

VII. The Administrative System of the Sultanate

Political Theory == *Structure of Government* == *Revenue* == *The Army* == *Justice* == *Provincial Administration*

[[86]] A RAPID survey of the three-hundred-year history of the Delhi Sultanate is likely to leave the reader with two impressions. One is of a political structure in which violence, based on a powerful fighting force, was the only support of a ruler's government; the other is that anything like a coherent political philosophy was completely lacking. What is becoming increasingly plain, however, as the period is studied in more depth, is that the sultanate under its abler rulers had a quite sophisticated administrative structure. In addition, the Turkish sultans were heirs to a tradition in which political theory had been considerably evolved, and there were many scholars in Islamic India who had given thought to both the general principles underlying government and the techniques of public administration. We know of the works of some of these writers only from casual references in other books, but a number which have survived suggest the background of thought against which the sultanate's actual administrative structure developed.

Political Theory

The earliest work of importance for the history of political thought of Muslim India was probably intended to be a blueprint for the first Muslim government at Delhi. It was written by a contemporary of Iltutmish, Fakhr-i-Mudabbir, who had spent a considerable part of his life at Lahore, where he met Sultan Muhammad Ghuri and Sultan Qutb-ud-din Aibak, to whom one of his works, a book on genealogies, was presented in 1206. The historical introduction to this work has been translated into English,^[1] but his more important work, variously styled *Adab-ul-Muluk wa Kifayat al Mamluk* (Rules for the Kings [[87]] and the Welfare of the Subjects) or *Adab-ul-Harab wal-Shujaat* (Rules of Warfare and Bravery), has not yet been published in its entirety. It was undoubtedly intended to be a guide for rulers and administrators. The first part of this book deals with the privileges and responsibilities of kings, with separate chapters giving the qualifications and functions of different officers of state. The rest of the book is a manual dealing systematically and in some detail with the art of war. The work was presented to Iltutmish and, as the contemporary histories show, the government organization set up by him corresponded very closely to the structure visualized by Fakhr-i-Mudabbir.

Another early work, of which only an incomplete copy has survived, belongs to a different category. This is *Fatawa-i-Jahandari* (Rulings on Government) by Ziya-ud-din Barani (1285–1357), the greatest of fourteenth-century historians of Muslim India. A political phantasy consisting mainly of a number of discourses purporting to have been addressed by Sultan Mahmud of Ghazni to his successor, it was written after Barani had retired from the royal court in disgrace. It reflects Barani's bitterness against recent trends, his extremism, and his acute class-consciousness. He is bitter not only against the Hindus but also against the Muslim lower classes who, he believed, should not be "taught reading and writing, for plenty of disorders arise owing to the skill of the low-born in knowledge ... For on account of their skill, they became governors, revenue collectors, auditors, officers and rulers." If the teachers disregard this edict, and it is discovered that "they have imparted knowledge or taught letters or writing to the low-

born, inevitably the punishment for disobedience will be meted out to them." [/2/](#) *Fatawa-i-Jahandari* represents an individual's views, and made no impression on the course of Indo-Muslim history or political thought. Indeed, it is not referred to by any later writer or historian, and is not included in the fairly full list of Barani's works given by his contemporary, Amir Khurd. The importance of the book is partly personal, as an insight into the mind of Barani, and partly topical, as it gives his views in the context of the political and social situation then prevailing. In spirit and sentiments, *Fatawa-i-Jahandari* [\[\[88\]\]](#) is in complete contrast with Fakhr-i-Mudabbir's book, which is throughout inspired by practical idealism, moderation and good sense.

Barani dealt at length with political philosophies of early Muslim rulers, statesmen, and religious leaders in his great historical work, *Tarikh-i-Firuz Shahi*. The long discourses on political affairs and statecraft contained in his book are dramatizations and expansions by an eloquent historian who is also a creative artist. Among the most interesting of these discourses are Nur-ud-din Mubarak Ghaznavi's advice to Iltutmish on the responsibilities of a Muslim "Defender of the Faith" (Din Panah); Balban's views on kingship, and his long lecture to his son, Bughra Khan, the governor of Bengal, on the relationship between the central and the provincial governments; Ahmad Chap's advice to Jalal-ud-din Khalji; Kotwal Ala-ul-Mulk's discourses at Ala-ud-din's consultative assemblies; and Qazi Mughis's views on major political and legal problems of the day. They are presumably colored by his own predilections, and should not be treated as verbally authentic, but the views attributed to different rulers and dignitaries are so distinct and so much in character that they may be taken to represent generally the individual views of the persons to whom they are attributed.

To turn from theory to practice, the first comment that should be made on the Islamic state in India is that it was not a theocracy, as sometimes has been suggested. Aside from the question of the relevance of the concept of a theocracy to a society that does not recognize a priesthood, by the time the Delhi Sultanate was established the religious function of the caliph had ceased to be of much significance for the outlying Islamic world. It is true that a few of the Delhi rulers obtained formal recognition of their titles from the caliph, but this pious legal fiction did not alter the reality. The temporal authority of the caliph at Baghdad dwindled to a mere shadow even within his own territories, and the actual reality of the Indian links with the caliphate may be judged by the fact that occasionally a caliph would have been dead for years before Delhi became aware of the event. The patents obtained by the rulers meant so little that at one time a caliph sent patents simultaneously to both rulers of Delhi and Bengal.

