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Wilāyat al-Maẓālim in Mughal India: Institutions, Access and Accountability

ABSTRACT

This paper examines the Wilāyat al-Maẓālim, *the jurisdiction by which a ruler hears and redresses complaints against officials and powerful persons that the ordinary* qāḍī *courts cannot remedy, as it was understood and practised under the Mughal Empire from Akbar to Aurangzeb (1556–1707). It first outlines the classical Islamic background of the institution and its inheritance by Muslim rulers in India. It then considers the Mughal conception of justice, in which the redress of wrongs was a duty of the ruler and a basis of his authority, and the impartiality that the chroniclers attribute to the emperors in dealing with nobles, princes and kinsmen. Next it describes the organisation of the judiciary, from the Royal Court and the Chief* Qāḍī *to the provincial governor and the district courts, and locates the* Maẓālim *jurisdiction within it. Finally it studies the means by which subjects could reach the emperor, namely the* jharoka-i-darshan, *Jahangir's Chain of Justice, the emperor's reading of petitions and the weekly* Dīwān-i-Maẓālim, *together with the limits of these arrangements. The paper argues that the Mughal* Maẓālim *combined a real judicial practice with a statement of the ideals by which the emperors wished to be judged, and that its effectiveness depended heavily on the presence and attention of the emperor.*

Keywords: *Wilāyat al-Maẓālim; Mughal Empire; Islamic justice; redress of grievances; qāḍī courts; Akbar; Jahangir; Aurangzeb; Dīwān-i-Maẓālim.*

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1. Introduction

Wilāyat al-Maẓālim (the jurisdiction of grievances) denotes the authority by which a ruler, or a person delegated by him, hears complaints against wrongs committed by officials, members of the ruling family and other influential persons, and redresses them where the ordinary courts of the *qāḍī* cannot do so. The Arabic word *maẓālim* is the plural of *maẓlima*, meaning an act of injustice or wrongdoing. Medieval Muslim writers traced the practice to pre-Islamic and Sasanian precedents and to early caliphs such as ʿUmar ibn ʿAbd al-ʿAzīz, and its classic juristic statement is the chapter on *Wilāyat al-Maẓālim* in al-Māwardī's *al-Aḥkām al-Sulṭāniyya* (eleventh century).[1] In that account the tribunal was not simply a second *qāḍī* court. Its presiding officer could rely on the ruler's authority to examine evidence more freely, to summon the powerful and to enforce his decisions, which an ordinary judge bound by the rules of procedure was not always able to do. Modern scholars still discuss whether this was a "secular" justice standing beside the *sharīʿah* or a branch of it.[2]

The institution travelled to South Asia with Muslim rulers. The sultans of Delhi sat in public to hear complaints, and Ibn Baṭṭūṭa's description of the court of Muhammad bin Tughluq shows a ruler who was both the final resort of petitioners and, on occasion, himself answerable before a *qāḍī*.[3] The Mughals inherited this tradition. The Mughal dynasty ruled India between 1526 and 1857, with a break during 1539–1555, when the Sūrīs ousted them and took over.[4] Within that long period the emperors' treatment of grievances became one of the most frequently praised features of their rule.

The Mughal sources seldom use the technical label *Wilāyat al-Maẓālim* as consistently as al-Māwardī does. They speak more often of *ʿadl* (justice), of *dādkhwāhī* (the seeking of justice) and of the ruler's duty towards the oppressed. Yet the substance of the jurisdiction is plainly present: the emperor sat in person to hear complaints, he reserved a fixed day for the purpose, and he held even the highest officers to account. The sources for the subject are the imperial memoirs and chronicles, the accounts of European travellers, and the modern studies of Husaini, Qureshi, Sarkar and Basheer Ahmad, together with more recent work on Mughal law.[5] Most of the sources are court-centred and many are openly

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[1] Al-Māwardī, *al-Aḥkām al-Sulṭāniyya*, chapter on *Wilāyat al-Maẓālim*; English translation by Asadullah Yate, *The Laws of Islamic Governance* (London: Ta-Ha Publishers, 1996). See also H. F. Amedroz, "The Mazalim Jurisdiction in the Aḥkām Sulṭāniyya of Mawardi," *Journal of the Royal Asiatic Society* (1911), pp. 635 ff.

[2] Émile Tyan, *Histoire de l'organisation judiciaire en pays d'Islam* (Leiden: Brill, 1960); Jørgen S. Nielsen, *Secular Justice in an Islamic State: Maẓālim under the Baḥrī Mamlūks, 662/1264–789/1387* (Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1985). For the debate on how the jurisdiction relates to the *sharīʿah*, see also Nimrod Hurvitz, "The Contribution of Early Islamic Rulers to Adjudication and Legislation: The Case of the Mazalim Tribunals," *Ha-Mizraḥ He-Ḥadash (The New East)* 49; and Mathieu Tillier, "Qāḍīs and the Political Use of the Maẓālim Jurisdiction under the ʿAbbāsids," in Christian Lange and Maribel Fierro (eds.), *Public Violence in Islamic Societies* (Edinburgh: Edinburgh University Press, 2009).

[3] Ibn Baṭṭūṭa, *The Travels of Ibn Baṭṭūṭa*, trans. H. A. R. Gibb, vol. 3 (Cambridge: Hakluyt Society, 1971), the sections on the court of Muhammad bin Tughluq at Delhi.

