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Regmi Research (Private) Ltd,  
Laximpat, Kathmandu, Nepal.

Nepal, Newar And The Newari Language

By

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("Nepal, Newar Ra Newari Bhasha." Navakunja (Nepali, Monthly), Year 5, No. 1, Jestha 2026 (June 1969).

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Page 3 Four centuries ago, a poet created the legend that Nepal owes its name to a sage called Ne. At another place, he gave the name of the sage as Nemi.<sup>1</sup> Sylvain Levi has expressed the view that the term Nepal was derived from "Nepa" or valley.<sup>2</sup> But such a construction is contrary to the rules of Sanskrit grammar,

Dr. Thomas Young, supported by Sir George Grierson,<sup>3</sup> holds that the terms Nepal and Newar have a common origin. On the contrary, according to Prof. Turner, either one of these terms is derived from the other. (Page 4). This, again, is contrary to the rules of philology. The view put forward by Young and Grierson appears to be correct. The original term from which both Nepal and Newar emerged might have been "Nyarba", which belongs to the Murmi or Tamang dialect.<sup>4</sup>

The first reference to the term Nepal is found in the Arthashastra of Kautilya,<sup>5</sup> a minister of the Mauryan Emperor Chandra Gupta. (321-297 B.C.). Kautilya mentions blankets called "Bhingise", which used to be exported from Nepal to Pataliputra (modern Patna). The Magadhi language spoken in Bihar at that time did not contain the sound "ra", which was always spoken as "la". In his inscriptions, Emperor Ashok describes himself as a "Laja" instead of "Raja". This shows that "Newar" was pronounced "Nepal" in Pataliputra. Kautilya clearly used this term to refer to a country.

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<sup>1</sup>Vide Pashupati Puran.

<sup>2</sup>Le Nepal, Vol. II, P. 66-67.

<sup>3</sup>Linguistic Survey of India, Vol. III, Part I, P. 213.

<sup>4</sup>Vansittart, in "Gurkhas", writes, "A Nerba is the progeny born of intercourse between a Murmi and a Newar. The Nerba has the highest social standing among the Atharajat and ranks nearly equal to the Barathamang." (P. 142).

<sup>5</sup>Arthashastra, 2-11-30.

Contd...

No such ancient reference is available to the term Newar. The term was first used by Europeans who visited Nepal in the 18th century. It seems that the term was originally "Nepar", which later corrupted to "Nebar" and then to "Newar". The term "Nyarba" has, however, retained the sound "ba" even now. (Page 5). It appears to have borrowed the Tibetan suffix "Pa".<sup>6</sup>

Kathmandu Valley appears to have been the original homes of the Nepars. Anand Bhikshu, a disciple of the Buddha, had visited this place<sup>7</sup> as a refugee when Kapilavastu was devastated during the last days of the Buddha. (563-483 B.C.). The Jain saint Bhadrabahu too had come here when a famine occurred during the reign of Chandra Gupta Maurya.<sup>8</sup> After the death of Ashok, Buddhist Chaityas and Bahals were constructed in Kathmandu Valley. Lichchhavi Kings constructed temples here. Kathmandu Valley, moreover, was the capital of the Lichchhavi, Baish and Malla Kings. It is for this reason that Kathmandu Valley is sometimes called Nepal, although the term Nepal is more widely used to denote all territories ruled from Kathmandu.

The geographical area denoted by the term Nepal during the time of the Newars is not clear. Until the time of the Buddha, Vrijji and Malla republics existed in the areas south of Nepal. It may therefore be maintained that the (Page 6) Nepars too comprised a republic at that time. King Ajata-shatru (491-459) of the Sisunag dynasty annexed these two republics to his empire. It was then natural that monarchy should have emerged among the Nepars as well. Grierson has given much praise to a Vamshavali compiled around the end of the 14th century.<sup>9</sup> This work, called Gopal Vamshavali is in the Government Library. It contains a list of 32 Kirat Kings who ruled before the Lichchhavi Kingdom was founded. These Kings appear to be Nepars. In the Sanskrit language, the inhabitants of regions situated to the south-east of India are called Kirats. The Nepars of Nepal too lived in these south-eastern regions.<sup>10</sup>

<sup>6</sup>In the Tibetan language, the suffix "Pa" is used to denote residence. An inhabitant of Syar is thus Syarpa, and of Dhuk, Dhukpa.

<sup>7</sup>Le Nepal, Vol. III, P. 188.

<sup>8</sup>Le Nepal, Vol. II, P. 65.

<sup>9</sup>Linguistic Survey of India, Vol. III, Part I, P. 214.

<sup>10</sup>There exists considerable difference in the meanings of the Sanskrit term Kirat and the term as it is used in our language. In the 15th century, the Sen Kings of Makwanpur described areas occupied by Magars as "Magarat." In the 16th century, the Sen Kings conquered the hill regions east of the Dudhkoshi river as well as the Tarai regions of Saptari and Morang. The hill regions east of the Dudhkoshi were inhabited by Kirats, who were contemporaneously called "Kiruwa" by the Bajis of the Tarai. The Sen Kings, on the analogy of "Magarat", gave the name of Kirat to regions inhabited by "Kiruwa". The term Kirat thus denoted a region and not an ethnic community. In other words, Kirats inhabiting the Kirat regions alone are not Kirats. This has given rise to the confusion that the ancient Kirat Kings of Nepal actually belonged to the Kirat ethnic community. (See Wright: History of Nepal, P. 10)

It is strange that the Mahabharat, which started being compiled after the 2nd century A.D., contains no reference to Nepal.<sup>11</sup> This work dates back to the last year of the rule of the Kirat Kings of Nepal. The Mahabharat, although it does not contain any direct reference to Nepal, mentions at one place that Bhimsen visited Videha and vanquished seven Kirat Chieftains in the area near the Aindra mountain.<sup>12</sup> It is not clear whether this story is correct, but we can use it to understand the contemporary situation. Videha at that time comprised the present Darbhanga, Mahottari and Saptari. Sindhuli-Gadhi is the only mountain near this area. It lies on the main route from central Nepal to Videha. Petty Kirat principalities appear to have existed in this area at that time. The Kingdom of Nepal and that of the Tharus in the Tarai must have been two of them. The other five may have been those of Thamis, Khambus, etc in the hill regions. Thus this story proves that there existed petty Kirat principalities east and west of Nepal at that time. During the 1st century A.D., the Lichchhavis displaced the Nepars and founded the first Arya kingdom. By the 4th century A.D., these petty principalities appear to have been incorporated into the Kingdom of Nepal.

No clear reference to the boundaries of Nepal during the Lichchhavi period is available. According to the Prayag inscription (circa 350 A.D.) of the Gupta Emperor Samudra Gupta, Nepal denoted the region situated between Kamrup (Assam) and Kartripur (Kumaun).<sup>13</sup> The Tista river forms a natural boundary between Kamrup and Nepal, although this is a matter of speculation. The Changu inscription of the Lichchhavi King Manadev of Nepal (464-491 A.D.) describes how he crossed the Gandaki river and conquered Mallapuri.<sup>14</sup> The Malla Kingdom of Parbat on the banks of the Kali river had not been founded at that time. It thus appears that this Mallapuri was situated in the Karnali basin. Yuan Chwang, the famous Chinese traveller, who visited Nepal during the first half of the 7th century, states that Nepal covered an area of 4,000 li<sup>15</sup> or 1,333 square miles. This shows that Nepal at that time extended at least from the Tista river to Sakhika-Lekh, that is, from Ilam to Pyuthan. King Jayapid of Kashmir invaded Nepal at the beginning of the 9th century.<sup>16</sup> He was resisted by King Varmadev of Nepal on the banks of a big river beyond the Gandaki. This big river may be the Bheri or the Karnali. But Nepal's decline had set in after the end

<sup>11</sup>There is a reference in the Karnadigvijaya Parva, but this is clearly a later addition.

<sup>12</sup>Sabhaparva, 31-15.

<sup>13</sup>Fleet, Gupta Inscriptions, P. 8.

<sup>14</sup>Le Nepal, Vol. III, P. 14.

<sup>15</sup>Bill, Buddhist Records Of The Western World, Vol. II, P. 80.

<sup>16</sup>Rajatarangini, Chapter 4, 530-545.

of the Lichchhavi regime and the founding of the Baish regime in 880. During the 5 centuries of this regime, Tibet gradually encroached on its northern frontiers and it appears that Nepal had already lost the hill regions east of the Singhlila. The Malla Kingdom in the west had already become independent. The Karnat Kings of Simraungarh had founded a new kingdom in the eastern Tarai south of Nepal. The Tarai area of Butaul had already been subjugated by the Malla Kings. Nepal thus comprised only the hill regions from the Singhlila to the Sakhika-lekh.

For one century before its collapse, the Baish regime suffered from internal conflict and external aggression. In 1380 A.D., the last Baish King, Arjun Dev or Arjun Malla, was deposed by his ministers and replaced by a Rajput called Sthiti Malla. During a period of 200 years, the Kingdom of Nepal split into nearly 30 fragments, including Kathmandu, Gorkha, Lamjung, Tanahu and Makwanpur. Even then, the Kings of Kathmandu, Lalitpur, Bhaktapur and Dolakha, which were situated north of the Mahabharat mountain between the Trishuli and Tamakosi rivers, used to describe their territory as Nepal. This is the reason why the Nepal Mahatmya describes this region as Nepal. Later the Kings of Dolakha began to call themselves Dolakhadhipa (lord of Dolakha) and not Nepaladhipati (lord of Nepal).<sup>17</sup> The eastern boundary of Nepal thus contracted to the Sunkoshi river. Only the Malla Kings of Kathmandu, Bhaktapur and Lalitpur called themselves Kings of Nepal until the end. The kings of Gorkha, Palpa, Makwanpur and other principalities regarded their territories as situated outside of Nepal.

In 1769 A.D. King Prithvi Narayan Shah of Gorkha founded the present Kingdom of Nepal. Since then, the territories comprising Nepal continued to expand. By 1792 A.D., the entire territory from the Tista river in the east to the Alaknanda river in the west began to be called Nepal. By 1805 A.D., the boundaries of Nepal had reached the Sutlej river in the west. In English maps published in 1811, Sikkim, Kumaun, Garhwal and Simla too have been placed inside Nepal. In 1816, the boundaries of Nepal again contracted to the Mechi river and the Singhlila range in the east and the Mahakali river in the west. Nepal now denotes the territory situated within these boundaries. The inhabitants of this territory are called Nepalis and the Khaskura or Parbatiya language, which is the national language, is called Nepali.

Nepal owes its name to the Nepar community. But with the passage of time, all connection between the two has been severed. The Nepali language has no connection with the language spoken by the Nepar. The term Newar might have been derived from Nepar, but the modern Newars have only linguistic affinities with the Nepar. In other words, the Newari language has evolved from the language spoken by the Nepar. But there is no evidence

<sup>17</sup> See coin of Jayendra Singh Dev in Nepal Museum.

that the modern Newars are the descendants of the Nepars. The general belief that they may be due to the fact that all those who speak the Newari language are regarded as Newars, and that no other definition is available. This leads us to a discussion of the Newari language.

Philologists have expressed the view that the Newari language, like the Yakthumba, Khambu, Sunuwar, Thami, Murmi and other dialects spoken in the hill regions of Nepal, belongs to the Tibeto-Burman family.<sup>18</sup> These dialects have no relationship whatsoever with Sanskrit, Hindi, Nepali and other Aryan languages of India. Of course many words of the Indian Aryan and Tibetan languages have infiltrated into the Newari language in the same manner as Arabic, Persian and English words have infiltrated into the Nepali language. But Newari verbs and numerals have no relationship with the Aryan languages. The rules of grammar and syntax too are different. According to Grierson, these are offshoots of the Tibetan language. But the fact is that there is as much difference between the Tibetan and Newari languages as with the Yakthumba and other dialects.

These non-Aryan dialects of the Himalayan regions may be divided into two categories, pronominal and non-pronominal, according to whether or not pronouns are put together with nouns and verbs. Thus in the Yakthumba dialect of the Tamor-Khola area, the sentence "a man had two sons" is written as follows:-

Lochchha Yami Thik-le Nechchhi Ku-sa Biyi-Chhi.

In this sentence;

<u>Lochchha</u>	means	Some.
<u>Yami</u>	„	Man,
<u>Thik-le</u>	„	In one.
<u>Nechchhi</u>	„	Two.
<u>Ku-sa</u>	„	His sons.
<u>Biyi-chhi</u>	„	They were.

Thus the pronouns "Ku" and "Chhi" are joined with a noun and a verb respectively.

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<sup>18</sup> Linguistic Survey of India, Vol. III, Part II.

In the Khambu dialect, the same sentence is read as follows:-

Tik-Pu Min-Po Sak-Pu Yu-Chu Mo.

In this sentence:

Nik-Pu	means	One.
Min-Po	„	Man's.
Sak-Pu	„	two
Yu-Chu	„	his sons
Mo	„	were.

Here the pronoun "Yu" is joined only with the noun.

In the Newari language, this sentence is read as follows:-

Chhahma Manuya Nihma Kaya Du.

Here pronouns are not joined to nouns or verbs. But the word "Hma" has been added to the numeral (Chha) to denote an animate object. The verb "du" is used also in the present tense.

The dialects spoken by Magars, who follow the Hindu religion, by Gurungs, Murmis and Syarpas, who follow Buddhism, and by Newars, who follow both religions, are all non-pronominal. The dialects of Yakthumbas, Khaubas, Dhimals, Thamis, Hayus, Chepangs and other communities who follow neither religion are pronominal. The Sunuwars started adopting the Hindu religion after 1829 A.D. At that time, (Brian) Hodgson found their dialect to be pronominal. But 50 years later, Grierson found that it was non-pronominal.<sup>19</sup> This change during such a short period appears to have been the result of intercourse with Brahmans who were religious teachers and spoke the non-pronominal Nepali language. The Tibetan language too is non-pronominal. It is speculated that the Gurung, Murmi and Syarpa dialects have become non-pronominal as a result of intercourse with Tibetan teachers. The Munda dialects of the Santhals and other communities inhabiting the hill regions of Bihar are pronominal. Philologists have included these languages in the Tibeto-Burman family. The Sataars inhabiting the eastern Tarai also speak a dialect similar to that spoken by the Santhals. Hence it may be appropriate to designate all the pronominal dialects currently in use in Nepal as Tibeto-

<sup>19</sup> Linguistic Survey of India, Vol. III, Part I, P. 199.

Burman. As stated above, the community speaking Tibeto-Burman dialects is called Kirats in the Sanskrit language.<sup>20</sup> The dialects spoken by Magars and other communities were also included in the Kirat group, since they are pronominal. The opinion has therefore been expressed that the Nepari dialect too belonged to the Kirat group.

While no specimens of the Nepari dialect are available, there can be no doubt that the non-Sanskrit words found in the stone inscriptions in the Sanskrit language left by Lichchhavi Kings in Nepal (Kathmandu) Valley are Nepari. They are all proper nouns. Here are some examples of such non-Sanskrit words.

The unpublished stone inscription left by Ratna Sangha at Deopatan contain these words:

Dulang                      Khepung                      Hyaspring                      Dungprang                      Khenam.

All these are names of villages.

The word "Khripung", which is the name of a village, appears in the stone inscription of Shiva Deva found at Tulachhe Tole in Bhaktapur. This inscription has already been published.

The stone inscription located at Taujhya Tole in Lalitpur, which dates back to the period of Jishnu Gupta, contains the names of these villages: Thagwoo, Gangul, Asinko, Khadpring and Kankulang. This inscription too has been published.

The words "Katung" and "Phirang", which too are names of villages, are mentioned in the stone inscription (still unpublished) of Shiva Deva at Satungal. This stone inscription also contain the non-Sanskrit words "Kattarak" and "Kudhuthre" which refer to taxes.

The words "Bhatta", "Map-Choka" and "Pitalja", which too refer to taxes, occur in the stone inscription of Lalitpur dating back to the period of Narendra Dev.

The proper nouns appearing in the above-mentioned stone inscriptions, which were installed nearly 500 years after the destruction of the kingdom of the Nepari community, are harsh-sounding. They might have been move so at the time when the Nepari Kingdom was in existence. Even now, words in the pronominal dialects sound very harsh. As a matter of fact, it is characteristic of every pronominal word to sound harsh. The more the

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<sup>20</sup>Northey and Morris: The Gurkhas, P. 66.

dialect ceases to be pronominal, the less harsh-sounding it becomes. Thanks to the impact of the Aryan languages of India, Newari as they are spoken now-a-days is more sweet-sounding than even the Nepali language. This proves that the Newari language was once pronominal, though it is now non-pronominal, and that it was spoken by the Kirat community. Physiognomy is the primary criterion for identifying the race to which any particular community belongs. The Aryans have generally a white or wheatish complexion, are tall, and heavily bearded, have a long and sharp nose, a wide forehead and big eyes. But the Aryans who came from the east gradually lost such physiognomic features as they began coming under the influence of the local climate and environs and started establishing matrimonial relations with non-Aryans. The complexion of the non-Aryans of the south-eastern regions vary according to the countries inhabited by them. The complexion of the non-Aryan Kirats inhabiting the Himalayan regions is of a Mongolian type. That is to say, they have a flat nose, with prominent cheek-bones their face is flat, and their eyes are small. They do not have much hair on their face. In the case of Kirats inhabiting Nepal, however, these features are fully found among some of them and partially among some others. The second criterion is language or dialect. Those who speak the languages of the Aryan group are identified as Aryans, while those who speak the Kirat dialect belong to the Kirat community. There are, however, instances in which communities belonging to one race have forgotten their own languages and adopted those spoken by other races. One example is the Tharu community of the Tarai region. The Tharus have a Mongolian complexion but they speak the Aryan language of India. While the Indian Aryans are divided into different castes such as Brahman and Kshatriya, the Tharus are not so divided. As such, the Tharus are regarded as a Kirat community, even though they speak Aryan dialects.

