

JIWAJI UNIVERSITY, GWALIOR

BALLB II SEM

HISTORY PPT LECTURE

07

UNIT- II

TOPIC- DELHI SULTANATE

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THE DELHI SULTANATE

JUDICIAL SYSTEM IN MEDIEVAL INDIA:

Probable questions:-

1. What were the sources of law which laid down the foundation of judicial system?
2. Write a short note on hierarchy of courts in medieval india.

JUDICIAL SYSTEM IN MEDIEVAL INDIA

Concept of law:

During the muslim rule in india, islamic law of shara was followed by all the sultans and mughal emperors.

The muslim followed the principle of equality and overriding distinction of class, nationality, race and colour. However this concept of equality was applicable only to muslims, non-muslims did not enjoy all the rights and priviledges.

Source of law:

The main source of muslim law i.e. shara is Quran and Sunna or Hadis, which means the practices and traditions of the prophet who, is considerable to be the best interpretor of Quran. All matters on which Quran was silent, Hadis was regarded as paramount authority.

Two other sources were-

- Izma : Consensus of opinion of the learned in Quran.
- Qiyas: Analytical reasoning having due regard to the teachings of Muhammad.

As the society progressed, four well defined branches or schools of muslim law came to be recognized by eminent muslim jurists. They were;

1. The Hanifi school
2. The Maliqi school
3. The Shafi school and
4. The Hanbali school

Hierarchy of courts:

King:- Monarch was the head of the judicial organisation. According to Muslim jurisprudence, as was the position under the Hindu jurisprudence, the sultan constituted the highest court of justice.

The sultan was supported by sadra-us-sadra in dispensing justice in case of religious nature and all other cases were settled by him with the help of Qazi-ul-Quzat.

During the sultanate period the court of diwan-i-majlis was the highest court of criminal appeal.

Courts: Qazi-ul-Quzat was the apex judicial officer next to the sultan. His office was known as Diwan-i-Qaza.

- At each provincial headquarters, Adalat Qazi-i-Subah was empowered to try civil and criminal cases.

- Similarly there were courts of qazi at the district and pargana headquarters.
- Village panchayats decided the judicial matters of the village
- To deal with the cases of criminal prosecution of rebels, a separate court Diwan-i-Siyasat was constituted by MBT.

Police: Policing of the cities and towns was the responsibility of kotwal and of the countryside fauzdar.

Jail: Imprisonment as punishment was not specially mentioned under the islamic criminal law, provisions were the compensation, thus there was generally no need of prisons or jails.

- Punishment: Punishments for various offences were classified into four categories;
 1. Kisa- life for life and limb for limb.
 2. Diya- blood money, awarded to the victim or his heir.
 3. Hadd- inflicted on persons who committed offences against god.
 4. Tazir- punishment for the cases not falling under kisa or hadd.

CONCLUSION

Every possible effort was made to keep up the high standard of the judiciary. It is seen that during the muslim rule, the criminal justice system marked a significant change from the hindu period.

Special emphasis was given on constitution and working of different courts.

Salient feature of the muslim law was that the muslim criminal jurisprudence treated criminal law as a branch of private law rather than public law.

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THANK YOU

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