ARGUMENT

It was Sir J.N. Sarkar who first propounded the theory that out of the eight administrative departments of the Mughals three were religious in nature. Starting from this basic postulate he came to the conclusion that the Mughal State was a theocracy. This theory led other historians to over-emphasise the influence of the so-called religious departments - Sadarat, Cada and Intisah - on the general spirit and working of the administration. Since most of the assessments were based on mere assumptions, a detailed study of the working of these departments in the light of the contemporary literature seemed a great desideratum in our historical studies. This work is an humble attempt to fill this gap in the study of the Mughal administrative system.

The present study deals with the following main themes:


II. The Department of Religious Affairs: Endowment and Charities.

III. The Diwan-i-Cada: Organization, Significance and Working.

IV. Nature and Administration of the Penal Law.

V. The Diwan-i-Intisah: Nature, Scope and Functions.

VI. Resume and Conclusion.

A critical study of the available source material has led to the following results:
1. The institutions which in the early days of Islam were religious in nature had lost their original character under various influences even before the foundation of Muslim state in India. The Mughals modified the administrative structure in the light of the experiments of their predecessors and harmonised the religious institutions with their policy of peace with all. To achieve this purpose, the Mughals, not only curtailed the power and authority of the one-time religious institutions but also changed their nature.

The Divan-us-Sadarat which dealt with all the religious affairs of the Muslims was gradually deprived of its extensive religious functions with reference to the Muslims and was left with the disbursement of the royal charities and madad-i-wa'asS. The revenue grants (madad-i-wa'asS) which until then were the sole monopoly of the Muslim theologians, scholars and needy—people came to be distributed to all, irrespective of religious considerations. The state endowed schools were opened to Muslims and non-Muslims alike.

2. The Divan-i-Qada which functioned under the Sadr-us-
Sudur during the Sultanate period became a separate institutic
under the headship of Qadi-ul-Suddat. The jurisdiction of the
Qadi was confined by the ever-increasing application of the
state laws and the decision of the revenue and criminal cases
by the Divan, Subahdar and other executive authorities. The
Hindu law came to be administered by the Pandits. The Panchayats continued to decide cases in their respective localities. The Qadis mostly decided the cases in which the Muslim law was involved.

3. The Divan-i-Ihtisab which had earlier performed the duties of both religious and secular nature, lost its significance by the appointment of the Kotwal who shared some of his responsibilities. Besides, for the greater part of the Mughal period the department of Ihtisab remained an almost insignificant department as Akbar founded a catholic administration in which people were given complete freedom of conscience. The policy of toleration and Sulh-i-Kul ended religious censorship and a great portion of the duties of the Ihtisab was suspended. The only period during which this department worked actively was during the reign of Aurangzeb but even at that time it had no influence on the policy of the administration as such.

It was in consonance with the broad-based and tolerant policy of the Mughals that the nature of the religious institutions was changed. The benevolent and secular nature of their administration and policy demanded that every institution should work in harmony with its catholic spirit, and cater to the need of all — and not a privileged section its subjects.
The nature of the subject and the period it covers necessitated the study of a very large number of books of a varied nature books on Islamic and political institutions and theory, Contemporary Persian chronicles, Collection of letters (Insha), reports of the Luma! Nisara, Rastur-ul-'Amal, biographies, documents of various types, etc. A detailed list of books on which this study is based is given in Appendix B.