

## JUDICIARY AND SOVEREIGNTY IN MUGHAL INDIA: A COMPARATIVE STUDY OF AKBAR, JAHANGIR, AND AURANGZEB

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DOI: <https://doi.org/10.5281/zenodo.18059994>

Received	Accepted	Published
11 October 2025	21 November 2025	17 December 2025

### ABSTRACT

This research article focuses on analyzing and comparing the legal and judicial system introduced and established by the great Mughal Emperor Aurangzeb Alamgir. The legal system that the Mughals established was not wholly new or distinct from the legal systems that had existed in the subcontinent during the Salateen era. Nonetheless, they brought about some noteworthy modifications to the current legal and judicial framework. Because the Empire is thought to have reached its pinnacle under Jalal uddin Akbar and Aurangzeb, as focus on their judicial systems for the purposes of this work. To get a full picture, it is necessary to discuss the contribution of Nuriddin Muhammad Jahangir, who lived between these two reigns. Akbar and Aurangzeb offered different and conflicting political models and differed greatly in their religious beliefs. The goal of Emperor Akbar was to establish and validate Mughal authority over a complicated and varied Indian subcontinent. Akbar's task was to establish a legitimate and stable state that would be respected by Hindustan's many ethnic groups, including Muslims, Hindus, Rajputs, Jains, Sikhs, and others. This study focuses on Aurangzeb Alamgir's significant legal reforms, which set his reign apart from other Mughal emperors. Through qualitative content analysis, this study comes to the conclusion that the Aurangzeb legal reforms can still be traced back to Pakistan's current legal and judicial system.

**Keywords:** Legal system, Regulatory reform, Judiciary, Court Structure, Mughal Emperor

### INTRODUCTION

The kingly title Alamgir, which literally translate to "Conqueror of the world," was originally called Muhiyuddin Muhammad, he was in power for almost half a century. The Mughal Empire reached its greatest height during his rule, when its realm covered almost the whole Indian subcontinent. One of the few rulers to have instituted Sh̄aria and Islamic economics across the Indian subcontinent, he was regarded as a pious Muslim. Hindus were not generally in favor of his policies. He has a reputation for being serious. After Muhiyuddin Muhammad Aurangzeb's death in 1118/1707, the Mughal dynasty began to decline, even though it

lasted until 1857. Because the Empire is thought to have reached its pinnacle under Jalal uddin Akbar (1556–1605) and Aurangzeb (1658–1707), as focus is on their judicial systems for the purposes of this work. To get a full picture, it is necessary to discuss the contribution of Nuriddin Muhammad Jahangir (d. 1037/1627), who lived between these two reigns. Akbar and Aurangzeb offered different and conflicting political models and differed greatly in their religious beliefs. He adopted the moniker "Alamgir," which means "world conqueror."

The goal of Emperor Akbar (r. 1556–1605) was to establish and validate Mughal authority over a complicated and varied Indian subcontinent. Akbar's task was to establish a legitimate and stable state that would be respected by Hindustan's many ethnic groups, including Muslims, Hindus, Rajputs, Jains, Sikhs, and others. Over the course of Aurangzeb's nearly 50-year rule, the Mughal Empire expanded its territory peak. It extended from Hindukush in the west to Chittagong in the east, and from Kashmir in the north to Jingi in the south. The Mughal Empire reached its greatest height during his rule, when its realm covered almost the whole Indian subcontinent. One of the few rulers to have instituted Sh̄aria and Islamic economics across the Indian subcontinent, he was regarded as a pious Muslim. Hindus were not generally in favor of his policies. His demeanor is characterized by his seriousness, lack of debauchery, and abstinence from indulgence in luxury that previous emperors were known to partake in, including drugs, alcohol, the arts, and architecture. He was more interested in studying and using politics and military strategies.

