CHAPTER-II

POWERS AND FUNCTIONS OF THE NAZIMS OF BENGAL

Provincial Governors during the early days of the Sultanate period were called Wali\(^1\); under Timur\(^2\) and also under the Lodis\(^3\) and the Surs\(^4\), they were called 'hakims'\(^5\). The Governors of Bengal as in the case of other Mughal Provinces, were, first, styled as Sipah-Salar i.e. Commander in Chief because the Government was then primarily military in character. Subsequently, when civil rule was established after the death of Akbar, they came to be known as Sahib-Subah or Subahdar in certain provinces while in Bengal and also in Oudh, they were called Nazims\(^6\).

1. In law the term indicates the relation natural or legal, in which one stands to another as a guardian, a trustee, protector or the like.

2. Amir Timur (1336 - 1413) son of Amir Turghay, Chief of the Gurkan branch of the Barlas Turks, was born at Kesh in Transoxiana. He was one of the most terrible military leaders known to history, invaded India in 1398 A.D.

3. Lodis tribe, a branch of Afghans. The leader Bahlul (1451-1489) was the first Afghan ruler of Delhi. Rule of Lodis in India came to an end with the defeat of Sultan Ibrahim at Panipath in 1527 A.D.

4. Sur tribe was another branch of Pathans.

5. A ruler, Governor, the supreme administrative authority in a district or a judge.

We hear for the first time the office of Diwan and Nazim when in 1014 A.H., Emperor Jahangir appointed Raja Man Singh and Wazir Khan, Diwan and Auditor of Bengal Subah. In this connection we must note that the term Nawab was being used most loosely to denote his officials in an honorific sense.\footnote{Encyclo. Islam. Ed. M.Th. Houtsma and A.J. Wensinck Vol-I, Book-2.}

As the Viceroy, Nazim represented the Emperor within the Subah in all matters. The people and the troops, says the author of the 'Ain' were under him.\footnote{Ain-i-Akbari, Abul Fazl, tr. Jarrett. Asiatic Society 1949 - p-37} Though he was head of the provincial administration, he could not act at his discretion; he was also required to act as per dasturul-amal and other direction given to him by the Imperial Government from time to time.\footnote{Ifkiyaz, p-247} Nazims of Bengal had not always acted at their discretion; they often consulted their important officials; For example, Nawab Sarfaraz consulted Jagat Seth and Alamchand about the release of Haji Ahmed before the battle of Giria.\footnote{Muzaffarnamah, Karam Ali, tr. Sarkar J.N. (Bengal Nawabs ) p-21.}
Even arrogant Nawab Siraj-ud-Daula consulted Khawaja Wajid, Mir Ja'far etc, Roy Durlabh about his policy towards the English. Sometimes Deputy Nazim exercised the powers and functions of the Nazim either for the absence of regular Nazim from the province or when a child was appointed as Nazim. This reminds us the appointment of Atalik by the Mughal Emperors in other provinces. Deputy Nazim held his court at Dacca since the days of Ja'far Khan. On examination of the powers and functions of Nazims we see that they came to this province to implement the twin principles of Mughal Government, viz., guarding the Mughal Imperial authority with in this province and provide necessary assistance to the collectors for smooth collection and despatch of revenue for the Imperial Government of Delhi.

To implement these policies, the Nazim was given the jurisdiction over the procedural administration of political affairs such as repression, chastisement of the refractory and disobedient and extirpation of the rebels and tyrants. Therefore, the Foujdar, an assistant

11. Muzaffarnamah, karam al: ir. Sarwar S.N. (Bengal Nawab) p52
12. Nazim Pr. Azimus-Shan, Mir Jumla were absent from Bengal for some time.
13. Farkhunda Bakht, a child was appointed as Nazim.
14. For example, Kalij Khan was Atalik of Prince Daniel at Allahabad in 1598, Abul Fazal was appointed Atalik of the same Prince in Deccan in 1600
representative of the Nazim within a Sarkar, primarily
dealt with the rebel Zamindars, yet the Nazim, it was
seen, was ultimately responsible for suppression of the
revolts. Ibrahim Khan depended on Nurullah
Khan Foujdar of Jessore to resist Sova Sing and Rahim
Khan, the rebel Zamindars. But the same foujdar's failure
was construed as the Nazim's failure to subdue the rebels
and the Nazim was removed by the Emperor Aurangzeb's
order. Azimus-Shan was appointed to repel the rebels who
successfully suppressed with the assistance of Zabardast
Khan also sent for this purpose by the Emperor. Ja'far
Khan on the other hand successfully subdued Zamindar
Sitaram of Bhusna when he had stopped payment of revenue
which was regarded as the first step to revolt. Ja'far
Khan with the help of his foujdar subdued the Zamindars
of Tunghee Serpur under Sarkar Mahmudabad for committing
several highway robberies and looting of the revenue of
the above noted Sarkar. The foujdar under the order of
the Nawab, seized them by surprise and sent them to
Murshidabad where Ja'far Khan imprisoned them for life.

14. _Riyaz_, p 266. _Supra_, pp. 77-78
15. _Salimullah_, p 54. _Riyaz_, p 266
16. _Salimullah_, p 62. Shuja' Khan and Nazabut Khan two
Afrs were the aforesaid Zamindars.
To ensure security of the travellers on the highways, Nawab Ja'far Khan set up new thanas. He also appointed Muhammad Jan v ' to suppress the dacoits. In case of robbery or theft he also obliged the Zamindars and Foujdars to find out the mischief mongers and to recover the stolen goods or to compensate for the same.

To ensure security of the subjects from external aggressions, Nazims took certain necessary steps. Thus Nazims of Bengal took necessary steps to check the Magh pirates. Nawab 'Alivardi also rose to the occasion and defended his people and country with his full energies against Maratha in-roads which will be discussed in subsequent chapters.

Nazims were invested with judicial powers as well. Though Chief Qazi was the head of the provincial judiciary, Nazim dispensed justice in his original jurisdiction as well as an appellate authority. Nazim dispensed justice twice in a week from Chihl Sutun. He used to attend the occurrences of the city of Murshidabad daily as he himself held the Foujdari of the Capital city of Murshidabad. He however appointed a Foujdar on his part for the

17. Riyaz, p.279, Salimullah, p.63
18. Salimullah, p.62
19. Supra, pp.318-19
punishment and suppression of the evildoers. Nawab (Alivardi attended his mujraians and other officials from 7 A.M., daily and heard them for two hours. Similarly he used to attend them in the late afternoon and took reports about the affairs of the State.

Nazims had the power to realise revenues from the jagirs attached to the Nizamat and personal mansabs only.

It was also the duty of the Nazim to ensure that imperial revenue was duly sent to Delhi. Murshid Quli took upon himself the responsibility of sending imperial revenue to the Court although he had ceased to be the Diwan of the province since 1716. During the later days we see Emperor Muhammad Shah frantically asking Alivardi Khan to send imperial revenue of the province which had fallen due for sometimes. Nazim was responsible for arranging security of the despatch of the revenue till the boundary of the province. Thus Nawab Jafar Khan accompanied the revenue up to the suburbs of the city. we see Nawab Shuja-U'd-Daula deputed Alivardi Khan to escort the despatch of

21. Administration of Justice Patra A.C., p.15
22. Siyar, Vol-II, pp. 157-159
23. Riyaz, p.247
24. Murshid Quli and his times, Karim p.70
25. Supya pp.118-119
the imperial revenue and escheated property of late Nazim till the boundary of Bengal26.

As the Viceroy, Nazim was required that the Khutba was duly read in the name of the Emperor. The Nazims of Bengal had to arrange reading of the 'Khutba' in the name of the Mughal Emperors not only during the heydays of Mughal rule but also during the days when Mughal rule was on the wane. Ja'far Khan, once read Khutba in the name of 'Azimush-Shan though the latter was then engaged in the war of succession. But as soon as 'Azimush-Shan fell in the battle Ja'far Khan shifted his allegiance to the new Emperor Jahandar Shah 27. Nawab Sarfaraz introduced reciting Khutba in the name of Nadir Shah. Emperor Muhammad Shah was seriously offended when he came to know this28.

26. Muzaffarnamah, p. 13
27. Murshid Quli and his times, Karim, p. 43
28. Riyaz, p. 309, Salimullah, p. 88
POWERS AND FUNCTIONS OF THE DIWANS OF THE BENGAL

Office of the Diwan was created by Akbar in 1579 A.D., to relieve the Governors of the Provinces from some of their duties as well as to put a check upon their activities. In Bengal, after the suppression of the Pathans when civil rule was established, we hear of the office of the Diwan for the first time during the reign of Emperor Jahangir. As he was appointed by the Imperial Government, he was responsible only to the Emperor, through the Diwan-i-ala; he submitted his papers directly to the Wazir. As stated earlier, he was formally next to the Nazim in the provincial administration but in no way subordinate to the latter.

