

THE PRACTICE OF ESCHEAT AND THE MUGHAL NOBILITY

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Abstract:

The Mughal nobility comprised of multi racial elements (Turans, Iranis , Afghans, Indian Muslims, Rajputs, Marathas, etc.). However Turani elements were predominant. They created problems for Babur and Humayun and did not allow them to establish a strong centralize monarchy. In his early years of reign, Akbar also faced serious resistance from the some senior Turani nobles. They rebelled against imperial authority and defied imperial orders. Now Akbar decided to make them subservient by admitting non Turanis in his service and by introducing mansabsystem, law of escheat and other administrative reforms. In this paper an attempt is made to discuss the functioning of law of escheat and the reaction of nobles.

KEYWORDS:

Mansab – Status
Farman – Order issued by the king
WaqaiyaNavis - News reporter

INTRODUCTION:

The Mughal nobility had been core aspect of the state apparatus. It was the solely creation of the Emperor. Nobility was responsible for dispensing the Emperor's orders, collection of revenue, maintaining law and order etc. No Emperor could remain on the throne without the support and cooperation of nobility. The King always tried to increase his domination over the nobles. Akbar was the first Mughal Emperor who established a strong monarchy and made thenobility subservient by introducing several administrative measures. The Muhgal nobility comprised of multi racial and multi ethnic but the majority of them belonged to Persia and Central Asia. These foreign elements generally belonged to very high profile families and many of them had vast experience of service under the Safavids and Central Asian rulers. Actually, they came to the Mughal court in search of better opportunities. Similarly the Indian Muslims , Rajput and other Hindus too belonged to higher classes. As we all know most of the Rajputs in the imperial services were territorial chiefs and many of the Indian Muslims belonged to the families of Sufi saints. The others like Hindu and Muslims who were admitted in the service also belonged to the respectable families of their region. Thus the nobility comprised of people belonging to highly respectable families of their origin. They were admitted by the Emperor on the basis of merit and family connection as none of them was purchased as a slave by the Mughal emperor. The Mughal nobility thus was not a slave bureaucracy.

In the nobility however, Turani elements were predominant. They created problems for both Babur and Humayun and did not allow them establish strong centralized monarchy. These elements continued to behave in the same manner during the early years of Akbar's reign¹. After the dismissal of Bairam Khan, Akbar appointed men of his choice on key administrative position, took action against those nobles who ignored the authority of the king and introduced certain administrative reforms to curtail the power of the

nobles. A number of senior Turani nobles defied imperial authority and openly rebelled². They reacted violently because they believed that the emperor was acting against Tura-i-Changazi which gave them hereditary privileges. The Emperor was determined to bring them completely under his subordination after routing the revolt, admitted a large number of non-Turanis (Irani, Rajput, Indian Muslims, other Hindus, Khurasani) in his service. As a consequence, the complexion of the nobility altered and the number of such elements in the nobility increased who were ready to sacrifice everything for the service of the empire. With the introduction of Mansab system and such other administrative reforms, Akbar, in due course of time, was able to bring them under his complete subordination.

As a matter of fact the nobles were now practically reduced to the position of the slaves. In Aini Akbari, the nobles are actually mentioned as Banda-e-Daragah (slave of the court). This was more clearly illustrated when after the death of Munim Khan in 1575, the law of escheat was implemented although Munim Khan was a free born noble and had legally wedded wife. After that we find several other cases of noble whose property was confiscated by the state under the law of escheat. However, it is important to note that the Mughal administration had not prepared any regulation of the operation of this law until 1666 A.D when Aurangzeb in a farman laid down the rules in this regard⁴.

In this paper an attempt is made to discuss the functioning of the law of escheat and the reaction of nobles in the light of the cases that we have been able to collect from contemporary accounts.

One of the most important cases of escheat referred by the source was related to Mizra Rustam Safavi, a very senior noble of Akbar and Jahangir's reign. Related to the Safavid rules, he joined Mughal service after surrendering Qandhar. He lived for very long period and died in 1639 A.D., soon after his death when the office of the diwan came to take over the property, his wife, even before the wakil could come to help her, had her maid servants dressed in male attire, gave them muskets to give a fight. She acted in this manner on the plea that they were serving the empire loyally for the last fifty five years and had closed family ties with the imperial family. Therefore, her possessions could not be confiscated in the manner of other amirs. The official of the account department out of fore-sight deferred action and communicated the facts to the royal court. The emperor was greatly pleased and happy with the conduct and bestowed the entire property to his wife except elephants.⁵ It seems that this protest was not against the system but on basis of the claim of long service and relationship with imperial family.