Communities among the Kirats are distinguished by the dialects spoken by them. But there is no restriction whatsoever in commensal or marital relations among members of any community speaking a particular dialect. All members of the Magar community are equal. The Gurungs are said to be divided into Charjat and Sorhajat. But this division is not of any significance. The Murmis are divided into 12 different sub-communities and 18 different castes. But this division is of recent origin. The same is true of the Sunuwars, who are said to be divided into 10 sub-communities and 12 different castes. The other Kirat communities such as the Themi, the Hayu, the Chepang, the Baramu and the Dhimal, have the same equality as the Magars. The Yakthumbas and the Khambus speak different dialects. Though belonging to two different communities, they share the same kitchen and establish matrimonial relations among themselves.

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But the Newars, though their mother-tongue is Kirati, practise casteism and untouchability like the Aryans of India. Their physiognomy contains Aryan features. Hence it is definite that the Newars do not belong to the Kirat community. In order to show how this Aryan community moved into the heartland of Nepal, ceased speaking its own language, adopted the Newari language, and thus came to be known as Newars, it is necessary to go back into a certain period in the history of Nepal.

During the second century A.D., missionaries sent by Ashok visited the heartland of Nepal and started converting Nepars to Buddhism. As it was difficult for old persons from the warm regions of Bihar and Uttar Pradesh to stand the cold climate of Nepal, young Buddhist monks and nuns were sent to Nepal. These monks and nuns propagated Buddhism and gradually mixed themselves with the Nepars, thus infusing Aryan blood among them. This process continued for a long time. The Newars then came to be known as Newars, who were cultured and civilized. They made considerable progress in the fields of agriculture, sculpture, etc. But having lost their fighting spirit as a result of their conversion to Buddhism, the Newars were ultimately conquered by the Lichchhavis from Bihar. The Lichchhavis, who had entered into Nepal during the middle of the first century, ousted the Newars from seats of power, and drove them off from one Newar settlement after another. The Lichchhavis ruled Nepal Valley for 800 years. The Newars fled and lived among the neighboring Murmis. The Newars, who thus mixed themselves with the Murmis, came to be known as "Nyarwa." Those Newars who continued to stay in Nepal Valley were known as Paharis. But they had to live a miserable life. The number of such Newars still surviving is very small. It is likely that there will be no Pahari Newar in the next 200 years. They follow Buddhism. But being poor, they cannot invite Gubhaju priests to perform their religious rites. They speak the Newari language. Grierson is wrong in saying that the dialect spoken by them is distinct from the Newari language. He would not have committed such a mistake at all had he got a specimen of the Newari dialect as spoken in Dolakha.

The Lichchhavis were described by the Brahmans of Uttar Pradesh as degraded Kshatriyas.<sup>21</sup> The Lichchhavis, on the other hand, regarded themselves as sacred as the water of the Ganges.<sup>22</sup> As they were adherents of Hinduism, they brought with them people belonging to such diverse castes as Brahmans, Baniyas, farmers, sculptors, Dums and Dusads. Groups of people continued to migrate into Nepal Valley from Bihar and Uttar Pradesh during subsequent periods of time. As they migrated in small groups, instead of in large ones, they forgot their own dialects and adopted the Newari language.

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<sup>21</sup>Manusmriti, Chapter 10 Stanza 22.

<sup>22</sup>Stone-inscription of Jaya Dev II, located at Pashupati. Indian Antiquary, Vol. IX.

In the beginning of the ninth century, there was a flood of Buddhist migration from Bihar, in the wake of which the entire Lichchhavis became Buddhists and formed themselves into a distinct community. The potters, washermen, artisans and others belonging to the Tharu community who had migrated to Nepal from Bihar were also assimilated into the Lichchhavi community.

Dums and Dusads began to be called Podes and Chyames respectively.

At the end of the ninth century, Bainsas from Uttar Pradesh entered Kathmandu Valley, defeated the Lichchhavis and established a new Kingdom of their own. The new Bains rulers removed Lichchhavis from all political posts, and made them peasants. (Jyapus).<sup>23</sup> Having thus been rendered weak the Lichchhavis later began to be contemptuously called as Lachhis (the distorted form of "Lichchhavi"), which means "coward". Lichchhavis were also called Baji (Briji). The Bainsas therefore contemptuously refer to them as Bajiya, meaning a wretched fellow.

The Bainsas described themselves as Kshatriyas and claimed their origin to the Sun-God. Till the last, the Bains Kings steadfastly adhered to the Hindu religion because they were under the influence of the Karnats of the Karnat state established by Nanya Dev in Simraungadh at the end of the 11th century. According to legend, the Newars had originally come to Nepal from Simraungadh along with Nanya Dev. But this is not true. During the 200 years of the Karnat Kingdom, Nepal was being ruled by Bains Kings. Sometimes there was conflict and sometimes conciliation between the Bains and Karnat Kingdoms, who had common borders. At that time they were on good terms, they exchanged customs and usages, and, moreover, leading officers of the Karnat state permanently migrated into Nepal. Among these officials were Mahajus and Kasajus. Mahajus were ministers who belonged to the royal Karnat family, and the Kasajus who came from the Kayastha community were chief accounting officers.

During the 500 years of Bains rule, Buddhism was being propagated in Tibet in full swing. The Tibetan Lamas entered into Nepal and started converting Gurungs, Sherpas and Murmis to Buddhism. By the end of the twelfth century, Buddhist monks from Bihar where Buddhism was surviving till then also arrived in Nepal and converted a section of the Mongolian community known as Baramu. The Bains Kings gave shelter to Buddhists from both Bihar and Tibet. A number of Buddhist Viharas (Bahals) were established

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<sup>23</sup> Lichchhavi stone inscriptions are located at Kathmandu, Lalitpur and Handigaun are concentrated in settlements inhabited by Jyapus.

in Lalitpur and Kathmandu. All but 3 or 4 Bahals that we now see in these two cities were built by Bains Kings. The Bahals then represented the culture of Nepal. The Buddhist monks or Bandas who lived in Bahals were philosophers and physicians. The Bahals served as schools, since lectures on Buddhism were delivered there, and also as health centers, as the Buddhists or Bandas treated people there. Pictures of gods were painted and their images engraved. Hence every Bahal served as a workshop of art as well. Monks and nuns who desired to lead a worldly life came out of Bahals and became Upasak or Udas. They engaged themselves in trade and handicrafts. However, even inside Bahals, vice used to be rampant. Monks and nuns living together in Bahals indulged in immoral practices, which, however, were not treated as a crime.

The inhabitants of Bahals refused to bear any arms to fight against their enemies. Instead, they relied on Tantras and prayers. This proved to be the cause of their ultimate ruin. In 1349, Pathan invaders from Bengal razed all Bahals to the ground. The Bains Kings did not maintain armed troops. This is the reason why these foreign invaders also destroyed the palaces of Bains King as well as temples built by them, before returning from Nepal. The (Bains) Kings thereafter started repairing temples. Buddhists, among whom there were still several artisans, repaired all the Pagodas and Bahals within 20 or 25 years. But by then the faith of people in Tantras and other rituals had declined, so that the decline of Bahals started.

Sthiti Malla, the founder of the later Malla dynasty married the daughter of a Bains feudal lord, and lived in his father-in-law's house for a long time. Later, he became King of Nepal. He regarded himself as a Kshatriya, and claimed to be the descendant of the Sun-God. The Brahmins accompanying him were probably Sarbariyas. Sthiti Malla retained the Bains ministers or courtiers because they had assisted him to ascend the throne. His successor, Jyotirmalla, divided his subjects into different castes and allotted occupations to them accordingly. In the course of such division, he proclaimed the community to which he belonged as Kshatriyas and the priests and teachers accompanying him as Brahmins. By this time, the entire Bainsas had adopted the Newari dialect and made themselves known as "Newas". Nonetheless, they added the word "Singh" (meaning lion) after their name as a sign that they still regarded themselves as Kshatriyas. Jyotirmalla, however, did not include them in the Kshatriya community. He put them in the category of Vaishya. The Bainsas reluctantly accepted this class division as applied to them. One of the group of priests from among the Bainsas was called Acharya (Achaju) and the other as Joshi. Jyotirmalla included these Bainsas not in the Brahmin but in the Vaishya group.

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Jyotirmalla and his successors started the practice of inviting the sons and daughters of Rajputs from Uttar Pradesh and Bihar and establishing matrimonial ties with them. Only the off-springs of the married wives of Jyotirmalla began to be called "Malla", while those of his concubines were called "Singh". Even sons-in-law who lived with their fathers-in-law were given the surname of Singh. Gradually, the sons and daughters of Rajputs became courtiers (Bhardars). A new class of these courtiers came into being as a result of the fact that they established matrimonial relations exclusively with members of their community and did not have commensal relations with other communities. Consequently, they enjoyed a status higher than that of the Bainsas. Those Bainsas who failed to get the privilege of becoming courtiers took to commerce. Such Bainsas began to be known as Shrestha. The Achajus and Joshis who performed the functions of priests at the royal palace, were included in the upper class. The other Achajus and Joshis joined the lower caste. This caste division continued well until the end of the Malla rule. The Bainsas belonging to the Bhardar class of the four Kingdoms of Kathmandu, Lalitpur, Bhaktapur and Dolakha had more than 40 surnames. But the Bhardars of Gorkha had 6 different surnames, including Pande and Pantha. They therefore called themselves as Chhathari, while contemptuously calling Bainsas of the lower castes as Panchthar. This practice continues even today.

Maithili Brahmans and Baniyas (also known as Thokade) also arrived in Nepal during the rule of the later Malla Kings. They too had adopted the Newari language. However, they refused to call themselves Newars.

After the destruction of Viharas by Pathans, people had got disenchanted with the monks or Bandas dwelling there. Householders ceased going to Viharas to become monks or nuns. When few Buddhist monks and nuns or Bandas, and the illegitimate children born of nuns who indulged in immoral practices were left in Viharas, King Jyotirmalla made them live a family life, since then the practice of initiating sons and daughters instead of disciples as monks or nuns started. Just at this time, a new class of Gurubhaju or Gubhaju originated from among the Bandas, who were Buddhists. This class of people worked as priests for Bandas, Udasas and Jyapus. Bandas continued to be Pujaris (priests).

Along with Bainsas and Jyapus, Bhotiyas, Gurungs, Sherpas and Murmis too used to come to these Buddhist Viharas in order to be initiated as monks or nuns. Hence one finds Mongolian features among the descendants of Gubhajas, Bandas and Udasas simply on this ground, certain foreign scholars have made the assertion that the entire Newar community is of Mongolian origin. This is a false view.

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Even though Gubhajus and Bandas had opted for family life, the Bahals in which they lived continued to be public property. The rent that was charged from strangers who stayed in Bahals was also known as "Bahal". However, during the past 100 years, Gubhajus and Bandas appropriated Bahals for themselves and started using them as private property. Only Pagodas (Chaityas) remain as public property. Even then, Bahals continue as religious centers. It is compulsory for Gubhajus or Bandas to perform the sacred-thread investiture ceremony of every member of their families in Bahals. Religious lectures are no longer delivered, nor is any medical or artistic work carried on there. But they have deep faith in their religion. Wealthy traders offer donations for religious purposes more liberally than Hindus.

The condition of Lichchhavis or Jyapus who once claimed that they had extended their fame as far as the ocean<sup>24</sup> deteriorated during the Malla period. Jyotirmalla included them in the Shudra caste. He placed gardeners, such low-grade artisans as painters, boatmen, black-smiths, in a class inferior to that of Jyapus. This caste system is prevalent even today.

With the end of the Malla rule, Prithvi Narayan Shah and his successors followed the policy of not recruiting Newars in the army. Consequently, many Chhathari Bainsas became unemployed. However, they did not suffer any losses because they were taken into the civil service. Moreover, many of them took to commerce in Kathmandu, the capital of the country. Shresthas and Bainsas, who were engaged in trade in Kathmandu, got an unprecedented opportunity to amass wealth. But after 1740 A.D. Indian Marwaris and Baniyas too were granted permission to start commercial activities on a permanent basis in Kathmandu. They eventually gained control of trade in goods imported from India. The Bandas and Udasas were able to trade only with Tibet. They lost control of this trade too when the movement of goods between Lhasa and Kathmandu stopped as a result of the opening of the Chumbi route after 1883 A.D. This is why Shresthas and Udasas have never been able to stand as competitors of Marwaris and Baniyas, but have become their agents in a way. Even then, Shresthas and Udasas are more prosperous than the Chhathari Bainsas.

The Jyapus engaged in farming are living in poverty because they had been highly exploited. The fact that the administration during the Shah rule as well as during the Rana regime was military-oriented. On the other hand, was responsible for their plight, artisans were able to bring about gradual improvement in their condition. They got substantial work in the wake of construction of new houses in Kathmandu according to British models. The construction of such houses was started after the arrival of the first British Resident in Kathmandu in 1816. The then rulers admired British sculpture and paintings, while despising those of Nepali artists. As a result, art could not make any progress in Nepal.

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<sup>24</sup>Quotation from the stone inscription of Narendra Deva dating back to 645 A.D., which is located at Lalitpur.

The dialects spoken by the Mongolian communities do not have a capacity to spread. Magars, Gurungs and other communities migrating from their native areas to any other region forget their dialects after one or two generations. The most recent example is that of the Gurungs of Rumjatar. Not more than 200 years have passed since they migrated to Rumjatar from Lamjung and Kaski. But within such a short period they have forgotten their original dialect. This is true of the Newars too. Nepal Valley, Banepa, Satgaun and Dolakha are the original homes of the Newars. The main language spoken in these areas is Newari. The Malla Kings had propagated the Newari language and renamed it as "Nepal Bhasha", with a view to making it the national language. However, the Parbatiya dialect spread to Kathmandu, and King Pratap Malla used it in the stone inscription of 1612 A.D. at Ranipokhari. During the 17th century, some Newars in Nepal Valley migrated to Gorkha. They have now totally forgotten the Newari language and adopted the Parbatiya dialect as their mother tongue. Those Newars who had been driven off from their original homes between 1712 and 1848 migrated to Pokhara, Dhankuta and some other major towns. They too have already forgotten the Newari language or are in the process of doing so. This has been the case with those Newars who had subsequently migrated elsewhere voluntarily. also

Notwithstanding this, the Kings of Bhaktapur had dramas written in the Newari language, and thus preserved the ancient arts of dancing and music. The oldest form of the Parbatiya dialect can be found in these dramas. As such, we can bring about renaissance in the field of art and culture in Nepal in case we can revive the old Newari language. By creating a new (Newari) literature by profusely using new words in the Aryan language we shall only be rendering a blow to the Newari language. Nepali scholars would therefore do well to compile all available old words from the Newari language, and its rules of grammar and mold the Newari language accordingly. In case we can do so, we may be able to preserve our national treasure.

Of the 7 million Nepalis who have the mixed blood of Aryans and the Mongols, 300,000 are Newars. Among them, 200,000 Newars live in their original homes. One common characteristic among these Newars is civic consciousness, and consequently they have developed a strong consciousness of unity. Newars always prefer to live together, not separately. This is evident from the fact that whether in urban or in rural areas, their houses are joined together. However, one bad thing common to the Newars is that they do not show any interest in travelling beyond their areas. Very few Newars who go to the Tarai or the hill regions for taking up trade or government service move outside their office or markets. They do not show any interest in undertaking trips to remote villages in order to know the condition of people belonging to other communities. This defect in their behavior is now gradually changing.

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The Chhathari Bainsas, who occupy a prominent status among the Newars, suffer from superiority complex. They practise discrimination commensal and matrimonial relations with others. They hold strong caste prejudices. Chhathari Bainsas engaged in government service have a tendency to behave dishonestly whenever they feel any pressure from the government or from their superior officers. They also indulge in usury and even in gambling, and have a penchant for high living. Yet they are not so wealthy as Panchthari Shresthas most of whom are engaged in trade. Panchthari Shresthas are honest in their dealings. In order to gain the trust of their customers, they behave with them very honestly. Buddhist Newars are even more honest. Among the Udasas who are artisans, there are very few dishonest persons. But one shortcoming from which they suffer is that they do not finish work in time, but deliberately delay it. The Jyapus who are engaged in farming are also honest, simple, industrious and patient. Jyapu women are honest and chaste. No Jyapu woman except those who have lost their chastity while working as maid servants in the houses of others has been found to have indulged in adultery. They are as hard-working as their husbands.