With the opening of this Century we see Nawab Ja'far Khan was brought from Decan to head the revenue administration of this province and his office become more important than that of Nazim of Bengal as the Diwan of Bengal was more favourite to the Emperor Aurangzeb and enjoyed

1. Riyaz, tr. Ab. Salam. F. N. page 168
3. Encyo - Islam, p. 337
more confidence of the latter and the Diwan could exercise his functions without the interference of the Nazim. He could even transfer his office from Dacca to Murshidabad not only with out the consent of the provincial Nazim but also without the concurrence of the Imperial Authority; the transfer of the Diwan-i-awq was confirmed subsequently by the Emperor. In the matter of revenue administration he came to implement the Imperial Policy in this province and so he, along with other officers, was required to follow not only the existing codes of conduct but also to implement the orders of the Imperial Authority conveyed to him through various hasb-ul-hukum in this branch of administration. The powers of assessment, collection of revenue and payments into and disbursements from the Treasury lay in his hand. He has the entire management of royal revenue. The jagirdars, the krois, the Zamindars, the Choudhuries, the Qanungoes, the rajahs and even the Foujards who were primarily executive officers were expected to act in accordance with the orders and decisions of the Diwan.


5. Infra, 44. Diwan of the province remained independent of the Nazim so long the office was not united into a single hand in 1713.

6. Infra, 44.


with the orders and instructions of the provincial Diwan. Large scale transfers of land required his confirmation. He could withhold the transfer of land. Thus, when Emperor Farrukhsiyār permitted the English Company to purchase 38 new villages around the town of Calcutta. The Diwan impressed upon the local landowners to abstain from selling to the English Company. He used to take security bonds from the contractors of the revenue collections and fixed instalments payable by them at the prayers of the cultivators. He recommended transfer of Jagirdars of Bengal to Orissa for approval of the Emperor. Use of mint depended upon the sweet will the Diwan of the province though the Emperor had the right to grant permission for the use of mint. Nawab Jāfar Khan denied the right of the use of mint in spite of the hasb-ul-hukum to that effect.

Provincial Diwan arranged cash payments to the Nāqdi troops, he could terminate their services. Nawab Jāfar Khan terminated their service when they tried to create confusion during early years of his tenure.


11. B.P.C.-30,7,1717 referred by Bhattacharya in East India Company and Economy of Bengal, p. 31. But the author of Risala informs us that transfer of land without the hakim’s (i.e. the officer of Revenue Department) consent was not invalid. Risala-i-Zira'at, p. 8, Copy kept at Centre for the Studies of Social Science, Calcutta.
Diwan had judicial functions too. He dispensed justice in certain civil disputes. He received the consolidated accounts from the aumils, consolidated them and compared with that of the Provincial Qanungs. The accounts prepared by the Provincial Diwan were attested by the Qanungs for submission to the Imperial Revenue Department. Finally, he arranged despatch of provincial revenues to the Imperial Court at Delhi. In this connection we must remember that Jafar Khan despatched provincial revenue to Delhi till his death in 1727 A.D., though he ceased to be the Diwan of Bengal since 1716. During the subsequent period, the Nazims undertook the responsibility of despatching provincial revenue to Delhi due to the fact that the provincial Diwans in Bengal became defacto subordinate officers under the Nazims of Bengal. The Mughal Emperors, during the subsequent period also asked the Nazims of Bengal to despatch provincial revenue to the Imperial Government.

13. Salimullah, p. 19
14. Emperor Farrukh Siyar's Farman 1713, A.D.
15. E.E.I. Company and Economy of Bengal, Bhattacharya, p. 32.
16. infra, p. 28-29.
18. Riyaz, p. 350-51
19. Murshid Quli and his times, Karim p. 65
21. Supra, p. 118

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RELATION BETWEEN THE DIWANS AND NAZIMS OF BENGAL

As stated earlier the office of the Diwan was created by Akbar to relieve viceroy of the province of financial obligations and also to put a check upon the activities of the latter. The viceroy was of course the first officer in the province but the Diwan of the province was not sub-ordinate to him. His role was complementary to that of Nazim. For example, the proceedings of the appointment of jagirdars reveal that Jagirdars' sanad were prepared by the Diwan and attested by the seal and sign of the Nazim. Again on the demise of a Zamindar who paid large revenue, the heir was first presented to the Nazim by the Diwan and Roy-royan. The policy of separating the executive administration of the province from that of the revenue administration created animosity and strained relation between the two top most officers of the province. The Mughal Emperors it will be seen, supported the Diwans of Bengal in most cases in their disputes with the provincial Governors. Thus when

1. Infra, p. 50.
2. Encyclo. Islam, p-337
Qasim Khan had disgraced Mirza Hussain Beg and his son, Emperor Jahangir sent Sadaat Khan, a trusted officer, to look into the whole affairs. The Viceroy was compelled to restore the property of the Diwan and also to pay a compensation of Hs. 100 thousands when his fault was established. Emperor Jahangir again tried to "check corruption, evil and arrogance" of his Viceroy Qasim Khan by appointing Mukhlis Khan to the combined office of the Diwan, Bakhshi and Waqianavis in Bengal. The new Diwan was insulted by the Viceroy when he tried to check the latter (Viceroy) in his evil designs. He was ultimately replaced from his office.

In 1680 A.D., when Diwan Haji Shafi Khan demanded mint duty from the non-Muslim, Shaista Khan, Viceroy of Bengal, on receiving complaints from the Dutch and English merchants held that there was no good reason for the new charge. But soon the Emperor's order came which upheld the opinion of the Diwan. Diwan Haji Shafi Khan again informed the Emperor of the Viceroy's unauthorised expenditure to the tune of Hs. 1,32,000/-. The Emperor ordered that the same

5. Bengal under Akbar and Jahangir, Choudhury Tapan, pp. 7-8.
amount should be demanded from the Nawab as part of his regular contribution to the Imperial Government 7.

With the advent of the 18th Century, we see Diwan Nawab Jafar Khan came to this province and received maximum favours from the Emperor. His prudent management of the revenue affairs of the province made him a favourite officer to the Emperor. This created envy in the heart of the Viceroy which led to an unsuccessful attempt to assassinate the Diwan. The Emperor, on receiving the report of the alleged attempt following warning to the provincial Viceroy: "Kartalab Khan is an officer of the Emperor, in case a hair-breadth injury in person or property happens to him, I will avenge you on my boy". The Viceroy was directed to quit Bengal, leaving Sarbadan Khan with Sultan Farukhsiyar as his deputy 8.

The revenue administration came under the complete control of Nazim when we see Nawab Jafar Khan became the de-facto master of Bengal and the office of the Diwan and Nazim was united into his single hand by the Imperial order in 1713 A.D. 9. Since then the Diwan of Bengal acted

7. Bengal under Aurangzeb, Chatterjee Anilk., p.56
8. Infra, p.29.
9. However, Nawab Jafar Khan became deputy Nazim in 1713 A.D., Pulw Nazim in 1717 A.D.,
upon the sweet will of the Nazims and there by bid a
farewell to the old policy of keeping the revenue depa-
artment free from the interference of the executive admi-
nistration. Nawab Ja'far Khan appointed Akram Khan and
thereafter Syed Razi Khan¹⁰ as his Diwans¹¹. In 1720 when
Syed Razi Khan died Nawab Sarfaraz, grandson of the Nazim
and Diwan of Bengal was appointed as Diwan¹². After the
death of Ja'far Khan , Nawab Sarfaraz was retained in
this post and "he daily attended his father and spent times
according to the wishes of his father"¹³ under Nawab 'Ali-
vardi, Nawajish Mohammad, a close relatives of the Nazim
was appointed as Diwan of the Province by the Imperial
Order¹⁴. The situation did not change under Nawab Siraj-
ud-Daula when Mohanlal was appointed Diwan of Bengal¹⁵
as the fortune of the Diwan was tied with that of the Nawab.

¹⁰. Syed Razi Khan was the husband of Murshid Quli's
grand daughter Nafisa Begum.

¹¹. Riyaz, p. 274

¹². Ibid, p. 274

¹³. Salimullah, p. 72. Tarikh-i-Bangala

¹⁴. Tarikh-i-Bangala... Yusuf Ali, tr. Ab. Subhan, p-20

¹⁵. Hist. of Bengal, Stewart. C., p-309.
REVENUE DIVISIONS AND REVENUE ADMINISTRATION IN THE PROVINCE OF BENGAL DURING THE PERIOD UNDER REVIEW.

In the earlier chapter we have discussed about the divisions of this Province for the purpose of executive administration. We have seen 19 Sarkars consisted of 682 Mahals of this Province during the reign of Akbar. Under Prince Shuja, we see that 361 additional Parganas were formed or reorganised and 6 Sarkars, consisted of 38 Parganas were transferred from the adjacent Subah of Orissa, 5 Sarkars consisting of 256 Parganas created out of annexations in Assam and 2 Sarkars consisting of 6 Parganas were added from Tipperah, annexed on the east and the Sundarbans developed in the South of Bengal. The tribute from Bishnapur Chiefs was reckoned as one Sarkar and 5 Parganas and the profits from the royal mint were reckoned as one Sarkar and two parganas. The total number of Sarkars and Parganas therefore amounted to 34 and 1350 respectively. It is interesting to note that the income from the last


* It is probable that new parganas had been in process of formation since the time of Original Settlement.
two sarkars were not land revenue and indicated other sources of revenue which later came to be known as sair.

