governor. She did much wrong to the traders by taking away their goods from them and paying not even half the market⁷ price for it.

There was yet another complaint. They were not permitted to leave the port without the permission of the authorities.

In the month of November, 1619, Ishaq Beg, the customs-officer of Surat, tried to induce the English to retain part of their fleet that was going to sail for England. He wanted their help against a probable attack of some Malabar junks. Soon after some of the young factors returning home late were set upon by a number of persons sent by the customs-officer.

1.	English Factories,	1634-36,	244.
2.	Ibid.,	1646-50,	225.
3.	Ibid.,		334-35.
4.	Ibid.,	1651-54,	224.
5.	Ibid.,	1655-60,	51.
6.	Ibid.,		63-64.
7.	Ibid.,		79.

They beat and wounded them along with a poor messenger. The English shot five times into the air, but one shot of theirs wounded one of the Indians in the neck. The wounded man was taken to the customs-officer and the report was spread that he was dead. When Ishaq Beg sent for them to answer for this, they refused to go without a pledge of safety. The supply of meat and drink was refused to the English and their servants were cast into prison. At a conference arranged later on, Ishaq Beg abused and threatened the English. The English factors petitioned Afzal Khan, the Diwan of Prince Khurram, Jamshed Beg, the new customs-officer, and Prince Khurram himself against the maltreatment meted out to them by Ishaq Beg and demanded redress.

The English at Surat complained that they dared not to dispose of their ships according to their wishes for fear of making the 'rogue' customs-officer angry. Some years later in 1636 they complained again that their President was not allowed to go on board the 'Discovery'. Orders against him were withdrawn only when they learnt that the native ships would also be detained in consequence. In 1639, their President was again not permitted to repair on board. In 1651, the customs-officer of the same place forbade the freighting of the English ships bound for Cambroon unless the vessels of the Mughal Emperor were laden. A year before the customs-officer of Surat had not permitted the English to finish a small vessel which they had begun and only finished.

The English complained that some time they were not permitted to march from a city in India without their permission. On learning that Nicholas Bangham, the English factor, had left Broach without his permission, Khan-i-A'zam sent the kotwal to his house. When the kotwal did not find him there, he punished the two servants left by Bangham. They received one hundred whips each. The porters of the city gates also were whipped for permitting him to depart.

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1. English Factories, 1618-21, 145-49; 167.
 2. Ibid., 1630-33, 288.
 3. Ibid., 1634-36, 189.
 4. Ibid., 1639-41, 128.
 5. Ibid., 1651-54, 71.
 6. Ibid., 1652-60, 143.
 7. Ibid., 1622-23, 258.

PUNISHMENTS

Our authorities inform us that the Mughal Emperors did not fail to take suitable action against^{any} officer whenever¹ oppressions of any kind were brought to their notice. Punishments varied according to the nature of the offence. The governors of the provinces were warned not to be negligent in taking measures against tyrannous officers. With regard to cases which were not of serious nature, only reproof would do. Cases of those against whom complaints were made, were inquired² into and suitable punishments awarded to them. Diminution of rank, dismissal, imprisonment and execution could be the various punishments. We learn that even the people were not slow to assert and exercise their rights. They would submit a petition to the imperial Court against the appointment of³ a governor who had earned notoriety somewhere else. They tried all sorts of measures in acquainting the Emperor with⁴ their grievances. And in case their efforts did not meet with success, they took resort to tricks and appraised the Emperor⁵ of the real situation and got the officer punished.

While Akbar was on his way to Ajmer in 1562, the keeper of the imperial leapords 'waxed proud' and forcibly took off a man's pairs of shoes and appropriated them. When the cries of the lamenting owner reached Akbar's ears, he discovered the truth, and ordered an exemplary punishment on the wrong-doer. When he was brought into royal presence, his feet were ordered to be cut off. It was rather a harsh punishment,⁶ although Abul Fazl tried to justify it.

When Akbar was at Dhar (Malwa) in 1564, a woman complained to him that an officer by the name of Mohammad Husain, had committed various acts of tyranny against her minor daughter

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1. Ovington, 120.
 2. Manucci, I, 198-99.
 3. Ibid.
 4. English Factories, 1618-21; 1622-23; 1624-29.
 5. Ibid., 1670-77, 283.
 6. Akbar Nama, Beveridge, II, 242. Text, ii, 156.

and had plundered her house. Akbar ordered that he be seized and punished. Abul Fazl does not mention the punishment, but it appears from the nature of the crime and the tone of his writing that Abdulla was awarded capital¹ punishment.