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Nepal And The 1857 Indian MutinyProclamations Of The Government Of Nepal\*

1. Any Nawab, Raja, Babu, officer, soldier or ryot fighting against the British Government or indulging in assault and plunder shall be immediately arrested and handed over to the British Government if he sets foot on Nepali territory. In case he offers resistance while being arrested, he shall be killed. A treaty has been signed between the British Government and the Nepal Government providing for the extradition of murderers on a reciprocal basis. There will be no departure from the provisions of the treaty signed between two governments. Only a person whose death is near will indulge in hostility against the British Government and set foot on Nepali territory. Dated Ashadh Sudil, 1915 (July 1858).
  
2. Any person who conducts correspondence or maintains friendly relations with Nawabs, Rajas, Babus, soldiers, ryots and other rebels who are hostile to the British shall be heavily fined. In case any person who joins the rebels in fighting against the British Government and indulging in assault and plunder, his property shall be auctioned and he shall be imprisoned. Any person who enters into the territory of the British Government and commits murder shall be hanged. There will not be slightest deviation from this order. Let all persons, from Subbas to ryots, understand this and protect their lands and property by engaging themselves in trade, agriculture and other pursuits. Dated Ashadh Sudi 1, 1915 (July 1858).

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\* Regmi Research collections, Vol. 29, 247-249 Pp.

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Jajarkot

Jajarkot was the first principality to become a vassal of Kathmandu. On Magh 25, 1825, Prithvi Narayan Shah wrote to King Gajendra Shah of Jajarkot:<sup>1</sup>

Throughout your Kingdom, your ancestral authority as well as your right to award capital punishment, or shaving, deprive or restore caste, impose the Chumawan, Godhuwa and Dharmadhikari levies, grant or confiscate Birta lands and appropriate the proceeds of Panchakhat and other judicial fines, escheats, fines on adulterers (Chak-Chakui), fees for stamping weights and measures, are confirmed to you. Whenever, there is a succession to our throne, you shall pay a Salami of Rs 701. Whenever there is a succession to your throne, collect customary dues from your subjects.

On Marga Badi 14, 1890, the payment due from Raja of Jajarkot was reduced by Rs 3,000 yearly when he pleaded: (1) the size of his family had increased, (2) lands had been damaged by floods and landslides (3) the peasantry had been greatly impoverished and were unable to pay anything.

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<sup>1</sup>Naraharinath Yogi, Itihas Prakash Ma Sandhi-Patra Sangraha.  
(A Collection of Treaties In Light on History). P. 4.

<sup>2</sup>Regmi Research Collections, Vol. 1, P. 542.

Land Taxation In Garhwal

The Kingdom of Garhwal, which had been reduced to feudatory status in 1849, was finally annexed in Ashadh, 1861.

In 1866, large-scale emigration of ryots was reported from the Tarai areas of Garhwal. The government realized that such emigration had resulted from the oppression perpetrated by its administrative officials. (40/13). It therefore reminded them that Garhwal was a newly-annexed territory and therefore no injustice should be practised there (40/12). With the object of checking overtaxation, new land tax assessment schedules were introduced in Baisakh, 1866. (40/4).

According to these schedules, agricultural lands in the Tarai areas between the Ganga and Jamuna rivers were divided into 3 categories, Junar, Tapad and Wakhal. Junar meant lands already under cultivation. Tax assessment on such lands were fixed at 50% of each crop. On Tapad lands, which meant newly-reclaimed lands of superior quality, the rate amounted to 33 $\frac{1}{3}$ % of each crop during the first year and 50% thereafter. On Wakhal lands which meant newly-reclaimed lands of inferior quality, the rate amounted to 25% during the first year, 33 $\frac{1}{3}$ % during the second year, and 50% during the third and subsequent years. On unirrigated lands, as well as on lands growing cotton, the tax assessment was made in cash at the rates of 12 annas and 6 annas for the first and third grades. Such lands, if they belonged to Tapad grade, were not treated as a separate category for purposes of tax assessment. (40/4).

Simultaneously, efforts were made to bring new lands under cultivation. Contracts were issued for this purpose, under which certain individuals were granted authority to attract settlers from India and make land allotments on seven-year leases. The contractors were required to collect a stipulated amount on each mouja so reclaimed, which was gradually increased every year during the 7-year lease period. (40/10). Officials were appointed for the purpose of directing and supervising such reclamation and resettlement. (40/18).

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Fiscal Privileges Of Rajputs And Thakurs,  
1863<sup>1</sup>

From King Surendra Bikram Shah,

To all the Rajputs and Thakurs residing in our country.

Prime Minister Jung Bahadur, acknowledging the help rendered in 1911 in the war with Tibet and in 1914 in the battle of Lucknow, has uplifted the status of Khas and made them equal to Chhetris. He has permitted Magars and the Gurungs to be promoted up to the rank of Colonel, and now they are enlisted in the regular army. Other classes of subjects (Prajans) too have been enlisted as soldiers, and companies have been formed of them. He has promulgated a law which prohibits the enslavement of Newars who were traditionally enslaved. Limbus and Kiratis have also been recruited in the army and a company has been formed of them. Their enslavement has been prohibited. Thakuris, Rajputs and other castes have been exempted from payments which they had been making until 1919 of Serma 1 levies in lieu of compulsory labor (Jhara, Khara, Beth, Begari, Hulak), Walak<sup>2</sup> and levies payable to Zamindars and local administrators (Amali) from the year 1920 up to 4 annas, 8 annas, 12 annas and 1 rupee respectively. You are directed to present yourself whenever required by us and to carry out the tasks assigned to you.

Dated Kartik Badi 6, 1920 (November 1863).

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<sup>1</sup>Sandhipatra Sangraha, P. 611.

<sup>2</sup>i.e. a tax on homesteads.

Law On Occupations, 1952<sup>1</sup>Section 1

No particular occupation has been assigned to any particular caste. All the four classes and thirty-six castes are free to earn their livelihood by adopting any trade or occupation except such as is prohibited by the Government, unless it cause the loss of their caste. No one shall be prohibited to share kitchen or touch water on the ground that he has adopted a particular trade or occupation.

Section 2

No person shall harness a branded bull or a cow. No man or woman belonging to any class or caste shall lose his or her caste or shall be liable to any sort of punishment if he or she does or does not harness any other male or female animal, and plow the field on any day including any festival and the last day of the dark fortnight, out of religious considerations.

Section 3

A person belonging to any of the castes which does not contaminate water, including the Brahman, may during emergencies, carry on his back any person belonging to any of the castes that contaminates water; and persons other than Brahmans may do so at any time with their own consent. Kasahis, however, may carry in the Doli, Myana, Chaupala (palanquins) and even on the back, a person belonging to any caste irrespective of whether it contaminates water or not and also whether it is inferior to his caste, in any condition whatsoever. A person so carrying palanquins shall not be held to have committed any offense.

Section 4

If a person arrests and penalizes anyone for doing anything permitted under the law or hinders anyone from doing anything permitted hereunder, he shall be liable to a fine ranging from Rs 1 to Rs 10, at the discretion of the Hakim. If such person has exacted some fine also, he shall be made to return it.

Section 5

A complainant who fails to prove his allegation shall be liable to a fine ranging from 50 pice to Rs 25 according to the nature of the case.

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<sup>1</sup>Government of Nepal, "Ilam Roji Ko." (On Occupations And Employment). In Muluki Ain (Legal Code) (Part III) (1952 ed.) Pp. 12-13. This law was effective until April 12, 1963.

Section 6

A person who has done something prohibited under this law shall be liable to a fine ranging from Rs 1 to Rs 50 at the discretion of the Hakim.

Section 7

Any complaint alleging that a person has pursued an occupation prohibited by the Government other than those which, besides being prohibited by the Government, is being run as a state monopoly or the manufacture or war materials, or that he has harnessed a branded bull or cow, shall be entertained only within 3 months of the actual commission of the offense. A complaint filed after the expiry of this time-limit shall not be entertained.

Section 8

Persons of any caste may work as "Kalshyanli" (maid carrying a vessel with holy water) and "Madyauli" (bride's maid) during marriage or other occasions, these being auspicious and of festive occasions. As for carrying "Doli" "Myana" and "Tamdans" (litters and palanquins), all castes may do so, this being a work to be done on payment of wages. Everybody shall therefore act accordingly.

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### Ancient Lalitpur<sup>1</sup>

Patan is an ancient town. It has been referred to by different names, such as Yupagram, Manigar, Manigal, Manigla, Manigla, Mangla (probably corrupt forms of Mana-Griha), Lalitapattan, Lalitapuri, Lalitpur, Lalitpat ("tta" soft), Lalitabruma, Lalitabruma (long "a" at the end), Lalitakrama, Lalitakrama (long "a" at the end), Patan and Yala.

The name "Patan" emerged towards the concluding period of the reign of the later Mallas. It was not generally in popular use, nor in the Newari and Sanskrit languages. The term is used in a letter written by King Rajya Prakash Malla to Kaji Kalu Pande of Gorkha in the Nepali language (which was then called Khas-Kura).

In an inscription of King Shiva Simha Malla of Kathmandu of 1595, we find Patan referred to as Lalitapattan (soft "t" sounds). Later the hard "t" sounds became common. That was how the name of Pattan was derived.

The term "Lalitpur" appears to have been used even prior to 1379. During the reign of Jaya Sthiti Malla, "Lalitpur" became "Lalitapuri." The word "Lalit" denotes aesthetic qualities and beauty. Lalitpur therefore denotes a beautiful town.

The town is still known as Patan and Lalitpur. The names: Lalitabruma and Lalitakrama (with the "a" at the end both long and short in both cases) remained in vogue until the 18th century.

Until about half a century ago, the Judicial Court of Patan was known as Manglabhatta. A stone water spout north of the Patan royal palace is called "Mangahiti" and the adjacent settlement is called Mangal Bazaar. These terms are associated with "Manigla."

The Malla Kings of Patan during the later Malla period styled themselves "Manigladhipati." In the inscription found at Bhimsenthan, Lalitpur, dated Marga Shukla Shasthi, 1737 Vikrama (November, 1680), we find the words "Manigladhipati Maharajadhiraj Shrinivasa Malla." Inscribed on a bell at Kwabahel, Lalitpur, we find a corrupt form of "Manigladhipati", viz., "Manigeradhipati Harisimha Deva."

King Ranjit Malla of Bhaktapur ruled over Patan also once or twice. In a copper inscription of his time, we find the local Judicial Officer being referred to as "Manglabhatta", while he styled himself "Manigladhipati." This copper inscription is dated circa 1818 Vikrama. (1761).

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<sup>1</sup>Lila Raj Shrestha, "Prachin Lalitpur (Yupagram)." (Ancient Lalitpur (Yupagram). Gorkhapatra, Magh 16, 2022 (January 29, 1966).

Variations of this term are: Manigal, Manigla, Maniglaka, Manigar, Manigla, Manigal, Manigwal, Mangal and Manga.

Originally, the term Manigla was used to describe the royal palace of Patan. Later, along with the suffix "Ica", it was used to describe the town. This view is confirmed by a book entitled "Bodnicharyavata a Panjika", written in circa 1134 Vikrama (1087), which is dated the Nepal year 198. An inscription of Shankar Deva refers to "Ramya" (charming) Lalitpur, also known as Maniglaka. It is thus clear that "Maniglaka" referred to the Kingdom of Patan. This was the reason why all the later Malla Kings ruling over Patan styled themselves as "Manigladhpati."

According to Bafu Ram Acharya, the terms "Manirgal" and "Manigar" are derived from the Sanskrit "Managriha".

It is clear that the place where the great Lichchhavi King Mana Deva (520-561 Vikrama - 463-504 A.D.) built a royal palace called Managriha later came to be known as Manigla. The term "Managriha" is used to refer to the royal palace in the inscription at Thankot of Basanta Deva, grandson of Mana Deva, which is dated 561 Vikrama (504). Thankot was at that time called Jayapallika.

Many royal orders issued by the Lichchhavi Kings after Mana Deva from Managriha are available. The term is still used in an inscription of the Lichchhavi King Bhimarjuna Deva (circa 697 Vikrama - 640 A.D.) and the Abhira Chief Bishnu Gupta at Sunaguthi. Inscriptions of the Lichchhavi Kings Gana Deva, and Shiva Deva also use the term "Managriha". The use of this term covers a period of 136 years.

All this shows that at this time Managriha was the royal palace. It is difficult to say precisely how during the subsequent period of 345 years, from 698 to 1043 Vikrama (641 to 986) the term corrupted as Manirgala and Manigla.

From a study of Newari philology, it is evident that Manirgala and Manigla in time became Mangala and Manga.

However, the Newari language also uses another term for Patan town -- Yala, as is clear from the inscription of King Yoga Narendra Malla, Bhupalendra Malla and Bhupatindra Malla at Mulchok in Patan. Ranjit Malla, King of Bhaktapur, (1787 Vikrama (1730) refers to Patan a Yala (with the first "a" nocalized), after the Bhaktapur fashion. From the 14th century of the Vikrama era to date, Patan has been called Yala in popular usage. There is no doubt that Yala was derived from the term Yupagrama.

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The term Yupagrama occurs for the first time in the inscription of Dhruva Sangh at Bhadreswar in the Pashupatinath temple area, which is dated circa 589 Vikrama (532), then in the inscription of Ratna Sangha at Natveswar in Deopatan, and then in one of the Lichchhavi King Narendra Deva at the Golden Window Palace, which is dated circa 701 Vikrama (644).

Yupagrama was probably situated in the western part of Manigal (Managriha). Orders issued in the name of the people of Yupagrama were maintained at Managriha. Yupagrama in course of time corrupted as Yagla and then as Yala. It is only Yala from among the numerous terms denoting Patan as mentioned above that is used in popular parlance.

"Yupa" is a Kirati term the meaning of which is not clear. In Sanskrit the term means "a sacrificial post", such as those found at the Kot and near the Ranipokhari at Kathmandu, but whether this meaning has any relevance to the term when used to describe the town of Patan is a matter for further research. The Lichchhavis added the term "Grama" to Kirati place names, such as Yupagrama (Lalitpur), Lembatigram (Lela), Khopringrama (Bhaktapur), Koligram (Kathmandu) and Thambugrama (Thaibo). The term Yala is thus derived from the Kirati "Yupa".

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Regmi Research (Private) Ltd,  
Lazimpat, Kathmandu, Nepal.



Political Developments In Nepal,1947<sup>1</sup>

An important statement was made by H.H. the Prime Minister at his Bishalnagar Palace today. Courtiers as well as college students were assembled at the palace to hear the statement. The unprecedentedly important speech had evidently aroused a wave of new zeal in the minds of the people. The speech is as follows:-

Courtiers and Gentlemen,

You are all aware of the measures which we have taken for the welfare of the country and the countrymen from time to time since we took over the reins of administration, You also know that since the day when we shouldered the administration of this country, we have sanctioned a total sum of Rs 752,446.00 (N.C.) and Rs 2,262,400.00 (I.C.) in addition to the amount which is allocated annually for the amelioration of the lot of the countrymen. It is our firm hope and conviction that work in all the departments of education, public works, health, municipality, printing, etc. will be better than now, after arrangements have been made to utilize these amounts in an efficient way.

On November 29, 1946, I had promised to disclose the plans which I have in my mind for the welfare of our country. After inviting you all in a gathering here on February 13, 1947, I had also announced that I was going to consult my brothers and other relatives and courtiers on introducing political reforms and that I would make known my decisions arrived at after these consultations. You all know that in most of the countries of the world today, the subjects are being associated with the Government as far as possible. Considering that it would be greatly helpful to the welfare of the country and the people if similar arrangements were made in this country too, I am going to discuss the same, which I have already indicated to you. The cooperation of all countrymen is required for successfully running such a system of government. For this purpose, it is essential that measures should be taken for propagating education among the people so that they may acquire knowledge about political matters as well as about their duties. Only when this is done will the people be able to cooperate with the government and take part in the development work of the country by properly exercising the rights available to them. I repeat that the main thing required for the purpose is good education. If, with a little learning, we begin to boast

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<sup>1</sup>Government of Nepal, Shri 3 Maharaj Ko Aitihashik Bhashan (Historic Speech of His Highness Prime Minister Padma Shamsher) Kathmandu: Gorkhapatra Press, 1947.

Contd...

likely as if we are experts in everything, and a stupid country would become stupider, instead of poorer, helped by the way of development or progress. For instance, when a handful of foolish persons persistently attempt to insure in intention and at the instigation of others, and themselves by nature which they did not know, not understanding even the meaning of the things they had talked, a senseless reaction had come from the country. It is the duty of every patriotic and sensible person to contribute every means possible and every energy of the people of various classes in the country and thereby strengthen the international position of the country and gain respect for it from foreign nations, not without thus benefiting in return have tried to make a show of the very independence, the economic production of the country, by forcing classes, workers and other well known among the people within the country. Such acts will not only get frustrated in the real progress of the country, but also result in great loss for the country. The only way to understand the fact that our government in the world is now inclined almost over the conspiracy to maintain the existing conditions or even attempts to facilitate the people. We have tried to do, even by means of force, with absolute willingness to spend instructions by means of such instructions and propaganda. This is not only a necessary but also the duty of a government. I would not expect that it is the duty of a government and the present duty of every civilized government and people not to attempt and tranquillity to be disturbed in the country.