In any case the policy adopted by the early sultans under the stress [\[\[89\]\]](#) of circumstances with which they were confronted could scarcely permit the growth of theocracy. Iltutmish, recognizing the essentially secular nature of the sultanate saw that under the conditions prevailing in India, it was not possible for him to be a "Defender of the Faith" except in limited spheres. Balban went even further. In spite of his courtesy to the leading ulama and his personal observance of religious practices, in matters of administration he was guided by the needs of the state, not Islamic law. Ala-ud-din Khalji followed the same policy. "When he became sultan," Barani records, "he came to the conclusion that polity and government are one thing, and the rules and decrees of Islamic law are another. Royal commands belong to the sultan, Islamic legal decrees rest upon the judgment of the qazis and muftis." [/3/](#) It was under the Tughluqs,

particularly under Firuz, that Muslim jurists gained some recognition, but by then the pattern of Muslim rule in India had become firmly established.

The early ulama, realizing the complexity of the Indian situation and the need for strengthening the Muslim government, accepted Iltutmish's policy. Their lack of power may be judged by the fact that Raziyya ascended the throne of Delhi although Muslim legal opinion is firmly opposed to female rulers; it was left to a much later scholar, Shaikh Abdul Haq Muhaddis (1551–1642), in the more legalistic days of the Mughals, to criticize the selection of Raziyya and express surprise at the action of the contemporary jurists and Shaikhs in confirming it. There was an equally glaring departure from the correct legal position in Qutb-ud-din Aibak's acceptance as sultan before his manumission. In general, then, the position was that so long as a sultan undertook to safeguard the honor and the observances of Islam, did nothing in open defiance of the principles of shariat, appointed qazis and made arrangements for religious education and observance of religious practices, the ulama did not interfere in the affairs of the state.

The use of the title "sultan" in itself indicates the transition from the quasi-theocratic caliphate to a secular institution. Although the process was implicit in the establishment and administration of the [[90]] Umayyad caliphate, it was strengthened by the Persian belief in the divine right of kings. This idea, which had become dominant in Baghdad under the later Abbasids, was even more marked at Ghazni. At Delhi, in the early days of the Turkish rule, there was some opposition to it in orthodox Muslim circles, and Iltutmish was almost apologetic about his kingly role.^{4/} The position completely changed with Balban, who was an advocate of Persian ideas, modeled his court after the Persian style, assumed the title of *zillullah*, and introduced Persian etiquette, court ceremonial, and festivities. With him Persian ideas of monarchy became dominant. The process was facilitated by the fact that the Hindus regarded a king as a representative of divine powers.

These theories gave medieval rulers powers which occasionally were used arbitrarily, but a number of checks remained on the absolute exercise of authority by the sultan. For one thing, the Islamic theory curtails the law-making power of a ruler, and although there was nothing to stop an autocratic ruler from becoming a law unto himself, he could do so only in defiance of the system which gave him power. Even the autocratic Ala-ud-din Khalji admitted that administration of justice was the concern of the Muslim jurists.

Equally important was the opinion of the nobility. The sultans consulted their chief nobles and the routine affairs of the state were left to them. Minhaj refers to a dignitary, Amir-i-Majlis, whose duty was to arrange meetings of the sultan's closest associates. Important questions were discussed freely, and some favorite royal schemes (such as Ala-ud-din's proposal to establish a new religion) were ruled out. Together with the influence of public opinion and the natural desire of the sultan to maintain his position, the nobles in this way exercised a check on the theoretical absolutism enjoyed by him.

According to Muslim theory, held particularly by the Sunnis who formed the bulk of the Muslim population in India, election was the accepted method for selecting the ruler. This was rarely observed anywhere, and both Turko-Iranian and Hindu conceptions of sovereignty were opposed to it, but a form of limited election or acceptance was generally followed at Delhi. The

oath of allegiance taken by the governors [[91]] of the provinces, the principal nobles of the capital, and the chief theologians was taken as a symbol of the indirect consent of the mass of the people.

Structure of Government

Fakhr-i-Mudabbir lists the principal dignitaries of the state as follows: wazir, *wakil-i-dar*, *amir-i-dad*, *amir-i-hajib*, *mushrif*, *mustaufi*, and *sahib-i-barid*. The *wakil-i-dar* (not to be confused with the *wakil-i-sultanat* of the Sayyid dynasty and the *wakil-i-mutliq* of the Mughals) was the controller of the household. The *amir-i-dad* (literally lord of justice) was the most important judicial dignitary. The *amir-i-hajib* is often designated as the chief chamberlain, but this does not fairly describe the functions and duties of this officer. He was the master of ceremonies at the court; no one could enter the royal presence without being introduced by one of his assistants, and all petitions were presented to the sultan through him. The post, therefore, was one of great prestige and was reserved for trusted nobles. One holder of this post, Balban, was the most powerful noble of his day. The *mushrif* was the accounts officer responsible for income, and the *mustaufi* for expenditure. The *sahib-i-barid* was in charge of communications and intelligence.

