Farmān-i Shāhī: A Legislative and Administrative Tool of the Mughal Empire in India

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Abstract

Farmān-i Shāhī *as a specific regal command significantly contributed to the formation of legal order in the Indian subcontinent. The Mughals used to treat these* farmān*s as constitutional and judicial orders. The* farmān *(pl.* farāmīn*) provided foundation for the legitimacy of the government orders of the Mughal period. This research focuses on the role of the* shāhī farmān*s issued by the Mughal rulers from* Ẓahīr al-Dīn Bābur (r. 1526–1530) to Aurangzēb ʿĀlamgīr (r. 1658–1707) in the state legislation of Islamic laws. They also played a robust role in legislating and implementing civil as well as Islamic criminal and procedural codes. In fact, pre-Mughal transformation of Islamic law into a criminal and procedural code had its own significance and legal value for the religious context during the Mughal period. Hence,* farmān-i shāhī *has become instrumental in innovation and codification vis-a-viz Islamic injunctions already codified. The present study reviews the legislation regarding Islamic laws and the role of* farmān*s in the Islamic legislation in Mughal India, their bearing on further legislation and the progression of state legislation regarding Islamic laws.*

Keywords

farmān-i shāhī, Mughals, legislation, codification, Islamic laws, India.

Introduction to *Farmān-i Shāhī*

The literal and technical meaning of *farmān* (pl. *farāmīn*) can be discussed from various aspects such as its etymology, and connotative and denotative meanings. The *Farmān* as a noun means "an oriental sovereign's edict" or "a grant or permit." Determining the meaning of the term, the author of the

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entry on "*farmān*" in the *Urdū Dā'irah-i Ma'ārifī Islāmiyah* has stated that the word *farmān* traces its origin to the Persian language and idicates the meanings including but not limited to "command" or "edict."[1] Francis J. Steingass (1825–1903), an English linguist and Orientalist, has gone into further details and stated that it means "a mandate, command, order, or royal patent." He also held that this term had various types and each had its own meanings.[2] *Farhang-i Āsfiyyah*[3] also defined the term as a command or royal order.[4] The dictionary was written around a century earlier when there was some importance of such *farmān*s issued by the surviving *rājā*s and elite class to their servants and personal staff members. P. Hardy observes that several *farmān*s still exist in big tomes.[5] These *farmān*s have survived the most turbulent Mughal periods. They are mostly found in the official records of princely states, or in the records kept by the heirs of Indian *Rājā*s and *Navāb*s (Indian nobles), or in the records of regional communities, which swore allegiance to the Mughals.[6] The various meanings of the *farmān*s such as command, edict, mandate order, or royal patent reflect their importance. These meanings also demonstrate that Mughals borrowed the *farmān* as a cultural sign from the Persian regal culture and integrated it into their own governmental and official administrative structure. They popularised it to make it known how their empire was going to be governed and how their word was going to become a legal entity to survive other familial or social wrangling and controversies.

The judicial and political history of the Indian subcontinent sheds light on the importance of the *farmān*s. Their legal significance is much more than their public significance. The *Farmān*s were issued with the approval, seal, and signature of the Mughal emperors.[7] An official document was called *farmān-i shāhī* only after specification of the purpose and authentication through the royal seal.[8] The *Farmān*s were promulgated in written. However, as John Briggs reported verbal directives of the emperors were also included in the category of the *farmān*s. The oral and written orders or *farmān*s were instruments through which the Mughal emperors kept their control over all

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[1] 'Abd Allāh Chughtā'ī, "*Farmān*" in *Urdū Dā'irah-i Ma'ārif-i Islāmiyah*, ed. Sayyid Muḥammad 'Abd Allāh et al. (Lahore: University of the Punjab, 1975), 15:312.

[2] Francis Joseph Steingass, *Comprehensive Persian—English Dictionary* (Lahore: Sang-e-Meel Publications, 1969), 921–22.

[3] Written by Maulvī Sayyid Aḥmad of Delhi, this book is the first of its kind in Urdu literature having made a name as a unique dictionary.

[4] Sayyid Aḥmad Dilavī, *Farhang-i Āsfiyyah* (Lahore: Maktabah-i Ḥasan Suhail, 1974), 3:336.

[5] P. Hardy, "*Farmān*," in *The Encyclopaedia of Islam*, ed. B. Lewis, Ch. Pellat, and J. Schacht (Leiden: E. J. Brill, 1991), 2:803–06.

[6] Ibid., 2:806.

[7] Ibid.

[8] Anwarullah, *The Criminal Law of Islam* (Islamabad: Sharī'ah Academy, 2005), viii-ix.

state departments.[9] A written *farmān*, however, carried more weight, as an oral command lost its worth in the absence of the emperor.

