CHAPTER-II

ADMINISTRATIVE ORGANISATION I: THE
SUBAH DAR — HIS POSITION AND POWERS
In the Mughal system of administration the Subahdar occupied a very significant and unique position. He was the civil and military head of administration in the province and carried on imperial policies and measures. He was the prototype of the Emperor's powers and functions and was responsible for war and peace, tranquillity and prosperity, agricultural and industrial growth in the Subah and was in direct communication and command from the Central authority.

During the sultanate of Delhi there were provinces called iqtas and military areas under governors. But the system was not uniform. The Mughals divided their Empire into Subahs and the administrative agency in the provinces of the Mughal Empire was an exact miniature of the Central Government. It was Mughal Emperor Akbar who devised new methods and evolved a well-defined administrative organisation. It was his innovation that he established a regular system of provincial administration.¹

There was a network of officers in the province. But the most important among them was the provincial governor who actually governed and controlled the province.² Under the Lodis and the Surs the provincial governor was called Hakim.³ Akbar after reorganisation, gave the title as Sipah Salar⁴, although

popular connotation was that of Subahdar. Later on, they were termed as Nazim. The Sipah Salar or Subahdar was the viceregent of the Emperor.

Method of Appointment

When a Subahdar was appointed the Emperor invested him with the insignia of office and bestowed on him a high rank with befitting honours and other gifts. When Prince Murad was given the government of Malwa in 1591, he was adorned with befitting honours and a kettledrum together with an umbrella and a togh (banner) was presented to him. He was given an instrument of instructions at the time of his departure to take over the charge. For instance, farmans containing these instructions were sent to Shahbaz Khan, the governor of Malwa in 1594 and to Prince Murad while he was governor of Malwa in 1591.

---

The Subahdar was appointed by an Imperial order, in official terminology known as the 'farman-i-sabati'. On his appointment the governor had to go to the Imperial Diwan to take his leave before proceeding for his province and was delivered charge of his post.

We find that on certain occasions a person appointed Subahdar of a particular province was sent out to his new charge with increased mansab. In 1576 Shihabuddin Ahmad Khan was appointed Subahdar of Malwa with his rank elevated to a mansab of 5000. It seems to be a case of promotion. But on the contrary there is evidence of an appointment of a person, to the post of governor, holding superior post. On the accession of Aurangzeb to the throne in 1658, Jafar Khan was divested of the post of Wazir of the Empire and appointed governor of Malwa where he remained from 1658 to 1663. Jafar Khan was one of the most successful governors of Malwa. Here it has to be stressed that this was not at all a case of demotion but change of assignment though not as exalted as that of a Wazir but of great initiative and power as that of a Governor. It was also a re-assertion of the Emperor's will to

have a new incumbent of trust and confidence to the position of Wizarat. After the removal of Jafar Khan from the post of wazir, his loyalty, integrity and efficiency was checked in the course of his services in Malwa and when Aurangzeb reposed confidence in Jafar Khan, he was again appointed wazir of the Empire in Aug., 1663. Obviously loyalty and integrity were the main qualifications pertaining to the office of Wizarat as well as of the Subehdari of a province.

**Deputy Governor as Ataliq**

Generally responsible persons of befitting qualifications and experience were appointed as governors of provinces. But in the case of royal princes and sons of nobles of high rank, an experienced and capable person was invariably deputed and sent as Ataliq (guide and preceptor) to the young Subahdar, who was consistently impressed upon with unceasing instructions to follow the advice of the Ataliq. The Ataliq was held fully answerable for any sort of inefficiency or maladministration. Shahbaz Khan Kambu was sent as Ataliq to Mirza Shahrukh when he was appointed governor of Malwa in 1593-94. Similarly the appointment of Ismail Quli Khan as Wakil to prince Murad, on his appointment to the post of Subahdar of Malwa, served the same purpose.

2. Wazir Khan, the Ataliq of Mirza Abdurrahim was held responsible for the chaos and maladministration in Gujarat and was recalled and was demoted to the faiydarship of Idar. **Miraat-i-Ahmadi** (Baroda Text), pt. I, p. 137; Akbarnama III, pp. 217-218.
Officiating Governor or The Agent of Absentee Governor -

We notice in some cases, the duly appointed governor is absent and an agent of his own choice, subject to the approval of the Emperor, was to administer the Subah in his name while the regularly appointed governor was away from his Subah either at the Imperial Court or on some assignment at the Emperor's behest or due to personal reasons he has to stay away from his seat of power. Sometimes he was absent for his being on public duty or on a campaign, and a deputy was appointed to officiate in his place during his absence. We find Khan-i-Dauran, Nasiri Khan of Malwa officiating in the same manner as he went to suppress a rebellion in Balaghat during the absence of Khan-i-Zaman, the governor in 1635.