We also find instances when nobles through fraudulent means tried to pass on their wealth to their sons, wives and other relations. Islam Khan Mashhadi⁶, a noble of Shahjahan fell ill in the Deccan. He had a premonition that he would not survive. Acting on the advice of diwan Khwaja Chaturbhuj Das and Miyan Ambar, his fuajdar burnt all his records, secretly distributed the property among his brothers, sons, wives and rest of his family. Thereafter he prepared a statement of his assets worth twenty five lacs sent it to the court. But when the emperor came to know that the statement sent by him was incorrect, he ignored it and in consideration of his long service his whole property transferred to his heirs.⁷

The law of escheat was so vigorously implemented that senior most nobles like Mahbat Khan, seven in the agony of death, remained perturbed. He had foreknowledge of his death and distributed four thousand ashrafis among the attendants inside and outside his palace. Of the rest of his property in cash, kind, horses, elephants, camels, oxen and donkeys, he made a list of each and everything, signed the paper and sealed it before sending to the royal court. With great emphasis he said to his wife that even a pebble of India not to talk of amirs was his enemy, beware do not keep even one rupee worth of a thing concealed and hidden, everything should be mentioned in the list. She acted accordingly. Not completely satisfied with the statement that had been prepared on the day of his death, he told Hakim Khushhal and Khwaja Ibrahim, 'now my hands have no strength that I can write in my hand a memorandum to the emperor, you write one to such an effect.' Towards the end of the day, they prepared a draft and presented it to him. But as he was not satisfied with it, he dictated the memorandum. Shaikh Farid Bhakkari writes that even in the midst of the death agony, his mental faculties were intact and there was absolutely no deviation. The entire contents he got written in extempore were full of sense and reasons and he signed at the end of the letter. He asked the Hakim who was also his waqnavisto send the memorandum immediately to the court stating the Mahabat Khan has departed from the world, lest the harkara write and convey before the dispatch of the memorandum and that his obeisance will not be accepted by the emperor for not informing him in time. After that he called all the Rajput chiefs and spoke mildly to them. 'till now I have had my name raised a lot in India with your full backing. Now I make a final request to you that I have made a final inventory of whatever I had in my possession and sent it to the court. There is no difference of even a penny that anyone can call me to account. But I have always remained independent in life. See that after my death too the diwan and bakshi do not confiscate my property, do not put a seal on my workshop and do not subject my officials and workers to account and audit. Take my coffin and carry it to Delhi and enter it at the foot of the Qadamgah. the attendants, workers and all the property comprising cash and kind, moveable and immovable, to the court. Whatever then is the pleasure of the king of the surface of the earth.' The Rajputs acted likewise. They did not

allow the clerks of the royal accounts department to interfere in his property. The emperor bestowed everything on his sons except the elephants.⁹

Similarly Khwaja Ali Nasiri Khan-e-Dauran¹⁰, a great noble of Shahjahan, wounded by his servant in the midnight, realized that he would not survive anymore and hence prepared the list of his properties without omitting or leaving out anything and sent it to the court. Shaikh FaridBhakkari writes that he left one crore rupees in cash and two crore rupees worth in goods, commodities, elephant, horses, camel etc which were confiscated to the imperial exchequer at his behest¹¹

Apart from these we find several instances where after the death of noble and realizing the states dues (mutalaba) the remaining property was distributed among the legal heirs of the deceased by the Emperor. When Sarandaz Khan Qilmaq, a noble of Shahjahan, died his entire belongings were confiscated by the way of adjustment of the imperial dues because he had excess debt of the state¹². Similarly, an amount of twenty five lacs of rupees was found from the possession of MirzaKhuram, son of Azam Khan who live a life full of poverty. All was confiscated to the state. The emperor granted only twenty thousand rupees to his sons.¹³

Hakim Alimuddin Wazir Khan¹⁴ was a close associate of emperor Shahjahan. He amassed on crore and twenty lacs rupees. He died without heir and his property and cash was taken over by his state¹⁵. Similarly after the death of NawabFath Jung (maternal uncle of Asaf Khan) his property worth forty five lacs rupees in cash and kind was confiscated by the state.¹⁶

From the above discussion it become quite clear that the law of escheat was accepted without any reservation by the nobles and that it was very rigorously implemented. We got only one reference of a protest against this order but the arguments against its implementation are long service and close relations with the imperial family. In most of the cases the nobles themselves prepared detail information about their assets knowing well that the law will be implemented strictly.