The unique position of the *farmān*s is also reflected in their writing style. Exactly like the current legal experts, the Mughals were very much cognisant of the fact that the language of their *farmān*s should be distinct, unique, and significant, so that they could not be copied by all and sundry. Perhaps that is the very reason that they chose Persian as a language of *farmān*s, which was not the language of Indian masses. Mughals were Chughtā'ī Turks and like most of the Turks they used to swear allegiance to the Ottoman caliphate. They did not like Persian language much due to its association with Shi'i Iran at that time.[10] It is reported that Ẓahīr al-Dīn Muḥammad Bābur (r. 1526–1530) and Naṣīr al-Dīn Muḥammad Humāyūṇ (r. 1530–1540 and 1555–1556) used to speak Turkish language and recite Turkish poetry. Despite this, however, the Turkish language could not become the official language of the Mughals in India. The Persian had established itself as an official language long before the arrival of the Mughals. The effective presence of the Persian in the social and political lives of the period forced Mughals to continue with the Persian legacy of the Sultanate.[11] Although the nobility of that time learnt the Persian to imitate the royal life style but the style of writing *farmān*s was restricted and not allowed to be used in other writings. Nobody ever dared copy this type of language in his or her own letters or small documents.[12] When a noble, Ghāzī 'l-Dīn Khān (d. 1710), started writing letters by choosing a phrase that looked similar to that used by Aurangzēb 'Ālamgīr (r. 1658–1707) in his *farmān*s, he was immediately admonished by the emperor for doing this.[13] In other words, it was the linguistic niceties, not used in everyday written or oral language, which gave a distinct status and unique prestige to the royal *farmān*s.

Objectives of Issuing the *Farmān*s

The main objectives of issuing of the *farmān*s were to keep law and order situation under the control of the emperor, collect revenues, maintain diplomatic relations, run the administration of the country, and keep the government or regime's writ over the areas conquered by the armies of the

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[9] John Briggs, *History of the Rise of the Mahomedan Power, Original Persian of Mahomed Kasim Ferishta* (Calcutta: Oriental Booksellers and Publishers, 1908), 2:198.

[10] Muzaffar Alam, "The Pursuit of Persian: Language in Mughal Politics," *Modern Asian Studies* 32, no. 2 (1998): 318–19, http://www.jstor.org/stable/313001.

[11] Ibid., 318.

[12] Ibid., 319.

[13] Jadunath Sarkar, trans. *Anecdotes of Aurangzib (Translated into English with Notes) and Historical Essays* (Calcutta: M. C. Sarkar & Sons, 1917), 92.

empire. The Mughals might have borrowed this tradition from the earlier kings of India or deduced from the religious injunctions. During the Mughal period, the most authoritative representatives of Islamic law in India were the Muslim jurists, who had legal authority.[14] The king as a "defender of *Islam* and guardian of the true faith . . . was pre-eminently a political functionary whose business was of a secular nature though his authority was by divine appointment."[15] It is reported that the Mughals despised the jurists' authority over the legislative matters. Therefore, they started using *farmān*s as an alternative way of legislation. Jalāl al-Dīn Muḥammad Akbar (r. 1556–1605) and Nūr al-Dīn Jahāngīr (r. 1605–1627) quickly realised the ramifications of the jurists' legal authority and followed the strategy of the former kings such as the Khiljīs and Tughlaqs.[16] The traditional authority of the religious elite over legislation was employed by the Mughals to their own ends through issuing *farmān*s with the objective of bringing stability to the empire. This explains why the *'ulamā'* were not paid as much homage in the Mughal court as they were paid in contemporary royal courts in other parts of the Muslim world.[17] The Mughals were of the view that political stability was too complex for the religious scholars to understand its complexities. Therefore, they used to solve political problems through issuing *farmān*s. It is to be noted here that *farmān*s were never used to interfere in the affairs of faith and religion. The legislation through them was a source of political stability in the state. However, they never publicly opposed the Islamic law or the jurists, who were still considered custodians of Islamic law. On the contrary, they relied on the judgements and opinions of various Muslim scholars and judges in issuing the *farmān*s. Even sometimes, the emperors went as far as arresting people for transgressing the Islamic injunctions.[18] This complexed relation of the Mughals emperors with the Muslim scholars continued down to the period of Aurangzēb.

Sources and Legal Status of *Farmān-i Shāhī*

No doubt, most of the legislation done through *farmān*s was based on the discretion of the emperors, as they were the absolute rulers. However, Mughal emperors also kept the traditions, social conventions, customs, religion, and tribal issues in mind in the process of issuance of a *farmān*. The *sharī'ah* was

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[14] Ram Prasad Khosla, *Mughal Kingship and Nobility* (Allahabad: Indian Press, 1934), 162.

[15] Ibid.

[16] Ibid., 164.

[17] Ibid.