Institution of appointing Joint-Governors -

After giving a lot of thought to the problem Akbar in his thirty-first regnal year, found it necessary to appoint two persons to each province as joint governors with the intention that if one came to the Court, or should fall ill, the other might look after his work. He also sent with them a Liwan and a Bakhshi. But this practice seems not to have been strictly followed subsequently. Under this system of joint-governors

3. Akbarnama, III, 511.
which the Emperor made at this time, Abul Fazal informs that in 1585-86 Khan-i-Azam Mirza Aziz Koka and Naurang Khan were sent out as joint-governors to Malwa.\(^1\)

**Tenure of Appointment**

Indeed there is a lack of evidence to indicate a fixed term of office of a governor in a province. A reference made by Tavernier suggests that a governor was expected to retire from a province in three years\(^2\) and normally a governor was not allowed to remain in the same province for more than three years, though there are many cases in which more longer term was given to a governor. In the case of Malwa the governorship of Muzaffar Khan Turbati, Mirza Shahrukh during the reign of Akbar, of Nasiri Khan, Khan-i-Dauran during the reign of Shahjahan and of Jafar Khan and Mukhtar Khan Qamruddin during the reign of Aurangzeb extended up to five years or more\(^3\). But normally we see, that in Malwa the tenure of governors did not exceed three years as a general rule. However, it may be said, in general, that where conditions were more stable or bad a competent governor was allowed to serve for a longer term. Usually transfers in normal times took effect with the intention of not allowing a governor to strengthen his roots in a particular province.

2. Tavernier, p.63. "Shaista Khan, having completed three years of his government, according to the custom in the empire of the Great Mughal—— he withdrew to Agra, where the court then was".
3. See Appendix I(Table of Provincial Governors of Malwa from 1562 to 1707).
**Importance of Subah Malwa**

The Mughal Subah of Malwa was in territorial dimensions one of the largest of Akbar's provinces. In 1594 it comprised 12 sarkar but in 1667 it had only eleven. Malwa was attached special importance by virtue of its position on the great Mughal route along which armies and caravans marched from Delhi to Deccan, so also the routes to Gujarat and to the sea-ports on the western coast passed through it. For striking at Rajputana, Khandesh, Gondwana or Berar, Malwa provided an excellent military base. Most of all, industrially Malwa occupied the first rank among the Mughal Subahs after Gujarat.

Occupying such an importance Malwa was given special attention by the Mughal Emperors and more competent, efficient and confidential men were entrusted with the post of Subahdar of Malwa. Its importance further enhanced when Aurangzeb was busy in the Deccan wars Aurangzeb had, therefore, made it a point to appoint to its governorship either some prince of royal blood or some more trusted officer. When Bidar Bakht was the governor

---

1. Khulasat-ut-Tawarikh (p. 34a) mentions Bijagarh as one of the sarkars of Malwa. India of Aurangzeb, p. XXVI, Manucci, II, pp. 413-4. The change seems to have continued even afterwards Chahar Gulshan does not mention it also (1720), pp. 80a, 80b; India of Aurangzeb, pp ix, 141-2; S.K. Bhatt, 'Five Persian Documents of Aurangzeb's Reign From Malwa', PIHC, Hyderabad, 1978.


4. Ibid., p. 293.
of Malwa he had to escort the treasures passing through Malwa and provide safety from the Maratha depredations. Due to his illness (Dec. 1703-Jan. 1705) the prince appointed Jai Singh of Amber, his confidential officer, to escort the treasures and also officiate as his deputy in Malwa. Aurangzeb objected to this appointment and sent instructions to Bidar Bakht to remove Jai Singh from the post and then replaced him by Khan Alam. For future guidance, Aurangzeb ordered that no Rajput was to be appointed Subahdar or Faujdar.

Thus it becomes clear that Malwa remained, more or less throughout the period under review, i.e. 1562-1707, extremely important due to its strategic and territorial importance as it become a vantage point to further Deccan campaigns of Aurangzeb.