[4] Humayun fled India in 1542 after he was defeated by Sher Shah Suri and sought asylum in Persia under Shah Tahmasp. Afterwards he defeated his brothers and gained control of Qandahar and Kabul in 1545. Meanwhile Sher Shah Suri was killed by the Rajputs during a battle, and when the Afghans were defeated by Humayun in 1555 he was restored to the throne. From that date the Mughals ruled India effectively until 1750 and legally up to 1857. For details see C. Paul Mitchell, *Sir Thomas Roe and the Mughal Empire* (Karachi: Mehran Printers, 2000), pp. 3–4, and Muhammad Basheer Ahmad, *Judicial System Under Mughal Empire* (Karachi: Pakistan Historical Society, 1978), p. 208.

[5] S. A. Q. Husaini, *Administration Under the Mughals* (Dacca: A. Ahmad, 1952); Ishtiaq Hussain Qureshi, *The Administration of the Mughal Empire* (Karachi: University of Karachi, 1966); Jadunath Sarkar, *Mughal Administration* (Calcutta, 1920; later editions New Delhi: Orient Longman); Basheer Ahmad, *Judicial System Under Mughal Empire*. For a recent study of Mughal ideals and practices of justice, see Robert Travers, *Empires of Complaints: Mughal Law and the Making of British India, 1765–1793* (Cambridge: Cambridge University Press, 2022), esp. pp. 36–47.

laudatory, so this paper takes care to distinguish between the ideals the emperors professed and what the evidence shows of their practice.

A comparison with other Muslim states explains why this distinction matters. In Mamluk Egypt the sultan Baybars I moved the hearing of *maẓālim* petitions to a purpose-built hall of justice (*dār al-ʿadl*) in Cairo in 1264, but within a short time the hearings became largely a formality, accompanied by ceremonies and an official banquet and attended by the same officers who sat in the ordinary courts.[6] The history of the jurisdiction elsewhere thus shows how easily a mechanism for redress can turn into a ritual of royal display. The question for Mughal India is whether the emperors' public sittings remained a working form of redress, or whether, over time, they came to serve mainly as a show of royal justice. The evidence considered below suggests that both elements were present.

The paper concentrates on the period from the reign of Akbar (1556–1605) to the death of Aurangzeb in 1707, for which the sources used here are fullest. The reigns of Babur and Humayun were short and unsettled, and the sources for the successors of Aurangzeb, when imperial authority was declining, say much less about the emperor's personal administration of justice. The terms *Maẓālim* and *Wilāyat al-Maẓālim* are used throughout for the jurisdiction as a whole, and "the court of *Maẓālim*" for the sessions in which the emperor or his delegate heard complaints.

This paper addresses the following questions:

1. What was the *Wilāyat al-Maẓālim*, and how did it come to form part of the political and judicial culture of Mughal India?
2. How did the Mughal emperors understand justice, and what did they regard as the ruler's duty towards the wronged?
3. Where did the jurisdiction of *Maẓālim* stand within the Mughal judicial hierarchy, and what were the powers and limits of the emperor, the provincial governor and the *qāḍīs*?
4. By what means could ordinary subjects bring complaints to the emperor, and how were nobles, princes and officials held accountable?
5. How far did practice match the ideal, and what limited it?

The paper proceeds in five parts. After this introduction, section 2 examines the Mughal conception of justice and the impartiality attributed to the royal court. Section 3 describes the organisation of the judiciary and the place of *Maẓālim* within it. Section 4 studies the channels of access to the emperor and the mechanisms of redress, including their limits. Section 5 draws conclusions in answer to the questions above.

2. The Mughal Conception of Justice

For the Mughals justice was not merely one function of government but the reason government existed. The idea is an old one in Persian and Islamic statecraft and is often called the "circle of justice": the ruler cannot rule without an army, the army cannot be paid without wealth, wealth depends on the prosperity of the subjects, and the subjects prosper only where there is justice.[7] Seen in this light, hearing the complaints of the oppressed was not an act of charity by the emperor. It was a condition of his own power.

2.1 Justice as the Ruler's Foremost Duty

The Mughal emperors considered themselves caliphs of the Muslims and were lovers of justice. Akbar is reported to have declared: "If I were guilty of any unjust act, I would rise in judgment against myself."

[6]Nielsen, *Secular Justice in an Islamic State*. The transfer of the hearing of *maẓālim* petitions to a new *dār al-ʿadl* at Cairo in 662/1264 under Baybars I, and the later decline of the hearings into a largely ceremonial occasion, are also described in the article "Maẓālim" in *The Encyclopaedia of Islam*, 2nd ed.

[7]Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice from Mesopotamia to Globalization* (New York: Routledge, 2013).

He was most zealous and watchful in administering justice.[8] The sentiment rests on a well-known prophetic tradition that every ruler is a shepherd who is responsible for his flock,[9] and it makes the emperor answerable to the same standard of justice that he enforces on others.

The policy of the Mughals with regard to the administration of justice, and their interest in it, is evident from the following order which Akbar issued to his judges in 1595:

> "Let [them] connive at men's faults, as men become more hardened sometimes by punishments or take to flight through fear of it when they cannot be without fault. In short there may be one man who must be punished for the first fault and another who must be forgiven for a thousand. Knowing then that awarding punishments is one of the most difficult matters in the art of government, they should award it with mildness and discernment."