An order was promulgated by Akbar in 1582, on the suggestion of Raja Todar Mal, to stop the tyranny of the collectors. The excess rent that they charged from the² cultivators, was to be regarded as part of the collections.

Another order was issued in the same year to protect the peasantry from oppression by malefactors. The commander, the fief-holder and the collector were to get together against those who dwelled in ravines, and, taking advantage of the ruggedness of their country, extended the arm of oppression on the peasantry. They were ordered first to admonish such persons, and in case that proved ineffectual, were to chastise the culprits and punish them. If the soldiers were³ injured in these operations, a fine was to be levied.

Raja Todar Mal complained to Akbar in 1580 that at a time when imperial armies were engaged in the difficult task of crushing rebellion, Khwaja Shah Mansur was pressing for demands and causing oppression. The Khwaja was dismissed from his high post and given over to Shah Quli Khan Mahram as a prisoner. But after some time he was released and re-instated⁴ as the vazir.

Constant complaints of the tyranny and oppression on the part of Haji Ibrahim Sirhandi, the Sadr of Gujrat, reached Akbar's ears. He was ordered to be arrested and imprisoned in⁵ the fortress of Ranthambor, where he died in 1586.

On his way to Kashmir in 1589, Akbar arrived at Gunachor in Jullundur District. There it was reported to him that Allah Vardi, the agent of Sadiq, and Shiqdar of Tiba Hamu and

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1. Akbar Nama, Beveridge, II, 346-50. Text, ii, 226-29.
 2. I b i d., III, 562. Text, iii, 382.
 3. I b i d., 563-64. Text, iii, 382-83.
 4. Ibid., 461-62; 480. Text, iii, 316; 328.
 5. Badauni, Love, II, 295-96. Text, ii, 287-88.
 5. Akbar Nama, III, Bev., 606. Text, iii, 408-9.

Raij, had been oppressing the weak. Azdu-d-daula, Shah Beg and Qasim Beg were ordered to sit in judgment on him. As he was found guilty, he was awarded capital punishment.¹

It was reported to Akbar in 1595 that some persons exacted tolls at ferries. An order was issued to punish the offenders.²

A favourite servant of Rai Rai Singh was accused of oppressing the people. When Akbar asked for explanation, the Anir concealed the matter and reported that the said servant had fled. The Raja was excluded from performing kornish.³ (1596.

Sheikh Sultan, a learned man of Thaneshwar, was appointed karori there. He exercised tyranny upon the people and satisfied his old grudges. When Akbar arrived there on his way back from the Punjab in 1598, the matter was reported to him. The Emperor ordered an enquiry as a result of which Sheikh was ordered to be hanged.⁴

Next year in 1599, Khwaja Malik Ali, bakshi of the camp, was censured for tyranny and removed from his post. Later on, when he showed repentance, he was forgiven and taken back into service.⁵

While Viceroy of Allahabad, Jahangir inflicted most cruel punishments on three servants of his who had absconded. One of them was flayed alive, the other was castrated and the third was beaten to death. Emperor Akbar could have come in person to Allahabad and punished the Prince but for the serious illness his mother. Later on when the Prince came to the capital to mourn the death of the Queen Mother, the Emperor had him arrested and conveyed to the female apartment. There was to be supplied no wine to him and he had to remain in a closet. This was the most harsh punishment for him, and, only at the intercession of his sisters, was he released after ten days.⁶

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1. Akbar Nama, Bev., III, 818. Text, iii, 538.
 2. Ibid., 1029. Text, iii, 670.
 3. Ibid., 1068.
 4. Ibid., 1118. Iqbal Nama, 104.
Ibid., Text, iii, 748.
 5. Ibid., 1176.
 6. Ibid., (Supplement), 1242-43; 1248.
Ibid., Text, iii, 829-30; 833.

JAHANGIR ordered that government officers and the jagirdars should not forcibly seize the lands of the subjects¹ and cultivate them for their own benefit.