Under Nawab Jāfar Khan 13 chaklas were created in place of 34 sarkars of Prince Shuja' which we have also pointed out in earlier chapter. Under Nawab Jāfar Khan we see that the number of parganas rose to 1660 which were divided between 1256 Khalsa or crown land and 404 Jagir lands.

The same khalsa lands were let out into 25 large collecting divisions called Ihtimans (Zamindaries) provincial divisions and Mazkura i.e. small scattered estates. "These rather than the chaklas formed the actual fiscal divisions".

The jagir lands were classified under the following categories.

3. These were assignments of territories for the support of the civil and military establishments, exclusive of the Khalsa appropriation from which was derived only the net effective revenue paid to the royal exchequer.

4. The trust or jurisdiction of a Zamindar over certain variable divisions of a province. Glassary of Revenue and judicial terms, Wilson p.214

Ihtiman: Care, suprintendence, responsibility the trust or jurisdiction of a Zamindar over certain variable divisions of a province. Burdwan Rajashahi were designated as such.

5. In old revenue accounts it was applied to small scattered estates or zamindaries not included in the account of the district in which they were situated of which the assessed amount were paid

6. Early Revenue History Ascoli PP-24-26

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i) Jagir Sarkar-i-Alia : for the expenses of the Nizamat, Civil and Criminal administration inclusive the whole of Nawab's household.


iii) Amir-ul-umra : for military expenses.

iv) Foujdaran : for the defence of the frontiers

v) Mansabdaran : for petty military expenses

vi) Zamindaran : for the defence of the frontiers on the East and North-East

vii) Madad-i-maash : for religious endowments

viii) Saliandaran : for petty Zamindari allowances chiefly in Sylhet.

ix) Altamgah : endowments to learned men

x) Rozinahdaran : a petty religious endowment

xi) Nawara : maintenance of the navy, stationed at Dacca.

were direct to the officers of the State; subsequently it denoted a revenue payer paying through the intervention of another. Ibid, p. 337

7. This grant could only be made by the Emperors but the same were often made at the requests of the mansabdars.

8. A grant of land called for the red seal affixed to it.
xii) Ahsham-i-amlā : maintenance of the eastern frontier to guard the coasts against the raids of the Maghs and other pirates

xiii) Kheda-afial : expenses on catching of elephants

Since the jagir grants were temporary in nature the average tenure of jagirdars in Bengal during the period under review was about five years. The temporary nature of jagirdar's tenures naturally made them more rapacious revenue collectors than the zamindars of the time whose land holding rights were more permanent as long as they paid the revenue demand of the State.

The appointments to jagir originated with the Imperial Government but most such appointments were made at the requests of the provincial nazims. But we have the references of the instances when the Mughal Emperor Aurangzeb disliked a particular recommendation for the grant of a particular jagir. On the other hand Nawab Jafar Khan's scheme of allotting jagir lands in Orissa to the mansabdars of Bengal, was fully approved by the Emperor Aurangzeb. The jagirdars received parwanas from the nazim addressed to


10. Riyaz, p-248
the howdhuries, Mutsuddis, rai'ytats of the parganas involved, stating that the jagirdars were to receive the land revenue (mal wajib) and any other revenue or customary payment (huquq diwani) that are customarily paid to the Government from a particular season or harvest. In this matter they received assistance from the Qanungos of the parganas who had kept land records.

Though jagirdars received parwanas from the nazims yet jagir could only be conferred upon royal sanction. In fact, the sanad of a jagirdar was prepared by the diwan of the province, attested by the seal and signature of the nazim. His authority for issuing this grant was a parwana from the Imperial Wazir in consequence of His Majesty's previous sanction and hence this grant has obtained in the name of sunud mootabik or grant in conformity to the order from the presence under the seal of the Wazir. But when the power of the Imperial Government declined, nazims of the distant provinces usurped

11. Extract from Harrington's Analysis of Bengal Regulations pp.236-7 (Calcutta, 1866).
12. In Bengal, at least till 1740 A.D., such Imperial orders came.
the privileges of granting jagirs. "This act was so
avowedly derogatory to the authority of the Emperor that
an evasion was practised to conceal it." 13.

Since the days of Akbar we see that the land revenue
in Bengal was collected into naqd or cash as the 'Ain-i-
Akbari, declares clearly that the jama in Bengal was wholly
naqdi. 14. The authorities levied the revenue demand not
upon peasants but upon the Zamindars. 15. Habib has shown
in detail that the Zamindars were asked to pay the reve­
 nue ( hasil) in accordance with the jama-i-tumar. This was
the name given in Bengal to the jama on the basis of which
jagirs were assigned. The custom was to settle the malgu­
zari (land assessment) with various Zamindars on moderate
terms. A Choudhury or Zamindar administered each parganas
and collected the revenue. Since attachment to a large
estate and accumulation of wealth had often imbued the
landed autocracy to shake off the Imperial Authority and
embezzle the public revenue, the Mughal Government appoin­
ted a Quanungo in each pargana to control the Zamindars in
their fiscal capacity.

13. Harrington's Analysis of Bengal

14. Agrarian System, Habib, p. 175; even in the eighteenth
century revenue was realised in cash. Risala-i-Jiarat
(Answer to Question no.: 2 3. Copy kept at the Center
for the studies of Social Science, Calcutta)

15. Agrarian System, Habib, p. 229
ASSESSMENT AND COLLECTION OF REVENUES

It appears from Risala-i-Zirqat that lowest unit of revenue administration was mouza and the principal officer of the mouza was Patwari. He kept records about holding of villagers and the state dues to be collected from the villagers. He received assistance from Rasangir on a regular basis who measured plots of land and provided information to Patwari for calculation of equitable distribution of revenue demand upon the raiyats.

In the pargana level, Qanungo of the pargana was associated with the works of survey of land and assessment. He had to certify along with Choudhury, the daul or estimated jama to this effect that the assessment was made in consultation with the Choudhury, Muqaddam was just and no injustice had been made to the raiyats. But it was merely a pious declaration and the administration failed to put it into practice which will be evident from our subsequent discussion.

16. Risala. fol. 4a, 4b & 5b.
17. Ibid. fol. 9a, 9b.
19. Supra; Ghulam Hussain informs us about a Munshiff in the preceding period to look after the interests of both the State and the raiyats.
In the pargana level, the amin also measured and surveyed land for assessment and collection of revenue.

In the sarkar level, the Bitikchi did the work of accountant. He prepared necessary papers and records on the basis of which assessment and collections were carried out by the Amils. Nawab Jafar Khan appointed his own Amils and under them Shiqdars and Amins to every village of the pargana for measurement. The Nawab put the collection into the hands of the Bengali Amils who executed tahood and muchlekas. The Amils paid the revenues so collected directly to the State exchequer. Nawab Jafar Khan's steps became necessary to put a check upon the cases of embezzlement of State revenues. Moreover, the patwaris, Mondal, and ganungos normally held hereditary offices so they might not provide information about increased cultivation which the Zamindars and the State could use to justify an increase in the revenue demand.

10. Mughal Administration, Sarkar J.N. p.192
22. Salimullah pp.25-26, Riyaz. 248
23. obligations (written) to perform somethings
24. bond or undertakings
Ghulam Hussain, the celebrated author of Siyarul Mutakhkhrin and a close associate to a number of high officials during the period under review, informs that on the commencement of farming system the following officers, who mainly dealt with accounts for revenue management, were appointed to the khas mahals:

1. One Amil or collector

2. A psiskar whose duty after informing himself generally of the business by examining the accounts of the former years and the assets of the present, was to make the settlement of the district, to keep a summary of all transactions and to superintend and control the accounts of the subordinates under him.

3. A Wasil-Bakynavis who was enjoined to take an account of the receipts and balances of the several renters and to compare them with the settlement of demands upon each of them.

4. One khamnavis who entered the sums daily received and spent, adjusted 'urusuttah' or monthly treasury accounts and drew out a general account of receipts and disbursement of the whole year.

26. Reply of Ghulam Hussain to the Question No.38
Extract from Harrington's Analysis.

66
5. One Seannavis who was required to keep an account of the daily receipts of revenue from each village and afterwards to draw out a general abstract of each days' collections.

6. A Seristadar of a Bukhshigury who drew out a statement of the allowances of the several officers and kept a register of all appointment and dismissal.

7. A Khajanchy or treasurer.

Where the mahals were let out to farmer, the number and appointment of officers rested completely with the former.

Qanungo of the Pargana was also responsible for accounts and was responsible to Qanungo of a sarkar who in his turn was under the supervision of provincial Qanungos. Several district collectors on the other hand submitted their accounts to the Diwan of the province who compared them with the consolidated accounts independently compiled by the provincial Qanungos. Then the Provincial Qanungos and the Provincial Diwan signed after comparison one General Detail consolidated Accounts along with an Abstract account and forwarded it to the Imperial Court.