Reception of the Subahdar -

The farwans of appointment or transference were sent through a sazawal who had the duty to announce the news to the provincial governor and escort him to his new charge asking the outgoing incumbent to make over charge to the incoming man.

1. Many of the letter in Inayetullah's Ahkam-i-Alamgiri (Rampur MS) contain the instructions to this effect.
2. Ahkam-i-Alamgiri, ff. 68a, 72b.
3. There are numerous references of this information in the chronicles. See Tuzuk-i-Jahangiri (R & B), I, p. 373 and II, p. 200.
Equipped with men of his choice to assist him in the government of the province\(^1\), the governor arrives in the province to take over the charge. On his arrival he was greeted by the fief holders and zamindars of the province. In the year 1591 when prince Murad was appointed Subahdar of Malwa\(^2\), all the local zamindars came to pay homage to him on his arrival\(^3\).

**Etiquette of the Subahdar's Court**

The Subahdar had to imitate the Emperor's etiquette in the province. For instance, in 1591 Prince Murad, the Subahdar of Malwa sought advice from Akbar as to how he should accept the salutation of the nobles. Akbar ordered that he should follow the Emperor's practice. In the assemblies nobles should be allotted seats according to their mansabs. But the nobles who have excelled in their sincerity, integrity, service and favours, should be allotted their proper place or they be assigned special distinction in their seats\(^4\). The governors, however, were not permitted to assume royal airs,

---

1. Obviously subject to the approval of the Emperor. When on his appointment Murad asked two persons of his choice and named them to accompany him for Malwa, Akbar only allowed one See *Akbarnama, III* (Trans.), p.914. Ismail Quli Khan as Vakil and Mukhtar Beg as Bakhshi and several others accompanied Murad for Malwa. See *Akbarnama, III*, pp.599-600.
3. Ibid., p.604.
4. *Microfilm in the Department of History, no.29, ff.401b-404b of Akbarnama Ms.Br.Mus.Add,27247* (This will be referred ahead with the abbreviation of Mic.)
or to copy the imperial court in the execution of those powers which were the peculiar symbols of royalty. Jahangir, in the sixth regnal year got the information that some governors were imitating the imperial regalia. He, therefore, ordered the Bakhsis to circulate orders that they should not do so in future. The governors were ordered not to observe jharokha darshan, not to ask their officers to keep guard on or salute them, avoid from engaging elephant-fights, not to inflict punishment of blinding, or mutilation of any limb. He also forbade the governors that not to compel anyone to accept Islam, not to confer titles on servants, nor order royal servants to do kornish or prostration, nor force singers to be present in attendance as in the imperial court, nor beat drums when they went out --- nor to seal anything they wrote.  

Secret Council of the Subahdar -  

The Subahdar had to adorn his Secret Council for the discussion of crucial matters and seeking advice, with men of sincerity, integrity and trust. When Prince Murad was governor of Malwa, Akbar directed him to consult Ismail Quli Khan in the first instance on vital matters of statecraft since Ismail Quli Khan and Jagannath, had distinguished themselves by loyalty to the Prince. However at the same time, to

1. Tuzuk-i-Jahangiri(R & B), I, p.205  
2. Mic.,ff.401b-404b; Jagannath was one of the several important officers who accompanied Murad for the government of Malwa. See Refaqat A.Khan, The Kachchwahas Under Akbar And Jahangir, p.146.
give uninvited advice to the governor was regarded punishable. Such an advice was tendered by Badauni to Pir Muhammad in 1562 while he was governor of Malwa. Of course the governor was also advised to exercise economy of words as well as of sentiment and to behave very carefully in society to shun frivolous company and avoid men of no consequence.

As the Mughal government was highly centralised obviously the Mughal emperors did not favour much delegation of authority to the provincial governors. The governor's powers and functions were carefully defined. These were threefold in nature—Civil, Military and Judicial. Abul Fazl states that the Subahdar was to regard his office of command as that of a guardian and the troops and the people were under his orders and their welfare depended upon his judicious administration. He should keep all classes of the people in his province pleased by his good behaviour and prevent oppression of the weak by the strong.