It was reported to Jahangir that the eunuchs of Sa'id Khan oppressed the poor and tyrannized over the weak. When Sa'id Khan was appointed Governor of Punjab in 1605, Jahangir sent him a message that he would not put up with the oppressions of great or small; and if any cases of cruelty or harshness of his relations reached the Emperor, Sa'id Khan would receive punishment. According to some accounts, Sa'id Khan gave a bond that if his people were found to be² oppressive, he would forfeit his head.

It was reported to Jahangir in 1605 that two persons, Raju and Amba had been making their livelihood by practising oppression and tyranny. The Emperor awarded Raju death³ punishment and on Amba levied a fine of Rs.15,000/-.

When in 1608, Jahangir was informed for the second time that Murtaza Khan, the Governor of Gujrat, had failed to restrain his relations from committing oppression on the people, he ordered his transfer and appointed another⁴ Governor in his place.

In 1614, the people of Thatta complained against the tyranny of the newly-appointed Governor, Rustam Khan. The Emperor Jahangir sent one of the servants of the Court to bring him to the Court. He was handed over to Anirai Singh-Dalan who was to inquire into the complaints against him. If found guilty, he was to receive prompt punishment as a⁵ warning to others.

It was reported to Jahangir in 1618 that the brothers and sons-in-law of Jahangir Quli Khan, the Governor of Bihar, were exercising tyranny on the people. Orders were issued for the dismissal of Jahangir Quli Khan and the appointment⁶ in his place of Muqarrab Khan.

1. Elliot & Dowson, VI, 511-12.

2. Tuzk, Beveridge, I, 13; Price's Memoirs, 16; Ma'asir, II, 405.
Tuzk, i, Text, 7.

3. Tuzk, Beveridge, I, 73. Text, i, 35.

4. I B I D. 153. Text, i, 74.

5. I B I D. 262-63; Iqbal Nama, 51-52. Text, 75; Tuzk,

6. I B I D. II, 37-38; Text, i, 129-30.

Tuzk, Text, ii, 246.

SHAHJAHAN was informed in 1639 of the excesses of the customs-officer of Surat. Virji Vohra, a leading merchant of the place, had suffered much at his hands. The offender was called to the Court to answer in person. Muiz-ul-mulk was sent to make an inquiry on the spot and get full information regarding the grievances of the people. As a result of the inquiry, the said officer was removed from his post, and Muiz-ul-mulk appointed in his place. In 1650, Muiz-ul-mulk got into difficulty. He was accused of causing injury to the merchants in Surat and of ruining some villages near that city. ShahJahan at first ordered diminution of his rank and then his dismissal from service.

Nasir Khan, the governor of Gujrat previous to Murad, grew notorious for his cruelties. The merchants of Ahmadabad complained against him to ShahJahan. An inquiry was ordered as a result of which Nasir Khan was sent away as a prisoner to the fortress of Rohtasgarh to sigh away his days there. His property was confiscated.

AURANGZEB'S strong sense of justice revolted whenever he came to know of any sort of oppression perpetrated by any officer. He would issue commands to the governors to punish the guilty without delay after making full inquiries.

When Prince Mohammad A'zam inflicted death punishment upon an oppressive official, Aurangzeb administered him a mild reproof for his unpardonable haste.

When reports about the oppressions of Kartib Khan, the customs-officer of Surat, reached royal ears, Aurangzeb summoned him to the Court. But before he could reach the Court, he was ordered by the Emperor to swallow poison.

In 1677, the merchants of Surat grew discontented with Ghias-ud-din Khan, the customs-officer of the place. Headed by Mirza Mu'azzam, they lodged a complaint against him with Mohammad Amin Khan, the Governor of Gujrat, and then with the Emperor. As a result of this Ghias-ud-din was dismissed.

1. English Factories, 1637-41, 106-10. 2. Ibid., 1642-45, 23.
3. Ibid., 1646-50, 334-35. 4. Manucci, I, 198-99.
5. Letters, XIV; 19-20; XXIII, 29-30; XXXVII, 40-41. 6. Ibid. XLVI, 48.
7. Manucci, II, 259. 8. Eng. Fac., 1670-77, 283.

CHAPTER IX

SEXUAL CRIMES

SEXUAL CRIMESFORNICATION

According to Muslim law, the word zina includes fornication with an unmarried person by a man who had possessed a wife in lawful marriage. The sin of fornication was to be established, as in the case of adultery, either by confession or by proof.¹

A fornicator, according to Islamic law, was to be awarded a hundred strokes in view of the people. The punishment in case of a slave was to be fifty strokes. The scourging² was to be inflicted with moderation with a whip without knots.