### Early Life

Mumtaz Mahal, for whom the Taj Mahal was constructed, and Shah Jahan were the parents of Aurangzeb, the third son. He was raised as a devout and serious young man who was free of the sensuous and inebriated characteristics of the royal Mughals and affiliated with the Muslim, also known as the Muslim orthodoxy of the time. Early on, he demonstrated military and administrative prowess; these traits, along with a desire for power, put him in competition with his older brother, the intelligent but erratic Dara Sh̄ikoh, who their father had named his heir apparent. Aurangzeb held several significant positions starting in 1636, and he excelled in each of them. From 1646 to 1647, he led troops against the Persians and Uzbeks with distinction, and as during his two terms as viceroy of the Deccan provinces (1636–44 and 1654–58), Shah Jahan himself brought the two Muslim Deccan kingdoms to near-subjection.

### Religious and Social Reforms

Aurangzeb appointed muhtasaibs, or censors of public morals, from among the ulema or clergy in every major city a year after he came to power in 1658. He was adamant that sharia, or Islamic law, be observed everywhere and that public activities

that are incompatible with Islam, like drinking alcohol and gambling, be prohibited. One issue he encountered when putting these laws into effect was that his treatment of his own father, which included imprisoning him, did not align with the image he aimed to project of himself as a sincere follower of the faith. As a result, Aurangzeb asked the ruler of the sacred sites in Mughal lands to acknowledge his accession to the throne.

The Quran, and in contrast to his predecessors, his rule was characterized by austerity, a collection of political-economic measures intended to lower government budget deficits by raising taxes, cutting spending, or doing both. The monumental architecture that characterized the reigns of Akbar and Shah Jahan – the Agra Fort, Fatehpur Sikri, the Taj Mahal, Shahjahanabad, among others – held little interest for Aurangzeb, and similarly the musicians who had adorned the courts of his predecessors were dismissed. In 1668, Hindu religious fairs were banned, and the following year, a decree made it illegal to build new Hindu temples or repair existing ones. Additionally, in 1669, Aurangzeb stopped the custom that Akbar had started of going before his subjects and giving them darshan on or granting them his blessings in the same way that one might accept a deity's darshan in Hinduism.

### 1.3. Reign

Aurangzeb Alamgir, also known as the "World Conqueror," led fierce military campaigns to expand the boundaries of the enormous Mughal Empire that he inherited during his forty-nine-year reign, which ended in 1707. His reign was the longest in the history of the Mughal Empire. The imperial armies gained ground in both the northwest and the northeast, but the treasury was depleted by the significant losses.

### Judiciary Under Akbar

During this period, the Mughul emperors governed by firmans or decrees. The Sultan served as the nation's sole legislator, chief executive, and chief judge. He was the focus of all three powers. Because it was considered offensive to Hindus, Akbar had made the killing of cows illegal. To appease his Hindu subjects, he had also eliminated the poll tax, or jizyah, early in his rule. Hindus were granted the status of dhimmies under the previous Muslim rulers, which allowed them to avoid military service while still practicing their own

religion in exchange for paying a poll tax. Additionally, he had placed many Hindus in positions of responsibility. According to Abul Fadl b. Mubarak, or monarchs the worship consists in the proper discharge of their duties to their subjects.

Jahangir is the second significant Mughal emperor mentioned in this work, after Akbar and before Aurangzeb. When he took the throne in 1605, he continued to define a just ruler according to his father's principles, or the fastening up of the Chain of Justice, so that if those engaged in the administration of justice should delay or practice hypocrisy in the matter of seeking justice, the oppressed might come to this chain and shake it so that its noise might attract attention" was the first directive he issued as king. After that, he issued twelve ordinances that ranged from prohibiting facial disfigurement to outlawing river tolls. When he moved his royal court from time to time, one of his first order was to have a temporary judiciary built in the new city. He did this in Ajmir and Ahmadabad. He used to hear civil and criminal cases every week.

### 3. Akbar and the Mughal State: The Quest for Legitimization in Hindustan

The goal of Emperor Akbar (r. 1556–1605) was to establish and validate Mughal authority over a complicated and varied Indian subcontinent. Akbar's task was to establish a legitimate and stable state that would be respected by Hindustan's many ethnic groups, including Muslims, Hindus, Rajputs, Jains, Sikhs, and others.