Various countries appear to be trying to disturb through indirect means the peaceful conditions obtaining in the country. They have tried and continued to do so in the name of the loyalty and independence of our country, but we begin with our previous, desire to stand out to you the best friends of the progress of reforming the administration and enlightening the people. As a greater action than now in the administration of the country, we must first through let you know, but we also have heard the speech which I saw, my wife addressing our allyship and civil affairs on the 24th of October in the 1, 1917. We shall never let behind in the matter of the country's welfare. At the same time, we shall not do anything which will prove harmful to the country. I am not saying all this for love of anybody, or out of jealousy of my position, since I am fully conscious of the fact that the administration of the country cannot be run through individuals or parties. Although I feel that this is not the time when I should take any steps against other citizens are engaged in their reforming activities, yet, in consideration of the interests of the country, I must demand the discharge of my duty which I have in mind. In the course of long time and long acquaintance with I think very much for wanting to be equal on this occasion, a program will be never helped in the progress and prosperity of the country and the people.

The impression that people in our country are not enjoying any freedom is quite wrong. As much consideration was necessary before granting all civil rights as prevail in foreign countries to the people, we have made arrangements to invite an expert to advise us on the extent of civic rights which may be granted to the people without in any way causing harm to the country and disturbing the national peace. Even in countries where freedom of the press exists, newspapers are fined or closed. People are arrested and detained for making speeches even in countries where freedom of speech prevails. And not more than five persons are allowed to gather at a place even in countries where freedom of association is granted. As some people here, who are aware of such freedom, seem to have felt confused at such freedom, an expert on this matter has been invited so that they may know their rights and limits. After rules in this regard are drafted after his arrival, I shall inform you of the same at a proper time. But I would like also to point out that some rights which our people enjoy do not perhaps prevail in other countries. For instance, the government or Birta owners cannot deprive peasants of their tenancy rights so long as they pay rent for the lands cultivated by them and they may even dispose off, or mortgage, their tenancy rights.

The Reform Committee formed by us has started its work since April 29, 1947 and is now drafting regulations on political and other matters. It is our view that work should be done after establishing an Assembly of elected and government-nominated members. Discussions are at present taking place on the powers and procedures of this Assembly, the number of its members and the people who will elect them. In India, a period of ten years was allowed for making all these arrangements and the reform program is being drafted at present. But the advice of the above-mentioned expert will also be available to us in the matter of extending additional powers within 3 to 5 years and prescribing other powers from time to time.

We shall grant local autonomy after the establishment of elected municipalities and district boards in Kathmandu Valley and in various districts in the country. The powers to be invested in these local bodies and their limits in these matters, their sources of income, etc. shall be determined by the Reform Committee.

Arrangements shall be made to set up a separate and independent judiciary.

I have time and again drawn your attention to the importance of education. I am happy to note that all people, taking interest in education are opening schools one by one, as is evident from the opening, with governmental permission, of 7 schools in Kathmandu Valley from the new session. The government alone cannot do everything. It has opened schools and colleges to the best of its capacity and has extended and will extend assistance to the people who have opened them. Girl schools too shall be opened, but they must be run in such a way that the modesty and good character of Nepali women are not affected.

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I hear some people alleging that life and property in Nepal are insecure. But there are few countries where life and property had remained so secure as in Nepal during the last century. However, if anything is required to be done in keeping with the circumstances in this matter, we shall do that.

Emigrant Nepalis are as dear to us as the people here. We are highly distressed to learn that many of our brethren living in India are passing through distress and worries on account of the disturbances now occurring there. We have therefore entered into necessary correspondence with the Indian Government with a view to providing all possible help from this country for relieving their difficulties. As such measures alone have not proved adequate for coping with the situation, we shall soon make efforts to post consuls wherever required in India and make other arrangements to look after the welfare of our Nepali brothers there.

Although there is a policy to the effect that the financial position of the government must not be disclosed to anybody, as otherwise neighbors will show disrespect to it, yet in the future an account of the annual income and expenditure shall be published, lest you should bear any misunderstanding as to the real income and expenditure of the country.

It is our firm desire as well as that of our brothers and sons, that the people of this holy land, Nepal, should be prosperous and educated and be able to participate fully in the administration of this country. This noble objective cannot be achieved immediately. Nonetheless it is our conviction that if we all, by the grace of God, cooperate in this task, being inspired by patriotism, it would not take a long time to achieve this objective. May God grant you wisdom and commonsense. It is our heartfelt hope and wish that you will be able to work for the happiness and prosperity of the country and the people while maintaining the mutual goodwill and good conduct traditionally existing in the country, by properly utilizing this opportunity given by the government. May God do good to you.

What I mean is that the people should be happy, healthy, prosperous and for ever be free from troubles.

May God Pashupatinath fulfill this plan, which may take six months or even a year to turn into reality. I hope that you will properly understand all that I have said just now.

Prime Minister Mohan Shamsker's Speech.<sup>2</sup>

On Poush 24, 2007 (January 24, 1950), Prime Minister Mohan Shamsker made the following announcement:-

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<sup>2</sup>Grishma Bahadur Devkota, Nepal Ko Rajnitik Darpan (Political Mirror of Nepal). Kathmandu: Keshav Chandra Gautam, 1960. 39-43 Pp.

It is 104 years since Prime Minister Jung Bahadur took up the reins of the administration of this country on the orders of the then King, courtiers and people. The circumstances in which this change occurred are recorded in history. I only want to remind you that the country had been formed with internal conflict, disorder and anarchy at that time because of maladministration. Peace and stability were restored quickly in the country, thanks to the emergence of Prime Minister Jung Bahadur.

Even ignoring other notable events that occurred during the last century, it can be said without any fear of contradiction that Prime Minister Jung Bahadur and his successors not only maintained but further strengthened the independence of the country, which is its priceless treasure. They also conferred the benefits of security, progress and a stable government on the country. These are essential for the happiness and prosperity of all communities.

Even then, in order that Nepal may make efforts to keep pace with the changing times, and since it is our objective that the people should be enabled to participate in still greater measure in the administration of the country, the Government of Nepal Constitutional Reforms Act was promulgated on April 13, 1948.

Enforcement of the provisions of this Act commenced on April 14, 1948. So far nearly 200 Panchayats, at both Village and District levels, have been formed throughout the country. Formalities had not been completed for establishing the Central Parliament. But it was established on September 22, 1948. Many administrative Committees were formed at the first session of the Parliament.

The difficult task of laying the foundations has thus almost been completed. The people of Nepal have been enabled to march ahead peacefully towards the objective of a free and independent democracy. The success achieved in these measures so far convinces us, after a serious study of the present national and international situation, that since it is our aspiration to associate the people in greater measure in the administration of the country, the pace of political progress can be accelerated without in any way disrupting the situation of the country. With this objective in view, and fully depending on the patriotic feelings of the Nepali people, we have decided to take the following measures. We hope these measures will enable our country to attain its objectives":-

- (1) A Constituent Assembly will be formed as early as possible through general elections held throughout the country on the basis of adult franchise.

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For the attainment of this objective, a number of key points in the constitution of the country is being taken. Steps have to be taken to ensure that the Constituent Assembly elections will be completed as early as possible. This task is no doubt arduous and difficult, but we hope that the Constituent Assembly will hold its first session in 1952. Its main task will be to prepare the future Constitution of the country.

- (c) A Council of Ministers will be established immediately at the same time in order to ensure that arrangements for the establishment of the Constituent Assembly are not delayed. The Council will consist of 15 ministers, 7 of whom will represent the public opinion and be elected by the people.

The administrative authority of the country will be entrusted to this Council of Ministers, which will function on the basis of the principle of collective responsibility. The Council will formulate the general policy of government. It will have authority also to report to the House and expenditure of the country. The budget system will be introduced with immediate effect.

The Council shall take all necessary administrative arrangements in order to promote the efficiency of the appropriate administrative departments.

- (d) Until the new Constitution, to be drafted by the Constituent Assembly is enforced, the constitutional law of 1947 shall continue to be in force. But the provisions of this through proclamation or otherwise made by the Cabinet will have an over-riding effect over the provisions of that law.

Accordingly, the following provisions of the 1947 Constitution in which amendments are necessary shall be enforced as early as possible:

- (a) Provisions pertaining to the judiciary. That is, provisions relating to the separation of the judiciary from the Executive.
- (b) Appointment of an Advocate General and an Attorney-General.
- (c) The formation of a Public Service Commission to select qualified candidates for government service, and similar other matters which will contribute to the efficient administration of the country.

Since 245 Villages and District Panchayats have already been formed and efforts will be made as far as possible for forming remaining 50 Panchayats by mid-April, 1952.

- (4) (a) As it is our heart-felt desire that there should be goodwill and full and cordial cooperation between the government and the people, persons who have been engaged in armed rebellion since the month of November 1950 may get amnesty, provided they fully stop it and eschew their policy of violence. However, cold-blooded murders, and those responsible for dacoity and arson shall not be covered by the amnesty. Political prisoners who have not been involved in or associated with murder, dacoity and arson may similarly be granted amnesty if they too repudiate such a policy.
- (b) Political organizations formed by Nepalis living abroad or by all those who give up the policy of violence and follow the path of non-violence shall be welcomed if they are willing to cooperate in the lofty task of insuring the progress and efficient administration of the country.
- (c) There shall not be any restrictions on the formation of any political organization by Nepalis working inside the country. Such organizations shall have to operate according to law and regulations.
- (5) Everybody must be aware of the circumstances in which we have had to place His Majesty King Gnyanendra Bir Bikram Shah Dev in the throne of Nepal. But since no friendly foreign government has so far recognized this step, since uncertainty and even intranquillity seem to be spreading among the countrymen; over this matter, since hooligans are using this as a pretext to create widespread disturbances, indulge in dacoity and molest the people, and even far to murder innocent persons; since the Government of India too has given some friendly advice following discussions with it, and since the suggestion has been made that the cause of peace in the country will be definitely advanced if His Majesty (King Gnyanendra Bir Bikram Shah Dev) appoints a Regent on the advice of the Nepal Government so as to function during the absence of or until the return of His Majesty King Tribhuvan Bir Bikram Shah Dev to this country, an emergency meeting of the Parliament and the Bharadari was held on Poush 23, 2007 (January 8, 1951) to discuss all these questions. After discussing the prevailing situation, these two bodies recommended the appointment of a Regent to function during the absence of His Majesty King Tribhuvan Bir Bikram Shah Dev on the advice of the Nepal Government in the interests of peace and stability in the country. Accordingly I would like to announce that the Nepal Government has accepted the decision of the Parliament and the Bharadari, which it feels to be justified.

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We would like to express my thanks and appreciation to all government officials for faithfully discharging their duties at this time of crisis. I would like to utilize this occasion also for expressing a special thanks to our beloved Embassy in the Soviet Union. The fact affords the opportunity that you have gained by displaying patriotism and gallantry even in difficult and perilous circumstances. You have consistently shown before your Government, by your actions, I wish to assure you that your will-power and fortitude will for ever occupy the first place in our hearts, as we have been doing so far. Even after the present international struggle, we shall continue to remain united for freely, honestly and unflinchingly. We also send the hearty-felt thanks to the officers and members of the Soviet Consulate for having shown love in their day and constant study, diligence, work, honesty and revolutionary spirit in the present difficult circumstances.

I'm all well and very glad to hear.

We are confident that the Department policies which we have announced today will be welcomed by the entire people of Japan with the same sense of patriotism and idealism with which we have greeted them. We also believe that the entire population will cooperate with the Government in the task of attaining the lofty objectives set by the Party. The promotion of the peace and progress of our beloved Motherland, We are glad to hear that you have every patriotic spirit, will understand the importance of the national movement. We have just finished the meeting about relations in the current crisis.

Should it turn out necessary to effect some changes in these relations involving you, we shall do so after consultations with the relevant Revolutionary groups.

It will if you remember that the attraction of the entire world to the national movement in us. We have to show to the world that the people come are capable of grasping the brightest future of their nation. As a matter of fact, it is our duty not only to uphold and maintain the prestige of our country and our people, We have our historical duty to them to pursue further fronts in the task of freedom and justice. There is no doubt that in order to win our victory to work the country with efficiency, courage, and cooperation according to our respective capacities and skills we shall definitely be able to gain equal fame in the present front of this.

We and the Japanese and Russian Government, kind like people and old people as that we may be able to bring the highest living which we have and for ourselves and to that the future which we have announced by ourselves to the happiness and prosperity of the country, by the loyalty to this nation, of which every true spirit is faithfully proud, free, honest, and may the independence of this country stand secure and forever you shall be proud, please discussed elsewhere.

Yours Sincerely,  
 Zhou Enlai  
 Embassy, Moscow

Timber Trade In Morang, 1809-10<sup>1</sup>

The timber comes mostly from the dominions of Nepal. That country produces many fine kinds, valuable for their scent and the polish which they will receive, as well as for being strong and durable, but Sal or Sekhuya (*Shorea robusta*) is almost the only one in request. In the table of exports and imports, for the sake of uniformity, I have valued it at the price for which it is sometimes sold and is nominally valued at the places where the timber merchants reside, which are often at a considerable distance from the frontier. To this valuation there are however two objections firstly, most of the merchants being mere agents for others residing at Calcutta, Murshedabad, and places where the timber is used, would not sell the timber at any price lower than that for which their principals could sell, the whole expense of delivery to the principals having been already incurred. A stranger therefore arriving here, and being in immediate want of timber, would not probably be able to purchase a quantity sufficient to build a house or large vessel without giving the Calcutta price; nothing indeed can be done at a reasonable price without money advanced before the beginning of the cutting season, at the end of which, part of what has been agreed for will be delivered, but perfectly green and unfit for immediate use. Now as almost the whole labor and expense of the carriage to Calcutta is laid out by the people of this district, the exported timber ought perhaps to have been valued at the price for which it is deliverable at Calcutta, almost all of which is returned to this district. Secondly, the whole value stated in the table of imports does not go to the people of Morang, and cannot be charged as a balance against this district, as will appear from the following account of the manner in which the trade is conducted:-

The timber which comes down the Kosi is mostly purchased by about 35 merchants (Kathaiya Mahajans), who reside in Dimiya and Matiyari near the banks of the river, and are supposed to trade to the extent of from one to ten thousand rupees each. These never go near the forests, but make an agreement with another class of men called Kathaiyas, who for a fixed price engage to deliver a certain quantity at Calcutta, or at whatever town the merchant's correspondent resides. The merchant usually advances two-thirds of the whole of this price by instalments, and the remainder is paid when the timber is delivered at its place of destination. Formerly several Europeans dealt in timber, acting as these merchants; but I believe that they in general lost, and all have now given up the trade. Their loss may be in a great measure attributed to their having completed the purchase here, and sent the timber

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<sup>1</sup> Francis Buchanan, An Account Of The District Of Purnea In 1809-10.  
Patna: Bihar and Orissa Research Society, 1928, Pp. 561-570.

to Calcutta on their own account. Many loads were lost and part only of the timber was recovered, while the logs, as they passed the various towns on their route, gradually diminished in size; so that even when the number dispatched was delivered complete, the logs which had left Dimiya of the large size, on their delivery at Calcutta had dwindled down to the smallest. The native merchant avoids most of these frauds by paying only for what is delivered at a certain rate according to its size.

The Kathaiyas also reside in the Company's territory, and some of them have a little capital, with which they purchase timber that they sell either to the timber merchants for ready money, or retail on the way to Calcutta, as they pass along with the floats which have been commissioned. A great part of their stock, however, consists in the oxen, carts, and boats which are necessary for the exportation of the timber. The Kathaiya about the middle of November goes into the territory of Nepal, and sometimes makes an agreement with the people called Dufadars, who are natives of that country. Each Dufadar engages a gang of workmen (Kularhiyas), and agrees to cut and square the timbers and to place them on the carts of the Kathaiya, on which they are carried, so soon as cut, to the Kosi or to some branch of that river, such as the Tiljuga, which is capable of floating them. At other times again the Kathaiya hires the workmen by the month. From the Tiljuga and other tributary streams the logs are floated with canoes. The Kosi at all seasons admits of the boats called Malnis, and the logs are brought near the residence of the merchant so soon as a quantity sufficient to construct a float can be collected. The cutting season lasts from the middle of December until about the middle of April, when the forests become dreadfully unhealthy. The Kathaiyas and their servants then retire to conduct their timber to the destined market, and the Dufadars and their gangs retire to cultivate their fields.