The order is revealing. It does not ask judges to apply a fixed scale of penalties mechanically. It asks them to weigh the offender, the offence and the likely effect of punishment, and it treats mildness as a quality of good judgment rather than of weakness. This is the language of discretionary royal justice, in which the ruler's own sense of equity supplements the letter of the law, and it is the same discretion that characterised the *Maẓālim* jurisdiction in its classical form.

Later emperors shared this outlook. Jahangir regarded the administration of justice as his most essential duty. Shah Jahan considered justice to be the very foundation of government, while Aurangzeb said that "the garden of administration is watered by the rain of justice."[10] Jahangir's own memoir shows how he put the principle into practice at the start of his reign. Besides setting up the Chain of Justice (section 4), he proclaimed twelve ordinances to be observed throughout his dominions. They forbade a number of unauthorised levies and cesses, protected the property of deceased persons from seizure so that it passed to their heirs, forbade the cutting off of the noses and ears of criminals, ordered hospitals to be built in large cities at the expense of the treasury, and released prisoners who had long been confined.[11] Several of these measures were aimed at the abuses of officials and fief-holders, the very persons against whom a *Maẓālim* court exists.

Aurangzeb, for his part, ordered the compilation of a large digest of Ḥanafī law, the *Fatāwā-i-ʿĀlamgīrī*, so that judges would have an authoritative guide for their decisions.[12] His emphasis on the *sharīʿah* did not displace the emperor's own role in hearing grievances. His court continued to treat the redress of wrongs as a personal duty of the ruler, as the later sections of this paper show.

The emphasis on justice also had a political dimension. The Mughals were a Muslim dynasty of Central Asian origin ruling a country whose population was largely non-Muslim, and their authority could not rest on military force alone. Jahangir's ordinance on inheritance is a good example of a measure that addressed all subjects. It applied to the property of "any infidel or Mussulman" who died in his dominions, and it forbade officials to interfere with its descent to the heirs.[13] A ruler who promised protection from official extortion to all his subjects, whatever their religion, could claim a wider legitimacy than one who ruled for a single community, and the idea of the ruler as the guardian of the oppressed gave the dynasty a moral language that was understood by Muslims and non-Muslims alike.

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[8]Vidya Dhar Mahajan, *Muslim Rule in India* (New Delhi: S. Chand & Co., 1978), 2/250.

[9]*Ṣaḥīḥ al-Bukhārī, Kitāb al-Aḥkām*; the same tradition is reported in *Ṣaḥīḥ Muslim, Kitāb al-Imāra*.

[10]Pakistan Historical Society, *A Short History of Hind-Pakistan* (Karachi: The Time Press, 1955), p. 261.

[11]Jahangir, *Tuzuk-i-Jahangiri*, trans. A. Rogers, ed. H. Beveridge, Vol. 1, pp. 7–10. The twelve ordinances are listed there immediately after the account of the Chain of Justice.

[12]Travers, *Empires of Complaints*, p. 43, on the *Fatāwā-i-ʿĀlamgīrī*.

[13]Jahangir, *Tuzuk-i-Jahangiri*, Vol. 1, pp. 7–10, ordinance on inheritance (which refers to the property of "any infidel or Mussulman" who died without interference from officials) and ordinance on the property of peasants.

2.2 Impartiality of the Royal Court

No consideration of official rank, or even royal kinship, deterred the Mughals from meting out the severest punishment to the culprit. Nor were notions of false prestige allowed to thwart the course of justice and tarnish the good name of the ruler. To the Mughals, prestige consisted in inspiring confidence, not awe. Wherever a responsible official was found guilty of oppression or injustice in his dealings with the people, the emperors invariably gave exemplary and deterrent punishment.[14]

The Mughals administered impartial and stern justice, and Abu'l Fazl is quite right when he claims: "His majesty in his court makes no difference between relative and stranger and no distinction between a chief and a tangle-haired beggar."

Several cases illustrate the point. Khān-i-Aʿẓam Mirzā ʿAzīz Koka, one of the greatest nobles and a boyhood playmate of Akbar, had to pay blood money to the father of a servant whom he had executed without sufficient cause. Similarly, Akbar punished with death a powerful military chief of Gujarat for the murder of one Chingiz Khan, on the representation made by the mother of the deceased. A striking example is the case of Hushang, the brother's son of Khān-i-ʿĀlam, the favourite *amīr*, who was charged with the murder of some insignificant person whose name does not even appear in the records of the period, and was sentenced to death. Jahangir writes:

> "Having summoned him to my presence, I investigated the charge and after it was established, gave an order for his execution. God forbid that in such an affair I should consider princes, and far less that I should consider *amīrs*. I hope that the Grace of God may support me in this."[15]

These cases have a common pattern. In each, the injured party was socially far below the offender: a servant, a victim from an obscure family, a widowed mother. In each, the complaint reached the emperor, who examined it himself and applied the penalty that the law required. The point of the stories is not only that the offenders were punished but that the emperor was seen to be unmoved by rank. Jahangir's remark that the Grace of God should support him in the matter reflects the religious weight placed on the ruler's impartiality: a ruler who spared the powerful would be answerable to God for the injustice done to the weak.

The tradition about Aurangzeb extends the same principle to the imperial family itself. In the anecdotes attributed to him, Prince Muhammad Azam asked that the *jāgīr* of a long-serving Sayyid officer be transferred to himself on the ground that the officer drank wine. The emperor rebuked him: moral supervision was the task of the *muhtasib*, not of a prince who stood to gain the land, and the grant of a man who had held it for three generations could not be taken away at another's word. He ordered an inquiry to be made through the proper officers.[16] In another case, Azam refused to act when a Maratha leader plundered merchants on the highway to Surat, saying that the district was not his concern. Aurangzeb is reported to have reduced the prince's rank by five thousand and to have ordered the merchants' loss to be recovered from the prince's agents. On a further occasion he fined the prince fifty thousand rupees for quarrelling with the superintendent of his household.

