

SOCIO- RELIGIOUS AND ADMINISTRATIVE ROLE OF QAZI IN MEDIEVAL INDIA

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ABSTRACT

The Qazi held an important and influential position in society and appointed on the basis of his learning and attainments in the field of theology. However, in Mughal India, the King was the supreme in providing the justice in the state. Though the Muslim Jurists differ as to the right of the king to administer justice without a Qazi, they agreed that a king had a right to administer justice personally. But as the administration of justice according to the law required a technical Knowledge of the subjects, it was his duty to appoint one of the best Ulema of the age to this post and thus the office became unavoidable. The present paper deals with the duties of Qazi in various field.

Key Words: Endowment, Influential, Judicial, Qazi, Zakat

INTRODUCTION

The word Qazi is derived from the root word Q-D-y, meaning "to resolve," "to settle," "to decide." However, in Mughal India, the Emperor was the supreme in providing the justice in the state. Though the Muslim Jurists differ as to the right of the king to administer justice without a Qazi, they agreed that a king had a right to administer justice personally. But as the administration of justice according to the law required a technical Knowledge of the subjects, it was his duty to appoint one of the best Ulema of the age to this post. The office thus became unavoidable.

They also suggest that there should be a body of Ulema capable of giving fatwa on

legal points, and the most capable of them should be selected for the office of the chief qazi. In the judicial administration of Mughal India was "Qazi" was considered as the second agency after the Emperor. A Qazi is the term for a Muslim judge who issued definitive rulings in cases brought by disputants for resolution.

The organization of the judicial system of the Mughals was entirely the same as laid down by Muslim jurists and established in northern India by the sultans of Delhi. Many institutions were same as it was in the Delhi Sultanate. For instance the sultan was the fountain head of judiciary system. He was all in all in the state. He was responsible for any kind of error in the state. The second agency of judiciary was the Qazi. Qazi had a bigger role in the judiciary system in the state and he held the court and gave justice.

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demanding as his due by God's ordinance, and all resistance was treated as sinful. Though in practice his power was incapable of legal limitation, in theory he was expected to observe the limits set by the Holy Law. "State" Law was a command of the sovereign and was binding on all. Consequently very few digests or codes of laws existed in Mughal India. The place of laws taken by these regulations was proclaimed only by the Emperor's orders. The Twelve Ordinances of Jahangir and the Fatwa-i-Alamgiri were the work of the monarchs themselves. The jurisdiction of the Emperor which was all embracing rendered his position still stronger.

APPOINTMENT OF QAZI

For the appointment of Qazi it was necessary for him to have the perfect knowledge of Sharia. The king should appoint the one with whom he was personally acquainted and who in his opinion, was the best available person for the office. If the candidate was not personally known to him, his knowledge and learning should be tested by a body of the learned, and his conduct inquired from his neighbors. The king has right to depose a qazi, because the one who had a right to appoint him possesses also the power to depose him. A certain group of Muslim Jurists favors the appointment of a qazi for limited period only, and some appeared to regard one year at a time as sufficient for him so that he might not neglect his studies of the subject. The King had right to appoint a separate qazi for the army (qazi-i-askar), but his jurisdiction was limited to the area defined for him. The king had right to appoint more than one qazi in a city, but in that case their work must be defined.

Abul Fazl has given detail about the Qazi and Mir-i -adl role, duties and power, He

wrote in the Ain-i-Akbari which is following; "Although the supreme authority and the redress of grievances rest with sovereign monarchs, yet the capacity of a single person is inadequate to the superintendence of the entire administration. It is therefore necessary that he should appoint one of his discreet and unbiased servants as his judiciary delegate. By impartiality and knowledge of character, he should distinguish the oppressed from the oppressor and boldly and equitably take action on his conclusions. He must begin with a thorough interrogation and learn the circumstances of the case; and should keep in view what is fitting in each particular and take the question in detail, and in this manner set down separately the evidence of each witness. When he has accomplished his task with intelligence, deliberation and perspicacity, he should for a time, turn to other business and keep his counsel from others. He should then take up the case and reinvestigate and inquire into it anew, and with discrimination and singleness of view search it to its core. If capacity and vigour are not to be found united, he should appoint two persons, one to investigate whom they call a Qazi, the other the Mir A' dl to carry out his finding."

The judicial and the religious unit were often mutual. All through the Mughal rule the civil and the criminal laws were not codified. The mufti used to give his opinion about the merit of the cases. The civil cases were decided by the qazi, and he was expected to settle civil disputes, claims of inherited and disputed properties. He was expected to write decrees, to conduct prayers and religious meetings and made efforts to divert the attention of the people to make them religious. Thus he was acting like a civil judge, a registrar and the priest of his area. The qazi held an important and

influential position in society. Akbar had appointed Hindu judges in place of the qazis to decide the civil cases of the Hindus. Sadr (A chief commissioner) "dealt with the gifts, endowments, annuities granted to the religious men, poets, scholars, astronomers, widow, poor men, orphans, judicial officers and the like" He was appointed on the basis of his learning and attainments in the field of theology. He enjoyed the respect and confidence of the Muslim masses.

ROLE OF QAZI IN TOWN AND CITY ADMINISTRATION

In the Mughal administration, Qazi played an important role, he was not only limited to cities but also appointed in smaller units, paragnah's (subdivision of a district) villages. The qazi for the province and the towns were appointed by the sadr-us sudur(controller of religious endowments and charitable grants) and received their sanad from the office of the sadr. The city qazi, besides enjoying a personal mansab (rank, dignity) and emoluments, kept 20 horses. The town qazi received daily allowances in cash and also held land for service.