The timbers are of five kinds, Chaukar, Dokar, Bali, Khamba, and Khambis. They are always sold by girth, and this is estimated by a cubit called Durgadasi, which is 22 inches long. The Chaukars are squared by cutting an equal quantity from four sides, and are from 14 to 18 cubits long and from  $2\frac{3}{4}$  to 4 cubits round. The larger sizes are very rare. The Dokars are flat beams, that is, only two sides are cut away, and therefore they contain much more white wood than the Chaukars, and do not last so long. They are from 14 to 18 cubits long and from 2 to  $2\frac{1}{2}$  cubits round. In the operation of cutting and squaring the wood-cutters are entirely ignorant of the use of the saw, and work entirely with the hatchet and adze. The Batis are round logs, freed only from the bark, and are intended chiefly for plank. They are of the same lengths with the squared timbers, and are from 33 inches to 48 inches in girth, measured one-third of their length from the root end. The Khambas also are round, and are from 8 to 12 cubits long and from 1 to  $1\frac{1}{2}$  cubits round. The Khambis are from 6 to 8 cubits long and under 1 cubit in girth. These two last are chiefly used in this district.

I shall now give an estimate of the expense attending various parts of the operation:- One cart requires ten oxen; one pair called Dhuriya, worth 75 rs., one pair called Bharka, 25 rs., three pair called Chhor, 42 rs. The cart, 20 rs. The stock therefore amounts to 162 rs. The feeding for the cattle, consisting of cotton seed, pulse, oil-cake and straw is 22 rs. a month. One driver,  $2\frac{1}{2}$  rs. a month, 4 under-drivers, 8 rs. a month, 1 messenger, (Bahardar), 3 rs. Oil for the wheels, 8 annas. Ropes  $1\frac{1}{2}$  rs. 10 Kularhoyas or wood cutters, 30 rs. a month. The monthly expense is therefore  $67\frac{1}{2}$  rs.

This gang can bring monthly to the river 12 Chaukars, 5 Dokars and 4 Batis. These are seldom sold at the place of embarkation, so that it is difficult to put a fair value on them, but it is said that the 12 Chaukars may be worth 48 rs., the 5 Dokars worth 15 rs., and the 4 Batis worth  $4\frac{1}{2}$  rs.; equal merely to the monthly expense. The cattle, indeed, in other seasons do as much work as defrays their maintenance and that of their servants, but the whole of the interest on their value and the sums necessary to keep up their number must be added to the expense of the four months of the cutting season: 142 rupees at 25 per cent., the lowest actual interest given in this country, will amount to 35 rs., and one-seventh of the value of stock, or 20 rupees, must be allowed for annual purchases of cattle. For the cart, 5 rs. for interest, and as much for purchases, must be allowed. The total expense of four months will then be -

	<u>Rs</u>
Stock . . . . .	65 $\frac{1}{2}$
Feeding cattle . . . . .	88
Oil and ropes . . . . .	8
Servants . . . . .	52
Duty to the Nepal Government at 10 rupees per month... . . . .	40
Additional duties under various pretexts (Kharchah). . . . .	15
Woodcutters . . . . .	120
	<hr/>
	Rs 388 $\frac{1}{2}$

For this the Kathaiyas bring to the water 48 Chaukars, 20 Dokars, and 16 Batis.

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The expense of bringing down is as follows:- A canoe may be hired at  $2\frac{1}{2}$  rs. a trip, and two men to attend her get 6 rs. Each canoe brings four timbers, so that his 84 timbers will cost on delivery to the merchant as follows:-

		<u>Rs</u>	<u>as</u>	<u>p</u>
Hire of 21 canoes at $8\frac{1}{2}$ rupees	...	178	8	0
Duty to the Nepal Government	...	42	0	0
		<hr/>		
		220	8	0
Cutting charges	...	388	8	0
		<hr/>		
Total cost...		609	0	0

When sold at Dimiya, the following may be the usual rate of value, although as I have said, a stranger would often not procure any lower than at the Calcutta price:-

		<u>Rs</u>
48 Chaukars at Rs 10-8-0	...	504
20 Dokars at Rs 5-0-0	...	100
16 Batis at Rs 2-8-0	...	40
		<hr/>
		Rs 644

When the timber is brought on boats (Malnis) from near the Kosi, the expense is considerably less; but timber has there become scarce, and being less select, sells lower. Considerable deduction must however be made from the profits, because all the workmen must be paid in advance, and none of them can be induced to work for the whole of what they have received.

From this it will appear that on 644 rupees value the real return to Nepal consists of 120 rupees given to the woodcutters, and 97 rupees paid for duties, in all 217 rupees; but to this we must add the provisions sold both for men and beast, which may bring the whole to 300 rupees on 644: so that on the value which I have stated in the Tables of imports only about 50 per cent. should be charged to the credit of Nepal.

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When money is advanced to Dufadars, who agree to load the cart with timber, the Kathaiya pays 18 annas for each Chaukar, of which 6 annas (are) duties; for each Dokar 4 annas are duties, and 8 annas hire; for each Bati,  $2\frac{1}{2}$  annas duties and 5 annas for hire.

		<u>Duty</u>			<u>Cutting</u>			
		Rs.	as.	p.	Rs.	as.	p.	
48 Chaukars	...	18	0	0	36	0	0	
20 Dokars	...	5	0	0	10	0	0	
16 Batis	...	2	0	0	5	0	0	
		Rs	25	0	0	51	0	0

The cart then pays only  $7\frac{1}{2}$  rupees duties for the whole season. This is vastly less than is paid where the cutters are hired by wages, but a great deal of money is lost by the Dufadars taking advances and giving no timber, for although an officer of Nepal is deputed to give justice, the sort of justice that is there administered is not suited for the recovery of debts for the creditors. The whole that can be recovered usually goes to the judge.

The great advantage here over the woodcutters beyond the Testa is that much larger timbers are brought out, not owing to the trees of the forest being of a larger size, but to a greater exertion on the part of the workmen. This cannot be entirely attributed to the use of oxen and carts, although those contribute to reduce the price of the operation; for in some parts of the forests here, the roads will not admit of carts, and timbers of the same size are carried out entirely by men, and the expense is said not to be very materially higher, the people of Nepal being much more active than those of the Company's territory.

The cart is of the common form, but more strongly constructed (than) that in use for conveying other goods.

The following estimate was given of the expense of sending to Calcutta:

		<u>Rs</u>
To 8 Malni boats hire, at 16 rupees	...	128
To 2 men for each, at 8 rupees each	...	128
To ropes	...	16
To 2 Palwar boats to attend	...	24
		<u>Rs 296</u>

Contd...

The prices at which the Kathaiyas agree to deliver the wood to the merchants at Calcutta are about as follows:-

	<u>Rs.</u>	<u>a.</u>	<u>p.</u>
48 Chaukars, at from 14 to 25 rupees average 16 rupees. ...	768	0	0
20 Dokars, at from 8 to 10 rupees average 9 rupees. ...	180	0	0
16 Batis, at 5 or 6 rupees. ...	80	0	0
	<hr/>		
	1,028	0	0
Total cost as imported. ...	<u>Rs.</u> 609		
Carriage to Calcutta. ...	296		
	<hr/>		
	Rs 905		

The merchant seldom purchases the Batis. These are usually carried by the Kathaiyas on their own account.

The whole of the charges, it is evident, except the provisions which the boatmen may purchase by the way, and that is a trifle, most of what they use being taken with them, is gained by the people of this district, which ought therefore to be credited with an addition of 296 rupees on 609 rupees of the timber which I have stated as exported.

The quantity of timber that comes down by the Kosi is not so considerable as that which is floated by the various branches of the Kankayi into the Mahananda, and which is chiefly purchased by the merchants of Arariya and Dulalgunj, with a few in Nehnagar and Bahadurgunj. In that vicinity one-half of the Kathaiyas belong to Nepal, on which account a much larger share of the prime cost must go to the credit of that country. The Kathaiyas there seldom contract to deliver the goods at Calcutta, but sell it entirely to the merchants of this district, who send it under charge of their own servants, and are usually miserably defrauded, as I have already mentioned. The duties payable to Nepal are levied entirely on the boats which float the timber out of that country.

The timber was stated to be in general smaller than that brought down the Kosi, but the prices are fully as long. Some of the expenses are more moderate. At Arariya it was stated that of the 56,000 rupees worth imported and delivered to the merchant, there was as follows:-

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	<u>Pieces</u>
Rs 14,000 worth of Chaukis from 14 to 16 cubits long by $2\frac{3}{4}$ to 3 cubits round, at from 18 to 20 rupees a pair. ...	1428
Rs 28,000 worth of Dokars from 16 to 18 cubits long by $2\frac{1}{4}$ to $2\frac{1}{2}$ round, at from 10 to 12 rupees a pair. ...	5090
Rs 10,500 worth of Batis from 16 to 18 cubits long by $1\frac{3}{4}$ to 2 cubits round, at 5 or 6 rupees a pair. ...	3818
Rs 3,500 worth of Khambas, from 8 to 18 cubits long by $\frac{3}{4}$ to $1\frac{1}{4}$ round, at from 2 to 8 annas each. ...	11200

Now at the place of embarkation the owners of the carts are said to deliver these at the following rates:-

	<u>Rs.</u>	<u>as.</u>	<u>p.</u>
To 1428 Chaukars at from 10 to 12 rupees a pair.	7,964	0	0
To 5090 Dokars, at from 6 to 8 rupees a pair.	17,815	0	0
To 3818 Batis, at from 3 to 4 rupees a pair.	6,681	8	0
To 11200 Khambas, estimated on the same average rate as the above.	2,164	0	0
	Rs 34,624	8	0

Farther, the owners of the carts pay to those who cut and load the timber as follows:-

	<u>Rs</u>	<u>as.</u>	<u>p.</u>
To 1428 Chaukars at 3 for a rupee ...	476	0	0
To 5090 Dokars at 4 for a rupee ...	1,272	8	0
To 3818 Batis at 6 for a rupee ...	636	5	4
To 11200 Khambas, estimated at the same rate, in proportion to their value. ...	158	14	8
	Rs 2,543	12	0

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Arariya exports nearly a half of all that goes by these rivers, and by doubling each of the above estimates we may obtain one for the whole. It is said that in this part of Morang about 200 carts are employed. They are said to work six months in the year. According to the above estimate, each cart pays to the woodcutter about 25 rupees a year and sells its wood at 345 rupees, leaving 320 rupees for the expense and profit of the owner.

	<u>Rs.</u>	<u>as.</u>	<u>p.</u>
A cart is said to cost 30 rupees, the annual charge on which is	... 15	0	0
	<u>Rs.</u>		
Cost of cattle 2 Bagodhas*(Sic)...	35		
Eight common cattle	... 100		
	<u>Rs 135</u>		
Interest at 25 per cent.	... 33	12	0
Keeping up the stock at 1/7	... 19	9	0
Oil, ghi and rope	... 2	0	0
Food for the 2 large oxen	... 45	0	0
Duty to the Nepalese	... 7	8	0
Once chief carter, 4 under-cartars and one herdsman at 12 rupees a month.	... 72	0	0
	<u>Rs 194</u>	<u>13</u>	<u>0</u>

A duty of four rupees on each boat loaded with timber is taken by the Government of Nepal, and may amount to 6000 rupees a year, which with 1500 rupees duty on the carts can be well afforded, as the only price given for the timber to the owner of the soil. Some more exactions (Khurchah) are made which will probably increase the amount of the duties to 10,000 rupees.

The charges for bringing a load of timber from the place of embarkation to the residence of our merchants are enormous. The boat takes 10 Chaukars worth at the place of embarkation, 55 rupees. The boat hire is 5 rupees; 2 men's wages, 6 rupees; rope, 1 rupee; in all, 12 rupees. The charges to Calcutta are more reasonable: 12 rupees for a boat, 16 rupees for 2 men, and 1 rupee for rope; in all 29 rupees for 10 Chaukars.

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The duties, the trifle paid to the woodcutters, and one-half of the gain on the carts are all for which credit can be given to Nepal, which will fall very nearly as much short of what I have taken as the import price, as the statement on the Kosi. The export price ought also to be raised by the hire given to those who carry the wood to a distant market.

Down the Kosi some of the timber called Sisav (see Trees No. 87) is annually imported, and the greater part is sent immediately to Calcutta. The quantity is about 2000 timbers, from 7 to 9 Durgadasi cubits (22 inches) long and from 2 to 4 cubits round. In general they are round logs, but a few of great dimensions are squared. Their value at Dimiya is estimated at from  $2\frac{1}{2}$  to 3 rupees a log. The cutter agrees to deliver them at Calcutta at from 4 to 6 rupees a log. They are floated down without the assistance of a boat, being much lighter than the Sal.

A very few trees, perhaps 150, of the species of Cedrella, called Tungd at Calcutta and Paungya here, are brought down the Kosi, and sent to Calcutta. The logs are of the same size as those of the Sisav, and are delivered in Calcutta at from 6 to 7 rupees a log.

Perhaps 150 logs of a timber called Satsal are also brought down, and exported to the same place. It is more fitted for joiners' work than the Sal. The logs are of the same length with those of the two last-mentioned timbers, but are only from  $1\frac{1}{2}$  to 2 cubits round. The price for those deliverable at Calcutta is from 4 to 5 rupees.

From Bhagalpur are brought some posts, beams and planks, chiefly of a tree called there Sekhuya, which is the Hindi name for the Sal or Shorea robusta. It is all used in the southern parts of the district.

Canoes are a considerable article of import from Morang, and a large proportion of them remain in the country, but many are exported to various places down the Mahananda and Ganges. They are exceedingly rude in their shape, and are not opened by fire as those of the eastern parts of Ronggopur; but the tree is flattened on two sides, in one of which the excavation is made, so that the transverse section is somewhat thus . There are two kinds; Sugis, which are sharp at both ends, and Saranggas, which terminate in a blunt kind of goose-tail head and stern. These last are by far the most common, and by far the greater part of both is made of Sal timber. Both kinds are between 18 and 22 common cubits in length. The Saranggas are from  $1\frac{3}{4}$  to  $2\frac{1}{4}$  broad in the beam, at midships, and are worth from 6 to 16 rupees each, when delivered in the Company's territory, near the residence of the merchant. The Sugis are from  $\frac{3}{4}$  to  $1\frac{1}{4}$  cubit wide, and sell from 5 to 6 rs. They are most miserable conveyances; nor is there any of the Saranggas so fine as many procured near Goyalpara, where the timber is probably larger.

Contd...

Canoes made of Sal last ten years. The canoes made of Karmain timber last twelve years, and are about 1/16 part dearer. They are of the same sizes with those above mentioned. Very few are procured. Some of the canoes are also made of the Simal (Trees No. 56) but none of these are exported. Saranggas sell from 5 to 7 rupees each. Every canoe, good or bad, exported from Nepal by the Kosi pays to the government  $1\frac{1}{2}$  rupees, and probably those sent by the other rivers pay as much.

Ploughs ready made are imported from Morang to the divisions adjacent that are bare of timber.

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Regulations On InheritanceMahottari District<sup>1</sup>

"In case a ryot dies without leaving any issue behind, and has no uncle, brother or nephew within 3 generations, his property shall accrue to the government, leaving an amount sufficient for the maintenance of his mother according to the value of such property."

Kartik Sudi 10, 1866 (October 1809).

Western Hill Region

Among Newars living in areas situated between the Ankhu and Gandaki rivers in the western hill region, sons were not entitled to inherit their deceased father's property, nor was a father entitled to appropriate his deceased son's property. In both cases, the property accrued to the state. Orders were issued on Baisakh Badi 7, 1894 (April 1837)<sup>2</sup> that the system should be changed and sons and fathers permitted to inherit and appropriate property in the cases mentioned above.

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<sup>1</sup>Regmi Research Collections, Vol. 40, Pp. 114-115.

<sup>2</sup>26/635.

Order To Kipat-Owing Chepangs in Pinda (West No.1), 1847

From Prime Minister Jung Bahadur,

To Gore Mijhar, Dhane Mijhar and all other Kipat-owing Chepangs of Pinda (West No. 1 district).

It appears that you have fled into forests (for fear of) troops sent there to search for persons engaged in illicit movements from Nepal (i.e. Kathmandu Valley) and the Tarai. You have represented to the respectable people of Pinda that you have not committed any offense, that you feel afraid of coming back to your homesteads and engaging yourselves in cultivation; and that you will do so if an order assuring you of security is granted. The matter was then reported here. As you are subjects, you should not commit any wrong action. If you do anything against the interests of His Majesty, if any person reports the matter here and if you cannot face interrogation, your Kipat lands may be taken away from you and you may be enslaved along with the other members of your family. Understand this well, and come back to and live in your homesteads. Perform the customary function of attending to the Maula (places where sacrifices are offered during religious festivals) and other functions assigned to you and pay the prescribed taxes and levies.

Jestha Sudi 15, 1904

(May 1847)

(Ragmi Research Collections 33/20)

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Contd...

Judicial Arrangements For Gaine Community, 1850

From Prime Minister Jung Bahadur,

To Gains throughout the Kingdom.