#### 3.1. The Challenge of Rule in Hindustan

The Mughal Empire was still solidifying its hold on northern India when Akbar came to power in 1556. The perception of previous Muslim conquerors was mixed; many Hindu elites and local rulers saw them as foreign invaders. In addition to enlarging his realm, Akbar's task was to establish a legitimate and stable state that would be respected by Hindustan's many ethnic groups, including Muslims, Hindus, Rajputs, Jains, Sikhs, and others.

#### 3.2. Early Political Strategies

Akbar first gained authority over northern India (Delhi, Agra, Punjab) through his regent Bairam Khan. The empire's reach was reinforced by its expansion into Rajputana, Gujarat, Bengal, and

the Deccan to overcome Military conquests. Akbar progressively replaced the Turko-Mongol and tribal aristocracy with a merit-based bureaucracy that included a variety of elites. These actions established a political basis, but moral and cultural approvals were also necessary for legitimacy.

#### 3.3. The Rajput Alliance and Political Integration

Rajput diplomacy as Akbar bestowed high mansabs (ranks) upon Rajput nobles like Raja Man Singh and Bhagwan Das and married Rajput princesses like Harkha Bai of Amber. Autonomy and respect as in exchange for allegiance, Rajput states were granted internal autonomy and freedom of religion. This policy represented inclusivity by presenting Akbar as a sovereign of Hindustan rather than a conqueror, fusing Islamic and Indic political traditions.

#### 3.4. Religious Policy and Ideological Innovation

Akbar's quest for legitimacy was deeply ideological. **Sulh-i Kul (Universal Peace)**, a philosophy of ethical governance and universal tolerance that encouraged religious harmony. It became the cornerstone of Mughal governance, stressing equality of subjects, justice, and reason. **Abolition of Discriminatory Taxes** as to be fair to Hindus and other groups, the pilgrimage tax and jizya (tax on non-Muslims) were abolished. **The Ibadat Khana (House of Worship)** as founded in the 1570s at Fatehpur Sikri, it invited academics from a variety of religious backgrounds, including Sunni, Shia, Hindu, Jain, Christian, and Zoroastrian, to discuss philosophical and spiritual concepts. **Din-i Ilahi (1582)** as it was a multi-traditional spiritual-ethical order that prioritized rational piety, moral behavior, and allegiance to the emperor over ceremonial rites. Despite its small following, it represented Akbar's claim to a charismatic monarchy by associating imperial power with divine light (farr-i izadi).

#### 3.5. The Ideology of Kingship

Akbar's political theory combined Indian ideas of dharma and rajdharma with Persian-Islamic notions of divine kingship. The emperor was depicted as the embodiment of divine reason on earth, *Insan-i Kamil* (the Perfect Man). Court chroniclers like Abu'l Fazl portrayed Akbar as a philosopher-king who brought harmony and order to Hindustan through works like the *Ain-i Akbari* and *Akbarnama*; visual culture (paintings, coinage,

architecture) projected his authority, such as Fatehpur Sikri, the Buland Darwaza, and the illustrated Akbarnama.

### 3.6. Administrative Rationalization

**Mansabdari System:** This bureaucratic-military system unites nobles from various backgrounds under a standard ranking system. Revenue reforms (Todar Mal) as standardized taxation and assessment with a focus on justice and imperial control; these measures not only stabilized government but also gave imperial authority legitimacy as effective, fair, and universal.

### 3.7. Cultural Synthesis and Patronage

Akbar commissioned translations of epics like the Mahabharata and Ramayana into Persian and supported Sanskrit, Persian, and vernacular literature. His attempt to forge a common imperial culture that cut across racial and religious divides was reflected in this cultural synthesis.

### 3.8. Legacy: The Idea of Hindustani Sovereignty

South Asian political culture underwent a sea change as a result of Akbar's statecraft. His legitimacy came from more than just conquest: justice (Adl) as the foundation of kingship; inclusion and universalism as political instruments; and moral charisma and divine approval (farr-i izadi). This framework was passed down to later Mughal emperors, though many (like Aurangzeb) reinterpreted it.