These anecdotes need to be read with caution, since their authorship is uncertain. They also show that justice and political prudence overlapped. In the same passage Aurangzeb thanks God that he had not given his sons the predominance that Shah Jahan had given his, "lest I should be put to disgrace by them." Disciplining princes protected the emperor's authority as well as the subjects' rights. This does

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[14]S. A. Q. Husaini, *Administration Under the Mughals* (Dacca: A. Ahmad, 1952), pp. 209–210.

[15]Ibid., p. 209.

[16]Jadunath Sarkar, trans., *Anecdotes of Aurangzib* (Calcutta: M. C. Sarkar & Sons, 1925), §§ 18, 20, 21. The work translates the *Aḥkām-i-ʿĀlamgīrī*, which is attributed to Hamid-ud-din Khan, although Sarkar himself notes that there is no proof of this authorship; its anecdotes are therefore best treated as indicative of the tradition about Aurangzeb rather than as official records.

not weaken the point about impartiality; it explains why the emperors had a lasting interest in keeping their relatives and officers within the law.

The emphasis on punishing the powerful also reflects the way in which the empire was governed. Much of the administration was in the hands of *mansabdārs* who were paid by assignments of land revenue (*jāgīrs*), and these assignees had every opportunity to demand more from the peasants than they were entitled to. Jahangir's ordinances explicitly forbade fief-holders and officers of the exchequer lands to take the property of the peasants by force.[17] A court of *Maẓālim* that could summon an assignee, however high his rank, was the natural remedy for such abuses, and the examples of impartial punishment recorded by the chroniclers served as warnings to others who held office.

The religious meaning of these cases should also be noted. In the Islamic tradition the oppressed person's complaint is not a private matter between the parties; it is a claim that the ruler must answer, because he has been entrusted with the protection of the weak. Jahangir's prayer that God should support him in executing a nobleman's relative reflects that outlook. The emperor presents himself as the instrument of a justice that is greater than his own wishes, and it was this sense of obligation, rather than any modern notion of equality before the law, that gave the stories of impartial punishment their force.

3. Judicial Organisation and the Jurisdiction of Maẓālim

The jurisdiction of *Maẓālim* was never meant to replace the regular courts. In the model set out by al-Māwardī a session of *Maẓālim* was attended by guards, *qāḍīs*, jurists, secretaries to keep the record and notaries to witness the proceedings, and it dealt with abuses of power by officials as well as disputes between private parties.[18] The Mughal arrangement, described below, follows the same logic. A hierarchy of *qāḍī* courts handled ordinary civil and criminal business, and above and beside it stood the ruler's own court, to which the unresolved or unredressed grievances were carried.

The matters that al-Māwardī assigned to the tribunal show why it was needed. They included the excesses of governors against the people, the unjust practices of tax collectors, complaints of soldiers about their pay, the restoration of property seized by force, and the enforcement of judgments that the *qāḍīs* themselves could not carry out.[19] Nearly all of these concern wrongs done by, or through, persons of authority, and for that reason an official who was himself the source of the complaint could not be expected to remedy it. The Mughal cases discussed in this paper fall largely into the same categories.

3.1 The Central Judiciary

As regards the organisation of the judiciary, the highest court was the Royal Court, presided over by the emperor himself. Below it was the court of the *Qāḍī al-Quḍāh* (Chief Justice) at the capital. His duties included, among other things, supervision over all provincial *qāḍīs*. The Chief Justices were men of exceptional character and were also entrusted with leading the Friday prayers in the capital.

Around these offices stood a group of officers whose titles and exact duties varied from reign to reign. The *muftī* stated the law on questions put to him, so that the *qāḍī* could decide on a sound legal basis. The *Mīr ʿAdl* was responsible for carrying out judgments and for seeing that the proceedings of the court were properly conducted. The *muhtasib* supervised public morals and the markets, and the chief *ṣadr*, who was in charge of religious endowments and grants, worked closely with the Chief Justice.[20]

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[17]Ibid., the ordinance forbidding fief-holders and officers of the exchequer lands to take the property of peasants by force.

[18]Māwardī, *al-Aḥkām al-Sulṭāniyya*, chapter on *Wilāyat al-Maẓālim*; Amedroz, "The Mazalim Jurisdiction," passim.

[19]Māwardī, *al-Aḥkām al-Sulṭāniyya*, chapter on *Wilāyat al-Maẓālim*, where the categories of cases are enumerated; Amedroz, "The Mazalim Jurisdiction," gives a summary of the chapter.

[20]Husaini, *Administration Under the Mughals*, and Qureshi, *The Administration of the Mughal Empire*, on the judicial officers of the empire. The precise duties and titles of these officers varied between reigns.