[18] For example, see Zahirud-din Muhammad Babur, *Babur-Nama*, trans. Annette S. Beveridge (Lahore: Sang-e-Meel Publications, 1987), 687–700.

used as a primary source of Mughal *farmān*s as it was the prevalent law during the Muslim rule in India. Ibn Hasan states that all the disputes, whether they were civil or criminal in legal terms, were decided according to the rules and regulations derived from the Qur'ān and *sunnah*. However, the Mughals also used to issue general *farmān*s and *dasātīr al-ʿamal* (rules of business) to run the government. Such rules of business issued from time to time were called *qānūn-i shāhī* (royal decree or royal law). Ibn Hasan referred the compilations of these royal decrees such as Abū 'l-Faḍl's *Āʾīn-i Akbarī* and *Fatāvā-i ʿĀlamgīrī*, adding that *qānūn-i shāhī* was in agreement with the Islamic jurisprudence, which was closer to the Sunnis than the Shiʿas, who were more influential during the period of Mughal rulers who preceded Āurangzēb.[19] Elaborating upon the Mughal judicial system, Basheer Ahmad has also expressed similar views and said that as the Qur'ān and *sunnah* were considered supreme, the Mughals could not but adopt the same, which their predecessors adopted in India.[20] H. S. Bhattia agrees with the both Ahmad and Ibn Hasan about the foundations of the laws of the Mughal empire.[21] Ahmad, though agrees, but differs in saying that the Mughals were very much carful about rulings of Islam but at the same time they were taking care of sensitivities of other faiths particularly Hindus, as they were majority in India. Without pacifying them about laws, it was not possible to implement what was anathema to them.[22] The Mughals also used other legal traditions as sources of their legislation, which did not originate from Islamic sources. This was the reason that local customs, tribal traditions, and social conventions also served as the sources of Mughal legislation. This was named as *qānūn-i ʿurf* (customary law).[23] This tendency of the customary law created some sort of legal pluralism in the Mughal India. Jadunath Sarkar has observed that Mughal enjoyed a type of autonomy and contributed to the development of good precedents to be followed in a multi-faith society. Muslim jurists and scholars used to collect these decisions to assist the Muslim judicial officers, *qāḍī*s, in deciding different cases in the light of the precedents set by the courts. A *qāḍī* was free to use examples and precedents but was not restricted to follow them

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[19] Ibn Hasan, *The Central Structure of Mughal Empire* (Karachi: Oxford University Press, 1967), 93.

[20] Muhammad Basheer Ahmad, *Judicial System of the Mughal Empire: A Study in Outline of the Administration of Justice under the Mughal Emperors Based mainly on Cases Decided by Muslim Courts in India* (Karachi: Pakistan Historical Society, 1978), 51.

[21] Harbans Singh Bhatia, *Political, Legal and Military History of India* (New Delhi: Deep & Deep Publications, 1984), 156–57.

[22] Muhammad Basheer Ahmad, *The Administration of Justice* in Medieval India (Aligarh: Aligarh Historical Research Institute, 1941), 71–72.

[23] Bhatia, *Political, Legal and Military History of India*, 157.

alone. He was authorised to make his own interpretations.[24] In this connection, this was similar to English law where courts were free to interpret laws keeping in view the precedents set by the superior or earlier courts. This was above and besides the laws made in viewing the customs and social conventions. The study of various sources used for legislating during Mughal period revealed that there were four major sources of the *farmān*s. The Qur'ān and *sunnah*; customs and social conventions; court precedents; *qāḍī*s' interpretations.

Islamic laws made in accordance with the *sharī'ah*, that is, the Qur'ān and *Sunnah* were of dual nature. The first type of these laws included laws, which were tried in the courts. The second category *fatāwā*, which were legal opinions of the Muslim jurists, but not necessarily binding.[25]

Islamic laws, whether civil as criminal, were derived from the Qur'ān, *sunnah*, consensus, and analogy, along with customs, social conventions, court precedents, and *qāḍī*s' interpretations. It means that laws were derived from the original sources, besides the *farmān*s of the emperors, which were in turn, derived from the same sources as well as requirements of the time after valid interpretations of different Islamic sanctions.

Another important fact of this period is *fatwā* (pl. *fatāwā*; legal opinion) that was issued as a religious edict by Muslim religious scholars. The *fatwā* was very important but it did not have the power to replace an already promulgated law or introduce a new legislation. Norman Calder (d. 1998) holds that the management of law in Islam depends on three persons; the jurist, the *muftī*, and the *qāḍī*. The first one derives the legal injunction, the second one interprets it, and the third one implements as well as interprets it further.[26] He is of the view that a *fatwā* is not a legal decision in the strict legal sense, because the latter is binding and former is not. It means a judicial decision has the power of the state for promulgation but a *fatwā* is a juristic opinion, having only the power of belief. It becomes law when the power of the state backs it.

The Mughals in India generally adopted Islamic teachings as the source of law. *Fatwā* books became a norm in the royal courts. They were often consulted for ruling injunctions by almost all the Mughal emperors. Aurangzēb gave much attention to the compilation of *fatāwā*. *Fatāvā-i 'Ālamgīrī* compiled by a group of Muslim jurists during the period of Aurangzēb has always been considered a trustworthy source of Islamic law in

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[24] Jadunath Sarkar, *Mughal Administration* (Calcutta: Orient Longman, 1952), 37.
[25] Bhattia, *History of India,* 157.
[26] Norman Calder, *Islamic Jurisprudence in the Classical Era* (Cambridge: Cambridge University Press, 2010), 117.