27. Land Revenue Administration under the Mughals, Siddiqi N.A., p. 38.
28. Riyaz. pp. 252-4
29. Ibid, pp. 252-4
On examination of the Revenue Rolls of the Emperor Akbar, Prince Shuja, Nawab Jafar Khan, Nawab Shuja-ud-Daula and Nawab Alivardi, we see that the jama of the crown lands gradually increased. The following table will explain the point:

<table>
<thead>
<tr>
<th>Year</th>
<th>J ama of Crown lands only</th>
</tr>
</thead>
<tbody>
<tr>
<td>1582 A.D.</td>
<td>₹ 66,44,260.30</td>
</tr>
<tr>
<td>1658 A.D.</td>
<td>₹ 87,67,015</td>
</tr>
<tr>
<td>1722 A.D.</td>
<td>₹ 109,60,709.32</td>
</tr>
<tr>
<td>1739 A.D.</td>
<td>₹ 10,472,865.33</td>
</tr>
</tbody>
</table>

This increase in the jama of crown lands under Prince Shuja was primarily due to the annexation and transfer of territory; under Nawab Jafar Khan, the increase was primarily due to conversion of jagir lands into crown land and so on; consequently the jama of the jagir lands decreased as follows:

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31. Early Revenue History, Ascoli p-26
32. Ibid, p-26
In 1582 A.D. under Emperor Akbar: Rs. 43,48,892
In 1658 A.D. under Prince Shuja': Rs. 43,46,892
In 1722 A.D. under Nawab Jafar Khan: Rs. 33,27,477
In 1739 A.D. under Nawab 'Alivardi: Rs. 18,99,475

We have discussed about the reasons of increase under Prince Shuja' and Nawab Jafar Khan. Under Nawab Shuja'-ud-Daula, increase in the revenue of this province was made by levying abwabs which were not land revenue. The first abwab Khasnavisi imposed by Nawab Jafar Khan was relatively in significant as it amounted to Rs. 250,000/- Nawab Jafar Khan's successor Nawab Shuja'-ud-Daula imposed four additional abwabs: nazrana muqarari, Zar-i-maj&si, maj&si-filkhana, abwab-t-foujdari.

34. Some Tensions in the economy of Bengal, R.N. Ghosh. Vishwa Bharati Qnty. p.337
35. Ibid, p.337
36. Early Revenue history. Ascoli- p.26
38. Early Revenue History, Ascoli pp.26-28
39. Nazrana – Mukurrari:

... permanent present; a tax imposed by Shuja' ostensibly to defray the expense of the presents made by the Nazim to the Court of Delhi, but in reality the...
Each of the aforesaid abwabs was imposed for collecting money for a specific purpose. Chouth demands by the Marathas offered a pretext to Nawab 'Alivardi to levy additional assessment on Khalsa land. When the greater part of Orissa was ceded to Marathas, the Nawab levied a nearly equivalent assessment on his other provinces. Two new abwabs were imposed by him; one under the pretext of a public service i.e., to defray the expenses for purchasing and transporting lime from Sylhet for the repairs Murshidabad fort and another abwab 'nuzranah Mansurgunge' to please his grandson, amounting Rs. 22,25,554 with all the former payment of fixed presents by the Zamindar to screen themselves from enquiries into their receipts and other pleas for extortions.

Zar-i-maut: a charge to the cultivators to cover any loss by deficiency of weight or difference of value in the coins receivable in payment of revenue.

Filkhana maut: a cess on the cultivators for the expense of the public elephant estables.

Abwab-i-Foujdari: taxes on Zamindars in commutant of fees which had been payable to the office of the foujdar.
Svadhir exactions. Thus, the total amount of abwab imposed from 1722 to 1756 A.D., was Rs. 42,23,467.

Nawab Shuja-u'd-Daula's revised revenue roll was based on the realisation of the last ten years from the Zamindars and not on the collection made by the Zamindars from the raiyats etc. The revenue roll of 'Alivardi gives a total jama which was exactly the same under Shuja-u'd-Daula in 1728, with a slight decrease in the total jama between 1728 and 1739 A.D.,

On a careful study of the course of the revenue history reveals that (i) the revenue demand increased 15.5% during the period between 1582 A.D. and 1658 A.D. (ii) Thereafter, it increased 13.5% between the year 1658 and 1722 A.D. (iii) Lastly, it increased at the rate 29% between the year 1722 and 1756 A.D. 44.

43 Early Revenue History, Ascoli - p.28

The revenue was collected from the raiyats by the Hal-i-shahna, who was a foot soldier assigned to guard the mouja and to collect the revenue. He collected it, he delivered it to the latter officer. After the patwari received the revenue, he deducted a sum to cover the various mufassil charges, which varied from pargana to pargana and might include any expense which occurred at the local level and then he sent the remainder of the revenue, to the Tarafdar. The Tarafdar, in turn deducted money to pay for another, mufassil charges and then sent the remainder to the Shiqdar who is said to have had the rights of collection for 4 or 5 villages. The Shiqdar, of course, had to deduct another sum to cover his expenses before sending the revenue on to sadr kachari, i.e., the main office of the Parganas, usually located in the chief town. In the subsequent chapter, we will try to show the Quantum of revenue which the subjects of this province, actually paid.

45. Supra, pp. 134-6
POWERS AND FUNCTIONS OF THE FOUJDARS

The word Foujdar means 'keeper of army', of course, Foujdar had a contingent of army under him so that he could suppress all revolts, agrarian unrests and crimes within the area under his jurisdiction. Under Sultan Sikandar Lodl, a sarkar was placed either under a Foujdar or handed over as an appanage to princes of royal blood. Sher Shah appointed Chief Siqdar along with Chief Munsiff over each sarkar and under Emperor Akbar, Foujdar appeared replacing Chief Siqdar over a Sarkar.

Foujdar was required to maintain law and order within his sarkar as he was the executive head of sarkar and represented the Nazim within his sarkar as an assistant of the latter. His main functions were also to assist the Umalguzar and Amin in the matter of revenue collection.

2. Sher Shah and his times. Manungo, p-310
3. Bengal under Aurangzeb, Chatterjee, p-50
4. ibid, p-860
From the 'Ain we learn that the mansabdars with their paymasters and troops were dependent upon foujders and received orders from foujders about arranging and marching troops in chastising malfactors and coercing turbulent people. This practice continued even during the days 'Alivardi. Thus Foujders had to deal with all the unrest and revolts. In fact, the Nazims depended primarily upon the Foujders in these matters as evident from examination of the happenings of the periods under review. It was the business of the Foujders to see that Zamindars within their jurisdiction could not erect fortification or collected provisions for way. His jurisdiction also depended upon the number of refractory Zamindars. In case any Zamindar attempted to rise in arms to resist the Foujdar, the latter was required to attack the refractory Zamindar. He had also the power to collect land revenue from the area of the Jortalab Zamindars. Nawab Ibrahim Khan had depended upon

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7. Siyar, Vol II p. 569
8. ibid, pp * 175-77
9. ibid, p-569
10. Foujders had the power to collect revenue from the area of Jortalab Zamindars. Siyyaqnamah p-68, referred by Siddiqui, Land Rev. Adm. under the Mughals- p -
Foujdar Nurullah Khan of Jessore, to suppress the revolts of Sova Singh and Rahim Khan. We have already discussed\(^1\) Shuja' Khan and Nejabul Khan, two Afghan Zamindars of Tun-ghee Serupur under Sarkar Mahmudabad, had committed several highway robberies and seized the revenue of the Sarkar Mahmudabad, to the tune of Rs. 60,000/-; the local Foujdar under the order of Nawab Jafar Khan, seized them by surprise and sent them to Murshidabad.\(^2\) Nawab Shuja'-u'd-Din sent his selected companions and soldiers, under 'Alivardi who was then a Foujdar, to put an end to the sedition of the mischievous elements who were defiant Zamindars.\(^3\)

In the border area, the Foujdar were authorised to levy extra-taxes since these areas were not properly conquered and assessed. As Purnia, Rangpur and Shylet which were frontier outposts the greater part of the lands were vested in the hands of local Foujdars as jagirs for their maintenance and the maintenance of their troops. The Foujdars of these Sarkars, acted like Karoris and collected the revenues.\(^4\)

Foujdars were to look into the practice of slave trade by the English merchants.\(^5\) They were also required to see

\(^1\) Infra, p. 46

\(^2\) Infra, p. 46

\(^3\) Tarikh-i-Bangala-i-Mahabatjangi, Yusuf Ali Tr. Ab. Subhan, p. 4

\(^4\) Bengal under Aurangzeb. A. Chatterjee, p. 63

\(^5\) Some aspects of Mughal adm. Aniruddha Roy, p. 118

\(^6\) B.P.C - 18.6.1733, referred in English East India Company of Bengal, Bhattacharya S., p 66.
that no sati was performed by force. We have also discussed about the Foujdar of the capital city who acquainted the Nazim, in respect of the occurrences of the city and received his orders.