We have also noticed that the principle of escheat was enforced on Irani, Turani and Indian Muslims alike. But we have not been able to get any reference of escheat being enforced on Rajput nobles. The case of Raja Bitthal Das cited by Prof. Athar Ali is quite different as the Emperor only asserted his right to deal with inheritance.¹⁷

In the light of the above one may suggest that the escheat could be enforced on Turani, Irani, Indian Muslims nobles probably because they did not possess any hereditary land holding and whatever property they were able to accumulate was through their service of the emperor. Therefore, the emperor had a right over that property.

NOTES AND REFERENCES

1. Iqtidar Alam Khan, 'The Mughal Court Politics During the Baimram Khan Regency' Medieval-A miscellany, vol.I, Bombay, 1969.
2. Iqtidar Alam Khan 'The Nobility of Akbar And development of his religious policy-1560-80,' Journal of Asiatic Society, 1968.
3. Abdul Qadir Badauni, 'Muntakhb-ut-Tarrarikh, ed. Ahmad Ali and Less, Bib Ind, Culcutta, 1865-68; vol.II pp. 217-18.
4. According to the farman, 'when a servant of the state died leaving no legal heir behind him and without any state dues against him, his property should be deposited in the bait-ul-mal. If he owed something to the state, that state dues should be realized and then the rest of the property deposited in the baitulmal. If he had heirs and also owed something to the state, they should attach his property within three days of his death. If the property exceeded the amount of his debt to the state, they were to take the amount of the debt only and deliver the rest to his heirs, after the latter had legally established their right. If the state claims exceeded the property often deceased, the whole of the property was to be confiscated. If the deceased noble owed nothing to the state, his whole property was to be handed over to his legal heirs and the state officials were asked not to interfere with it. See Muhammad Ali Khan, Mirat-I Ahmadi, ed, Qazi Abdul Kari and Qazi Rahmatullah, Bombay, (AH.1307), I, pp.281-82.
5. Shaikh FaridBhakkari, 'ZakhiratulKhawnin, ed. Dr.Syed MoinulHaq, Karachi, 1961 vol.ii, pp. 100-01.
6. His real name was Abdus-Salam when prince Khurram rebelled against his father, Islam Khan firmly stood by him and after his accession, he was given the rank of 500\5000 and the title of Islam Khan. He was appointed as the Subedar of Gujarat and Bengal, and ultimately he became the Diwan-e-kul. He died in 1647. For more details see Zakhirat-ulKhawanin, vol. III, p.25; Shanawaz Khan, 'Maasirul-Umara,' ed. MaulviAbdur Rahim, Bib. Ind. Calcutta, 1888, vol. I, pp. 162-167.
7. Zakhirat-ulKhawanin, vol.III, p.26; Maasirul-Umara; vol.I, pp. 165-166.
8. He joined Mughal service during the reign of Jahangir. Because of his personal valour, pleasing manners and loyal disposition, soon became his great favorite. During the reign of Shahajahan, he was given the rank of 7000\7000 and was conferred the title of Khan-i-Khana. He died in 1634. For more details see Zakhirat-

ulKhawanin vol. II pp. 116-70. Afzal Husain, 'The Mughal Nobility under Akbar and Jahangir' Aligarh, 1999, pp. 164-184

9. Zakhirat-ulKhawanin, vol.II pp. 163-165.

10. His real name was Khwaja Sabir Ali Nasiri. He was the son of KhwajaHisari. He joined the Mughal service under prince Kurram. After accession Shahjahan bestowed him the title of Nasiri Khan and Malwa was assigned him as Jagir. He displayed outstanding valour in the campaigns of the conquest of Daulatabad and Parenda and later he was honoured with the title of Khan-i-Duran. He died in 1645 A.D. For more details see Zakhirat-ul-Khawanin; vol. 3, pp- 18-20; Masiral-Umara vol.1 pp. 749-58

11. Zakhirat-ul- Khawanin, vol. 3, pp.24-25

12. Zakhirat-ul-Khawanin vol.2, p. 118

13. Ibid, p.211

14. He belonged to Khobroat (Punjab). He joined the Mughal service after accession emperor Shahjahan appointed him Diwan-i-kul and gave him rank of 5000/3000, later on, he also served as Subedar of Punjab and Agra. He also the personal physician of Shahjahan. For more details see Zakhirat-ul-khawanin vol. 3, p. 15-16 Maasirul- Umara, vol. 35-36.

15. Zakhirat-ul-khawanin vol. 3, p. 16. Masirul- Umara, vol. 3, p. 36.

16. Zakhirat-Ul-Khawanin vol. 3, p. 79.

17. M. Athar Ali, 'The Mughal nobility under Aurangzeb,' Delhi, 1997, pp. 63-68.