India. Pakistani courts also consult it due to the dominance of the Ḥanafīs in Pakistan. *Fatāva-i Ḥammādiyyah* is another rich collection. It was written by Rukn al-Dīn in the ninth century AH on the order of *Qāḍī ʾl-Quḍāh* of Naharwal (Chief Justice of Naharwal) Ḥammād al-Dīn. This collection was originally compiled in Arabic but was later translated into Persian and Urdu. Another collection is *al-Fatāwā al-Tātārkhāniyyah* written by ʿĀlim b. al-ʿAlāʾ (d. 786 AH) of Delhi to help Amīr Tātār Khān in his governance and administration.[27]

The discussion shows that the Muslim rulers of India, specifically, the Mughals paid a great attention to the Islamic sources of laws and often wrote and composed their *farmān*s in the light of the Islamic teachings, responding to the feelings of the Muslim population. Commenting on the importance of different *Fatāwā* collections and their practical utility in the field of law, Professor Chibli Mallat (b. 1960) has made very important comments saying, "As a practical indicator of legal change, it is argued, *fatwā*s have affected law in practice, though not perhaps *fiqh* treatises."[28] This view clearly leads to the conclusion that *Fatāwā* were written on a grand style and were collected to help jurists and legal experts in finding solutions to socio-religious problems of Muslim society, relying on Islamic sources. Abū ʾl-Ṭāhir al-Fārisī recounts another example of such a collection named as *Fatāva-i Qarākhānī* written by Imām Humām. Later Qabūl Qarā Khān compiled it to present to the sultan ʿAlāʾ al-Dīn. It was written in Persian.[29] Ismāʿīl Pāshā mentions another huge collection titled as *al-Fatāwā al-Ghayyāthiyyah*, which was written by Dāwūd b. Yūsuf during the period of the sultan Balban in 1266 or 1267 CE.[30] It is observed that during Fīrūz Shāh Tughlaq's (r. 1351–1388 CE) period, *fiqh* was arranged as *Fiqh-i Fīrūz Shāh*, which was translated from Arabic to Persian. This *fiqh* was related to both criminal as well as civil law and it helped ʿĀlamgīr to lay the foundations of his judicial system.[31] *Fatāwā* helped Mughals in two ways. First, they used *fatāwā* to formulate laws, legislate, and promote their judicial system. Second, they used the collections of *fatāwā* to bring stability in their empire. Another utility of the *Fatāwā* had been that the emperor consulted these collections before issuing a *farmān* in order to avoid sparking any religiously motivated unrest among the Muslim masses.

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[27] ʿAbd al-Ḥayy al-Ḥasanī b. Fakhr al-Dīn, *Nuzhat al-Khawāṭir wa Bahjat al-Masāmiʿ wa ʾl-Nawāẓir* (Beirut: Dār Ibn Ḥazm, 1999), 2:148.

[28] Chibli Mallat, *Introduction to Middle Eastern Law* (Oxford: Oxford University Press, 2007), 91.

[29] Abū ʾl-Ṭāhir al-Fārisī, *Makhṭūṭāt-i Fārisiyyah* (Lahore: Punjab Public Library, 1957–1958), 77–78.

[30] Ismāʿīl Bāshā, *Īḍāḥ al-Maknūn* (Makkah: al-Maktabah al-Fayṣaliyyah, 2001), 2:157.

[31] Ahmad, *Judicial System of Mughal Empire*, 20.

A cursory view of these collections also makes it clear that the Mughals did not separate their legal system from that of the past rulers of India. They rather borrowed heavily from them, using all the *fatāwā* collections and adding new ones to the existing to run their system according to the Islamic laws as much as possible.

Jagadish Narayan Sarkar, a scholar of Indian history, has discussed the legal status of *farmān-i shāhī* and examined weather it was the state legislation in the modern sense. He observed that "there was nothing like legislation in the modern sense of the term. But that does not mean that written laws were absent" adding that there were well-codified Qur'ānic laws having strong backing of the public along with institutions modified from Mongols and Genghis Khan.[32] By written laws Sarkar means that the laws were legislated by the emperor himself in the shape of different types of *farmān*s and each type of *farmān* had its own legal status and value in which it was promulgated with the full force of the state. Although several authors and legal experts state that the Mughal empire collapsed because of the legal loopholes that the public found in the Mughal laws after the advent of the British, but S. R. Sharma has categorically dismissed this assumption. There was "social legislation of the Mughals" but the fact is that "the Empire collapsed with the deterioration of its military strength" and not due to the legal issues or that it did not have the complete legal system.[33] Raj Kumar, explaining the legislation process during the Mughal period, sates that the arrival of the Muslims "marks of a new beginning in the legal history of India." He further commented that Islam itself was a political theory, which presented its holy book the Qur'ān and practices of the Prophet (peace be on him) (*sunnah*) as new ways to legislate and made laws though some were already codified in the Qur'ān.[34] It means that *farmān*s were also part of the legislation, which was made from time to time to make administration run smoothly and govern the entire polity. This was a type of modern legislation. However, all *farmān*s were not legally equal, each *farmān* had its own legal status if viewed from the prism of the modern legal and constitutional understanding. Mughal emperors did not make any effort to prepare a codified set of laws except for Aurangzēb who realised the need to prepare a comprehensive collection of laws and patronised the composition of the *Fatāvā-i ʿĀlamgīrī*, a huge compendium of Ḥanafī laws. Commenting on his efforts, Firas Alkhateeb says that leaving beside what is