A man, while receiving punishment, was to remain standing. He was neither to be tied, nor stretched. Each member of the body was to receive its share of beating except the head, the face, the genital organs, and other sensitive parts.³

The punishment was to be inflicted by men only. The stage where it caused wounds and made blood flow, was not allowed to reach.⁴

A woman was to be beaten while sitting. She was not to be stripped.⁵

A fornicator was to suffer statutory penalty as well as expulsion. The doctors are divided on the subsequent question of banishment. Abu Hanifa is not in its favour. According to

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1. Ma'alim Al-Qarba, 69.
 2. Ibid., 68; Fatawa-i-Alangiri, II, 667.
 3. Ibid., Ibid., II, 667-68.
 4. Ibid., 69; Ibid.
 5. Ibid. Ibid.

Malik, man and not woman, was to be banished. Shafi'i views that both man and woman are to be banished from their city for all purposes to a distance of at least a day's journey. The magistrate, maintains the Fatawa-i-Alamgiri, can expel the culprit from the city for any length of time at his discretion.¹

If a man who was a muhsan, committed adultery with a woman who was a bikr, or a bikr with a muhsan, the bikr was to be beaten and the other party to be stoned. If the culprit committed the offence repeatedly before the punishment, that one punishment should suffice for all.² A muhsan was a person who possessed a wife in lawful marriage.

A D U L T E R Y

The term zina includes both adultery and fornication, but a difference was observed in the punishment of the two offences. Adultery was defined as a man having sexual intercourse with a woman unlawful to him. It was essential to prove that the offender knew this fact. An adulterer, as distinguished from a fornicator,³ was a muhsan.

Adultery was established before a qazi by confession or proof. According to Abu Hanifa, punishment was to be inflicted only if the confession was repeated four times. But penalty lapsed if a man retracted his own confession before the punishment was inflicted.⁴

To establish it upon proof, at least four competent witnesses should declare in clear terms that they witnessed the parties in the very act of carnal conjunction.⁵

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| 1. | Fatawa-i-Alamgiri, II, 668; 667Ma'alin Al-Qarba, 69 | |
| 2. | Ibid. | Ibid., 68-69. |
| 3. | | Ibid., |
| 4. | Fatawa-i-Alamgiri, II, 663; | Ibid. |
| 5. | Ibid., 662; | Ibid. |

It was no evidence if they could not make the declaration specifically, as for instance, 'Thou has committed adultery', or 'I saw you commit adultery.' The qazi might¹ accept this clear evidence either separately or together. Abu Hanifa, on the other hand, would not accept the separate statements. If the witnesses could not make four in number, they were slanderers. If four persons appeared before a qazi, and gave evidence against an adulterer, and some of them pronounced statements against him, while others not, then, according to the doctors, those who gave evidence² were slanderers and liable to punishment.

The punishment for a muhsan who committed adultery, was lapidation. For being stoned, an adulterer was to be carried to a barren place. The lapidation was to be executed, first, by the witnesses, then by the qazi, and afterwards by the bystanders. The punishment lapsed if the witnesses refused to take the initiative. The punishment was not to be inflicted in case the weather was too hot or too cold. The accused was not permitted to compound for the penalty³ by a sum of money.

A firman issued by Aurangzeb in 1672 had laid down that if any person entered another man's house for the purpose of committing adultery, he was to be severely chastised and confined till he showed signs of repentance. This order, however, is silent about the punishment for those who were actually charged with the commission of adultery.

Our authorities fail to provide us with enough material about the commission of adultery and fornication. It does not follow that these cases were rare in Mughal India. It may be that on account of the social odium which surrounded the victim in case of proved adultery, many cases might not have been made public and brought before the courts. Out of

1. Ma'alim Al-Qarba, 69; 72.
 2. Ibid., 69; 70; Fatawa-i-Alamgiri, II, 675.
 3. Ibid., 72; Ibid. 665, 666, 669.
 4. Aina-i-Gujrat of Sarkar's Mughal Administration, 128.

the few instances that have come down to us, no where do we come across a single case being tried in the court of a qazi. These cases seem to suggest that the relatives concerned managed to punish the guilty parties.

During the reign of Akbar, Jala, the best horse dealer of the day, was accused of the crime of adultery. The Emperor ordered his imprisonment and inquiry against him. His offence was proved and he was awarded capital punishment ¹ on July 10, 1582.