**Civil**—Being the executive head of the entire province the governor was responsible for the general administration, welfare, security and prosperity of the people. His recommendations about the mansabdars under him were accorded

---
due weightage and given effect to by the Emperor and therefore it was the Subahdar's duty to recommend only deserving officials for promotion\(^1\). The governor had to keep up law and order, carry out royal orders and regulations, help regular collection of revenue and protect civil rights of the people. A bilingual hasbul hukum of Shihabuddin Ahmad Khan, the governor of Malwa dated 978H suggests that the orders of the Emperor were sent to the governor of the province and it was governor who circulated the royal farman with his hasbul hukum. It contains eleven lines on the obverse in shikasta Persian and fourteen lines in Hindi (mixture of Persian and Nimadi) and there is a seal impression of Shihabuddin Ahmad Khan, in the centre of the tenth line from the top. The farman contains on the reverse the endorsement in four lines with seal. On the top of this hasbul hukum is written "Farman Jalaluddin Muhammad Akbar Badshah Ghazi" and below it "Hukum-i-Shihabuddin Ahmad Khan Hasani"\(^2\).

It was the bounden duty of the governor to take lively interest in promoting agriculture and enhance revenue realization, refractory elements and work of the state as well as to suppress/for the prosperity of the peasantry. In 1576, Akbar sent Shihabuddin Ahmad Khan to Malwa as governor of the province as he was distinguished for ability and cherishing of the peasantry\(^3\). We have information

1. Ibid., p. 39
of Jafar Khan the governor of Malwa from 1658 to 1663 working hard for the increase of revenue of the province and establishing law and order. He also devoted his attention to the prosperity of the peasantry who were in distress from the exploitations of the local zamindars ever since the later years of Shahjahans reign. This information clearly points out that the provincial governor's most important duty was to save the peasants from the unnecessary exploitation of the zamindars and revenue collectors, improve agriculture.

He was also required to collect the tribute due from the neighbouring or constituent vassal chiefs or zamindars and to arrange for its safe convoy to imperial treasury. But he could not exercise authority over those having direct relations with the Centre, unless he was especially authorised or favoured. For instance, Nasiri Khan, the governor of Malwa during Shahjahan's reign took action against the zamindar of Kumar and even asked additional from the Emperor to punish the zamindar who had stopped sending annual tribute and disowned allegiance to the Mughals.

A parwana of the governor of Malwa dated 1691 significantly throws light on the lenient religious outlook of the Mughal Emperor Aurangzeb in giving exemption to the Brahmins

from Jazia in the sarkar of Sarangpur, subah Malwa and simultaneously carefulness and strictness of the Mughal governor in the enforcement of the Imperial order. The text of the parviana of the subahdar of Malwa to the Jazia collector of pargana Shajapur in the sarkar of Sarangpur which is dated 1691, reads as follows:—

"Be it known to the Jazia tax-collector of pargana Shajapur in the sarkar Sarangpur of Subah Malwa that Chakrapani, Brahmdatta, Morarji, Mohan, Pitambar, Narottam, Hameshwar, Jajan, Awanti, Laleji, Indraji and Narwesar, Brahmins of the said pargana represented that they are poor and feed themselves on alms. They were exempted from the Jazia tax by a sanad issued by the darogha Jazia, but inspite of it, you are imposing the said tax on them. It is hereby ordered, therefore, that according to the sanad issued by the Royal Order—whose dignity is very high—they are exempted from the Jazia as from old. Present and future daroghas ought not to be strict and should not disobey this order. (For the kind act) the Brahmins should pray for the Emperor's health and prosperity. You should never act against this order. Dated 6th Rajab in the year 33rd julus." 1

This document clearly indicates the broad and benevolent outlook of the Emperor Aurangzeb towards his non-Muslim subjects in realising Jazia and also points out that those who...
were poor and incapable to pay Jazia were leniently given exemption from this tax. However historians like Jadunath Sarkar in his book Anecdotes of Aurangzeb indicts him levying Jazia relentlessly. The above quoted document also shows the vigilance and strictness of the governor in checking the oppression and his activeness in getting the compliance of the Royal order.

Under his civil duties the governor was responsible for general law and order. For this purpose he had Faujdars in the districts, Thanadars in the sub-division of the district and the Kotwals in the towns. He was held responsible in cases of roads robbery as has been indicated by the following instance. During the reign of Jahangir the governor of Malwa Mir Jamaluddin Husain, did not allow an English caravan to depart unless they gave in writing absolving him of all the blame if it were robbed. In another case Aurangzeb was reported from Ujjain in Malwa that the rebel Umr Khan had attacked a village in pargana Rampur and looted the property of Gopal Singh Zamindar at night. The governor was ordered by the Emperor to chastise the robbers and demolish their fort.