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[32] Jagadish N. Sarkar, *Mughal Polity* (New Delhi: Idarah-i Adbiyat-i Delli, 1984), 173.

[33] Sri Ram Sharma, *Mughal Empire in India: A Systematic Study including Source Material* (New Delhi: Atlantic Publishers, 1999), 3:882.

[34] Raj Kumar, *Essays on Legal System in India* (New Delhi: Discovery Publishing House, 2003), 43.

called about Aurangzēb "bigoted" and "intolerant," his efforts to bring "hundreds of scholars of Islamic law to work out a solution" resulted in the shape of this book of *fatāwā*, which is a great collection of religious decrees based on the Ḥanafī school of Islamic law.[35] In fact, it was the effort of Aurangzēb to bring his own *farmān*s or imperial decrees within the ambit of religious legal cover, which was not given to the *farmān*s of his predecessors. It could have been his political compulsions, for he realised that the Mughal empire was facing instability from the inimical Hindus. In the midst of this codification and rewriting of laws, the *farmān-i shāhī* variously assumed the status of a civil, criminal, constitutional, or a quasi-religious legal injunction. *Farmān*s were written and composed according to the nature of the situation but as the legal field was not as evolved as it is in the modern times, there was no process of democratic legislation but it should be given the equal status if an emperor consulted his advisors and viziers before issuing a *farmān* to run his government.

Types of *Farmān-i Shāhī* and Procedure of Their Promulgation and Execution

Various types of *farmān*s that have been identified by the historians include *rōznāmchah* (diary), *yāddāsht* (full report), *ta'līqah, suyūrghāl, thabtī farmān*, and *farmān-i bayażī*.

Diary was overseen by a high *amīr* (chief), who employed a number of writers. They used to write every move and action of the king including his conversation of the day from morning until evening. It was then presented to the king for the approval of what should be included or excluded. Famous Mughal historian of the emperor Akbar's reign, Abū 'l-Faḍl (d. 1602) provides examples of various diaries of Akbar.[36] When the king approved it, it was made into different copies and signed by the officials such as the *Parvānchī, Mīr'arż*, and *Amīr* separately. The report in this state is called *yāddāsht* or memorandum.[37] The original copy was kept safe, and given to the incharge officer who kept it in his custody after having a receipt.

The full report, which was called *yāddāsht* or memorandum, was used to keep the record of the emperor's activities including his commands or *farmān*s. Hameeda Khatoon Naqvi states that besides *yāddāsht,* the court administration used to get every order written in a specific style, so that it

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[35] Firas Alkhateeb, *Lost Islamic History: Reclaiming Muslim Civilisation from the Past* (Oxford: Oxford University Press, 2014), 170.
[36] Abu 'l-Faẓl 'Allāmī, *The Āʾīn-i Akbarī*, trans. H. Blochmann (Lahore: Sang-e-Meel Publications, 2004), 1:269.
[37] Ibid.

should have no ambiguities.[38] After full preparation, it was handed over to the event writers, *Risālahdār*, *Mīr'arż* and *Dārōghah*. The abridgement, thus completed is called *ta'līqah* and the writer is called *Ta'līqah-Navīs*. The *ta'līqah* was then signed and sealed by the minister of the state.[39]

Bābur issued *farmān*s related to religious issues such as the *suyūrghāl*.[40] These *farmān*s were different from other *farmān*s, which were solely executed or acted upon in auditing and military accounts, or civilian accounts branch. The *suyūrghāl*s were sent to the *Ṣadr*, the high religious official, appointed by the king.