## 4. Judiciary Under Awrangzeeb

Alamghir is credited with directing a Royal Commission of Ulama, led by Sheikh Nizam, to order the renowned *Al-Fatawa al-Alamgiriya* (henceforth referred to as *Fatawa*) or *Fatawa Hindiyah*. The Code, which served as Aurangzeb's great corpus juris, is essentially an explanation of the substantive law that was in effect in India at the time. Up until the end of the Mughal dynasty, it was utilized by other emperors in addition to the Qadis of Alamgir. *Fiqh-e-Firoz Shahi*, a Code of Civil Procedure created during the reign of Firoz Shah Tughlaq (790/1388), was superseded by the *Fatawa*. This book continued to serve as the foundation for the legal system under the Delhi rulers until replaced by the *Al-Fatawa al-Alamgiriya*.

## 4.1. Legal Reforms of Aurangzeb

Among the many legal reforms Aurangzeb instituted in the administration of justice, some of which are still in place today in India and Pakistan. He began by instituting the court's "remand" of accused individuals to police custody. In order to hold a man in custody while an investigation is conducted, the Kotwals were required to get a written order from the Qazi. Second, he directed that all criminal cases be tried as soon as possible after taking special notice of the delays in case disposal. In the event that the case was not taken up on the first hearing date, the Kotwal was obliged to send the inmates to court every day until the matters were decided.

The central government of the Mughals must be mentioned before going into detail about the court's personnel and structure. All of the army and navy were under the command of the Emperor. The Wazir, *Vakil-e-Mutlaq*, or *Dastur-e-Mua'zzam* was the most powerful member of the Emperor's council of ministers. He resembled the prime minister of today. Through him, other ministers made their way to the Emperor. The *Diwan-e-Ala*, the last court of appeal for revenue cases, oversaw the departments of revenue, finance, and agriculture. The Chief Justice, *Qadi al-Qudat*, was in charge of the administration of justice, jails, customs, *baitul mal*, and mosques, while the *Mir Bakhshi* was in charge of military administration, salaries, and accounts. *Darogha-e-Topkhana* (Master General of Ordnance) was another prominent minister. *Sadrus Sudur*, who oversaw the Ecclesiastical Department; *Mir Saman*, the Lord High Steward of the Imperial Household; *Darogha-e-Dak*, the Post Master General; and *Mohtasib-e-Mumalik-e-Mahrusah*, also known as the Chief *Mohtasib*. In state cases, he served as both the Chief Censor of Morals and the Chief Public Prosecutor.

## 4.2. Diwan-e-Mazalim

Cases were divided into civil, criminal, and political categories from the start of the Muslim Empire. While the Qadis made the decisions for the first two types, the Khalifah himself always tried the latter two. The *Fuqaha* (Muslim jurists) referred to political and administrative cases as *Nazar fi al-Mazalim*, even though they were occasionally secular in nature. The translation of "*siyasashar'iyah*" is "the administration of justice

according to the shari'ah." Muslim jurists elaborated on the field.

#### 4.3. Qadi al-Qudat, or Chief Justice

The court of Qadi al-Qudat, or the Chief Justice, was located beneath Diwan-i-Mazalim. In order to validate his accession, he would administer the oath of accession to the Sovereign and order the Friday sermon, known as khutbah, to be read in the Emperor's name in the mosques. According to the Emperor, the Chief Justice was appointed. In addition to hearing appeals from and overseeing the operations of the Provincial Courts, the Chief Justice was empowered to try initial civil and criminal cases. He received assistance from one or two distinguished Qadis. The Imperial capital had its own Qadi beneath the court of Qadi al-Qudat, who was comparable to the Qadi, the provincial chief.