The chief minister of the sultan was called the wazir. Fakhr-i-Mudabbir considered the wazir a "partaker in sovereignty" and recommended that in his own technical domain he must be left free by the monarch. He describes the normal functions of the wazir in the following passage: "The kings know well how to lead expeditions, conquer countries, give rewards, and shine in the assembly or battlefield; but it is the domain of the wazir to make a country prosperous, to accumulate treasures, to appoint officials, to ask for accounts, to arrange for the stock-taking of the commodities in the karkhanas, and the census of horses, camels, mules, and other animals, to assemble and pay the troops and artisans, to keep the people satisfied, to look after the men of piety and fame and to give them stipends, to take care of the widows and the orphans, to provide for the learned, to administer the affairs of the people, and to organize the business of [[92]] the state." ⁵ This was the position in early days, when the wazir was in charge of the entire government, both the civil and the military departments and the functions which were later entrusted to Sadr-i-Jahan, but this arrangement underwent drastic changes in the light of practical experience. In view of the importance of the office, and to illustrate the administrative experiments that were carried on under the sultanate, it will be useful to sketch the history of the *wizarat* [=wazir-ship].

Although few details are known about administrative arrangements during the brief rule of Qutb-ud-din Aibak, presumably the practice of combining civil and military offices (which was introduced by the Ghaznavids at Lahore, and was continued under the Ghuris) remained in operation. This was also the position under Iltutmish. His first wazir, Nizam-ul-Mulk Junaidi, was in charge of all sections of the government, and in addition to his civil duties, was occasionally entrusted with military commands. During the troubled reign of Raziyya and her successors, Khwaja Muhazzab-ud-din used his influence with the weak rulers and his own capacity for intrigue to consolidate his position by taking all power out of the hands of the nobles. An attempt was made to curb the wazir's powers by the creation of the post of naib

(deputy of the realm), but this was unsuccessful and the wazir continued to be all-powerful. Muhazzab's opponents, therefore, joined forces and had him assassinated.

His death marks the close of a period in the history of the wizarat. The provincial governors and other administrative officers would not permit an individual selected for his ability in office to obtain so much power. His successors were selected for their docility. Balban, even before he became deputy, was more powerful than the wazir, and when he became sultan, he took away the military functions of the wizarat. The *rawat-i-arz* (the muster-master, who was originally in charge of the finances and records of military personnel) was made independent of the wazir.

Some fifty years later, Ghiyas-ud-din Tughluq made an even more interesting experiment. He created a board of three ex-wazirs, with the senior having the high title of malik-ul-wuzara (chief minister). **[[93]]** Ghiyas consulted them in all important matters, but the routine work of the wizarat was carried on by Malik Shadi, his son-in-law.

With the general policy of the Tughluqs to approximate standard Muslim practice in all matters and with Muhammad Tughluq's preference for Arab and Persian ways, we notice a reversion to the earlier character of the wizarat. Khwaja Jahan, though essentially a civil servant, was occasionally entrusted with military duties. This change is more marked under Firuz, whose wazir fulfilled the Arab notion of an all-powerful wazir. Khan Jahan, a Hindu from Telingana who had accepted Islam at the hands of Hazrat Nizam-ud-din Auliya, exercised both civil and military powers. His position may be judged by Firuz's frequent remark that Khan Jahan was virtually the sultan of Delhi. After his death in 1372, his son became wazir and followed his father's ideas for a long period, but this led to jealousy, and in 1387 he was killed in a quarrel with a noble. This also marked the end of Firuz Tughluq's power and the decline of the dynasty. Khwaja Jahan Sarvar-ul-Mulk, the wazir (1390–1394) of Muhammad Shah, exercised authority both in civil and military spheres, but realizing that the sultanate was tottering, he had one of the military leaders made wakil-i-sultanat, and he himself left for the eastern provinces, where he carved out a kingdom for himself in Jaunpur.

With the accession to power of the Lodi dynasty, the wizarat lost some of its importance, for Buhlul Lodi, with his tribal conception of kingship did not establish an organized wizarat. Sikandar Lodi, however, saw the impossibility of applying this tribal conception to a huge territory and had a regular diwan and a wizarat. His wazir, however, seems to have confined himself to civil work.

The developments that took place under the Mughals will be described later, but essentially their wizarat was based on Balban's model, with the holder of the office confined to civil duties. This meant that the wazir in the Indian Islamic state had less power than that assigned to him by Muslim political theorists, but the system worked fairly well. Indian tradition and the needs of the Islamic rulers favored strong monarchs. It is probably true that the people, insofar as they had a preference, preferred an absolute monarch to an absolute wazir.