The governor was required to construct and repair works of public utility - reservoirs, wells, water-courses, gardens and sarais, and also to lay orchards and gardens. Above all

for the smooth running of the administration he had to arrange secret intelligence service and in this employment he should select honest, prudent, truthful and uncovetous men\(^1\) because it was this agency that served as the backbone of administrative organisation. It could detect and curb the misdeeds, refractoriness of the zamindars and conspirators. On it depended the security and tranquility of the province.

**Military**

The governor was responsible for the organisation, maintenance and leadership of the provincial army as the term Sipah Salar in the Ain-i-Akbari itself denotes. He had to ensure despatch of feudatory contingents. But he was not allowed to declare war on any chief or independent ruler without Imperial sanction.

A very important instance of the chief of Orcha (Undchah)\(^2\) substantiates this point very clearly\(^3\). In the year 1591 Prince Murad was appointed Subahdar of Malwa. On the arrival of the new Subahdar into the province, the zamindars of the Subah had to pay homage to the provincial governor. Therefore all the local zamindars came to pay him homage on his arrival. But the chief of Orcha Madhukar did not come. The prince informed the

1. Ibid., p. 39.
3. Akbarnama, III, pp. 604-606
Central Government and Madhukar was severely reprimanded and ordered to do submission and obeisance to the new governor.

Meanwhile, Madhukar had not submitted, and Murad in his anger attacked Orcha but was obliged to withdraw on account of Akbar's intervention. For this act Murad and his officers were much reproved and ordered to readjust the losses of Madhukar and to immediately go back to Malwa. This incident clearly suggests that the Subahdars were not empowered to attack the territory of the zamindars without getting sanction from the Central Government, except in cases of exigency.

Suppression of refractory elements and rebellions -

Under his military functions the Subahdar was to be more vigilant in keeping eye over the activities of the zamindars, local people and his own officers. This way his military functions included suppression of local rebellions, carrying out military operation for punishment of all refractory elements and to go on military expeditions whenever ordered by the Emperor. During the reign of Akbar Malwa was troubled by the princes known as the Mirzas who were distant relations of Akbar. They were six brothers namely Ulugh Mirza, Shah Mirza, Ibrahim Husain Mirza, Muhammad Husain Mirza, Masud Husain Mirza and Aquil Husain Mirza. Of whom the last four rebelled together.

with two sons of the eldest Ulugh Mirza and Shah Mirza. They had been provided with assignments in the Sambhal and Azampur districts. They rose and occupied some of the government parganas and when Munim Khan marched against them they fled into Malwa and disturbed the province twice in 1567-68. The rebellion was crushed by Shihabuddin Ahmad Khan as he was sent to help the governor and peace and order was restored in Malwa.

There were Bhils and Gonds in Malwa who troubled the officers at times. In Dec. 1632, one Bhagirath Bhil, the zamindar of the Khata Kheri, who had not submitted till then to any governor of Malwa, relying upon his stronghold unconquerable, committed certain excesses. Therefore Nasiri Khan, Khan-i-Dauran, the governor of Malwa went to punish him. On receiving information of the governor's march against him, Bhagirath was alarmed and sought the mediation of his neighbour Sangram, the zamindar of Kunar, to intercede for him. He promised to be loyal and compliant and pay a regular subsidy for the occupation of the fort which for a long time had been his home. Moreover he sought excuse for personal attendance at court. The evasive terms tendered by Bhagirath did not satisfy the governor and he resumed his march. Bhagirath lost

courage and surrendered the fort to the governor on a promise of forgiveness and safe conduct. Khan-i-Dauran occupied it on Dec. 24, 1632 and caused the prayers to be done in the name of the Emperor (Shahjahan) and sanctified it with Muslim rites.

A decade later while once again Khan-i-Dauran was the governor of Malwa, he had to go to suppress one more refractory chief. On the death of Sangram, the zamindar of Kunar who was loyal to the Mughal government, his chief officer Marvi Gond deprived his son Bhopal of the state, which he occupied himself. Marvi Gond also thrown off allegiance to the Mughals and stopped rendering payment of the annual tribute. Following him many other zamindars withheld their dues and showed defiance.