Bhimsen Gaine and Shyam Sundar Gaine have represented that their father, Khandari Gaine, had been granted authority to adjudicate in such offenses as those relating to caste, the taking of cooked rice and water, infanticide and marriage with slave girls among members of the Gaine community, but that Gains were acting in violation of this arrangement and acting as they liked. Henceforth, Bhimsen Gaine and Shyam Sundar Gaine have been granted authority to dispose of complaints in this regard, award justice, prescribe punishment according to the nature of the offense and appropriate the customary fees and penalties. The local court (Amal) shall not adjudicate in such matters. Gains shall not be evicted from their lands and homesteads. We hereby prescribe these arrangements and restrictions, which you shall comply with faithfully.

Mugh Sudi 7, 1906

(January 1850)

(Regmi Research Collections 33/146)

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Contd...

Judicial Arrangements For Maithili Brahmans, 1853

From Prime Minister Jung Bahadur,

To Subba Taksari Dharmanand Jha, Subba Prithvi Lal Jha, Subedar Saheb Jha, Bichari Shyam Lal Jha, Bichari Lal Jha, Bichari Braj Lal Jha, Pandit Basudev Mishra, Pandit Chandra Narayan Jha, Pandit Harsha Narayan Jha, and Pandit Krishnaji Jha.

Along with other members of your caste, you have come to our residence at Thapathali and made the following representation to us:-

"The Brahmans of our caste have left showing respect to those whom respect is due. Nobody obeys anybody. Everybody is indulging as he likes in corrupt practices which have traditionally been unknown in our community. Your Highness has enforced legislation in respect to all other castes. But our caste has not obtained any such legislation."

It appears that the situation has become very bad because there is nobody in your caste to prescribe regulations. Henceforth, from Aswin Sudi 15, 1910 (October 1853), you 10 persons have been granted authority to prescribe regulations for your caste. Prescribe regulations on a customary basis for your caste, which have now been contravened, in consultation with everybody. Dispose of all disputes relating to caste and commensal relations in your caste, except those relating to homesteads, monetary transactions, subdivision of property, cash, movable and lands, and the five principal offenses.\* Disputes which you are unable to dispose of or settle shall be heard by the court (Amal). While disposing of disputes, imposing fines and collecting fees from the winning party, collect amounts ranging from Rs 5 to Rs 30 at your discretion according to the nature of the dispute. With the proceeds of such fines, worship Goddess Guhyeshwari, pray for victory to His Majesty and us and feed Brahmans. In case you do not award justice according to the customs of your caste and show favor and partiality for anybody, or take bribes and commit injustice, you shall be fined according to law. In case anybody indulges in practices which are not customary in your caste and does not comply with the regulations prescribed by you, expell him from your caste. We shall not entertain any complaint against you in cases where you have ordered such expulsion on legitimate grounds.

Kartik Badi 10, 1910

(November 1853)

(Regmi Research Collections, 33/176)

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\*i.e. offenses involving capital punishment, life imprisonment, shaving of the head and branding for degradation to a lower caste and loss of caste.

On Rates Of Interest

King Ram Shah (1606-1636 A.D.) of Gorkha promulgated the following laws:-<sup>1</sup>

1. Debtors are unable to repay loans in foodgrains obtained by them from creditors. Irrespective of the number of years, (creditors) calculate interest for every year. Interest thus accumulates every year, even though (debtors) are not able to repay their loans for many years. They are thus never able to repay their loans. Consequently, some people in the country are never able to free themselves from their creditors, and always remain in debt. If (interest) is calculated at one-fifth (20%) every year, (the total amount) becomes three times (the principal amount) in 10 years, Creditors shall receive three times (the principal amount) accordingly. Even if debtors are not able to repay the principal amount or interest thereon for any number of years beyond 10, creditors shall not charge interest from them for every year after (debtors) become able to make repayment. Creditors shall receive only three times (the principal amount).
  
2. Debtors are unable to repay also loans in cash obtained by them from creditors. Interest thus accumulates every year irrespective of the number of years for which (debtors) are unable to make repayment. They are thus never able to repay their loans. Consequently, some people in the country are never able to free themselves from their creditors, and always remain in debt. If interest is calculated at one-tenth (10%) every year, (the total amount) become double (the principal amount) in 10 years. Creditors shall receive double (the principal amount) accordingly. Even if debtors are not able to repay the principal amount or interest thereon for any number of years beyond 10, creditors shall not charges interest from them for every year after (debtors) become able to make repayment. Creditors shall receive only double (the principal amount).

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<sup>1</sup>His Majesty's Government, Shri 5 Surendra Bikram Shah Dev Ka Shasan Kal Ma Baneko Muluki Ain (The Legal Code Framed During The Reign of King Surendra). Kathmandu: Ministry of Law and Justice, 2022 (1965). 695-700 Pp.

Contd...

It may be noted that these laws only sought to give relief to debtors who were unable to repay their loans for long periods of time. They do not appear to have imposed any control on the rates at which creditors might charge interest from their bonds.<sup>2</sup> There is evidence that current rates of interest were much higher than 10% on cash loans and 20% on in-kind loans as prescribed by King Ram Shah. King Krishna Shah (1642-1658 A. of Gorkha had obtained a loan of Rs. 3.20 from a Brahman; the bond was renewed by his successor, King Prithvi Pati Shah (1669-1716 A.D.) in 1715 A.D., stipulating interest at 25%.<sup>3</sup> Similarly, King Rudra Shah (1658-1669 A.D.) of Gorkha stipulated interest at 12½% on a loan obtained by him from a Brahman, Pratiman Padhya, in 1673 A.D.<sup>4</sup>

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<sup>2</sup>The Bhasha Vamshavali, a Nepali chronicle, gives a different interpretation of the measures taken by King Ram Shah, which gives the impression that he actually sought to control current rates of interest. (Aitihāsik Patra Sangraha, Part II, P. 51). However, the text of the laws, as translated above, does not appear to confirm this interpretation. It appears safer to base our interpretation on the text of the laws themselves, rather than on the version of a latter-day chronicler.

<sup>3</sup>Ramji Tewari (et. al.) (ed), Aitihāsik Patra Sangraha (A Collection of Historical Letters). Part II. Kathmandu: Nepal Cultural Council, 2021 (1964). Pp. 50-51.

<sup>4</sup>Tbid, Pp. 10-11.

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Law On Untouchability<sup>1</sup>

1. The lowest caste is that of Chyamkhalak, since (its members) take food left over by all other castes, from Upadhyaya to Poda.
2. The caste of Poda is higher than that of Chyamkhalak, since (its members) take food left over by other castes, but not by the Chyamkhalak caste. The caste of Badi is higher than that of both Poda and Chyamkhalak, since (Badis) do not take food left over by Podas and Chyamkhalaks, and maintain themselves by singing, dancing and begging at houses even of castes (contamination by whose touch must be purified) through the sprinkling of water.
3. The caste of Gaine is higher than that of Badi, because (Gaines) do not take anything from the hands of Badis and maintain themselves by singing, dancing and begging.
4. The caste of Damai is higher than that of Gaine, because (Damais) do not take food touched by Gaines, and do not maintain commensal relations with children begotten by them from Gaine women.
5. Children begotten by Sarkis from Kami women, or by Kamis from Sarki women, belong to the Kadara caste. Damais take water from their hands, but (Kadars) do not do so from the hands of Damais. The caste of Kadara is therefore higher than that of Damai.
6. Sarkis and Kamis do not take water touched by each other. However, they take other fried or roasted food (touched by each other). Customarily, they have not been taking cooked rice or water touched by Kadaras, who are born of the union of Sarkis and Kamis. The castes of Sarki and Kami are therefore higher than that of Kadara. Henceforth, cooked rice touched by this hybrid Kadara caste shall not be taken (by Sarkis and Kamis), but water may be taken, and neither Sarkis nor Kamis need undergo expiation for having taken water (touched by Kadaras).

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<sup>1</sup>Government of Nepal, "Pani Na Chalne Jat Ko." (On Castes Whose Touch Contaminates Water). In Muluki Ain (Legal Code), Part V, (1955 ed). PP. 105-110. This law was effective until April 12, 1963.

Contd...

7. The leather-working caste of Kulu is higher than these 7 castes, because (Kulus) do not take cooked rice or water from their hands, and have not begotten any children from girls belonging to these 7 castes, and also because (Kulus) have been undergoing expiation in the customary manner in the event of their taking cooked rice and water touched by Damais, Kamis and Sarkis, or of being involved in sexual relations with them.

List Of Castes Water Touched By Whom Cannot Be Taken And (Contamination by) Whose Touch Must Be Purified Through The Sprinkling Of Water

- |              |                       |
|--------------|-----------------------|
| 1. Muslim.   | 2. Teli of the Tarai. |
| 3. Kasai.    | 4. Kushle.            |
| 5. Dhobi.    | 6. Kulu.              |
| 7. Mlechhha. | 8. Chudara.           |

List Of Castes (Contamination By) Whose Touch (Must Be Purified) Through The Sprinkling Of Water

- |               |                  |
|---------------|------------------|
| 1. Sarki.     | 2. Sunar.        |
| 3. Hurke.     | 4. Gaine.        |
| 5. Poda.      | 6. Kami.         |
| 7. Chunara.   | 8. Damai.        |
| 9. Badi-Bhat. | 10. Chyamkhalak. |

8. The caste of Hindu Dhobi is higher than these castes, because (Hindu Dhobis) do not take anything from their hands and do not wash clothes belonging to these castes water touched by whom cannot be taken and (contamination by) whose touch (must be purified) through the sprinkling of water, and, moreover, because (Hindu Dhobis) go up to the rooms and stairheads of (persons) belonging to higher castes.
9. The caste of Kushle is higher than all the castes enumerated above, because (Kushles) do not take anything from their hands, sweep palaces and the houses and courtyards of members of the nobility as well as temples, and maintain themselves by playing upon musical instruments at temples.

Contd...

10. The caste of Kasai is higher than that of Kushle, because (Kasais) do not take cooked rice or water from the hands of all the other castes mentioned above, including Kushle, and because all higher castes have started taking cow's or buffalo's milk touched by Kasais.
11. In case any Kulu commits sexual intercourse with her consent with any girl, married woman or widow belonging to castes ranging from those water touched by whom can be taken to those wearing the sacred thread, both the man and the woman shall be punished according to the law relating to sexual intercourse between members of unequal castes whose touch does not require the sprinkling of water for purification. In case such sexual intercourse has been committed with a prostitute, one-third of the penalty due in the event of sexual intercourse with a married woman shall be awarded.
12. A fine of Rs 10 shall be imposed in the event of sexual intercourse between Kamis and Sarkis along with commensal relations. In the event of sexual intercourse between Kadaras on the one hand and Sarkis and Kamis on the other, a fine of Rs 12 shall be imposed on the man, and of Rs 8 on the woman.
13. In the event of sexual intercourse among castes water touched by whom cannot be used and (contamination by) whose touch need not be purified through the sprinkling of water, a fine of Rs 20 shall be imposed on the man, and of Rs 10 on the woman, and they shall be degraded to the lower caste.
14. In case any person willfully commits sexual intercourse with any girl, married woman or widow of above the age of 11 years belonging to castes water touched by whom cannot be taken and (contamination by) whose touch requires the sprinkling of water (for purification), and in case he has not taken cooked rice or water from the hands of such woman, he shall be fined with an amount of Rs 100 if he belongs to a sacred thread-wearing caste, irrespective of whether or not he involves other in the taking of cooked rice or water from his hands. The amount of the fine shall be Rs 50.00 in the case of castes other than those wearing the sacred thread who are entitled to a minimum of Rs 40 as wedding expenses (to be paid as compensation to the husband by the man with whom his wife has eloped), and Rs 25.00 in the case of castes entitled to less than Rs 40.00 as wedding expenses. The prescribed amount shall be collected while granting expiation to those who are involved (in the taking of cooked rice and water touched by the offender). (The offender) shall then be sent to the nearest places of pilgrimage and granted expiation. There shall be no ban on the taking of cooked rice or water touched by him. If he has taken cooked rice or water from the hands of the woman, or irrespective of whether

Contd...

or not he has done so from the hands of a woman belonging to a caste (contamination by whose touch) requires the sprinkling of water (for purification) with whom he has willfully committed sexual intercourse, if he has not involved others in the taking of cooked rice or water touched by him, his property shall be confiscated and he shall be sentenced to imprisonment for one year; and if he has thus involved others, his property shall be confiscated and he shall be sentenced to imprisonment for 1 year and 6 months. In case he wears the sacred thread, it shall be taken away from him; and if he does not, a ban shall be imposed on the taking of cooked rice or water touched by him, and he shall be joined to the caste of the woman. In case any person reports in advance to a government office or court that he will commit sexual intercourse with a woman belonging to a caste water touched by whom cannot be taken and thus be degraded, or so reports after already committing such sexual intercourse and being degraded before anybody has made the report, without involving others (in the taking of cooked rice or water touched by him), and in case he is not proved to have so involved anybody, his property shall not be confiscated nor shall he be sentenced to imprisonment. He shall only be joined to the caste of the woman and let off.

15. A woman belonging to a caste water touched by whom can be taken who permits a man belonging to a caste (contamination by) whose touch requires the sprinkling of water for purification or any other caste water touched by whom cannot be taken to commit sexual intercourse with her consent shall be sentenced to imprisonment for 2 years if she has involved others in the taking of cooked rice or water touched by her, or else to 1 year, and let off after being degraded to the lower caste. A ban shall be imposed on the taking of cooked rice or water touched by her. A woman belonging to a caste water touched by whom cannot be taken and (contamination by) whose touch requires the sprinkling of water (for purification) who permits a man belonging to a caste (contamination by) whose touch requires the sprinkling of water (for purification) to commit sexual intercourse with her shall be sentenced to imprisonment for 3 months and joined to the same caste.
16. In case a woman belonging or joined to any caste (contamination by) whose touch requires or does not require the sprinkling of water (for purification) and water touched by whom cannot be taken permits a man belonging to a caste water touched by whom can be taken to commit sexual intercourse with her and has involved him in the taking of cooked rice or water touched by her, she shall be sentenced to imprisonment for 2 years, and to 1 year in case she has not so involved him. In case she has permitted him to commit sexual intercourse by misrepresenting her caste, the penalty shall be double.

Contd...

... shall be granted exemption, but if he has taken goods from without ascertaining the nature of a vessel belonging to a private water loaded by shore cannot be taken, he shall not be granted exemption in respect to the taking of loaded rice loaded by fire, in case he were a second offence, it shall be taken away from him, and he shall be granted exemption only in respect to the taking of money loaded by him (that person), if belonging to a second offence carrying more than license & goods, entitled to a witness amount of 100,000 as wedding expenses (as to joint or compensation to be furnished by the wife with whom she will not elope). If he belongs to a second offence to a witness amount of 100,000 as wedding expenses, he shall be degraded to a private water loaded by shore can be taken and shall be entitled to less than 100,000 as wedding expenses. If he belongs to a third offence to less than 100,000 as wedding expenses water loaded by shore can be taken, he shall remain in the new state.

2) In case a person belonging to a caste (contamination by) whose touch requires the sprinkling of water (for purification) commits sexual intercourse with a person belonging to a stiller caste, and he goes to court is married, action may be taken at the pleasure of the husband according to law if a caste entitled to strike (with a weapon) at the offender in accordance with the provisions of the law or authority. In case (the caste is not entitled) to strike at the offender, or in case the husband does not possess the property, and in case a girl is married among his relatives and one by law for the husband's sake in the taking of loaded rice or water loaded by fire, she shall be punished in accordance with the law pertaining to the caste which is in the sexual intercourse.

3) In case a woman belonging to a caste water loaded by shore cannot be taken or (contamination by) whose touch requires or does not require the sprinkling of water (for purification) commits sexual intercourse with a private water loaded by shore can be taken she may not, however, be degraded from her caste according to the usual custom, unless she is found with her, fraudulently stating that she belongs to a pure caste, which shall be taken according to law. Thus she is permitted to be degraded from her caste before the usual custom is established, stating that she belongs to a pure caste, and involved in the taking of loaded rice or water loaded by fire, she shall be granted exemption in respect to the taking of loaded rice or water loaded by fire, because of his ignorance. He shall change the water through his immediate company and remain in the new state.