Revenue

[[94]] The financial arrangements of the sultanate were in accordance with the normal Islamic theory and practice as inherited from the Ghaznavid predecessors, but they were modified in the light of local needs and usages. Land revenue was, as in Hindu India, the mainstay of the government. Sultan Qutb-ud-din Aibak, the first Muslim ruler, fixed the state demand (*kharaj*) at one-fifth of the gross produce. In land revenue, as in other spheres, Balban laid down the administrative pattern for the sultanate. According to W. H. Moreland, one of the most careful students of Indian economic history, Balban "had grasped the main principles of rural economy in an Indian peasant-state, at a period when the environment afforded little scope for individual advance; he aimed at a peaceful and contented peasantry, raising ample produce and paying a reasonable revenue; and he saw that it was the king's duty to direct the administration with this object in view."^{6/} Under Ala-ud-din Khalji, because of the need to build up a large army, the state demand was raised to one-half of the produce, the uppermost limit allowed by Muslim law. In the following reign the heavy demands were lowered. The scale of demand in the reign of the first Tughluq king has been a matter of dispute. According to R. R. Tripathi, Ghiyas-ud-din Tughluq fixed the demand at 10 percent of the produce; according to Moreland, the relevant reference in the contemporary history refers to the limit of increase being 10 percent. I. H. Qureshi, on the other hand, holds that except for a few areas the general charge on land was a fifth of the produce, which was maintained from the earliest days of the sultanate until the end of Firuz Shah's reign. Under the Mughal rulers who followed Timur's precedent in charging a third of the produce as land revenue, the scale was raised and Sher Shah, who had seen the increase in the state demand under Babur and Humayun, followed their example.^{7/}

[[95]] Apart from the land revenue there were a number of local imposts imposed on various occasions. Orthodox Muslims considered them illegal, and the two monarchs who made an attempt to run the state in accordance with Islamic law, Firuz Tughluq and Aurangzeb, abolished these taxes. These imposts were of ancient origin, however, and most sultans permitted them. And when the rulers abolished them, they were realized by corrupt officials or even by panchayats. A tax which gained importance during Firuz's reign was the charge levied for use of canal water. Firuz was not the first to dig canals, but he was the first monarch to ask Muslim jurists whether an irrigation tax was lawful. The jurists' reply was in the affirmative, and so a 10 percent addition was made to the land revenue in cases where canal water was used for irrigation.

During the early period, when the subcontinent was being conquered and new areas were being occupied, the *ghanimah* (the spoils of war) provided an important source of state income. According to Islamic law, all booty should be collected and a fifth set apart for the state, the rest being distributed among the soldiers. Later the practice was reversed and four-fifths of the booty was appropriated by the state treasury. Firuz's ulama considered it illegal, and Firuz ordered the restoration of the old rate as fixed by the law.

The taxes which had a special religious significance in an Islamic state—*zakat* and *jizya*—have been the subject of much controversy, both as regards their nature and their actual imposition during Muslim rule in India. *Zakat* was imposed only on Muslims; it is not, strictly speaking, a tax in the normal sense, since its payment was an act of piety. Contemporary historians do not record that *zakat* was levied by the sultans of Delhi, and their silence has been taken to mean that the procedure, common to all Islamic states, was followed. There were, at any

rate, arrangements for the receipt of zakat, paid voluntarily by Muslims as a religious duty, and *Fiqh-i-Firuz Shahi* mentions a separate treasury for zakat. Toward the end of the sultanate, Sikandar Lodi abolished the zakat on grain and it was not renewed by any subsequent sultan.

The question of jizya is even more complex, not only because of the lack of clarity in the contemporary records but also because of [\[\[96\]\]](#) the strong emotional reaction that has been aroused in discussion concerning it. Under Islamic law, jizya was a tax levied on non-Muslims. This action can be interpreted as an equitable arrangement, since only Muslims had to pay zakat; and, in addition, they alone were liable to military service. From this point of view it was, in the words of a modern historian, a poll tax levied on non-Muslims "in return for which they received protection of life and property, and exemption for military service."[/8/](#) In the Quran jizya is used in the same sense as kharaj, meaning simply a tax, and the fact that early Muslim writers in India preserve this usage without attaching any technical significance to the term suggests that it was not levied during the first conquests. However it was later levied as a poll tax. As such it was borrowed from Persia, where it was called *gezit*. The failure of the historians to indicate when jizya was paid cannot be taken as an indication, as has been sometimes suggested, that some rulers, notably Ala-ud-din, did not levy jizya because they refused to accord the Hindus the status of zimmi, or protected peoples.[/9/](#) The reason jizya is not more definitely mentioned in the records is probably that for the sake of convenience in rural areas, where the population was overwhelmingly Hindu, jizya and kharaj, the land tax, were realized as a consolidated tax. In the early days of the sultanate the rulers had not built up an elaborate organization, and tax farming—through Hindu middlemen—was the normal means of recovery. It appears unlikely that apart from a comprehensive demand made on a village or a territory, separate or specific realization of jizya was feasible. Where jizya was recovered it was charged in three categories. The wealthy paid four dinars per head per annum, the middle groups two dinars, and the poor, one dinar.[/10/](#) Women, children, and those on a bare subsistence level were excused.