Thus the situation demanded stern action of the provincial governor and Nasiri Khan marched to punish the rebel. On April 26, 1643, he encountered a hostile army consisting of 5000 Gonds supported by seven or eight hundred musketeers who blocked his way. The brave Khan dispersed the rebel force after giving them a brief fight. Marvi Gond was horrified seeing the determination of Khan-i-Dauran. He asked Mirza Wali and Govind Das two trusted followers of the governor for negotiations but the efforts failed. Certainly the fort was too strong to be captured easily and therefore

Nasiri Khan asked Shahjahan to send two big guns and reinforcements. On reaching this reinforcement the governor opened the siege of the fort, bombarded it and Marvi Gond surrendered and came to see Khan-i-Dauran. The governor occupied the fort and put it in charge of his brother and garrisoned it with a contingent of 500 horse and 700 matchlock men.

Thus we see that Khan-i-Dauran acted very promptly and suppressed the refractory elements securing law and order in the province. Khan-i-Dauran was one of the most successful governors of Malwa and that is why he served for the longest span during the reign of Shahjahan.

During the later years of Aurangzeb's reign while he was engaged in the Deccan Malwa witnessed a rebellion in 1685 by Pahar Singh Gaur, a Rajput zamindar of Indrakhi in western Bundelkhand and was serving as Faujdar of Shahabad Dhamdhera in Malwa. Pahar Singh rose to rebellion and started plundering in the villages of Malwa. Rai Muluk Chand was officiating as governor in the absence of Prince Muhammad Azam. He went to suppress the rebellion by the order of Aurangzeb and inflicted a severe defeat on Pahar Singh in which the rebel was slain.

But the refractoriness was continued by Pahar Singh's son Bhagwant. Rai Muluk Chand once again advanced against him.

and after a tough battle Bhagwant was killed. Muluk Chand returned back to Gwalior cutting off Bhagwant's head. But in the very night of his return he died of cholera.

Thus we see that it was the most important duty of the governor to keep vigil on the refractory and rebellious elements and he had to be always prepared to crush any head raised against imperial authority.

The following duties were entrusted to the provincial governors by the High Diwan in the military framework of his functions: (a) to keep all classes of the people pleased and satisfied; to prevent oppression of the weak; (c) to recommend worthy zamindars for promotion as his recommendation was given weight by the Emperor; to send two despatches to the Emperor by dak chowki informing him matters of the province, not to release robbers (by taking anything from them). He was further directed to obtain information from the well-informed men of the province as to how many recalcitrant zamindars were required to be subdued by force. The estimation of the Sehbandi troops, that is, irregular troops employed to assist in revenue collection etc. somewhat like the armed police, was also required for running the work of control and administration and in case his retainers (Tabinan) and Sehbandai were inadequate he had to send petition for additional force.1

Though the governor was not allowed to make war on a feudatory state as already mentioned but in case he made peace, the terms agreed upon were subject to ratification by the Emperor who would tone them down or disallow them as inadequate if he thought it necessary. So both actions were bound to the approval of the Emperor.

The military role of the governors of Malwa increased during the last years of Aurangzeb's reign when a number of rebellions occurred in Malwa and further Maratha incursions created a lot of trouble to the Subehdars of Malwa in keeping control over the province and that disintegrated peace, prosperity and unity of Malwa.

**Governor and Faujdar simultaneously**

A governor could be given the charge of the Faujdar as well. On 5 Jan., 1704, Abu Nasr Khan (Shaista Khan II), the governor of Malwa was also appointed the Faujdar of Mandu on the transfer of Nawazish Khan. But he was proved weak and incompetent during the Maratha raids of 1703-4 and was dismissed by the Emperor from the governorship of Malwa.

Additional charge -

It seems that sometimes the Emperor could not decide the name of the governor for a particular province in time and that province was held by the governor of another province. It was done in cases of exigency also. Here are a few instances when military function of the governor of Malwa increased with additional charges. In 1611-12, Khan-i-Azam Mirza Aziz Koka was having charge of the Subahdar of Malwa with additional charge of the Deccan and the same charge was held by Shahnawaz Khan Safavi in 1647-48. During the last years of Aurangzeb on 3 Aug., 1704, Bidar Bakht was appointed governor of Malwa in addition to Aurangabad (Khandesh). His governorship of the province was full of activity as he had to move from Malwa to Khandesh or vice versa according to the situation.