Sometime the city qazi held more than one post. In 1672 A.D., Mohammad Sharif was both qazi and muhatsib of the city. The qazi of Ahmadabad had many wide judicial powers in his jurisdiction. All the serious criminal cases like, theft, murder robbery and rebellion etc were decided by him. In civil cases his jurisdiction was extended to inheritance disposal of stolen property, marriage with non-Muslims etc. He was also the custodian of unclaimed property and had the responsibility for the return of such property to the genuine owner if any. Qazi was also given responsibility of settle mercantile cases also like that of merchants and weavers. He was to see whether taxes

on various commodities were collected according to rules or not, besides dealing cases related to forged coins and their circulation. When jiziya, a capitation tax, was re-imposed in 1679 A.D. by Aurangzeb its collection was also assigned to the qazi.

In religious sphere, monetary help was provided to new converts with his consent. He was also to look after the proper collection of zakat (alms given according to Muhammadan law, by way of purifying or securing a blessing to the rest of one's possessions) from Muslims. The Qazi was involved in different kinds of charity work taken by the state. On his certificate, funeral rites of travelers, unclaimed corpses of poor man and other who die intestate were made, expanses of which were met with from the baitulmal "The House of Property". The public treasury of a Muslim state, which the ruler is not allowed using for his personal expenses, but only for the public welfare. In consequences of this custody of baitulmal of Ahmadabad was entrusted to Abul Farah Khan, qazi of the place. From baitulmal, clothes and blankets were provided to poor prisoners and people of the city. The qazi's staff at Ahmadabad included petty officials like mufti, mushrif (account keeper of paragna level), wakil-i sharai, manusakhanavis. The qazi was superior to the kotwal in the hierarchy as well as in judicial authority.

The officials of the judiciary system were the same but the time and territory and nature of the Emperor were changed. Emperor like Akbar has come who changed many things in the system of the judiciary in his reign. The king was also expected to have practical knowledge of law. Because being a monarch his word is enough to provide justice to particular individual or group people. He can take life or give life. His decision may cause great harm or

benefit to the empire. His justice may give a long benefit to the empire. There is no check on his decision .He might apologize but cannot return the life. It has been mentioned earlier that there were no written laws in the country. The Emperor was the foundation of justice and his system of government was extremely personal. He exercised rigid control over every department of administration. The sovereign's will was absolute. So long as the laws of the share remained inviolated, his will could not be resisted. But any attempt to defy the laws of the shariah resulted in discontent. The King had full powers to issue ordinances and the Islamic Law entrusted to him the function of administration and justice.

CONCLUSION

Every Mughal king regarded himself as the vicerent of God and pretended to carry

out the Divine Law. Obedience was demanded as his due by God's ordinance, and all resistance was treated as sinful. Though in practice his power was incapable of legal limitation, in theory he was expected to observe the limits set by the Holy Law. "State" Law was a command of the sovereign and was binding on all. Consequently very few digests or codes of laws existed in Mughal India. But as the administration of justice according to the law required a technical Knowledge of the subjects, and for that particular job, responsibility came under the command of Qazi .So far as the duty of Qazi is concerned it can be said that he was not bound to the single responsibility, he played an important role in various areas, weather it related with the society, economy, polity and administrative zone. In other words it Qazi seems a multi task personality in the ministry during the Mughal Empire.

REFERENCES

1. Martin,C,Richard, Encyclopedia of Islam and the Muslim World,vol2,Thomson and Gale,America,2004,p,557.
2. Hasan,Ibn, The central Structure of the Mughal Empire and its practical Working up to the year 1657, Munshiram Manoharlai, New Delhi, New Delhi, first published in 1936,reprinted in 1970,p,311.
3. Sarkar J.N.Mughal Administration, Fifth Edition, Calcutta, 1963, p.5
4. Allami, Abu Fazal, the A-in-1 Akbari, vol II-III, ,translated by Colonel H.S. Jarrett, first published 1927, Low price publications,2006,New Delhi,p,42-43.
5. Saran, Parmatma, The Provincial Government of the Mughals, Asia Publishing House, Bombay, 1963. pp.197, 207.
6. R.P. Tripathi, Some Aspect of Muslim Administration, Central Book Depot,, Allahabad,1959, p.233.
7. M.P. Srivastava, The Mughal Administration, Chugh Publication, Allahabad, 1995, p.129.
8. Ram Prasad Khosla, Mughal Kingship and Nobility, Idarah-i Adabiyat-I Delhi, reprint,1976, pp.143-144.
9. Foster, William,(ed.), The English Factories in India, (1622-23), Oxford Clarendon Press 1906-1927; New

- Series, 1670-84, ed., Fawcett, oxford, 1936-1955. p.40.
10. Khan, Ali Muhammad Mirat-i Ahmadi, Oriental Institute, Baroda, 1927-8. & Baptist Mission Press, Calcutta, 1930Vol.i, pp.279-80.
 11. The officer who expounds the law, he assists the Qazi or judge and supplies him with fatwas, or decisions. He must be learned Quran and Hadis and in the Muslim works of law, Dictionary of Islam, p.380.
 12. Manucci, Niccolao, Storia do Mogor or Mogul India, Eng. tr. William Irvine, in 4 vols, John Murray, Albemarle Street, London, 1907,Vol.ii, p.295-96
 13. R.P. Khosla, Mughal kingship and Nobility pp. 22-24.