Nothing better illustrates the practical approach of the early Muslim rulers to administrative problems than the cautious evolution of their coinage system. Muhammad Ghuri has usually been pictured as an ardent Muslim, zealous in the destruction of Hindu idols and the establishment [\[\[97\]\]](#) of Islamic religion. Yet of the three of his coins which are extant, two are mere imitations of earlier Hindu coins, with even the figure of the goddess Lakshmi reproduced, the only distinguishing element being the sovereign's name inscribed in Indian characters. The third coin, though based on the dinar of the Muslim countries, bears a Devanagari legend and the figure of a horseman, much in the tradition of the Hindu coins. This evidence suggests that Muslim rulers, faced with the problem of establishing a new currency among a people unacquainted with the Muslim coinage system, much less with Arabic, disturbed existing usages and practices as little as possible. Not until sixty years after the conquest of Delhi did Balban finally complete the process, begun by Iltutmish, of replacing the Hindu device of the bull and horseman with the sovereign's name in Devanagari characters.

In the early days of the sultanate, the jital, an adaptation of the old dehlwala current before Muslim rule, was the token coin in use. Iltutmish introduced the silver tankah (which was replaced by the rupiah of Sher Shah and Akbar), but even this innovation, in addition to its indigenous name, was linked to an Indian weight standard. Once the monetary system was established, the rulers introduced changes and improvements in the designs and legends of their

coins and made them approximate to the normal Muslim coinage in legend and appearance. Apart from Muhammad Tughluq's unsuccessful effort to introduce token currency of mixed metals, the coins were made of pure metal and the state took precautions to maintain their purity and weight.

The Army

An effective army was a vital feature of the administrative structure of the Islamic state in India; it is significant that Fakhr-i-Mudabbir's book on government was largely a war manual. Good generalship, disciplined troops, and sound knowledge of warfare techniques had been responsible for the conquest of India, and the ablest of the sultans were aware that continuance of power depended upon these same factors.

[[98]] The steps taken by Balban to keep his troops in good trim, and by Ala-ud-din Khalji to raise and maintain a large standing army, have been described by Barani. The cavalry was the backbone of the army, but the sultans did not confine their organization to the traditional pattern. They soon began to employ elephants on an extensive scale, and Balban considered a single war elephant to be as effective in battle as five hundred horsemen. The foot-soldiers (payaks) were mainly Hindus of the lower classes. The military grades were organized on a decimal basis: a *sar-i-khail* had ten horsemen under him; a *sipah salar* commanded ten *sar-i-khails*; an *amir* ten *sipah salars*; a *malik* ten *amirs*; and a *khan* ten *maliks*.^[11]

The use of naphtha and Greek fire was known from early times. Incendiary arrows and javelins as well as pots of combustibles were hurled against the enemy. The Delhi army used grenades, fireworks, and rockets against Timur, but although there are references to a crude form of cannon, and in the provincial kingdoms of Gujarat and the Deccan this weapon was properly developed, the sultanate of Delhi had not made much progress in the use of artillery. It was the neglect of this weapon which turned the scales against the Delhi forces in the battle of Panipat in 1526.

For maintaining the army, the important functionary within the central government was the *ariz*. Although Fakhr-i-Mudabbir, writing at the beginning of the sultanate, does not emphasize the office of *ariz*, possibly because it was directly under the *wazir*, by the time of Balban the position was independent of the *wizarat*. With the expansion of the empire and the growth of the military side of the government, the importance of the *ariz* increased. Not only did he function sometimes as the general of the forces, but he also acted as the chief recruiting officer and fixed the salary of each recruit. The commissariat was under him, and his office, *diwan-i-arz*, disbursed salaries to the troops. Even the poet Amir Khusrau and the other court officials who held a military rank received salaries from this office. Thus already under the sultanate we can see the beginnings of the Mughal system of placing all public servants on the army pay-list and giving them *mansabs*. The *ariz-i-mumalik* was not the commander-in-chief, [[99]] or even the senior general—the sultan named the generals for different campaigns—but it is not difficult to see in contemporary accounts the power and the importance of the head of the *diwan-i-arz*. Jalal-ud-din Khalji held this post before he ascended the throne, and the part played by Shaikh Farid, who held the corresponding position of *mir bakhshi* under Akbar, in securing the accession of Jahangir is well known.

Justice

The administration of justice received attention quite early in the sultanate, and here as elsewhere traditional Islamic practice was modified to suit the peculiar problems of India. Four types of courts were normally recognized in Islamic society: the *diwan-i-mazalim*, the court of complaints, presided over by the ruler or his representative; the qazi's court, which administered the Holy Law of Islam; the courts of the muhtasib, or censor, which dealt with public morals and offenses against religious ordinances; and the *shurta*, or police courts. In India the third type of court gained in power and prestige under the Tughluqs, and later under Aurangzeb.

The first important judicial dignitary of the sultanate at Delhi to whom a reference is found in contemporary records was the *amir-i-dad*, or chief magistrate. He was a layman, and the office was usually reserved for a leading noble with special aptitude for judicial work. Fakhr-i-Mudabbir suggested that only a member of the royal family, or a nobleman known for piety and learning, should be appointed to this post. A large salary was to be paid to him, as he might have to try complaints against governors and high commanders. In the absence of the sultan, who functioned as supreme judge throughout Muslim rule, the *amir-i-dad* presided over the court of complaints, but his office had many other functions. He controlled the police, was responsible for public works, including the maintenance of the city walls, kept copies of documents registered with the qazi, and forbade covenants which transgressed the law.¹² If he felt that there had been a miscarriage of justice he could either draw the attention of the qazi **[[100]]** to the fact or delay the execution of the decision until the matter was reconsidered by a fuller or a higher court; he also ordered the arrest of criminals, dealt with breaches of law, and tried cases, where necessary with the assistance of a qazi who functioned as a legal adviser.