20. In case a Muslim commits sexual intercourse with a woman belonging to the Kasai, Kushle, Kulu, Dhobi and other Hindu castes water touched by whom cannot be taken, the wedding expenses shall be recovered from him if the woman is married, and a fine of Rs 100.00 shall be imposed if she has been involved in the taking of cooked rice or water touched by him. Otherwise, the fine shall amount to Rs 70.00.
21. In case a Muslim commits sexual intercourse with a woman belonging to the Muslim caste, wedding expenses amounting to Rs 100.00 shall be recovered from him if (the woman) had been wedded formally or through the observance of customary rites. If (the husband) declines such wedding expenses, (the adulterer) shall be sentenced to imprisonment for 11 months, in addition to being fined with Rs 100.00. In case a woman who commits adultery with one person and is again taken up (as a wife by another person) after performing wedding rites is involved (in such intercourse), wedding expenses amounting to Rs 50.00 shall be recovered (from the adulterer), and he shall also be fined with Rs 50.00. If the woman has been taken up (as a wife) without performing wedding rites, only a fine of Rs 50.00 shall be imposed (on the adulterer). The woman may live with any man as she pleases.
22. In case any other Muslim commits sexual intercourse with a woman taken up (as a wife) after performing the (customary) rites of the caste by a Chudara Muslim living in our territory, wedding expenses amounting to Rs 60.00 shall be recovered from him, and he shall also be fined with Rs 60.00. In case the husband takes away his wife, or in case the woman has not been taken up (as a wife) after performing wedding rites, wedding expenses need not be recovered (from the adulterer). He shall only be fined with Rs 20.00. Henceforth, Chudara Muslims shall not be permitted to strike (with weapons) at persons committing adultery with their wives.
23. Action shall be taken as prescribed in the law while recovering wedding expenses in the case of castes belonging to the Tarai water touched by whom cannot be taken and (contamination by) whose touch requires or does not require the sprinkling of water (for purification). If the law does not prescribe any action, wedding expenses shall be recovered (from the adulterer) at the rate of Rs 20.00 in the case of castes water touched by whom cannot be taken and (contamination by) whose touch does not require the sprinkling of water (for purification), and of Rs 15.00 if such sprinkling is required; and a fine of an equal amount shall be imposed. In case the woman has not been taken up as a wife after performing wedding rites, wedding expenses need not be recovered (from the adulterer), only a fine as mentioned above shall be imposed.

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State Department, Agricultural Development, 1937

In early 1937, the Department of Agriculture had a number of measures to develop agriculture and promote land reclamation and settlement in the North Valley. An Agriculture Office was established in Guatemala to implement these measures.

It was planned to open 2 demonstration farms, one each in Guatemala and the North Valley, with a view to their extension to the North Valley area (plans to buy land in Guatemala and to buy land in the North Valley) under the supervision of the State Department Office and the State Department. Many other measures were under the supervision of the Agriculture Office.

Under the demonstration program, preference in the allotment of land was given to persons inhabiting the hill areas of Chiapas-Quiché. Military officers and personnel were not to be given preference, according to the plan of their administration. Provisions were also made to provide land to persons from Chiapas in areas west of the North Valley, if they did not receive allotments east of the river. Military officers, however, did not receive preference, nor were officers with the responsibility of creating settlements. In construction of such services, such as roads and bridges, the State Department was to be consulted after consultation was made to the State Department. The amount of the grant was to be regulated in the case of the military, but neither preference nor land was to be given, according to the plan of the family and the availability of land.

A contract amount of \$10,000 per year of a loan was made to the State Department, which provided the interest to settle down to the demonstration area. The State Department was to provide facilities, and if they were unable to furnish any security, recovery of the loan was to be made by the State Department. Land to be granted was to be in the period of 1 year. Preference, land was not to be given to the State Department of the State Department, but the right year, and at the end of the year from the State Department.

A sum of \$1,000,000 was provided for providing tips and other expenses and other land to the military as a nonprofit loan. In 1937, the State Department was to provide for the supply of policies and other securities.

<sup>1</sup>State Department Collection, Vol. 17, pp. 178-187.

A British Account Of Gorkhali Rule In Dehradun.

A pirthi Narain, king of the small principality of Gurkha in Nepal, occupied Kathmandu in 1768 and died in 1775, when he was succeeded by his son, Sinha Partap Sah. The latter died in 1778 and his son, Ran Bahadur, being a minor the reins of state were left in the capable hands of the rani Indar Lachimi. In 1779 the queen regent was murdered by Bahadur Sah, the uncle of the young king. He continued the aggressive policy of his predecessor, and in 1790 the Gurkhas turned their attention to Kumaun and after a brief campaign occupied Almora in 1790. Garhwal was their next objective, and though the Gurkhas were effectively checked at Langurgarhi, the feeble young raja was persuaded to pay the large tribute of Rs 25,000 a year. In 1803 however the border fights which had not ceased when the nominal peace was concluded between the Garhwalis and the Gurkhas developed into open war. Pradhuman Sah abandoned his capital but made a stand at Barahat, whence he was driven into the Dun, closely pursued by the victorious Gurkhas who occupied Dehra in October 1803. Pradhuman Sah then took refuge in the plains and through the good offices of the Gujar raja, Ram Dyal Singh of Landhaura, was enabled to collect a force of some twelve thousand men, with whom he entered the Dun resolved to make one attempt to recover his kingdom. In this he was unsuccessful, and in an action fought in January 1804 at Kharbara near Dehra perished with most of his Garhwali retainers. Pritam Sah, the brother of Pradhuman Sah, was taken prisoner and sent in custody to Nepal, but Sudarshan or Sukhdarshan Sah, the eldest son of the deceased Raja, escaped to British territory, and Farakram Sah took refuge with Sonsar Chand in Kangra. Amar Singh, with his son Ranjor Thapa as deputy, held the administration of both Kumaun and the newly-annexed territory in their own hands during 1804, whilst preparations were being made to extend the Gurkha conquest westward.

The notorious rigour of the Gurkha rule almost reduced the Dun to a desert. Most of the inhabitants emigrated and the little cultivation that still lingered began to disappear. After a time mahant Har Sewak was reinstated in the Dun and some improvement took place, which was farther increased when Hasti Dal was recalled from Kangra and took an active part in the management of affairs. Mr. Williams tells us that: "Raids from Saharampur and the Punjab had been brought to an abrupt termination by the fulfilment of a threat to burn one village for every plundering party that entered the Dun."

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\*H.G. Walton, I.C.S, Dehradun, A Gazetteer, Allahabad: Superintendent Government Press, 1911. 177-183 PP.

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A band of Sikhs once had the temerity to set the new government at defiance and, as in the days of yore, sacked a village, carrying away several women and driving off the cattle. The Nepalese commandant, receiving intelligence of the outrage, sent two hundred men in pursuit of the marauders whose own dwellings were surrounded and set on fire. Every man, woman or child attempting to escape was massacred in cold blood, except a few of the handsomest females, whose beauty purchased their life. This signal example had the desired effect." From Raper's account of his journey to survey the Ganges, in 1808, we gather a few more particulars. He met Hasti Dal Sah at Hardwar and describes him as a man of about forty-five years of age, of middle stature, pleasing countenance and desirous in every way to aid him. A few days afterwards Raper was introduced to Hasti Dal's successor, Bhairon Thapa, who is described as the very reverse of friendly and only anxious to impede his progress, though eventually they parted good friends. Raper also notices the excessive rigour of the Gurkha rule in Garhwal and writes: "At the foot of the pass leading to Har-ka-pairi is a Gurkhali post, to which slaves are brought down from the hills and exposed for sale. Many hundreds of these poor wretches, of both sexes, from three to thirty years of age, are annually disposed of in the way of traffic. These slaves are brought down from all parts of the interior of the hills and sold at Hardwar at from ten to one hundred and fifty rupees each." Mr. J.B. Fraser computed the number sold during the Gurkha occupation at 200,000, but possibly this is an exaggeration, where delinquents were unable to pay the fine imposed, the amount of which rested entirely at the arbitrary discretion of the Gurkha officer in charge of the district, he was sold into slavery together with his family. Parents driven to desperation sold their children and, in certain circumstances, uncles sold their nephews or nieces, and elder brothers their younger brothers and sisters.

Mr. Fraser writes of the Dun: "Under the Garhwal Rajas it yielded to Government a revenue of a lakh of rupees a year; but the Gurkhalis, having much ruined it, never realized more than Rs 20,000 per annum." On his march thence to the sources of the Ganges the general appearance of the country was that of one that had been subject to all the horrors of war. Deserted and ruined villages lined the road and frequent patches of terrace cultivation now becoming overgrown with jungle alone showed where hamlets had once stood.

The Gurkhas next came into contact with the British arms. In consequence of a series of aggressions upon our territory culminating with the barbarous murder of a police officer in the Gorakhpur district Lord Hastings declared war in 1814, and determined to attack Nepal simultaneously from as many quarters as possible. Major-General Marley was given the command of 8,000 men in Bihar and ordered to march at once on Kathmandu the capital. In Gorakhpur a force of 4,000 men was entrusted to Major-General J.S. Wood.

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Major-General Ochterlony was to attack the enemy's position on the extreme west between the Sattlej and the Jumna. To Major-General Gillespie with 3,500 men was assigned the task of reducing the Dun. The operations of the Behar and Gorakhpur columns were characterized by carelessness and failure. Generals Gillespie and Ochterlony were however men of a different stamp, and it is to the efforts of the latter alone that the credit of the happy issue of the campaign in the Dun is due. The operations of General Gillespie were most unfortunate but they were not disgraceful, for he showed himself a brave and zealous soldier. His instructions were to enter the Dun and having reduced the forts in the valley, either to proceed through Jaunsar and assist Ochterlony by falling on Amar Singh's left between Bilaspur and Simla or to proceed westward and take Nahan, then held by Ranjor Singh Thapa, and so separate the Gurkha forces. The British force entered the Dun into two columns by the Mohan and Timli passes and united again at Dehra on the 24th October. The enemy was found in the Kalanga fort, on the highest point of a low spur about three and a half miles north-east of Dehra. There were some three or four hundred regular Nepalese troops and a number of Garhwali levies under the command of Balbhadra Singh Thapa, nephew of Amar Singh Thapa, the military governor of Garhwal. Colonel Mawby made an attempt to capture the fort by assault, but after a few rounds had been fired from two 6-pounders and two howitzers mounted on elephants, the British force retired on Dehra giving up the task as impracticable. General Gillespie arrived on 26th October and took command of the force. A careful reconnaissance of the enemy's position was made, and orders were given for an assault for which four separate parties, numbering in all 1,798 men with a reserve of 939 were prepared. The defences of the fort were not complete; but the enemy had done everything possible with the men and materials at his disposal, gaps were filled with stones, stockades were erected along the lines of approach, and at a wicket, open but cross-barred, a gun was which placed enfiladed the principal side of attack.

The attack began with a bombardment by the British guns, which however were too light to do any execution. The signal was then given for the simultaneous assault by the four storming parties, but either the signal was not heard, or, if heard, was not understood, for only Colonel Carpenter's column and the reserve under Major Ludlow were seriously engaged. The stockades were easily carried, but on approaching the walls the British suffered severely in both officers and men. No scaling ladders were immediately available, and the General leading the assault in person was shot through the heart. The command now devolved on Colonel Mawby who decided to retire to Dehra and there await reinforcements. Five officers were killed and fifteen wounded, of whom seven subsequently died; twenty-seven non-commissioned officers and men were killed and 213 wounded. On the 24th November a battering train arrived from Delhi. The fort was shelled, while

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a battery of 18-pounders erected within 300 yards of the wall effecting a breach pronounced practicable early in the afternoon of the 26th. Another assault was ordered, but the storming party failed to effect an entrance and retired with a loss of four officers and 33 men killed, and seven officers and 635 men wounded or missing. Thus the disastrous results of the first attack were repeated, and it was only now discovered that there was no water within the fort, and that the besieged were obliged to supply themselves from a spring at some distance from the walls. Arrangements were at once made to cut off the water, and the fire from the batteries recommenced the next day, doing great damage from the unprotected state of the garrison and the shattered condition of their defences. On the night of the 30th November, only three days after the adoption of the measures which would have been equally feasible a month earlier, had they been adopted, Balbhadra Thapa with seventy men, all that remained of his garrison, evacuated Kalanga. The Gurkhas cut their way through the chain of posts placed to intercept them, and escaped to a neighbouring hill closely pursued.

The seventy men who escaped from the fort were joined by some three hundred others who had been seen hovering about the neighbourhood endeavouring to find a way into the fort. Major Ludlow was sent after these with some four hundred of our troops and succeeded in attacking their camp by night and dispersing them, killing fifty. The British loss amounted to two officers and fifteen men wounded. In the meantime Colonel Carpenter had taken measures to guard the entrance to the hills at Kalsi and sent Captain Fast with a detachment to occupy some positions above that town, which resulted in the surrender of the fort of Bairat on the 4th December. The following day the troops marched to Rampur Mandi to join the force under Major-General Martindell, who had orders to attack Nahan. Balbhadra Singh Thapa with the remains of his party threw himself into the fort of Jauntygarh and defended himself successfully against a force despatched against him under Major Baldock. He subsequently joined the Gurkha force at Jaithak, and on the surrender of that place entered the Sikh service, where he and all his followers perished in a war with the Afghans. The Dan force together with that under General Martindell were ordered to attack Nahan, where Ranjor Singh, the son of Amar Singh Thapa still held out with more than two thousand men to support him. On the 24th December Nahan was occupied by the British troops, the Gurkhas retiring on our approach to Jaithak, a fort and strong position a little to the north, 1,600 feet above the town and nearly 5,000 feet above the sea. The fort was attacked without loss of time, but unsuccessfully, and the British troops were repulsed with a loss of between four and five hundred men, so that General Martindell attempted no active operations for nearly three months. After this succession of reverses at many points it is satisfactory to have to record proceedings of a different character.

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At the end of October 1814, General Ochterlony with about six thousand men entered the hills on the left bank of the Satlej, with the view of dislodging the Gurkhas from the strong positions which they held between Bilaspur on that river and the outer hills above the Pinjor Dun. The enemy force consisted of about three thousand men, and was commanded by Amar Singh Thapa, the most skilful of all the Gurkha officers and a captain of high reputation in the former wars of his nation. Meanwhile the column operating of Kumaun under Colonel Nicolls had been more successful. On 27th April 1815, Almora was occupied and the British and Nepalese commanders signed a convention. The terms of this convention included the evacuation of Nahan and Jaithak by Amar Singh. Amar Singh at first held out manfully but in the end, recognizing that his communications with Nepal were severed and weakened by desertions, he surrendered his positions to General Ochterlony. The British thus came into possession of all the territories of the Gurkhas between the Kali and the Satlej and a resolution of Government, dated the 17th November 1815, ordered the annexation of Dehra Dun to the Saharan district.

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Regulations On Transportation Of  
Cannon From Kathmandu To Kumaun\*

Ashadh Badi 7, 1862

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1. Local officials (Amalis, Dwares) of areas where cannon sent to Kumaun is held up for more than 2 nights shall be given a warning, so that no such delays may be caused in the future.
2. Damaged bridges and ferry services in areas between the Bishnumati river and Kumaun shall be repaired through the labor of the local people. 40 persons shall be assigned to provide Hulak (porterage) services in every area. Particulars of such personnel at each area shall be reported to the government.

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\*Regmi Research Collections, Vol. 6, P. 73.

Shamshuddin's Invasion Of Nepal\*

By

Dhanabajra Bajracharya.

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On Marga 22, 1406 (Vikrama), Sultan Shamshuddin of Bengal invaded Kathmandu Valley. The Gopal Vamshavali, which was compiled nearly 40 years later, during the reign of King Sthiti Malla, contains the following description of this invasion:-

"On the full-moon day in the month of Baisakh in 469 Nepal Samvat (corresponding to 1406 Vikrama), King Jayaraj Dev offered his treasury to Shri Pashupatinath. Later, Sultan Shamshuddin came to Nepal from the east and broke (the image of) Shri Pashupatinath into three pieces. The whole of Nepal was burnt. Panic swept over the people. (The people of) Bhaktapur underwent much suffering on the ninth day of the bright half of the moon in the month of Marga, 470 Nepal Samvat (1406 Vikrama)."

A stone inscription found at Pimbahal in Lalitpur indicates that it had been destroyed by the Muslim Sultan Shamshuddin and subsequently renovated by Meghpal in 477 Nepal Samvat (1414 Vikrama). The inscription also states that the Sultan "destroyed the whole of Nepal." Another stone inscription, found at Swayambhu, says, "On Thursday, on the tenth day of the bright half of the moon in the month of Marga, 470 Nepal Samvat (1406 Vikrama), Sultan Shamshuddin entered into Nepal with a large force of Bengalis, and wrought destruction everywhere in Nepal." Swayambhu was renovated 23 years later by Mahapatra Rajaharsha Bhallok.

At that time, Bhaktapur was the capital of Kathmandu Valley. The town was thus attacked first. The Muslim army thereafter sacked Kathmandu, broke the image of Pashupatinath into three pieces, and then raided Swayambhu and set it on fire. Lalitpur met with the same fate. The rulers and people of Kathmandu Valley were unable to put up any resistance. Sultan Shamshuddin left Kathmandu Valley after 7 days.

King Paja Dev occupied the throne at that time, but real power was in the hands of Devala Devi. This arrangement continued even after the Muslim invaders departed. However, in his "Mediaeval History of Nepal",

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\*Condensed from: Dhanabajra Bajracharya, "Shamshuddin Ko Akraman," Purnima, 8, Magh 2022 (January 1966), 7-13 PP.