Foujdars had jurisdiction over judicial matters as well. He might settle petty quarrels, insult abuses. However on important matters, appeal could be preferred to the Court of Nazim against the order of the Foujdar.

Foujdars used to send fortnightly reports on important events of the Sarkars to Nazims to keep him informed about important developments.

The Foujdars of Hooghly and Medinipur, Purnia were not under the control of the provincial administration. They were directly responsible to the Imperial authority at Delhi. Nawab Jafar Khan brought the office of the Foujdar of Hughly under him. Similarly the Foujdar of Medinipur was placed under the control of Jafar Khan in 1711. Like wise Foujdar of Purnia was independent of the Diwan of Bengal. Naib Nazim and other important provincial offices held the offices of Foujdar, in addition to their normal charges, for instance Azimshah-shan held

16. India Tracts, Holwell - Ch-II, pp. 94-95 (London, 1764)
17. Infra, p. 47
19. tr. of the Sanad of Pr. Shuja' addressed to Foujdar Beharidas Maimansingher Barindra Brahman Zamindar, Shourindra Mohan, pp. 53, 55

76
office of the Foujdar of Kuch Behar, Ja'far Khan was also the Foujdar of Medinipur. Naturally they as Foujdars enjoyed more powers. On further examination, it appears that the Foujdar's authority was on the wane as many Zamindars towards the second half of the 18th Century, started defying the orders of Foujdars under one pretext or another. For instance, the Zamindar near Pultah, having stopped several boats with English Dusticks and taken money from them and disregarding the Foujdar of Hughly's order, to clear them 23. We are informed by the representation of the Raja and the Diwan of Burdwan of later periods that the Foujdar's authority, in the revenue and criminal matter, was exercised by the Zamindar or Burdwan since 1725 A.D. 24. But this does not mean that a Foujdar's jurisdiction within a Zamindari became less meaningful with the growth of Zamindaris, since the primary duty of a Foujdar, was to suppress Jortalab Zamindars within its jurisdiction; and under Shuja-ud-Daula, we see the Foujdar was deputed to

20. The Imperial order for this purpose was secured by him on 11.9.1711.
23. Extract from BPC - April 1748, Unpublished Records ...
24. Zamindars of Bengal, Shirin, p.153
survived as late as the death of 'Alivardi in 1756 A.D. 26

FUNCTIONS OF THE KARORIS

Karori was actual revenue collector of a district. During Emperor Akbar's reign he was first expected to collect one crore of dams, i.e., Rs. 2½ lakhs from the area entrusted under him. Later, Collector of a district or simply a collector of State was called Karori though he did not collect the same amount from the area placed under him. He received a fixed allowance from Court, according to his merits for himself and for his staff. 3

The Government did not expect that the Karoris would demand mahsul from places not yet capable of paying; because such claims might compell the raiyats to run away. 4 Karoris along with other officials were

25. Infra, p. 75

1. Produce of land was valued in dams at the rate of 40 to a rupee.

2. Mughal Administration, Sarkar, pp. 114-115

3. Answer of Ghulam Hussain to question no. 36 Extract from Harrington's Analysis.

4. Mughal Administration, Sarkar, pp. 114-115
expected to be pious and quick sighted so that the revenue realised from the subjects were not embezzled as we have ample evidence to show that public money was often embezzled by the officials. Thus, he had to give an undertaking to the pargana-Amin to this effect that he would be accountable for the total collections of the assessed jama; naturally the pargana-Amin could keep watch over the karori to some extent so that the latter did not realise any forbidden tax.

In the frontier districts of Purnia, Sylhet and Rangpur, the Foujdars themselves acted as Karoris and collected revenues as greater part of the lands in those districts were vested in the Foujdars as jagirs for the maintenance of themselves and their troops. The Nawab also did not interfere with Foujdar's collection of revenue.

Karoris also checked certain revenue records from time to time and objected to certain irregularities which were probably corrected.

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7. Farhang-i-kardani, p-29, referred by N.A. Siddiqui, in Land Rev. Hist. of Mughals p-91
8. Bengal under Aurangzeb A. Chatterjee, p-63
POWERS AND FUNCTIONS OF KOTWALS

The word 'Kot' means fort and 'Wal' means keeper. The word was probably used for the comandant of a fort, when he had some police duties, attached to his office. The office of the kotwal corresponds to that of Kotal or Kutpal of ancient India. The office of the Chief Police Officer and his functions, were also very important since the early days of the Islam (S). Sa'ad bin Abi Waayas is said to have taken the duty of night watchman. Later, the Prophet (S) appointed several persons to guard Medina at night. Hazrat Abu Bakr appointed Hazrat Umar I, as police Chief of Medina. When the latter succeeded the former as the third of the pious Caliph, he himself took up the duties of Chief Police Officer.¹

During the rules of the Sultans and Mughals in India, the duties of the head of the police, was performed by the Kotwal;² under Akbar, the Great, he kept himself informed about criminal activities through a number of

¹ Administration of the Sultans, Qu-raishi p-173.
² ibid, p-173
spies, appointed by him. One important function of the kotwal was to look after the markets and to prevent all sorts of disorder in such places. He inspected weights and measures like Muhtasib. Later, the Zamindars were also found to look after the weights and measures in the market as we are informed that the Zamindar of Calcutta was supplied a set of brass standard weights and triangles to regulate weights in the market. But we do not have any evidence to show that the Kotwal's authority in this regard was taken away; under Foujdar's order Kotwal seized the properties to prevent undesired and unauthorised works.

The Kotwal held office at his Chabutara. The Zamindars and others sent apprehended criminals to Kotwals. He also arranged guarding streets at right.

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3. Adm. of Mughals, Quraishi-p-206.
4. Vidyasundar, Ramprasad, p6
5. Adm. of the Mughals, Quraishi Vol.I, p -206
7. B.P.C. 17.6.1718 ref. by Karim at p-174. Murshid Quli and his times.
8. "Conquest of Chatgaon," Account of Shihab u'd-Din, Talish, tr. Sarkar, JASB, June 1906, p-266
He was sometimes aided with additional force when situation so demanded. The authority of Chief Police Officer remained untouched even during the period of disorder and confusion under 'Alivardi, when the Chief Police Officer could detain unidentified person travelling at night and even Siraj-u'd-Daula, the beloved grandson of the Nazim could not get her release till the next day.

JUDICIAL ADMINISTRATION IN BENGAL

Administration of Justice was very important in all Islamic States since the days of the Pious Caliphs. Justice was considered important not only to redress grievances of the subjects but also to ensure ethical and moral values to the tune of the administration. Therefore, certain steps were taken to keep the judiciary free from the influence of the executive military sections of the States since the days of the rule of the Pious Caliphs. Hazrat Ali the Fourth Caliph, advised Malik-ibn-Asthir a favourite follower of Hazrat Ali, his governor of Egypt to keep the judiciary above every kind of executive pressure or influence, above fear or favour, intrigue and corruption. The Fourth Caliph appeared before a judge as a plaintiff when he himself could have redressed his grievances. Hazrat accepted the decision of the judge which had gone against him. Innumerable such instances may be cited to illustrate the dignity and independence of judiciary maintained.

during the rules of Pious Caliphs. The department of justice to became separate though the Caliph, as the head of the State, was expected to ensure justice due to all. Judges were selected on the basis of their knowledge in the Quran and the Hadiths and in considerations of their 'amals' (past activities). They decided disputes in the light of the principles laid down in the aforesaid scriptures.

In the matter of administration of justice the Muslim rulers in India never denied the authority of the scriptures as the principles of state policy but in practice, it was evident that the judiciary merely maintained social equilibrium. Ensuring justice meant in medieval age that one group should not interfere with the interest of another group. In practice, it will be evident from the subsequent discussion that the judiciary was organised and functioned to protect the interest of the ruling class and military bureaucracy and when the merchant community was gaining more and more economic power, the judiciary functioned to protect the interest of that class during the period under review.

Before the advent of this century, we notice that civil and criminal jurisdiction had been separated to a certain extent.

This is clearly evident from the following petitions.4

Banga Sahitya Parichaya, Vol. 2, Page 1673, .......
D.C. Sen C.U. 1914
Translation of the aforesaid petitions:

Prayer before the Civil Court
1096 B.S. /1688 A.D.
22 Ashar

To
The Hon'ble Munsiff, Civil Court,

Prayer from Sri Ramkanta Chandra,
Vill.- Bishnupur.

The accused Sri Sadaram Mahanta of Chakla and Village-Indus
borrowed from me Rs.500/- Rupees five hundred against a Hand-
Note. Now the Loan has amounted to Rs.500/- including Rs.50/-
as interest. As he is unwilling to repay this amount, I do
hereby lodge a complaint with you against him. I pray that
your Honour would be gracious enough to consider my case and
make arrangement for repayment of the said amount.

Dt. 7 Sreban
1097 B.S./1689 A.D.

To
The Hon'ble Magistrate of the Criminal Court.