While the system of dispensation of justice by the sultan or his representative continued, administration of justice by the qazis grew in importance and became a prominent feature of the Tughluq rule. The main concern of the qazi was civil disputes among Muslims, although later his jurisdiction was widened to include the supervision and management of the property of orphans and lunatics. Appointed by the central government, he was completely independent of the provincial governors. The office of the *qazi-i-mumalik*, or chief judge, was normally held by the head of the ecclesiastical department, who was generally known as the *sadr-i-jahan*. It is not certain whether he heard appeals against the judgments of the qazis. He was also the sultan's legal adviser in matters relating to shariat, the holy law of Islam. With the monarch retaining the powers of appointment of the chief qazi, though the enlightened opinion and books on Muslim statecraft emphasize the importance of appointing only honest, pious, and well-qualified qazis in the realm, the sultan had the final say in the framing of the judicial structure. Public opinion was critical of the appointment of chief qazis for considerations other than those of merit, and most of the kings took steps to uphold the prestige of the judiciary. The manner in which on one occasion Muhammad Tughluq appeared like an ordinary plaintiff in the court of a qazi and saluted him may be nothing more than a theatrical gesture, but such episodes built up the prestige of the courts and enabled the general public and the legal profession to realize what was expected of the judges. Although under a despotic monarchy there were obvious limitations to the role which an individual could play, the jurists generally acted with courage and independence. When Jalal-ud-din Khalji wanted Sayyid Maula, who was accused of high treason, to vindicate himself by

walking through fire, the jurists vetoed the idea by contending that fire did not distinguish between the innocent and the guilty. The sultan bowed to their decision, though he later connived at Sayyid's murder. Similarly, in spite of Ala-ud-din Khalji's reputation for ruthlessness, **[[101]]** Qazi Mughis-ud-din did not fail to criticize his actions, and in spite of this condemnation, he rewarded the qazi. The sanctity attached to the office of qazi, as an expert in Islamic law, and the pressure of public opinion, encouraged an honest and independent judiciary, the need for which was universally recognized.

An important development during the sultanate was the crystallization of the Indo-Muslim legal tradition. The first important figure in the legal history of the Delhi Sultanate was Sayyid Nur-ud-din Mubarik, originally of Ghazni (d.1234). He was held in high regard by Sultan Muhammad Ghuri, and he maintained his position even though he was extremely critical of court etiquette and the mode of living adopted by Muslim rulers. He wanted Iltutmish to deal firmly with non-Muslims, and he condemned not only all heresy but also the study of philosophy. Barani often puts some of his own ideas in the discourses which he attributes to important personalities, but the puritanical, ascetic approach which he attributes to Nur-ud-Din Mubarik appears typical of the early days of Muslim India, when simplicity and piety found favor with the jurists and the ruling monarch.

A different type of personality, and one whose policy left a great mark on the history of Islamic law in India, was Qazi Minhaj-us-Siraj, the most important historian of the Slave dynasty. A native of Ghazni, he came to the subcontinent during the reign of Iltutmish and received many important assignments. In the days of Iltutmish's successors, including Nasir-ud-din Mahmud, he held the important office of the chief qazi of the realm. It is said that the *sama* (ecstatic dances performed by groups similar to the "whirling dervishes") to which most orthodox lawyers objected, became prevalent in Delhi when Minhaj was qazi. A contemporary of Minhaj thought that he was not fit to be a qazi, but should have been the principal Sufi shaikh. These statements give a clue to his policies, for as he himself has recorded, he was so unpopular with other ecclesiastics that once they even attempted to have him assassinated.[13/](#)

In the light of these observations it is reasonable to infer that Minhaj was not rigid in the application of Islamic law, and that his **[[102]]** long tenure as chief qazi contributed toward the evolution of a suitable modus operandi for the new Muslim government. His views on Islamic law in fact appear to have been in agreement with those of Balban. Although personally punctilious in his religious observations, and careful about showing formal courtesy to religious leaders, Balban attached no importance to the views of ulama in political and administrative matters. He used to say that these things had to be decided in accordance with political considerations and not the views of jurists. According to Barani, "he would order whatever he considered to be in the interest of the realm, whether it was or was not sanctioned by Islamic law." Balban's practice and Minhaj's theory united to provide the flexibility needed by Islamic law if it were to operate in the peculiar conditions created by the existence of a tiny Muslim ruling class and a vast Hindu populace. The tradition of strong common sense and a realistic approach to problems built up by Minhaj was maintained by his daughter's son, Sadr-ud-din Arif, who was a deputy to the chief qazi for a long time, and whom Ala-ud-din Khalji promoted early in his reign. According to Barani he was not distinguished for scholarship, but he was a strong executive officer who understood the temperament of the people, so that "in spite of the freed

slaves who overran Delhi, it was not possible for anyone to resort to swindling, deception, or trickery before his court." [/14/](#)