In the matter of the Sayyid's *jāgīr* mentioned above, Aurangzeb is reported to have told the chief *ṣadr* to write to the *muhtasib* of the place and report the facts, which shows how these offices were expected to work together.[21]

Two features of this central judiciary deserve notice. The first is that the holders of the highest judicial office were expected to speak independently of the throne. Sarkar records that Aurangzeb's Chief *Qāḍī*, Shaikh-ul-Islam, tried to dissuade the emperor from his wars against the Shia kingdoms of Bijapur and Golkonda on the ground that wars between Muslims were contrary to Islam. When the emperor was displeased, the Chief *Qāḍī* resigned, left the court, and for the rest of his life rejected the emperor's repeated requests to resume the office.[22] The incident belongs to a period of political strain, but it shows that the office carried a moral standing that even a determined ruler could not easily override.

The second feature is that the system was graded in a way that matched the nature of the grievance. A *qāḍī* was bound by the rules of evidence and procedure and could give only the relief that the law allowed. He often lacked the means to bring a powerful defendant to court or to enforce a decision against him. The *Maẓālim* session of the emperor filled that gap. It could summon a noble, an official or a prince; it could order an inquiry; and it could apply the sanction of the emperor's own authority.

From a closer examination of the historical sources it becomes clear that the Royal Court presided over by the Mughal emperors was the highest court of appeal and also the court of *Maẓālim*, that is, the court that redressed grievances that could not be redressed by the lower courts.

The title of the *Qāḍī ʿAskar*, who attended the emperor's session of *Maẓālim*, points to a practical feature of the Mughal system. The imperial court was often on the move, whether on tours, hunting expeditions or military campaigns, and the emperor's camp was in effect a travelling capital. The *qāḍī* attached to the camp (*ʿaskar* means army or camp) allowed judicial business to continue wherever the emperor was. Aurangzeb's long residence in camp in the Deccan, including the base camp he named Islampuri, shows how much of the later Mughal government was conducted in this way.[23]

Appeals lay from the lower courts upward, so that a litigant who believed that the *qāḍī* of his district had decided wrongly could seek a hearing before the provincial authorities and, in the last resort, before the emperor.[24] This is the sense in which the Royal Court was the highest court of appeal. The jurisdiction of *Maẓālim* was related to it but not identical with it. An appeal asked whether the lower court had decided correctly. A complaint of *Maẓālim* asked whether an official, or a person of influence, had wronged the complainant in a way that the lower court was unable or unwilling to correct. In practice the two kinds of petition often arrived together, and the emperor's court dealt with them in the same sitting.

3.2 Provincial and Local Courts

The Mughal Empire was divided into several provinces. At the head of the provincial administration was the governor (*Subahdār*). Like the emperor at the centre, the *Subahdār* possessed powers to decide cases under *Maẓālim*, but he did not have the right to inflict capital punishment. Whenever he heard cases of *Maẓālim* he had the assistance of muftis and of the judges of the provincial high court.[25] The limit on capital punishment is significant. It meant that the gravest penalties remained a royal

[21]Sarkar's note to § 18 of the *Anecdotes of Aurangzib* defines the *muhtasib* as the censor of morals, an officer who saw that the ordinances of Islam were observed in daily life, and refers readers to his *Mughal Administration*, ch. 2.

[22]Sarkar, "Life of Aurangzib," prefixed to *Anecdotes of Aurangzib*, section on Aurangzeb's reign in the Deccan.

[23]On the movement of the court and camp see Sarkar, "Life of Aurangzib," which describes Aurangzeb's long residence in camp in the Deccan and the base camp he named Islampuri.

[24]Husaini, *Administration Under the Mughals*, and Qureshi, *The Administration of the Mughal Empire*, on appeals from the lower courts to the emperor.

[25]Pakistan Historical Society, *A Short History of Hind-Pakistan*, p. 261.

prerogative, and that the governor's *Maẓālim* power, however real, was a delegated one that did not carry the whole of the emperor's authority.

Each province had a provincial court, and each district had a court too, all presided over by *qāḍīs*. In the later period, subordinate courts were established in sub-districts and were presided over by *nāʾib qāḍīs*.[26] Besides these courts, the provincial and district administration included the governor's revenue and military colleagues, the *faujdār* and the *kotwāl* who kept order, and, at the village level, the *panchāyats* and caste councils through which many disputes among non-Muslim subjects were settled in the first instance.[27] A subject with a complaint against a local officer therefore had several possible forums, and the court of the governor and finally that of the emperor stood above them.

An important part of provincial accountability lay outside the courts. The emperor received regular written reports from the officers who served as his eyes in the provinces, and these "news-letters" could be the starting point for official action. In the Aurangzeb anecdotes, for example, the emperor learns from provincial news-letters of a prince's improper conduct, of a failure to protect a trade route, and of a *nāẓir* who had failed to report an irregularity. He answers each by writing his orders on the report itself, in one case reducing the rank of an officer who had not written a single word about the matter.[28] This system did not replace the court of *Maẓālim*, but it meant that the emperor was able to act on abuses that no individual subject had come forward to report.

Authority within the province was also divided so that no single officer could act without being observed by others. The governor commanded the military and general administration, but the revenue was in the hands of a separate *dīwān* who was answerable to the centre, and the judicial and religious officers were appointed by the emperor and not by the governor.[29] This division of power made the governor's *Maẓālim* jurisdiction less dangerous than it might otherwise have been. He could hear complaints, but he did not control the officers whose conduct might be the subject of the complaint, and those officers could report on him to the emperor in turn.