I beg to state that Sri Manik Ray of our village was to
pay me Rupees Ten. I went to his house for this Amount. He did
not give me the money, rather he abused me with filthy language.
Over and above this, he was about to beat me. I, therefore,
pray that your Honour would be kind enough to summon the
accused and dispose of the case so that I may get proper
justice.
Chief Qazi was appointed to decide civil cases unconnected with revenue matters. Qazi-ul-Qazat was Chief Justice of the province, appointed by the Imperial Government. The Nazim himself held the Court once or twice in a week in presence of Qazi, mufti, ulama, swarnavish and wakianavish in the fashion of the Emperors of Delhi. Shri A.C. Patra says, on the basis of the evidence of an unpublished manuscript that all the Nazims, from Nawab Ja'far Khan to 'Alivardi, held court once in a week. But we have the evidence to show that at least, Nawab Ja'far Khan held court twice in a week, at his Chihl Sutun. The Court of Nazim was known as adalat-ul-aulia which was mainly an Appellate Court but it also dealt with original matters. Nawab Ja'far Khan earned high respect as a judge for his impartiality in dispensing justice. Similarly, his successor Nawab Shuja-u'd-Daula was said to have dispensed justice with utmost impartiality. Decision of the Chief Qazi was

5. who interpreted Islamic laws.
6. Plural of the Arabic work Alim, means wise
7. Infra - p - 29
8. Administration of Justice under East India Company in Bengal, Bihar & Orissa, Patra A.C. p.14 (Calcutta 1962 here after referred to as Adm. of Justice Patra A.C.)
9. Riyaz, p- 268
10. Riyaz, p-284, Salimullah -67, also see infra
11. Salimullah p-77
sometimes referred to the Emperor or Nazim. The famous decision of Qazi Sharaf in respect of Talukdar Vrindaban had been referred to the Emperor Aurangzeb who confirmed the decision of the Chief Qazi. Chief Qazi sometimes delivered his judgement in consultation with ulemas.

As the Nazims were overburdened with other works, a daroga was later appointed to the Court of the Nazim who heard and enquired into the complaints as the representative of the Nazim and caused the same to be laid before the Nazim with his own comments; the Nazim, in his turn gave his decisions. The daroga also laid before the Nazim those cases which had been settled to the mutual satisfaction of the parties. The court of the Nazims took cognizance between the Zamindars, between the Zamindars and the subjects, robbery, murder etc.

12. Qazi Sharaf was the Chief Qazi in the province of Bengal. He was known for his uprightness. He declined to serve as the Chief Qazi after the death of the Emperor Aurangzeb.

13. Both Ghulam Hussain Salim and Salimullah narrate the episode of Vrindaban in which the latter was implicated in charge of demolition of Muslim place of worship. Qazi Sharof awarded capital punishment to Vrindaban for the aforesaid offence. Even the interference of Pr. Azimush-Shan in favour of Vindaban could not save the letter's life (Salimullah, p.69, Riyaz, p.283).

There was a court of the Deputy Nazims at Dacca with the combined jurisdiction of the courts of Nazims and Diwans. Cases regarding the collection of revenues were referred to the controller of Khalsa. With the coming of Nawab Ja'far Khan as Diwan of Bengal number of this types of cases increased. Nawab Shuja-u'd-Daula gave the power of administration of justice in respect of land and rent to the Controller of Khalsa. Before the Controller appeal could be preferred against the decision of a Zamindar in a dispute between the Talukdars. The Controller took the assistance of Gomach, Sheristadar, Qanungos and Amins in the matter of enquiry and administration of justice according to law and usage. In settling the disputes, arbitration was often resorted under his auspices.

15. Riyaz, p. 283
16. Adm. of Justice, Patra A.C., p. 13
17. ibid, p. 15
18. ibid, p. 13
19. ibid, p. 13
20. ibid, p. 13
21. ibid, p. 14. This is also an age old practice in India.
The Foujdars also held court. But it was merely a court of an executive officer to take cognizance of criminal matters. Foujdars did not get the assistance of Ulemas and Muftis in their judicial functions.

In the far off countryside sometimes the Qazis' courts were the only courts. A Qazi's court was known as dar-ul-qaza and Mohkuma Qaza, where cognizance was taken in respect of marriage, division of inheritance appointment of Muslim Mutwalli etc., sometimes Qazi directed his deputy to hold local enquiry. In the reign of Aurangzeb, the Qazi of a Sarkar was incharge of collecting Zakat and Jizia; he had separate staff for this purpose.

22. But we should not confound foujdar adalat with Foujdar's court. Even Hastings himself admitted that foujdar and Foujdar adalats were totally distinct and independent, Zamindars in Bengal P. -173

23. ibid p-13

24. Administration of Justice, Patra p-16
But the Qazi's court was not found everywhere. Even in a growing and prosperous city of Calcutta, there was no court of the local government.

25. trustee, manager

There was a Supreme Judge in the city of Murshidabad. The Qazis were formally under the Chief Qazi of the province and were required to pass the examination of eligibility conducted by the Chief Qazi. They normally held offices hereditarily.

But the working of judiciary was not free from vices. We hear of Mulla Mustafa, Qazi of the city of Dacca under Subahdar Mir Jumla was expelled from the city of suspicion of bribe taking. The Qazis apparently led pious lives but they were not free from worldly vices. We have the evidence to show that some Qazis were engaged in hoarding of grains in times of scarcity. Yet they were never dispensed of their offices nor they were transferred or changed. Misuse of powers by the judicial officers is also reflected in the contemporary literature of Maimun Sikha Gitika. We read:

বড়ো দূরে সভ্য জাতি ফাগু ওনার
চেয়ে অপর দিয়া মিছা মাজির দেয়া কার
জানে মন মার বাজন বিচার পাইয়া
চুলের বধু বাজির করে পাই দূরাচার.

27. Siyar, Vol.II, p175. Qazi Ghulam Jafar was Chief Qazi at Murshidabad under Alivardi.
28. Salimullah p. 69
29. ibid, p 69
30. Hist. of Bengal II, Sarkar, p 343
31. Salimullah p-69 Riyaz - p-284
Mir Jumla (Muazzam Khan) 1660-63 Subahdar of Bengal.
The Muchal rulers of Delhi and the Nawabs of Bengal entrusted their judicial functions primarily upon their Zamindars though the Mughal rulers and the Nawabs of Bengal dispensed justice at the capital and provincial headquarter respectively yet it is difficult to presume that ordinary people from distant towns and villages could easily seek justice before the Royal court or court of the provincial Nazim. Again, the Zamindars were both Hindus and Muslim. In Calcutta the Zamindar, during the period under review was English East India Company.

34. Among the sixteen principal Zamindars of Bengal during the period under review only one was Muslim.
We hear that the Zamindars took the advice of Hindu Pandits and Muslim Qazis while administering justice but non-Muslim Zamindars could not be expected in implementing Islamic codes in detail. Even the Nawabs themselves were not always sincere in applying the same.

We hear, civil disputes on the complaint of a Muslim subject was referred to the local Hindu Zamindar36. Nawab Shuja'ud-Daula was said to have dispensed justice with utmost impartiality. Ghulam Hussain Tabatabai writes37:

but he condemned to death Nazir Ahmed and Morad for their extortions and consficated their wealth 38.

The order against the Qazi's decree passed by Nawab

35. Bharat Chandra Granthabali p.147

36. Complaint of a Muslim subject of susang made to Emperor Aurangzeb, was referred to the local Hindu Zamindar for justice on the spot. Bengal under Akbar and Jahangir, Roychoudhuri T., pp-22-23.

37. Siyar, Vol. II p-488 Lucknow, 1866 (Persian Version)

38. Salimullah, p-77, Capital punishment can not be awarded for extortion as per Islamic law. Orders for Capital punishment often depended upon the whims of the Nawab. Alivardi passed order of execution of Fakir Seiful Huq on the prayer of the sons of Zamindar Badulzama so that the latter could be freed from the influence of the Fakir. Birbhum/I tihas, Mitra G., pp. 114-115 Vol.I.
Shuja'u'd-Daula vide his parwana issued in the year 1143 A.H. in favour of Raja Rana Singha of Susang will reveal the Nawab's regards for Islamic Law. The fact of the case is that Djiyar khan converted Raja Ram Sing of Susang into Muslim and gave in marriage with a Muslim lady. Ram Singh got Muslim name Abdul Rahim. After the death of Ram Singh, Rahimyar his son from the Muslim wife and Rana Singha, his son from the Hindu wife (who was not converted to Islam) lodged complaint to the local Qazi over their share of Ram Singha's Zamindari. The local Qazi ruled in favour of Muslim Rahimyar but the Nawab on appeal against the Qazi's order, ruled in favour of Hindu heir Rana Sinha, absolutely. The East India Company set up Mayor's Court of Calcutta in 1704 to administer justice as per English Law even among the disputes between Indian subjects. Nawab Shuja'u'd-Daula once questioned their authority in this matter and also