Abū 'l-Faḍl mentions another type of the *farmān-i shāhī*, was called *thabtī farmān* as it was related to the stipends, grants, and salaries given to the members of the royal family. The *thabtī farmān*s were mainly issued for three purposes: first, for appointment to a *Manṣab,* to the vakilship, to the post of Sipāh-Sālār (governor of a province and commander in chief); to the tutorship of the princes; to the rank of *Amīr al-Umarā*; to a districtship, to the post of Vazīr, or Finance Minister, to the Bakhsiship (Paymaster and Adjutant-General); to the post of a Ṣadar, or a judge; second, for appointments to *jāgīr*s, without military service or for taking charge of a newly conquered territory; third, for conferring *suyūrghāl*s, for grants on account of daily subsistence allowance, and for grants for beneficant purposes.[41]

Another category of the *farmān-i shāhī* was called *farmān-i bayāżī*. Due to its importance it was written on a specific paper, knotted with the same paper form edge to edge so that the bearer could not read the text, and was placed in a golden cover. Only *Manṣabdār*s or *Aḥadī*s were allowed to carry this *farmān* to the required person but they had no access to the contents.[42]

The promulgation of the *farmān*s followed certain procedures. As there were various types of the *farmān*s, the procedure adopted for the implementation of a *farmān* dependant on its nature, significance, destination The details given by Abū 'l-Faḍl in *Ā'īn-i Akbarī* are highly complex and intricate. He states that the Mughals used to take every precautionary measure to safeguard their authority before issuing any *farmān*.[43] A separate staff was hired to record the orders, movements, and oral orders and commands of the emperor during his stay in the court. Abū 'l-Faḍl highlights almost fourteen types of writers who were called *Vāqi'ah-Navīs* (event writers). They used to

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[38] Hameeda Khatoon Naqvi, *History of Mughal Government and Administration* (New Delhi: Kanishka Publishing House, 1990), 81–82.

[39] Abu 'l-Faẓl, *Ā'īn-i Akbarī*, 1:246.

[40] Babur, *Babur-Nama*, 260–61.

[41] Abu 'l-Faẓl, *Ā'īn-i Akbarī*, 1: 246–47.

[42] Ibid., 1:249.

[43] Ibid.

record every royal movement besides writing special orders and *farmān*s. *Āʾīn-i Akbarī* informs that they used to record even when the king rose up in the morning, or whom he met, or what he ate, or what he did at leisure in the court.[44] This recording is a clear indication that the Mughals were aware of the significance of the written record and how their *farmān*s would be effective in bringing peace and stability to their empire. In fact, it ensured one thing that no saying of the emperor was left out.

The proverbial modern-day saying of "different rules and different laws for different people" was perhaps better displayed by the *farmān*s, which the Mughals issued. ʿAbd al-Bāqī Nahāwandī, an expert of Mughal era, has made a neat distinction between the *farmān*s written to different people. He states that the *farmān*s written to the royal family members, princes, commanders, and feudal lords were not only different in language and content, but also in seals placed on them. Adapted from other sultans, the traditions were set according to the ranks and addressee, as to what type of style was to be adopted. Nahāwandī states that the first distinction was made by putting signature before the official seal, the second was by adding one or two lines in emperor's own handwriting, and the third was the placing of the royal hand on the *farmān* with the official seal at its fixed place.[45] ʿAbd al-Ḥamīd Lāhaurī, a renowned historian, writes in his book, *Pādshāh Nāmah,* that Jahāngīr used to write specific *farmān*s himself to make a distinction or give more respect to the person to whom he wrote.[46] There are various examples of the *farmān*s written by Shāh Jahān. Lāhaurī stated that Shāh Jahān wrote very effective *farmān*s to Āṣaf Khān[47] during his last period and one to Mahābat Khān.[48] British Museum Manuscript of 16859 also provides a reference to a distinction made by Shāh Jahān while writing *farmān*s such as one written to Muẓaffar Khān.[49] This shows that Mughal emperors made distinctions in writing *farmān*s to different people with respect to their status and rank.

The authority to promulgate the *farmān*s was vested in the emperors or kings. However, for the functional purposes the authority was also delegated to various officials of the empire. According to Abū ʾl-Faḍl, simple orders of appointments or *frāmīn-i taqarrurī* were issued by the emperor himself written by the event writers, while these orders were passed on to the *Dīwān*

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[44] Ibid., 1:245.

[45] For details, see ibid., 1:246–48.

[46] ʾAbdu-l Hamid Lahori, *Badshah-Nama*, ia800201.us.archive.org/13/items/cu31924006140374 .pdf.

[47] Ibid., 07, 29–32, 34.

[48] For details, see ibid., 7, 48, 51, 128, 134–35, 138, 152.

[49] Balkrishan Brahman, *Letters Written by Shaikh Jalal Hisari and Balkrishan*, BM. MS., add. 16859 (Aligarh: Rotograph in the Department of History Library, AMU), 97.