The Mughal system also left room for local custom. Many disputes within a village, a caste or a trade were settled by the community's own elders and never reached a *qāḍī*. This did not mean that the subjects of such communities were shut out of the imperial system. Nothing in the sources suggests that the emperor's court was closed to non-Muslim subjects, and the ordinances discussed above were framed to protect them as well, although the recorded cases are mostly silent about the religion of the complainants. The jurisdiction of *Maẓālim* thus complemented the local forums, as well as the *qāḍī* courts, by offering a remedy against the failures of both.

4. Access to the Emperor and the Redress of Grievances

So far as the redress of public grievances and the accountability of public servants are concerned, the Mughal emperors, like their predecessors, took pains to keep in touch with their subjects. Akbar showed himself every morning to his subjects at the *Jharoka-i-darshan*,[30] where anyone could draw the monarch's attention by raising a hand holding a petition. The petitioner was then escorted by a mace-bearer to the imperial audience in the *dawlat-khāna-i-khāṣ*, where the hearing took place. If the case

[26]Husaini, *Administration Under the Mughals*, p. 200.

[27]See generally Husaini, *Administration Under the Mughals*, and Qureshi, *The Administration of the Mughal Empire*, on the lower tiers of judicial and police administration.

[28]Sarkar, *Anecdotes of Aurangzib*, §§ 13, 14 and 21, where the emperor acts on news-letters from provincial officers.

[29]Qureshi, *The Administration of the Mughal Empire*, and Sarkar, *Mughal Administration*, on the division of authority within the province between the governor, the *dīwān* and the judicial and religious officers.

[30]According to Mitchell, adapting a previously Hindu facility such as this was one of the many examples of Muslim Indianization common to the sixteenth and seventeenth centuries. See C. Paul Mitchell, *Sir Thomas Roe and the Mughal Empire* (Karachi: Mehran Printers, 2000), p. 195.

required an inquiry, one was ordered, and decisions were made according to the *Sharīʿah*.[31] European visitors to the court, such as Sir Thomas Roe in Jahangir's reign, noted the emperor's regular public appearances, which were an established part of the daily life of the court.[32]

The importance of this arrangement lies in its directness. A petitioner did not need an introduction to a minister or a *qāḍī*. The act of raising a petition in public placed the complaint before the emperor and the courtiers and officials who were present, and it put on record that the ruler had been informed. If the matter was later neglected, the neglect could be traced to a particular officer.

That the emperors adopted the *jharoka* display for this purpose is also instructive. Mitchell observes that the custom of showing oneself to the people (*darshan*) was adapted from an earlier Hindu practice, as one of many examples of the Indianisation of Muslim rule in the sixteenth and seventeenth centuries. The adaptation worked in two ways. It gave the emperor a ceremony that his non-Muslim subjects already understood, and it allowed the old Islamic institution of hearing grievances to be exercised in a form that was familiar to the people of the country. In this respect the Mughal *Maẓālim* was not a simple copy of the caliphal model but an Indian version of it.

Jahangir, who ascended the throne in 1605 and retained his father's definition of a just ruler, made a unique effort to provide a link between the emperor and the aggrieved without any middleman. He hung a golden chain, afterwards known as the Chain of Justice. According to his own account it was of pure gold, thirty *gaz* long, with sixty bells upon it; one end was fixed to a battlement of the fort of Agra and the other to a stone column on the river bank. It was hung so that any person wishing to complain to the emperor against the oppression of a state functionary, a member of the royal family or any other influential person could ring the bells by jerking it. The emperor then took notice and personally held an inquiry into the matter.[33]

The Chain of Justice was a practical device and also a public statement. Jahangir himself states its purpose: it was to be used if the officers of the courts of justice failed to investigate the complaints of the oppressed and to grant them redress. The chain was thus designed as a safeguard against the failure of the ordinary system and not as an alternative to it. How often it was actually rung is difficult to establish from the sources, and much of its value probably lay in the message it sent to officials and to subjects alike that no one stood between the emperor and a complaint. Another cause of complaint, the burden of unauthorised levies, was addressed through the twelve ordinances of the same year (section 2.1), which show that Jahangir thought of justice in preventive as well as remedial terms.

Muqarrab Khan, an influential noble of high standing, was punished by Jahangir on the complaint of an old woman.[34] The case belongs with those of ʿAzīz Koka and Hushang discussed earlier, and its significance is the same. The complainant had neither status nor connections; the accused was close to the throne; and the emperor's decision turned on the merits of the complaint.

It is worth asking who the complainants in these stories were. The sources name or describe a servant's father, a murdered man's mother, a poor old woman, and merchants robbed on a highway. All of them were people without power, and the stories present them as persons who would have had no remedy except through the emperor. The accused, on the other hand, were nobles, officers or princes, whom ordinary courts might hesitate to touch. The pattern shows the purpose of the institution as the emperors'

[31]Ishtiaq Hussain Qureshi, *The Administration of the Mughal Empire* (Karachi: University of Karachi, 1966), p. 195.

[32]Sir Thomas Roe's journal of his embassy (1615–1619) describes the emperor's daily public appearances; see William Foster (ed.), *The Embassy of Sir Thomas Roe to the Court of the Great Mogul* (London: Hakluyt Society, 1899), and Mitchell's study cited above.

[33]Molvi M. Zakaullah Dehlavi, *Tārīkh-i-Hindustān* (Lahore: Sang-i-Mīl Publications, 1998), 6/13; Mahajan, *Muslim Rule in India*, 2/250; Jahangir, *Tuzuk-i-Jahangiri*, trans. A. Rogers, ed. H. Beveridge, Vol. 1, p. 7. Jahangir's own account says the chain was of pure gold, thirty *gaz* long, with sixty bells.