40. Synopsis of the article "The Court Cutherry the Mayor's Court Calcutta" by J.K.Mukherjee, PIHG-1945. pp. 302-3

41. Jurisdiction of the Mayor's Court over the Indian subjects were taken away by the charter of 1753 which allowed the said court to take cognizance of only those suits of the natives which were submitted before it by both the parties in dispute.
brought other charges against them but all the charges against the Company were compounded when the Nawab received Rs. fifty five thousand from them. 'No further attempt was made to prevent the English Company from administering English Law in disputes between Indian subjects.' Moreover, the Nawabs by their subsequent activities confirmed the administration of justice by the English Zamindars who were in fact, discharging their judicial functions in the manner they liked to suit the commercial interest of the English India Company. Evidence from the Bengal Public Consultation Books reveals that accused of murders were sometimes arrested but no punishment was awarded for committing the offence as there was no court of judicature then at Calcutta. Again accused of theft, and murders were some other times arrested but "the gentlemen belonging to the court do burn such persons on the check and turn them on the other side of the water". We learn from

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42. East India Company's Land Policy, Huq. pp. 20-21 (HalaL Society, Dacca, 1964)
43. Extract from Diary and Consultation Book, Fort William, dt. 29.8.1706, Unpublished Record, Long J.
Wheeler that the English Zamindar could detain the accused of theft for any space of time and even for life. In cases of murders we know that the Nazims took cognizences but we see that accused of murders were tried by English Zamindars who did not commit these cases to the Nazims but referred only to their President for confirmation of punishment of whipping till death. We do not have sufficient evidence to show that the Nawabs interfered much in the judicial administration of English Zamindars. Nor any positive steps were taken, since the days of Viceroy Azimush-Shan to send any Qazi to administer justice among the natives of Calcutta. The East India Company could detain native weavers, merchants and dellols for their failures to repay their loans given to them in Calcutta and Cossim Bazar. The Country Governments were not

44. Early Records of British India, Wheeler pp.219-220
45. Ibid, p.219
47. Extract from the B.P.C, March 1748, Selection from Unpublished Records, Long J.
only passive onlookers about the administration of justice by the English Company but we see that in the year 1757, Nawab Siraj-u'd-Daula went to the extent of confirming the decision of the Mayor's court in the dispute of Ramjivan Vs. Wood ⁴⁸, declaring that "They (the English Company) had set peons upon your house aggreable to their custom, for which reason you have put chowkeys upon all the company's factories within your districts and stopped their business, imprisoning their Gomostas. This manner acting is contrary to your interest and vary as it is by no means allowable that a Zamindar should take such a step without an order first."

48 As per the decree of the Mayor Court, the property of Maharaja of Burdwan at Calcutta was attached, for the failure of his servant Ramjivan to repay the loan of Mr. Wood. Maharaja had in no way any connection with the debt of Ramjivan. But when he stopped business of the Company but chowkeys upon their factories within his jurisdiction to retaliate the injustice of the English Company.

49 Tr. of the decision of Nawab Siraj-u'd-Daula on the Arzi of the E.I.Company referred by Maitra A., in Siraj-u'd-Daula. p-81, and also Extract from the B.P.C. dt. 5.5.1755, Unpublished records. Long. J.
The literal meaning of the term Zamindar during the second half of the 18th Century is possessor or proprietor of land in the same manner, as Maldar signifies possessor of property. Zurdar possessor of money; but in its general accepted meaning, it implies a proprietor of land who paid rent to the Emperor or any other ruler and is equally applicable to every landholder, whether possessing a greater or less number of villages or only a portion of village.

The term Zamindar was applied to some tributaries during the period of the Sultans but under the Mughals the term Zamindar was frequently used and included from semi-independent powerful chiefs to intermediary landholders and inferior revenue collecting agents such as Choudhuries, Muqaddams, Khots etc.

1. Ghulam Hussain Khan's answer to question no: 1, Extract from Harrington's Analysis of Bengal Regulations.
2. Administration of the Sultans, Quraishi I.H., P.107
3. The word Choudhury denotes a holder of landed property and classed with Zamindar and Taluqdar as well as headman of a village. He was associated with the revenue administration at the pargana level.
4. Muqaddam; Arabic a hereditary occupant of an estate in a village, immovable as long as paying a fixed rate to the Zamindar or the Raja. In some places, he was solely responsible for public revenue.
5. Hereditary revenue officers, came to hold the position of a Zamindar as well as to claim hereditary proprietary right in land. They exacted from the cultivators annually as large a portion of the crop as he could enforce. Their rights originated with the grants issued by the state or by their employments as such.
In Bengal the term Bhunia, Bhoumik were used to denote landholders and local chiefs that was why this province was called land of bara Bhunias'. The connection of the term Zamindar varies from place to place. For example, in Bundelkhund it denotes actual tiller of the soil.

Qazi Mohammad A'la Thanwai in his Ahkam-ui-Arazi completed in 1745 A.D., opines that Zamindar should be regarded as some sort of tax gatherer whose powers and functions were transferable through appointment or dismissal by the Sultan. A Zamindar, opines Roy Rayan, becomes a proprietor of lands in his Zamindari in consequence of paying the revenue of submitting to the authority of the sovereign and of succeeding to the inheritance of a Zamindari to the lineal descent, with power of alienation by gift or sale. This indicates their relation with Government. As all the Zamindars were not equal in status we may first classify them for discussing the relation between the Zamindars and the Government.

8. Raja Raghudev received the title of Sudramani from Nawab Murshid Quli, Bansberia Raj, S.C.Dey, p. 28.
The big Zamindars: They acted as the real intermediaries between the imperial authority and various subordinate land holders including petty Zamindars. They obtained their rights either from the Emperors or from the Nazims. Some time they received their titles from the Emperors or in later age from the Nazims. Many intermediary Zamindars were appointed as Chakladars, Chaudhuries or Qanungoes and these appointments helped them to keep personal contact with the provincial governments. Upon the death of a principal Zamindar, his heirs transmitted an account of the event in a petition to the Diwan of the province, the Roy-Royan and to the Nazim with letters to all principal courtiers, soliciting their protection. To an heir or heiress, who paid large revenue, the Nazim returned answers of condolence and dress to the former. Letters to similar purport were also transmitted by the Diwan and the Roy-Royan. After the funeral rites, the adult heir (or his agent when the heir is minor) was presented to the Nazim by the Diwan and Roy Royan, after receiving the betel leaf and honorary dress and shawls.

Upon the demise of a Zamindar of secondary rank a pair of shawl and condolence letter were given to his heir.

1. For example, Raja Rameswar received hereditary titles of Rai Mahasai from Aurangzeb, Sanad quoted at p-20, Bansberia Raj; S. Dey.

10. Appendix -9, Notes of Bāre Mal, Harrington's Analysis.
The petty Zamindars included the proprietors of a taraf or simply one village, even the peasant proprietors of cultivating their own lands. The tenure was by custom. They did not obtain Zamindary rights through Imperial sanads. These petty Zamindars had little scope for participation in general administration of the province as they were usually under the sphere of influence of the principal Zamindars. Jafar Khan did not allow petty Zamindars access to his presence. Upon the demise of a inferior or petty Zamindars, his heirs received an answer of condolence from Roy-Royan with betel leaf.

The frontier Zamindars: They were independent to a certain degree since their estates were situated in the outlying regions of north-eastern and western frontiers of this subah which could not always be kept under effective control.

11. a subdivision of pargana including several villages.
12. a small tract, smaller than a pargana, for the revenue of which only one engagement is entered with the govt.
14. The Zamindars of Bengal, Shirin Akhtar; p. 17
15. Riyaz, p. 257
16. Notes of Bare Mal, Appendix - 9, Harrington's Analysis.
Raja of Bishnapur or Raja of Birbhum were such frontier Zamindars. They were even exempted from paying personal attendance to the court of Murshidabad, were permitted to depute agents to the court of the Nawabs. Most of the frontier Zamindars were Peshkashi Zamindars. The Mughals rulers had tried to convert the Peshkashi Zamindars into Malguzari Zamindars. Birbhum Zamindari was later converted into Mal Wajibi Zamindar while the Raja of Bishnapur continued to pay the tribute in an irregular manner. A clarification of the terms Peshkashi Zamindars and Malguzari Zamindars will explain the difference in their relation with the governments. Peshkashi Zamindars used to send fixed tribute sometimes in cash sometimes in kind, at other times both, as a token of allegiance. "The Peskashi or fixed tribute was not based on any measurement of cultivable land or assessment of seir collection. No Qanungo was placed in their territories to regularise revenue management as required for other categories."  