Mulla Badauni is bold enough to record that at one time he fell a prey to Cupid and committed a 'terrible case of impropriety' in the shrine of Shah Madar at Manakpur in Qannauj. As a punishment 'for that transgression, and chastisement for that sin even in this world' 'God granted to some of the relatives of the beloved to overcome' the Mulla who received nine sword-wounds on his head, hand and back. They all grazed his skin excepting one on his head which penetrated the bone of the skull and rendered him ² unconscious.

When Akbar left Kabul in November, 1589, he encamped at Safed Sang in the environs of the city. There it was reported to him that 'a base fellow had dishonoured a peasant's daughter'. The Emperor awarded the culprit ³ capital punishment.

Roe mentions that a woman belonging to Nur Jahan was caught in the palace 'in some action' with a eunuch. Another person who loved the woman killed the eunuch. The poor woman was set up to the 'armpitts in the earth rammed', her feet tied to a stake. She remained in that condition three days and two nights without any thing to eat or drink. Her bare head and arms were completely exposed to the sun. If

1. Akbar Nama, Beveridge, III, 577-78. Text, iii, 390.
 2. Badauni, Lowe, II, 140-41; Text, iii, 136-38.
 3. Akbar Nama, Bev., III, 861. Text, iii, 569.

she survived, she was to be pardoned. The murderer was¹ condemned to be trampled under the feet of an elephant.

Edward Terry relates a similar story where a woman and a eunuch had to pay with their life for their love. The fault of the woman was to kiss the eunuch who was cut to pieces before her own eyes. She herself lived a day and a half, 'crying out most lamentably.....which horrid² execution, or rather murder, was acted near our house'.

Didar Khan, one of the principal eunuchs of SHAHJAHAN, became enamoured of the sister of a Hindu scriviner. His advances were responded by the young woman and deep affection sprang up between the two. Rumours set afloat in the city and the scriviner was naturally excited. No longer able to exercise any restraint on himself, he, one day, finding them eloseted together, stabbed the eunuch to heart and left his³ sister for dead.

A rich Muslim merchant got enraged one day to find his wife in bed with another person. He put her, along with a child of three, to death. The lover, perhaps, made good his⁴ escape.

A Muslim woman of low character, who had married an Englishman, developed an illicit connection with a servant. The Englishman finding them one day in the vey act of crime, showed signs of giving them an exemplary punishment. The cunning woman set up a cry and shouted to the people who had gathered there that the Englishman had cursed the Holy Prophet. It was with considerable difficulty that the unlucky fellow escaped the terrible punishment reserved for the alleged crime, though he received from the people a⁵ good deal of thrashing.

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1. The Embassy, 190-91.
 2. Early Travels, 407.
 3. Bernier, I, 146-47.
 4. Fryer, I, 245.
 5. Manucci, III, 217.

S O D O M Y

In the Islamic law sodomy is forbidden even more strictly than adultery (fornication). There was divergence of opinion as to the punishment of the offence. Shafi¹ declared there was a dispute between 'Ali and Abdulla if stoning was the punishment both for muhsan and bikr. Malik and Ahmad were in favour of lapidation for penalty of the crime. According to another opinion, sodomy is like adultery (zina) : a muhsan is to be stoned and a bikr flogged. Abu Hanifa maintains that there was no legal punishment for it. After the decision of the qazi, the offender was to be punished and imprisoned for life.¹

Sodomy was not unknown in India. The casual remarks made by the travellers help us to form some opinion about the prevalence of this crime. Fryer writes that the unnatural crime was common in Mughal India. Because of this fear, the Muslims did not trust the tutors of their children.² According to Manrique, the 'unmentionable vice' was very common in India.³ Sodomists dressed and adorned themselves as women, and paraded the streets soliciting other persons as dissolute as themselves.⁴

Shah Quli Khan Mahram, a court noble of Akbar, loved a boy named Qabul Khan. As the Emperor did not like any of his servants indulge in such improper acts, he ordered the noble to desist from this. Shah Quli failed to give up the practice. Akbar ordered that the boy should be taken away from him and made over to the guards. Unable to bear the separation, the noble, giving way to anguish, put on the dress of a jogi,⁵ and sought retirement. Later, he solicited and got pardon.⁽¹⁵⁵⁾