The man who most directly influenced the course of Indo-Muslim legal history was not a high official, as was Minhaj, but a scholar who introduced the systematic study of Islamic law into India. This was Maulana Burhan-ud-din, who brought with him to India from Balkh the *Hidaya*, the great legal textbook. This remained the basis of Muslim law for centuries, and was finally translated into English by officials of the East India Company. So great was Burhan-ud-din's reputation as a teacher that Balban, accompanied by his entire royal retinue, visited him after Friday prayers. Despite his orthodoxy, he was not particularly rigid in his application of Islamic law. On the crucial question of *sama*, the ecstatic dances, which remained the major legal controversy of the day and generally provided the dividing [\[\[103\]\]](#) line between the mystics and the ecclesiasts, his practice was not different from that of the more tolerant Minhaj. "I have not committed any major sin in life," he said, "except hearing of *sama*, which I have heard and want to hear again, if I have an opportunity." [/15/](#) The popularity of *Hidaya* and other textbooks from Central Asia ensured that in legal affairs, as in much else, Muslim India followed the traditions of Central Asia. These books, which were brought to India mainly by refugees during Balban's reign, were in Arabic. With the efforts made by Firuz Tughluq to run the government according to Islamic law, it became necessary to have summaries and abstracts of Islamic law in Persian, the court language of Muslim India. We accordingly see a large number of manuals prepared in his reign, usually based on the compilations of the lawyers of Central Asia. In addition more substantial efforts for compilation of books on Islamic law in Persian and Arabic were made. The earliest of such compilations prepared in India was in the time of Balban and was dedicated to him. Others were prepared during the Tughluq period but the most comprehensive digest compiled in Muslim India prior to the compilation of *Fatawa-i-Alamgiri* in Aurangzeb's reign was the *Fatawa-i-Tatar Khania*, named after the pious nobleman, Tatar Khan, who sponsored the compilation. Prepared by a committee of ulama, it consisted of thirty volumes. It attracted attention outside the subcontinent, and a summary was prepared by Shaikh Ibrahim, the imam of the mosque of the Ottoman sultan, Muhammad the Conqueror, in Istanbul.

Provincial Administration

Although contemporary historians give meager details about the provincial governments, it seems a fair inference that the provincial administrative structure did not crystallize until the days of Sher Shah and Akbar. It is possible that this development was facilitated by the establishment of regional kingdoms in the original *iqtas* (regions) of the Delhi Sultanate. From the earliest period governors were appointed for large *iqtas* which later became provinces, but their responsibilities [\[\[104\]\]](#) were mainly the maintenance of peace, establishment and extension of the authority of the government, and recovery of tribute from the Hindu chiefs and others. The observance of state laws and the maintenance of order depended on the ability and the interest of the individual governor, and in some areas their authority must have been confined to main centers of administration and places easily accessible. The provincial boundaries were shifting and vague, and it was a long time before the territorial units took a stable form. Even the powers of all the governors were not identical. Governors in charge of bigger or more important areas or with special personal claims exercised wider powers than ordinary *muqtis* [=holders of *iqtas*] and were referred to as *walis*.

Before Balban's time, the governors were often semi-independent military chiefs of the territories conquered by them or by their ancestors, but even then many functions remained outside their domain. They were not given authority in religious and judicial affairs, nor were the local intelligence officers under their control. The governor's main concern was military control and revenue collection. With Balban the wizarat became more organized at the center and the provincial diwans were posted from Delhi, and a close check was exercised by the central government over the recovery and transmission of revenue. The provincial *sahib-i-diwan* was appointed by the sultan on the recommendation of the wazir, and submitted detailed statements of provincial accounts to the capital. On the basis of these statements the wazir's department settled the accounts with the *muqtis*. Even in the military sphere the powers of the provincial governors came to be regulated by the presence of the provincial *ariz* who was under the chief ariz at Delhi.

Balban had asserted the authority of the central government over the provincial chiefs, and Ala-ud-din Khalji tried to introduce system and uniformity in the administration of the Doab (the fertile area between the Ganges and the Jamna), the most dependable source of state revenue. Ghiyas-ud-din Tughluq, who had a long experience of provincial administration in the Punjab, tried to improve the administration, but details of his provincial administration have not been recorded. Under his son, Muhammad Tughluq, we get details of the hierarchy of provincial officials, and this possibly follows a pattern **[[105]]** introduced earlier. The empire consisted of twenty-four provinces divided into a number of *shiqs*, or rural districts. The next smallest unit after the shiq was the *pargana*, or group of villages. In a pargana and in the villages the old Hindu organization continued. The head of each pargana was a *chaudhari*, while a *muqaddam* or a *mukhiya* was the head man of the village. The most important feature of Muslim administration in India was the acceptance of the local autonomy enjoyed by rural areas. This policy had been followed by Muhammad ibn Qasim in the earliest days of Muslim rule in the Sind and was maintained by the sultans of Delhi. Qutb-ud-din Aibak, who originally handed back Ajmer to a son of Prithvi Raj, first adopted the policy of appointing Hindu officers for the administration of the country. "The Hindu chief played such an important role in the rural life of the period that to many he was the government, whereas the sultan was almost a mythical figure." [/16/](#)

The position of the nobility and the officers was so dominant in the early period that Minhaj, the historian of the period, devotes more space to an account of the principal officers of the realm than to the sultans. The existence of this bureaucracy made possible a large degree of stability in administration, and even in the periods of decline the succession of dynasties at Delhi was not usually reflected in changes of government at the local level.