[34]Riaz Mahmood, *The Concept of Administrative Accountability in Islam*, p. 139.

historians understood it. It existed to correct the imbalance between the weak and the strong, and its success was measured by whether a complaint from the former could prevail against the latter.

Aurangzeb (ʿĀlamgīr) was equally keen to ensure that complainants had access to the monarch, and during his reign the courts were extremely independent. Sarkar notes that European travellers were struck by the sight of the grey-headed emperor holding open court every day, reading every petition and writing orders across it with his own hand.[35] That habit of personally annotating petitions is a form of *Maẓālim* in its own right, since it brought individual complaints before the emperor even when the petitioner could not be present.

Beyond these daily and occasional channels, the emperors fixed a regular day for hearing grievances. Successive Mughal emperors maintained the custom of earmarking a day of the week for the purpose of holding a court of *Maẓālim*. It was attended by the officers of the court, the *Qāḍī ʿAskar*, jurists and other learned persons.[36] The composition of the gathering closely resembles the assistants that al-Māwardī required for a session of *Maẓālim*: officers to enforce, judges and jurists to advise on the law, and officials to record. The Mughal practice thus kept the classical form of the institution even as it adapted it to the court of an Indian empire.

Both Shah Jahan and Aurangzeb held no public *darbār* on Wednesdays but reserved the day for holding a court of law. Aurangzeb in particular called the Wednesday session of justice *Dīwān-i-Maẓālim*.[37] The decision to give up the ceremonial *darbār* on that day in favour of a court of law is itself telling. It meant that the emperor set aside the most visible displays of royal splendour in order to attend to the claims of the aggrieved, and the fixed day gave subjects and officials a predictable occasion on which a complaint would be heard.

The enforcement of decisions was the task of the emperor's own attendants. The mace-bearers who escorted petitioners to the audience also carried out arrests and executed the emperor's orders of discipline.[38] When a prince or noble was ordered to appear, or to be restrained, it was these officers who were sent. This is a significant point. Many of the problems of the ordinary courts arose because the *qāḍī* had no means of making a powerful person obey. The emperor's court could rely on its own officers, and the knowledge that they would be sent was probably as important as the occasional use of them.

The sanctions applied were varied. The sources record dismissals from office, reductions in rank, transfers or changes of *jāgīr*, fines, and, in cases of homicide, the death penalty.[39] This range suggests that the emperors regarded the sanction as an instrument that should fit the offence and the offender, in keeping with Akbar's instruction that punishments should be awarded "with mildness and discernment." Reducing the rank or the income of a noble who had failed in his duties was a punishment that both discouraged the offence and kept the officer in imperial service, whereas execution was reserved for the cases in which a life had been taken.

A comparison with the Mamluk experience, mentioned in the introduction, helps to explain how the Mughal sittings avoided becoming empty ceremony, at least in the periods when the emperor was present and attentive. The Mughal sessions were few and regular rather than elaborate; they were held by the emperor himself rather than by a deputy; and they were combined with other channels, such as the written petition, the chain and the news-letter, that did not depend on the ceremony. Nevertheless, the same danger was present. A weekly sitting that is reduced to a display, with the emperor's officers deciding in advance which cases would be heard, would have shown the outward form of *Maẓālim*

[35]Sarkar, "Life of Aurangzib," section on Aurangzeb's character.

[36]Qureshi, *The Administration of the Mughal Empire*, p. 195.

[37]Jadunath Sarkar, *Mughal Administration* (New Delhi: Orient Longman, 1935), p. 71.

[38]Sarkar's notes to the *Anecdotes of Aurangzib* (§ 17 and § 22) explain that mace-bearers were sergeants who made arrests and carried out the emperor's orders of discipline.

[39]Sarkar, *Anecdotes of Aurangzib*, §§ 13, 14, 18, 20 and 21, on dismissals, reductions of rank, changes of *jāgīr* and fines.

without its substance, and the expansion of the empire in the later seventeenth century made it difficult for the emperor to prevent this.

The emperors' interest in justice was not confined to formal sittings. Those emperors had a high sense of justice. They did not like their sons or the high officials of the state to act as tyrants. In this regard the statement of Akbar is worth quoting. The same ruler who said that he would rise in judgment against himself if guilty of injustice added: "What shall I say then of my sons, my kindred and others." Aurangzeb took care that the highest in the land obeyed the orders of the court even though they were summoned to answer the complaint of a beggar.

Personal commitment to the task was equally evident. Jahangir was so keen to provide justice to the people that even illness did not prevent him from attending to his public duties; he appeared regularly at the *Jharoka-i-darshan* and in the *Dīwān-i-Khāṣ* and *Dīwān-i-ʿĀmm*. Shah Jahan's historians considered the chief purpose of monarchy to be the protection of the weak against the oppression of the mighty, so that in ordering the affairs of his fellow beings the monarch should be a friend and helper through justice and equality. The sin for which Aurangzeb had the greatest horror was injustice.[40]

The picture presented by the sources is favourable, but it has limits that should be acknowledged. First, the system depended heavily on the person of the emperor. Its main channels ran through the court, so that a subject's chance of being heard depended on being able to reach it, or on the emperor's willingness to read petitions. When an emperor was absent from the centre of the empire, the system lost much of its force. Aurangzeb spent the last twenty-six years of his reign in the Deccan, and Sarkar judges that the administration in northern India grew slack and corrupt in this period, as the empire had become too large to be ruled by one man from one centre.[41] The weekly sittings, the Chain of Justice and the morning appearance at the *jharoka* all presupposed a ruler who was present in his capital.