#### 4.4. A Governor or Subahdhar

A governor or Subahdhar used to be in charge of the provinces (Subahas). In Bengal and Gujarat, he was also known as Nazim. He was in charge of upholding law and order and served as the army's commander-in-chief for his province. The title of the provincial governor was originally siphasalar, but later it was changed to subahdar and occasionally even nazim-i-subah. In his province, he served as the court of appeal for revenue cases as well. The Governor could designate the Diwan to represent him in the Subah while he was away temporarily for some urgent work. The governor, particularly in Bengal, performed a great deal of judicial work during the later Mughal era.

#### 4.5. Qadi District

In the past, the Qadi-e-Subah had a qadi in every sarkar (district). The former handled appeals from courts located in other parts of the district and was in charge of civil and criminal judicial administration. In addition, he investigates crimes, visits jails and investigates the cases of inmates housed there, collects zakat and jizyah (under Awrangzeb, who also gave him control over mosques), leads Friday and Eid prayers, attends significant funerals, and observes the solemnization of Muslim marriages.

Other officers had ties to the Mughals' judicial department but were not directly involved. The Sadr, who oversaw the district's Ecclesiastical Department, was the first of these officers. The

Sadrus Sudur appointed him. A Darogah-e-Katcheri was attached to his court. Nigar, Waqae Nawis, or Akhbar Nawis kept daily records of the aforementioned courts' proceedings and forwarded them to the Emperor. Qadi-e-Subah or Qadi al-Qudat examined these reports.

#### Qadi-e-Parganah

In the parganah (town), he served as the chief officer. The villages that were part of his Parganah were under his jurisdiction. He had the same authority as the District Qadi, but the former was unable to hear appeals because he had no subordinate courts. His court had several officials attached to it. They consist of a Vakil-e-Shar (who had a staff of three clerks and one accountant), a Mufti, a Mohtasib-e-Parganah, and a Darogah-e-Adalat when needed. There was once a Faujdar-e-Parganah in some Parganahs who had the same authority as the District Faujdar. Some districts had revenue officers or amins, while other districts had no faujdars at all, and Shiqdars or Kotwals handled their responsibilities.

#### 4.7. Appeals

The exact rules of appeal as they stand today cannot be found after searching through numerous sources. It is evident that the lower courts' ruling was challenged first in a higher court and subsequently in the highest court. The Emperor himself served as the final court of appeal. A qadi lay's decision can be appealed to the province's chief qadi (sadr) and then to the Sadr-us-sudur or Qadi-ul-Qudat of the Empire. All civil lawsuits and criminal cases involving religious content were appealed through this system. Ali Muhammad Khan finished writing *Mirat-i-Ahmadi*, or *The History of Gujarat*, in 1761. Even Sir Judanath Sarkar, the scathing critic of the Mughuls, recognizes it as a great book.

#### Conclusion

An explanation of the relationship between the executive and the judiciary is required in order to summarize the discussion of the Mughal judicial system. Furthermore, the primary causes of the Mughals' demise are highly pertinent in this context. In actuality, the foundation and upper echelons of the Mughal state established by Awrangzib persisted until Muhammad Shah's passing in 1748. After that, the state's central authority deteriorated. However, the

administrative apparatus used to vary slightly from monarch to monarch, even during the height of the Empire.

The Mughal Empire changed from a foreign dynasty to an indigenous power as a result of Akbar's efforts to gain legitimacy in Hindustan. He developed an enduring model of composite sovereignty—a vision of empire based on justice, inclusivity, and moral authority—by combining Persian-Islamic ideas with Indian political and cultural traditions.

When Aurangzeb died, the Empire was fully established. It began to fall apart during Muhammad Shah's rule. He reportedly threw an urgent report about a significant conspiracy into a barrel of wine as a pointless inconvenience, and it took him two days to recover from the effects of his organisation. When Muhammad Shah passed away in 1748, anarchy broke out. Five puppet emperors reigned from 1750 CE onward, but they were unable to maintain the authority required to maintain the enormous empire that Aurangzeb had left behind. Therefore, when the Emperors were unable to protect individual rights or administer justice between people, and when their subordinates grew too strong, the Mughal Empire began to fall. The *adalat* system for the *mofussil*'s judicial administration was supplied by the company. The future of Muslim India seemed irrevocably altered.

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