Emphasis on administrative stability during the sultanate should not be taken as an indication that the period was peaceful or that normal judicial processes were always respected by either the sultans or their officials. Maintenance of control in a conquered area requires force, and, in addition, the ceaseless struggle for power that went on made violence commonplace. The smallest incident could be turned into a pretext for the drawing of the sword and the shedding of blood. Nor was violence confined to the cruel and heartless. Rulers such as Balban were not deficient in a sense of justice or in political ability, but these qualities did not deter him from severe punishments and free spilling of blood. At times a sense of justice and concern for the public welfare seemed to militate against human kindness. Once the deterrent theory of

punishment was adopted and carried to extremes, all other human considerations gave way before it. In vain **[[106]]** did the religious lawyers and intellectuals try to curb the extreme punishments inflicted by the sultans. Qazi Mughis argued before Alaud-din Khalji that his punishments were unauthorized and opposed to Islam, and the historian Barani told Muhammad bin Tughluq that human life could be taken only for eight specific crimes, but the autocratic sultans listened unmoved.

Not only was human life held in little esteem, but there were abhorrent cases of torture and mutilation. In this Muhammad bin Tughluq, who was a highly educated monarch and enjoyed the company of intellectuals and philosophers, was the worst offender. Some of the punishments meted out by him—for example to his cousin Gurshashp—are truly revolting. The Moorish traveler Ibn Battuta wrote of him: "Notwithstanding all his modesty, his sense of equality and justice, and his extraordinary liberality and kindness to the poor, he had immense daring to shed blood. His gate was hardly ever free from the corpse of a man who had been executed. And I used to see frequently a number of people killed at the gate of the royal palace and the corpses abandoned there. . . . The sultan used to punish all wrongs whether big or small and he would spare neither the men of learning and probity, nor those of high descent. Every day hundreds of people in chains with their hands fastened to the neck and their feet tightened were brought into the council hall. Those who were to be killed were killed and those who were to be tortured were tortured and those who were to be beaten were beaten. . . . May God save us from calamity." [/17/](#)

It is true that these punishments were reserved for treason, and it is also true that conditions in the medieval ages in other parts of the world were not very much better, but the position in Muslim India in this respect seems to have worsened distinctly during the hundred years or so following the death of Iltutmish. Possibly the instances of brutality and cruelty during the sultanate in the thirteenth and fourteenth centuries reflect the impact of the Mongols; certainly the extremes of ruthless severity associated with Muhammad Tughluq or even with Balban and Ala-ud-din Khalji, did not exist in the days of Muhammad ibn Qasim, Aibak, and Iltutmish.

NOTES

[/1/](#) E. Dennison Ross, "The Genealogies of Fakhr-ud-Din," in T. W. Arnold and R. A. Nicholson, eds., *A Volume of Oriental Studies* (Cambridge, 1922), pp. 392–413.

[/2/](#) Ziya-ud-din Barani, *Fatawa-i-Jahandari*, trans. by Afsar Khan in *The Political Theory of the Delhi Sultanate* (Allahabad, n.d.), p. 49.

[/3/](#) H. M. Elliot and John Dowson, *The History of India as Told by Its Own Historians* (London, 1867–1877), III, 183.

[/4/](#) See p. 46, in *[Chapter III](#)*.

[/5/](#) Quoted in I. H. Qureshi, *The Administration of the Sultanate of Delhi* (Karachi, 1958), pp. 78–80.

[/6/](#) W. H. Moreland, *The Agrarian System of Moslem India* (Cambridge, 1929), pp. 30–31.

[/7/](#) R. P. Tripathi, *Some Aspects of Muslim Administration* (Allahabad, 1936), pp. 338–40; Moreland, p. 41; and Qureshi, pp. 111–14.

[/8/](#) Sir Thomas Arnold in *Cambridge Medieval History* (Cambridge, 1936), IV, 287.

[/9/](#) Reuben Levy, *The Social Structure of Islam* (Cambridge, 1957), p. 406.

- [/10/](#) Qureshi, p. 97.
- [/11/](#) Qureshi, p. 153.
- [/12/](#) Qureshi, p. 162.
- [/13/](#) Elliot and Dowson, II, 342.
- [/14/](#) Ziya-ud-din Barani, *Tarikh-i-Firuz Shahi*, edited by S. A. Khan (Calcutta, 1862), p. 351.
- [/15/](#) Hasan Sijzi, *Fawaid-ul-Fawad* (Lucknow, 1885), p. 239.
- [/16/](#) Qureshi, p. 211.
- [/17/](#) Mahdi Husain, *The Rehla of Ibn Battuta* (Baroda, 1953), p. 85.