Secondly, access was not equal for every group. Sarkar reports that after the revival of the *jizya* in 1679, people who blocked the road to appeal to the emperor for its remission were dispersed by elephants at his order.[42] Whatever view one takes of Aurangzeb's religious policy, the episode shows that the emperor's readiness to hear grievances did not extend to every complaint, in particular where the complaint challenged a policy that the emperor himself had decided on. A complaint against a corrupt official was one thing; a challenge to a decision of the ruler was another.

Thirdly, the accounts we possess were mostly written by court historians or by the emperors themselves, who had every reason to present their own justice in the best light. Recent scholarship suggests that the ethical ideals of Mughal justice were real and widely shared, but that actual practice varied with the period, the region and the officials concerned.[43] The examples of Akbar, Jahangir and Aurangzeb should be read as evidence of what the emperors were expected to do, and of what their contemporaries believed they did, more than as a complete record of how many complaints were heard, or how many were successful.

5. Conclusion

The first question concerned the nature of the *Wilāyat al-Maẓālim* and its place in Mughal India. The jurisdiction was an old Islamic institution, set out in the classical works of political jurisprudence and practised by the sultans of Delhi before the Mughals. Under the Mughals it appears in the sources less often under its technical name than as a set of practices: the emperor's personal hearing of complaints,

[40]Qureshi, *The Administration of the Mughal Empire*, p. 198.

[41]Sarkar, "Life of Aurangzib," sections on the Deccan period. Aurangzeb left Ajmer for the Deccan in 1681 and did not return to northern India.

[42]Sarkar, "Life of Aurangzib," section on Aurangzeb's reign in Northern India (the revival of the *jizya* in 1679). Historians differ widely in their assessment of Aurangzeb's religious policies, and Sarkar's view is one among several.

[43]Travers, *Empires of Complaints*, pp. 36–47, discusses the gap between the ethical ideals of Mughal justice and its practice.

a fixed day for the purpose, and the supervision of the powerful by the throne. The Wednesday session that Aurangzeb called *Dīwān-i-Maẓālim* is the clearest instance of the name being used for the practice.

The second question concerned the Mughal idea of justice. The emperors saw justice as the first duty of the ruler and as the basis of royal authority. Akbar's declaration that he would judge himself, Jahangir's ordinances and Chain of Justice, Shah Jahan's view of justice as the foundation of government and Aurangzeb's image of the garden watered by the rain of justice express a common idea. The ruler was answerable to God for the wrongs suffered by his subjects, and his impartiality towards nobles, princes and kinsmen was proof that he took that duty seriously.

The third question concerned the place of *Maẓālim* within the judicial hierarchy. The Royal Court was at once the highest court of appeal and the court of *Maẓālim*. Below it, the Chief *Qāḍī* at the capital supervised the provincial *qāḍīs*, and the governor of a province could hear *Maẓālim* cases with the help of muftis and judges, though without power to inflict capital punishment. District and sub-district courts presided over by *qāḍīs* and their deputies dealt with ordinary cases. The arrangement gave the system two levels: a regular law-bound jurisdiction and a higher jurisdiction that could reach the persons and the wrongs the first could not.

The fourth question was how subjects reached the emperor and how officials were held to account. The principal means were the morning appearance at the *jharoka*, the hearing in the audience hall, Jahangir's Chain of Justice, the emperor's reading and annotation of petitions, the weekly day of *Maẓālim*, and the stream of news-letters from the provinces. Their common feature was directness: they were designed to take complaints past intermediaries who might delay or suppress them. The cases of ʿAzīz Koka, the chief of Gujarat, Hushang, Muqarrab Khan and the princes disciplined by Aurangzeb show how the system was said to work against the powerful.

The fifth question was how far practice matched the ideal. The sources paint a consistent picture of emperors who valued justice and who punished the powerful, but they also reveal the limits of the system. It rested on the presence and energy of the emperor, it was less open to some complaints than to others, and our knowledge of it comes largely from sources that had reason to praise it. These reservations do not remove the importance of the institution. They indicate that *Wilāyat al-Maẓālim* under the Mughals is best understood as a combination of a real judicial practice and a statement of the ideals by which the emperors wished to be judged, namely that the ruler is answerable for the justice of his government and that the weak are to be protected against the mighty.

Two lines of further study follow from these conclusions. The first is the examination of provincial records, petitions and *qāḍī* documents, which would show how often ordinary subjects used the channels described by the chroniclers and with what result. The second is a closer comparison of the Mughal practice with that of the Delhi Sultanate, the Safavids and the Ottomans, who also maintained a ruler's court of petitions beside the *sharīʿah* courts. Such work would help to show which features of the Mughal *Maẓālim* were inherited, which were adapted to Indian conditions, and which the emperors' own contribution were.

The study of *Wilāyat al-Maẓālim* under the Mughals also adds to the wider understanding of Islamic public law. It shows that the jurisdiction described by the medieval jurists was not a theoretical construct but a living institution that could be adapted to a new political setting. The Mughal emperors kept its essential logic, the ruler's answerability for the wrongs done by the powerful, while giving it forms drawn from Indian court life. That combination of inherited principle and local adaptation is perhaps the most characteristic feature of their administration of justice.