17. Riyaj, p. 257  
18. For instance Prince Shuja in order to increase Government revenue, fixed the amount of pish to be paid by Raja of Susang instead of Agarwood and ivory which was also desired by the Zamindar of Susang.  
The Zamindar of Susang used to send Agarwood, ivory etc., as peshkash but after 1645 A.D. Raja Ramjiban sent fixed revenue to avoid administrative complicity. The peshkash Jama was not based on any measurement of the land or sair collection. The Malguzari Zamindars on the other hand had to pay the dues of the State on the cultivable lands and sair duties of their Zamindaries. Their share of the revenues was variable depending on the actual yields. They used to receive credits for muzcoorat and nankar. Their rights and duties were more specific and subject to scrutiny by the provincial and imperial authority. They were entrusted by the Nazims with the duties of maintaining law and orders within the territorial jurisdiction so that travellers and passengers and traders might travel without any fear from robbers or miscreants. At the same time they were expected to encourage the raiyats and promote the advancement of cultivation. The

23. Karim p-75
25. Zamindars received credit for certain articles under the Muzcoorat or particulars. Among this Nankar is included.
26. deductions allowed to cover the Zamindars expenses in collecting revenues, admitted fees, religions assignments etc.
Zamindars were, according to the custom of the age required to execute a bond (i.e., muchleka) with an undertaking for observing their duties. The Zamindars with their servants were further required to assist the Amlas of the governments and the Foujdar in apprehending criminals. Similarly, the Mutsuddis, Qanungos, and other government officers were required to co-operate with the Zamindars. The Principal Zamindars since the days of the Emperor Akbar, supplied aid and assistance to the Mughal Governments in defending the Mughal territories against the Magh and Maratha in roads and also for the expansion of Mughal dominion. They had to maintain 23,330 cavalry, 80,150 infantry, 4260 guns, 1170 elephants and 4400 boat for this purpose. The Khulsat Twarikh of the late 17th century also confirms that the Bengal Zamindars were expected to furnish 4200 guns and 4400 boats in addition to

27. Sanad of Nawab Sarfaraz issued to Raja Ramjivan of Rajsahi; tr. and published in Harrington’s Analysis.
29. Ramkunta’s muchleka; ibid, pp. 77-78.
30. Reza Khan’s remarks: in Persian Correspondence referred by Shinin Akhtar, in Zamindars of Bengal
31. Farman of the Subahdar to Ram Singh alias Rahim of Susang in the year 1143 A.H.
their stipulated revenue for the same purpose. As expected the Zamindars assisted the Mughals in the early 17th century in the wars against Kuchbehar, Assam, Kuch Hajo etc. Munawar Khan, Zamindar of Bagadia 34 assisted the Mughal army in their expedition against Chittagong and Assam 35. In the coastal region, the Zamindar of Chandradwip and Banaripara defended the country and its people against the raids of Mugh Ferringi pirates and enjoyed nawara land for their service 36. The Zamindar of Bardwan responded to the call of Nawab 'Ali Vardi with men and money in defending the country against the Maratha invasion. This Raja had also sent an auxiliary force in aid of Alivardi against Rustam-Jang 37.

On examination of the administrative relation of the Zamindars, we find that the responsibilities of internal administration within the territorial jurisdictions of the

33. India of Aurangzeb, Sarkar, P.96, referred by Shirin Akhtar in The Role of Zamindars in Bengal, P.96
34. Bagadia is in the district of Dacca.
35. Mughal North East Frontier Policy p.142, JASB 1907
respective Zamindaries were thrown upon the Zamindars as parts of their obligation for enjoying the Zamindaries, while the governments were only interested in extracting the income of the Zamindaries. Any default of remitting the tribute or revenue in time was viewed as an act of insubordination; defaulting Zamindars were called Jortalab or rebels. Under Nawab Jafar Khan, defaulting Zamindars were inhumanly tortured. A number of defaulting Zamindars were also imprisoned and lost their Zamindaries. But we must not conclude that Nawab Jafar Khan always resorted to draconian measures with the defaulting Zamindars. We are informed that successive Aamils were sent to the defaulting zamindar Ramnath of Dinajpur. Nawab Shuja-u'd-Daula, on his accession to the musnud however, released them under promise of remitting the revenue in due time. Yet all the Zamindars were not punctual in paying revenue to the State as for instance, we hear that "the Zamindar of Mayna (in the Midnapur district) like his brothers of the jungles, was not then as now, a peaceful subject and used to shut himself

38 Riyaz, p-258-59. This type of imprisonment and torture also continued till the rule of Nawab Siraj-u'd-Daula when we hear, Raja Kishor Sinha of Susang was imprisoned and inhumanly tortured at Dacca as he had failed to pay his arrear revenue; Maimansingher Barindra Brahman Zamindar, Roy Choudhury S., pp. 70-72.

39 Harrington's Analysis p-110.

in his fort whenever called upon to settle his lands or
to pay their revenues". Defaulting Zamindars were
sometimes asked to furnish securities. For instance, Ram-
chandra and Bhupal Roy, Zamindars of Hijli, became such
securities for the Zamindars of Bhuiya muta and when the
latter absconded, the securities succeeded to the Zamin-
dari in 1720. Sometimes, defaulting Zamindars were
compelled to sell portion of their Zamindaries to the
Taluqdar or any other officer to pay their arrears. For
instance in 1741, the Zamindar in Jalkapur pargana sold his
land to fourteen Taluqdar, retaining for himself one taluq
in his slave’s name. In 1756, the Zamindars of Kharagpur,
Kedar and Balarampuri sold to two as 15 gundas share to Govinda
Das, Diwan of the Foujdar of Midnapur.

On the Punya day Zamindars used to bring to the Nawab,
arrears of the preceding years, partly in cash and partly
in the form of Jagat Seth’s receipts. This naturally
enhanced the latter’s importance and created an unhealthy

41. Hist. of Midnapur, Bayley. p-3
42. Chance in Bengal Agrarian Society, p112.
43. Ibid. F. N. p112-3
44. Ibid. F. N. p112-3
45. It falls on the beginning of the year of revenue collec-
tion either in the month of 2nd of Chait or early
Baisakh. A wonderful gathering of the Nawab, his prin-
cipal officers and Zamindars held on that day when
Izaradars and Zamindars etc., brought six or seven
relation between the Zamindars and the Chief Banker which surely went against the interest of the ruling house of this province.

The Zamindars after remitting the revenue, were practically allowed to exploit the people and traders freely by imposing various vexous taxes and imports. "As the government received regular payment", remarks Anjali Chatterjee, "Zamindars were left free to manage their internal affairs as they wishes for, nowhere do we find evidence of any interference of government officials in the internal administration of the Zamindars". However we have also the evidence of Nawab Jafar Khan's active interference in the matter of Zamindar's administration when the Nawab subdued Udaynarayan of Rajsahi since the latter allowed his soldiers in extorting money from the subjects for their arrear salaries. Such interference was made with an object of subduing the same Zamindar as his growing power was alarming to the Nawab. Zamindars who committed robberies into the neighbouring Zamindars could not escape punishments when such incidents were brought to the notice of the government, Suja Khan and Nejabut Khan.

- 46- Tarikh-i-Bangala ... ... ... - Y-Ali, tr. Ab Subhan- 

114.

lakhs of rupees in cash as revenue and for the rest of the due amount Jagat Seth submitted his promise in writing.

46. Tarikh-i-Bangala ... ... ... - Y-Ali, tr. Ab Subhan- 

p. 114.
two Afghan Zamindars of Tunghee Sherpur, in the Sarkar Mahmudabad were imprisoned and lost their Zamindaries when they committed robberies into the neighbouring Zamindaries which has been discussed earlier. Thus, it will be wrong to conclude that the State always remained a silent spectator of Zamindars' tyrannies and oppressions upon their subjects or the State never interfered with the tyrannies and oppressions of the Zamindars nor the people had always submitted weekly to tyrannies and oppressions of the Zamindars. We may cite at least one example to show that people sometimes had been trying to resist tyrannies and oppressions for a long period and the State under the rule of Nawab Sarfaraz intervened to put an end of the tyrannies of the Choudhuries of Noapara. However, extracting money from the people and traders in the form of taxes remained unchecked and those were considered territorial rights of Zamindars.

47. Bengal under Aurangzeb, A. Chatterjee, pp-264-65
50. Bengal under Akbar and Jahangir, Roy Choudhury T., p-23
51. Bengal under Aurangzeb, A. Chatterjee p-05
The period under Nawab Jafar Khan witnessed the growth of six big Zamindaries and consequent decrease of a number of small Zamindaries yet Nawab Jafar Khan took certain steps to check the powers of Zamindars in two ways. First he sent his own Amils to the territories of the Zamindars for revenue assessment so that the latter could not hoodwink his government in respect of revenue matters. Secondly the Nawab withdrew sehabandi deductions from within the revenue of the Zamindaries. This gave a death blow to the military positions of the Zamindars who were now expected to confine their role primarily as revenue collectors. But all the Zamindars could not be made completely powerless, as a number of them, under Nawab Jafar Khan and under his successors, rose in revolt. Moreover, it was noticed in later period that some of the Zamindars assisting the Nawab with their military force.

6. Six big Zamindaries of Rajsahi, Bardwan, Nadia, Birbhum, Bishnupur and Dinajpur supplied half of the total revenue of this province.


54. Evolution of Zamindari and Taluqdari system in Bengal, B.L. Grover, Third History Congress, Bangladesh.

55. Supra, p. 219.