1. Ma'alim Al-Qarba, 70.

2. Fryer, I, 282.

3. Manrique, 240.

4. Ibid.

5. Akbar Nama, Bev, II, 121;
Text, 79.

There was a similar story of yet another noble, Muzaffar Khan, who had unnatural relations with a beautiful boy Qutb Khan. Akbar ordered the boy to be separated from him and entrusted to the guards. Muzaffar Khan, like Shah Quli Mahram, felt the separation too much to bear, became an ascetic, and fled to jungles. The Emperor summoned him to his presence and remonstrated with him.¹

Mirza Sharf-ud-din Husain had an Indian boy named Mahmud for whom he had an unnatural affection. Mirza's enemy, Masum Khan Kabuli, used the boy to poison the Mirza.²

Khan Zaman, a powerful noble at Akbar's court, developed a powerful passion for Shahim Beg, who was 'pre-eminent for beauty of disposition and appearance, the beau ideal of the age'. Upon Akbar's accession to the throne, Khan Zaman secretly called Shahim from Delhi and developed a passionate love for him. He called him 'my king', and waited upon him like an ordinary servant, and remained standing in his presence. He even gave to him Aram Jan, a dancing girl, lawfully married to him (Khan Zaman), because Shaham became attracted towards her. When the news of Khan Zaman's conduct became known to Akbar, he became exceedingly angry and issued orders to Khan Zaman to seek Shahim Beg. The fief-holders of that district were ordered that in case Khan Zaman was dilatory in this matter, he should be brought to punishment.³

Tavernier narrates the story of a young boy who was disgraced by his master. The boy became overwhelmed with grief, and, with a view to take revenge, killed his master in a fit of rage. After the commission of murder he went to the authorities and confessed his guilt. In spite of the persistent demands of the murdered man's relatives for retaliation, the authorities did not award death punishment on him. They were afraid of the populace of the city who regarded the boy to be in right.⁴

1. Akbar Nama, Text, 286.

2. Akbar Nama, Bev., III, 478.

4. Tavernier, I, 122.

3. Akbar Nama, Bev, II, 104-7, 127;

Text, 67-69; 83; Tabaqat, Bev,

De, II, 225-26; Farishta, II, 320

Nauras Bano, the wife of Shah Nawaz Khan, petitioned Aurangzeb inside the palace that Khanzad Khan was falling on evil ways. She requested the Emperor to take her son under his own care. Aurangzeb ordered Fulad Khan and Rahmat Khan to make inquiries and report as to why the said Khan who had a rank and a jagir, was practising sodomy and indulging in drinking.

Saifulla Khan, the khidmatgar of Sayyid Lutf, held the rank of one hundred with Prince Kam Baksh. He came to the notice of the Sayyid and always did improper things. He was dismissed from mansab and Intram Khan was ordered to commit him to prison and administer him a warning.

I N C E S T

We come across one case of incest, sexual commerce of near kindred. A Brahmin of Chakor village in Bengal had his own daughter as mistress and had a son by her. According to the Brahmin, his son-in-law had been killed in a battle. Baba Khan Kakshal, the jagirdar of the pargana, arrested the Brahmin and imprisoned him for the offence; but released him after taking from him a fine of two hundred rupees. When Akbar was on his way to Bengal and passed through Chakor, the matter was reported to him. The 'accursed man' submitted that if his daughter were left to him, he would become a convert to Islam.

Akbar summoned Qazi Yaqub of the Imperial army to the boat in which the Diwankhana was held and asked him the law of shari'at in this matter. The qazi submitted that according to the concurrent opinion of all the imams of Islam, such a crime was liable to death punishment. For non-Muslims there were two opinions : he should not be or should be put to death. Akbar accepted the latter view and ordered both of them to be

1. Jaipur Akhbarat, 10th year, 31st August, 1667.

2. I B I D. , 13th Oct., 1684.

committed to prison under the charge of Khidmat Rai, in charge of the prisons. Next day the Emperor ordered that 'the means of his vice and wickedness' should be cut off from the roots and roasted before his eyes. 'That eternally accursed and forever condemned man ate that thing with great appetite' in the belief that after this punishment he would probably be released. Next day he was ordered to be executed. His daughter, who repented of the offence, escaped with her life. (1575).

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1. *Tabaqat-i-Akbari*, De, II, 436-38;
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