(caretaker), *Bakhshī* (paymaster) and *Sāḥib-i taujīh* (military accountant). These were duly sealed by the writers with a proper seal of the emperor, which he himself placed on them according to the significance of the *farmān*.[50] These orders included both the appointments and the grants.[51]

However, the process of issuing the *ta'liqah* was a bit different. It was a simple order until it reached the *Dīwān-i Jāgīr* (caretaker of the land). It did not require a royal seal.[52] According to Abū 'l-Faḍl, it was dispatched to *Bakhshī* to be checked whether it was related to military service or grant. The *Bakhshī*, on his part, inspected it, completed necessary formalities, and issued a certificate of *sarkhat* (certificate). The *sarkhat* is entered in *daftar*s of all sub-*Bakkshī*s and is distinguished by particular marks. The *Dīwān* then keeps the *sarkhat* with himself, prepares an account of the annual and monthly salary due on it, and reports the matter to the emperor for approval.[53] After the emperor's approval, the clerk keeps the original order with himself and prepares a draft, which is inspected and verified by the *Dīwān* in written form and the seals of the Dīwān, the Bakhshī and the Accountant of the *Dīwān* are put on the draft in order. The draft thus completed is sent for signature to the *Dīwān*.[54] When the *Dīwān* signed it, it was called *ta'līqah-i tan* or order of salary.[55] It was then sent to the next office-bearer the *Sāḥib-i Taujīh* (account of the military expenditures), who kept all such orders with him and wrote fresh *farmān*s, and sealed and signed them himself to issue grants. A special auditor called the *Mustaufī* then reviewed it and put his signatures and seal on it. Following this procedure, it was sent to the *Nāẓir* (revision officer), *Bakhshī*, and *Dīwān* for verification and finally to the *Vakīl* (minister or prime minister) for his seal and signatures.[56] This is how a *farmān* was executed after passing through multiple stages. The entire procedure took a considerable time, but it was necessary to avoid fake and fraud grants. It was also necessary to hold various officials accountable if any mismanagement or fraud was found.

Certain other *farmān*s which were related to the appointments of high-ranking officials such as the governors and commanders, or related to the heir apparent, and other significant issues were not directly sent, but were given to

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[50] Abu 'l-Faẓl, *Ā'īn-i* Akbarī, 1:247.

[51] For details, see ibid., 1:247–48.

[52] Momin Mohiuddin, *The Chancellery and Persian Epistolography under the Mughals from Bábur to Sháh Jahán, 1526–1658: A Study on Inshá', Dár al-Inshá', and Munshīs based on Original Document* (Calcutta: Iran Society, 1971), 57–58.

[53] Abu 'l-Faẓl, *Ā'īn-i Akbarī*, 1:247.

[54] See ibid., 1:247–48.

[55] Ibid., 1:247.

[56] Ibid., 1:248.

the emperor to review and approve the draft. The emperor used to make modifications or alterations if he deemed necessary. However, it is important to note that the emperor, as Abū 'l-Faḍl states, never passed any remark or get offended over such slips or mistakes made by *Munshīs*.[57] In other words, the emperor oversaw the process of issuing significant *farmān*s by himself.

The case, however, was different for some other *farmān*s. For example, Abū 'l-Faḍl states that *suyūrghāl*s (religious edicts) or commands related to some religious aspects of the public were first signed by *Mustaufī*. They were then handed over to the department of the *Ṣadr*, the high religious official appointed by the king himself, and where the *Dīwān-i Saʿādat* used to review it.[58] In case of *suyūrghāl*s, the *farmān*s, after having been signed by the *Mustawfī*, were entered in the *daftar*s of the *Dīwān-i Saʿādat*. They were then signed and sealed by the *Ṣadr*, and the *Dīwān-i Kul*.[59] This exercise clearly shows that the Mughals were fully cognisant of the departmental division and implemented it even while issuing *farmān*s. This could be understood in some way as power-sharing. However, it, in no way, undermined the absolute authority of the emperor.

In a similar way, Abū 'l-Faḍl has stated the whole process of financial orders or *farmān*s for cash payments, which was different like *suyūrghal*s. He states that it was issued like an ordinary *farmān* but was signed by a *Nāẓir* (presenter), from whom it was passed on to the *Dīwān-i Buyūtāt* (caretaker of the treasure) and to the *Bakhshī*s and the chief *Dīwān* to be signed by *Khān-i Sāmān* (caretaker of the cash treasure). After passing through various *Buyūtāt*, the *farmān* went to the *Vakīl* who signed and sealed it for final approval for the payment.[60] This shows that the Mughals were very meticulous and careful in financial matters and fully realised the importance of financial regulations in curbing corruption, fraud, and irregularities in financial matters.[61] Therefore, separate *farmān*s were issued in this connection.

The procedure for *thabtī farmān*s was a bit different in that they did not need the seal of the emperor. These *farmān*s were not presented to the emperor. According to Abū 'l-Faḍl, these were related to the specific salaries and monthly grants to the royal family and the families of the progeny of the Prophet (peace be on him) or royal workers. Such *farmān*s were sent to the *Dīwān-i Saʿādat* for approval.[62] An important difference between this type of

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[57] Ibid.
[58] Ibid.
[59] Ibid.
[60] Ibid.
[61] K. P. Srivastava, *Mughal Farmans: 1540 A.D. to 1706 A. D.* (Utter Pradesh: Utter Pradesh State Archives, 1974), 27, 78.
[62] Abu 'l-Faẓl, *Āʾīn-i Akbarī*, 1:248.