Judicial functions -

Besides his civil and military obligations, the administration of justice also came under the purview of the Subahdar. In fact there was no separation of powers between executive and the judiciary. The governor held the court for the dispensation of justice.

2. Ibid., p. 228.
Subahdar's Court -

The governor, like the Emperor, set apart a day for administering justice in person\(^1\). In connection with the administration of justice he was directed to observe the utmost expedition and not to trouble the people by undue delay. In trying cases he was not to be satisfied with witnesses and oaths but to investigate the facts of the case personally and to deal the parties with courtesy\(^2\). The Qazi and other law officers attended the court and helped the governor in deciding cases. The court of the governor was both an original and Appellate court, and being the viceregent of the Emperor he heard appeals from all the courts located within the Subah including even those from the court of Qazi-i-Subah\(^3\). In original cases, the Subahdar usually sat as a single judge and appeals against his judgement went to the Appellate Courts at the Centre. In the proceeding of cases of appeal he sat on a Bench of which Qazi-i-Subah was a constant member, unless the appeal was from the court of Qazi-i-Subah. The governor took the law from law officers and pronounced judgement. In case, however, there was not sufficient legal evidence, but the Subahdar and the

\(^1\) Early Travels, p. 326.
\(^2\) Ain-i-Akbari, II, pp. 38-39
officials of the court were convinced of the offence, the accused was sentenced. Akbar in the 30th regnal year, among other instructions to some newly appointed judicial officers, enjoined on them to report to the Emperor if the governor was faced with a dilemma on questions of importance.

Above all the governor was 'an absolute lord, in the strictest sense of the term. He was in his own person the intendant of justice, the parliament, the presidal court...'

**Crimes and Punishments**

In Mughal India provincial governors and other executive officers were not allowed to award capital punishment in an arbitrary manner. By his farman in 1502, Akbar forbade the provincial governors to award death punishment without his permission, although Manucci observes that the governor was empowered to confirm death sentence.

Mirat-i-Ahmadi contains a copy of Aurangzeb's farman directing the governors of the subah with important instructions regarding the administration of justice. The farman reads thus:

---

"It was written on the 25th of the month of Safar, may God end it with goodness and victory of the 16th year of Royal Ascension to the throne. Administrators of the Subah should know that it is reported to His Majesty that delay is caused in investigating the affairs of persons who are imprisoned in the Subah on occasions for certain offences. Their cases are not decided and settled so that innocent persons may be free from their captivity and an offender may get punishment. All energies of His Majesty are directed that none should suffer bias and regret. None should remain in captivity on no account. A royal order is issued that action should be taken in respect of these persons in accordance with sections mentioned in body of his farman so that none may suffer captivity without a reason." ¹

The above farman has thirty three clauses guiding punishments for different crimes. A few of them are stated here². If a man commits theft repeatedly he should be kept in jail after flogging till he repents. If a person is proved to be a robber the Qaazi should punish him according to law. Punishment should commensurate with the crime. Confirmed mischief-mongers who commit dacoity and cause injury to wealth

¹. Mirat-i-Ahmadi, p.248.
². Mirat-i-Ahmadi, pp.248-252.
and life, should be punished after the guilt is proved. Girasies\(^1\) and zamindars who are mischievous, rebellious and confirmed offenders should be killed for public benefit. If someone sells wine\(^2\) in a city or village of Islam, he should be severely flogged on legal proof. Murderers, whose murder of a person is proved by religion and which is commonly certain should be imprisoned. Their cases should be reported to His Majesty\(^3\).

Thus the subahdar had a lot of work in the exercise of his civil, military and judicial duties and obviously a competent man equipped with all the three abilities was appointed the governor of the province.

1. They were 'theevish' who lived in the hills of Malwa and often looted caravans. Some hundred of them could have looted had William Finch (1608-11) not reached these along with their caravan. *Early Travels*, pp. 143-44, 167.

2. For a drunkard Akbar has ordered that he should be imprisoned, beaten and should be refused admittance to your presence (Akbar was giving instruction to prince Murad Subahdar of Malwa in 1591 on his query) and awarded whatever punishment that may be found suitable.

3. Perhaps for ascertaining Capital Punishment.