*farmān*s and other *farmān*s was that all other *farmān*s needed fresh approval each time they were issued, but *thabtī farmān*s were sealed only once. They did not need to be sealed every year. However, Abū 'l-Faḍl says that they were sealed once by ministers, and then sent to the *Mushrif* who received them and got special sanction from the *Dīwān* to let them pass. The rest of the procedure of their execution was the same as they were to be approved by the *Nāẓir-i Buyūtāt*, then by the *Dīwān-i Kul*, followed by the *Khān-i Sāmān* as well as by the *Mushrif* of the *Dīwān*.[63] Thus everybody took great care in execution of these *farmān*s as they could have invited regal wrath in case of any mismanagement.[64]

This shows that the execution of a *farmān* other than the *thabtī farmān* is very long and protracted. This long procedure was adopted to curb corruption and mismanagement. Although it could have appeared complicated to a common person, for people aware of the administrative procedures it was easy to execute. It is because, as Abū 'l-Faḍl has pointed out, every department was responsible for any delay in the procedure of issuing *farmān*s. The officers were also responsible to check and review the execution of the *farmān*s at any stage.[65] All the civilian and administrative departments felt at ease with separate *farmān*s to be executed, as there was no pressure, timeframe, or oral order, which compelled them to execute the *farmān*s in a specific time. Moreover, this system led to a friendly cooperation between civilian and military departments and helped to create check and balance.[66] In other words, there was little room for corruption, fraud, and mismanagement. It could be seen as a precursor of the modern management system.

According to the Mughal tradition, the royal seal was kept in an office separate from other departments and ministries. It was mostly held by the royal family and sometimes it was kept in the custody of people having no link with other officials within or out of the palace. The Mughals used various types of seals for various types of *farmān*s to avoid errors and identify the types of royal commands. As there were different kinds of *farmān*s, Abū 'l-Faḍl has stated that there were five types of seals: (1) *chughtā'ī* seal; (2) large royal seal; (3) square seal; (4) *miḥrābī* seal; (5) female department seal.

Chughtā'ī seal was also named as *Uzuk*. It was specifically used only for royal *farmān*s or *thabtī farmān*s when the emperor confers some title on some royal or high dignitary from the royal family, makes an appointment, confers a piece of land, or sanctions a huge sum as a reward. The large royal seal was

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[63] Ibid.
[64] For details, see ibid., 1:245–48.
[65] Ibid., 1:248.
[66] Ibid.

used for ordinary *farmān*s issued from time to time. This seal shows the lineage with names of all of the emperor's predecessors inscribed on it. It was specifically used for diplomatic letters sent to the kings. For other *farmān*s issued from time to time for running the administration of the government in the capital and other cities, there was a square seal. Opposed to all these, as stated by Abū 'l-Faḍl, the judicial seal was specifically used for judicial proceedings. It was *miḥrābī* or twisted in shape with king's name as in a verse, which signifies the justice of the king that it is done to please God. Besides these seals, there was another seal to be used for females.[67] The purpose of different seals, signify that the Mughals were careful in the administrative matters. They wanted to create a legal proceeding system that could be hard to evade and avoid.

Among all the royal seals, the *Uzuk* was of special importance, as it was used to verify the drafts of important *farmān*s. This seal was given in the charge of a very trusted person.[68] Abū 'l-Faḍl, however, has nowhere stated the significance of these seals. Perhaps, he has completely ignored the official importance and significance of these royal seals. He has casually mentioned these seals while referring to the services of Sulṭān Khavājah. It was used to appoint him at some important position during the eleventh year of Akbar's rule.[69]

Conclusion

This study helps to understand how *farmān-i shāhī* drew legitimacy from every source available to the Mughal emperors be it religion, power, army, custom, conventions, ingenuity, manipulation or public approval. These *farmān*s were used to provide legal bases for civil, criminal, and constitutional issues. The study also shows that the Mughals employed unique techniques in issuing and executing *farmān*s to ensure that their words were not lost in the air. They knew it very well that if their *farmān*s were not paid attention, they would not be able to rule India for another day. The procedure adopted by Mughals clearly indicates the Mughals and their administrative minds created a system of checks and balances in a time when it was considered herculean task. Modern management and administrative gurus are amazed at the system that the Mughals created with the help of local intellectuals. This system proved its effectiveness during those turbulent times. The seal was usually fixed on the *farmān* within eight days during which every document was subjected to rigorous inspection and evaluation. The *shāhī farmān*s worked like a

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[67] For details, see ibid., 1:88–89, 248–49, 251–55.

[68] Ibid., 1:88.

[69] Ibid., 1:249.

constitutional document and provided a codified set of laws. In fact, these were initial steps to introduce a system of checks and balances in governance. In sum, these *farmān*s show how Mughals ruled India through a system of *farmān*s, which drew their legitimacy from a number of sources.

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