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Luciano Petech writes: "In unhappy Nepal, without a ruler and throne (sic) by dissensions, a thunderbolt fell from the blue sky ... In the meantime the Eastern Suratane Samsadina (Sultan Shamsud-din) came to Nepal and ... the whole of Nepal was ravaged by fire and the people were unhappy. ... This happened in 467 Margasira Sukla guru." (PP. 118-119). However, as mentioned above, the invasion actually took place in 470 Nepal Samvat. Petech is therefore wrong in maintaining that "the danger from the Muslims had not yet disappeared. Shams ud-din Ilyas seems to have carried out another raid, which lasted 7 days; the date of this event is 470 Margasira Sukla 9 (=November 19th, 1349)." Nor is it true that Kathmandu Valley was "without a ruler" at that time. King Arimalla had died in Aswin 1401 (Vikrama) and Raja Dev had ascended the throne in Shrawan 1404 (Vikrama) after an interregnum of 3 years.

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Who Are The Doyas ?<sup>\*</sup>

The Gopal Vamshavali refers to a number of raids conducted by Doyas into Kathmandu Valley. According to one reference, Nara Malla Dev "cut the Doyas with his sword" on Marga Badi 7, 1168 (Vikrama). However, no further particulars of this incident have been given. The Gopal Vamshavali also states that on Jyestha Badi 1, 1301 (Vikrama), Doya invaders, led by King Ran Singh, were defeated in the Khandadhar hills by King Anargha Malla Dev. The latter King has not yet been identified.

Doyas invaded Kathmandu Valley on Marga Sudi 7, 1302 (Vikrama) also. They came through Kampa (Kapan) up to Bhoyothali (Bhunthali), both in the Gokarna area of Kathmandu, but were again defeated.

However, Doyas appear to have established their power in Kathmandu Valley for some time 50 year later. They assisted one side in a civil war that was going on here, and thus were able to influence the administration briefly. According to the Gopal Vamshavali:

"In the night of Poush Badi 15, 1356 (Vikrama), Doyas came to fight at Asanimam. They fought successfully until Magh Badi 2, and occupied Tipur and Asanimam. On Falgun Sudi 5, they advanced from Khandakhuri, occupied Khapithali, and advanced further to occupy Mitili. The next day, they tried to enter into Chunigal, but failed. Seven Doyas were killed at Badyanimam Jaladhuni, and three at Tyankhadol. (Subsequently), they occupied Balunkha Jaladhuni and entered into Brahmapur. Tipur then paid a fine, Mandrapal raised 6 dramma and 3 dramma per ropani of land, and 4 dramma from every family, and handed over the proceeds to the Doyas, who went back on Chaitra Sudi 7. They had been invited by Pandit Jayaju of Salachhe, Jayashakti Dev of Banepa and Ananta Malla Dev."

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\* Dhana Bajra Bajracharya, "Doya Haru Ko Hun ?" (Who are the Doyas ?) Purnima, 4, Magh 2021 (January 1965). 20-31 PP.

Most of the places mentioned above have not been identified. Tipur was situated near modern Bhaktapur.

Ananta Malla was the reigning king at that time. Jaya Shakti Dev was the son of the Crown Prince, Jayaditya Dev. It is thus evident that the Doyas were supported by the king and the royal family. Ananta Malla succeeded Jaya Sinha Malla. Jayaditya Dev, son of Jaya Bhim Dev, was designated heir-apparent. Crown Prince Jayaditya Dev was senior to King Ananta Malla by 8 years. He was thus able to wield some influence on the administration. He apprehended some threat to his position from his brother, Ananda Dev. Accordingly, he arrested Ananda Dev and imprisoned him at Palanchok. Crown Prince Jayaditya Dev died in Falgun 1349 (Vikrama). 5 months thereafter, Ananda Dev escaped from imprisonment. Jaya Shakti Dev then reached Palanchok and again imprisoned his uncle, Ananda Dev. The Gopal Vamshavali does not mention when and how Ananda Dev came out of imprisonment subsequently.

This shows that internal conflict was prevailing in the royal family during this period. King Ananta Malla appears to have been a man of weak temperament. He had not been able to control other members of the royal family, or members of the nobility. After the death of Jayaditya Dev, his son, Jaya Shakti Dev, became influential. King Ananta Malla seems to have sided with the Doyas through his influence.

Again, 10 years later, Jaya Shakti Dev invited the Doyas and created panic in Kathmandu Valley. According to the Gopal Vamshavali, the Doyas entered into Lalitpur on Magh Badi 14, 1367 (Vikrama). They occupied the area from Thanthibi to Manigal. Brahmans and members of the nobility were imprisoned. Forts and other places were destroyed. The Doyas then exacted a tribute from the people in order to finance their expenses. Rajhyapat was set on fire. The Doyas gave asylum to Betana Dev, Jaya Shakti Dev, Megh Chandra and Dhwaka Raut. They had been invited by Jaya Shakti Dev. On Kartik Sudi 12, 1368 (Vikrama), all temples were set on fire and destroyed. The entire treasury at Deopatan (of the Pashupatinath temple?) was emptied by the Doyas. Thereafter, they proceeded towards Sanga. They killed some people from Banepa to Tari (Tarai?). On Falgun Sudi 8, 1368 (Vikrama), the Doya nobles went back as they were unable to rule here.

This shows that the Doyas entered into Lalitpur in 1367 (Vikrama) and established their domination. But the nobles and people of Lalitpur did not accept their domination readily. As a result, the Doyas imprisoned the entire nobility of Lalitpur and imposed fines on the people. They occupied Lalitpur for more than 1 year. But they do not appear to have desired to rule here permanently. That is why they destroyed temples and plundered temple funds.

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The Khas Kings of the Karnali region in the west also had raided Kathmandu Valley. They too did not desire to rule here. They were satisfied only with imposing a tribute. The Doyas followed a similar policy. But there exists a big difference between the raids conducted by the Khasas and by the Doyas. The Khasas set villages on fire, but did not destroy temples or plunder temple funds. On the contrary, they performed religious ceremonies at the Pashupatinath, Swayambhunath, Machhindranath and other temples. The Doyas however, destroyed temples and plundered temple funds during their raid in 1368 (Vikrama). King Ananta Malla had already died at that time. He was succeeded by Ananda Dev, the old enemy of Jaya Shakti Dev. It thus appears that Jaya Shakti Dev invited the Doyas to take revenge against Ananda Dev.

The question now arises, who were the Doyas? We have already mentioned above that in Magh, 1367 (Vikrama), the Doyas raided Lalitpur. According to another edition of the Gopal Vamshavali, available at the Kaiser Library, persons belonging to Tirhut raided Lalitpur in the same month and year. This indicates that the Doyas and the Tirhutes were the same. The Gopal Vamshavali refers to King Nanya Dev of the Tirhut as a "Doya". It also states that Ram Simha Dev, son of Nara Simha Dev, a "Do Thakur", was born on Chaitra Sudi 13, 1240 (Vikrama). There is no doubt that this was the same Ram Simha who invaded Kathmandu Valley in 1301 (Vikrama), as mentioned above. This proves that Nanya Dev and his successors who ruled over Tirhut were known as Doyas in Kathmandu Valley.

These raids have led the compilers of several Vamshavalis to state that Nanya Dev, Hari Simha Dev and other Kings from Tirhut had established their rule over Kathmandu Valley. Pratap Malla and other Malla Kings have committed a similar error by stating in their inscriptions that after the Muslim forces had destroyed Simraungadh, Hari Simha Dev had occupied and ruled over Bhaktapur. But this is not true. In 1381 (Vikrama), Sultan Ghiyasuddin Tughlaq of Delhi returned to Delhi through Tirhut after suppressing a revolt in Bengal. King Hari Simha Dev of Simraungadh thought that the Muslim forces were going to attack his kingdom. He therefore came out to fight them. But the Muslim forces defeated Hari Simha Dev and destroyed Simraungadh. Hari Simha Dev then fled to the hill areas of Nepal along with his son, ministers and nobles. He died at Tinpatan in the Dolakha area on Magh Sudi 5, 1382 (Vikrama). His son and ministers were imprisoned by the nobles of Rajagram, who also appropriated his entire property. Clear evidence with regard to these events is supplied by the Gopal Vamshavali. It is therefore wrong to state that Hari Simha Dev fled from Simraungadh and ruled over Bhaktapur.

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A Firman From The Mughal Emperor<sup>1</sup>

The problem of the Tarai region from the Tanter Pargannas to Parsa had already been solved by the beginning of 1771 A.D.<sup>2</sup> But the problem of Anbarpur still remain unsolved. Its solution required the cooperation of the Calcutta Council of The East India Company. The Council on its part required the cooperation of King Prithvi Narayan Shah to check the depredations of Sanyas.

On March 12, 1771, King Prithvi Narayan Shah received a firman from the Mughal Emperor, Shah Alam II. The firman addressed him as Maharaj Prithvi Narayan Bahadur Shamsheer Jung.

Prior to this, King Prithvi Narayan Shah styled himself "Shriman Maharajadhiraj Shri Shri Shriman Nripa<sup>4</sup> Prithvi Narayan Shah", or "Shriman Maharajadhiraj Shri Shri Shriman Prithvi Narayan Shah." The title "Shri Shri Shriman Maharajadhiraj Shri Shri Shri Shriman Nripa Prithvi Narayan Shah", in a royal order issued to local functionaries in Dolakha, and "Shriman Maharajadhiraj Shri Shri Shri Shri Shriman Prithvi Narayan Shah, in a royal order issued to the inhabitants of that town. The commercial treaty signed with King Jaya Prakash Malla of Kathmandu mentions "Swasti Shriman Maharajadhiraj Shri Shriman Nripa Prithvi Narayan Shah Dev."

After the above-mentioned firman was received from the Mughal Emperor, King Prithvi Narayan Shah invariably styled himself "Shri Shri Shri Maharaj Prithvi Narayan Shah Bahadur Shamsheer Jung." The words "Bahadur Shamsheer Jung" were removed from the royal titles by King Mahendra in 1962.

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<sup>1</sup> Babu Ram Acharya, Shri 5 Bada Maharajadhiraj Prithvi Narayan Shah. (A Short Biography of King Prithvi Narayan Shah). Kathmandu: Principal Press Secretariat of His Majesty, Royal Palace, Vol. IV, 2026 (1969). 711-712 PP.

<sup>2</sup> These regions had been under British occupation since the Kinloch expedition of 1767.

<sup>3</sup> In Saptari district.

<sup>4</sup> Nripa (Sanskrit) means "King".

A Brief Political History Of The Lichchhavi Period<sup>1</sup>

By  
Jagadish Chandra Regmi.

The Lichchhavis entered into Nepal during the first Century A.D.<sup>2</sup> According to the Gopal Vamshavali, the Lichchhavi defeated the Kirat Kings and began to rule over Nepal.

Stone inscriptions are the only sources which provide us with material for a study of the history of the Lichchhavi period. However, Lichchhavi inscriptions are available only after 464 A.D. The history of the early Lichchhavi period is therefore not clear. The genealogy of the early Lichchhavi Kings may be traced from the Pashupati inscription of Jaya Deva II and the Changu Narayan inscription of Mana Deva I.

The genealogy of the Lichchhavi Kings, as given in the Pashupati inscription of Jaya Deva II, begins from the Sun God. The inscription refers to names of the solar dynasty which are mentioned in the Puranas. They are: Manu, Ikshwaku, Vikukshi, Vishwagashwa, Sagara, Dilipa, and Asamanjasa. The names of Lichchhavi Kings are enumerated thereafter. The names of Kings who reigned after the Lichchhavis are omitted, and the inscription then refers to Supushpa. The names of 20 successors of Supushpa are again omitted. The Pashupati inscription thereafter, mentions Jaya Deva I, but not his 11 successors, and finally mentions King Vrisha Deva. The Changu Narayan inscription begins its genealogy from King Vrisha Deva.

Vrisha Dev was succeeded by his son, Shankar Deva. The names of Dharm Deva and Mana Deva I occur thereafter.

Mana Deva I was the first Lichchhavi King to mint coins and install stone inscriptions in Nepal. The Changu Narayan inscription is the first stone inscription of the Lichchhavi, as well as of Nepal. 14 inscriptions of Mana Deva's period have so far been discovered, the first of which is dated 386 Shaka Samvat (464 A.D.) and the last 427 Shaka Samvat (505 A.D.). Mana Deva I thus appears to have ruled for 41 years.

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<sup>1</sup>Jagadish Chandra Regmi, Lichchhavi Samskriti (Lichchhavi Culture). Kathmandu: Ratna Pustak Bhandar, 1969. 1-9 PP.

<sup>2</sup>In his The Vakataka Gupta Age (P. 130), Ramesh Chandra Majumdar says that the Lichchhavis entered into Nepal during the 2nd century A.D. However, in his The Age Of The Imperial Gupta (P. 8), Rakhal Das Bannerjee says that they did so during the early mediaeval period.

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According to the Pashupati inscription of Jaya Deva II, Mana Deva was succeeded by his son Mahi Deva. However, no inscription issued by Mahi Deva has so far been discovered. Since the first inscription of Vasanta Deva (successor of Mahi Deva) is dated 427 Shaka Samvat, it may be assumed that Mahi Deva ruled for a few months between 427 and 428 Shaka Samvat.

Vasanta Deva then ascended the throne. 9 stone inscriptions of his period have been discovered. The dates mentioned in them show that Vasanta Deva ruled for 26 years between 428 and 454 Shaka Samvat (506-532 A.D.).

Vasanta Deva was succeeded by Vamana Deva. Only one inscription issued during his time is available. It is dated 460 Shaka Samvat (538 A.D.). The actual period of his reign cannot be ascertained. He was succeeded by Rama Deva. Two stone inscriptions of Rama Deva's period are available, of which one bears the date 469 Shaka Samvat (547 A.D.). The date in the other inscription has been illegible.

Gana Deva ascended the throne in 479 Shaka Samvat (557 A.D.).<sup>3</sup> On the basis of 8 inscriptions installed during his reign, which bear different dates from 479 to 489 Shaka Samvat (557 to 567 A.D.), he appears to have ruled for a period of 10 years.

Then begins the reign of Shiva Deva I. 16 stone inscriptions installed during his reign have been discovered. These inscriptions indicate that Shiva Deva I ruled for a period of 14 or 15 years (between 590 and 604 A.D.).

Almost all the early inscriptions of Shiva Deva I mention the name of Amshu Varma as "Samanta" or "Mahasamanta". He is described as "Maharajadhiraja Shrisamanta" in an inscription issued during the last phase of the reign of Shiva Deva I.<sup>4</sup> This may be regarded as evidence of Amshu Varma's growing influence on the administration. Amshu Varma became king after Shiva Deva.

The surname "Varma" suggests that Amshu Varma did not belong to the Lichchhavi dynasty. The fact that he was a top-ranking official during the reign of Shiva Deva I also indicates that he was not a Lichchhavi. However, the reason behind the change of dynasty is not known. Nor is any information available with regard to the year when his reign commenced, he used a new era in his inscriptions. Nevertheless, he seems to have occupied the throne after 526 (Shaka Samvat), (604 A.D., the year mentioned in the last inscription of Shiva Deva I).

<sup>3</sup>A broken stone inscription dated 479 Shaka Samvat, presumably installed during the reign of Gana Deva; has been discovered at Kotalchol in Pharping (Abhilekh Sangraha, Vol. 9, P. 3).

<sup>4</sup>Banepa stone inscription, R. Gnoli, P. 44.

Scholars regard Amshu Varma as a member of the Thakuri family, on the basis of the evidence contained in the Bhasha Vanshavali, which had been compiled during the 18th or 19th century. However, no inscription issued by Amshu Varma refers to him as a Thakuri. There is in fact no evidence that Amshu Varma was a Thakuri.

According to stone inscriptions, Samvat 29 was the first year of the reign of Amshu Varma.<sup>5</sup> Samvat 45 was the last year of his rule.<sup>6</sup> It would thus seem that Amshu Varma had ruled for a total period of 16 years.

Scholars are not unanimous as regards the origin of the Samvat era mentioned in Amshu Varma's inscriptions. Foreign scholars are of the opinion that this represents the Harsha era. They consider Amshu Varma to be just a vassal of Emperor Harsha. Indian and European historians of earlier periods have accordingly designated Nepal as a vassal state of Harsha. But modern historians do not subscribe to this view. Nonetheless, nobody has yet come out with definite evidence regarding the background and origin of this era. While it is not possible to be exact in explaining the factors leading to the initiation of this era, an idea can be formed about the period during which it originated. As already indicated above, the name of Amshu Varma is frequently mentioned in the stone inscriptions of Shiva Deva I. Hence it may be assumed that the period of the rule of Shiva Deva corresponds roughly to that of Amshu Varma. 604 A.D., which was the last year of the rule of Shiva Deva, probably corresponds to Samvat 29, the first year of the rule of Amshu Varma. Supposing that the rule of Amshu Varma had commenced in 605 A.D., this Samvat era probably started in 576 A.D. This view corresponds to the subsequent chronology. The Amshu Varma era was used in later stone inscriptions also.

Amshu Varma held the title of "Maha Samanta" for some time, though the stone inscriptions also describes him as a king with full authority. He had assumed this title because he belonged to a different dynasty and had usurped the Lichchhavi throne. However, in the stone inscriptions installed after Samvat 39, he has used only "Shri" before his name. Toward the end of his reign, he assumed the title of "Maharajadhiraj." A coin issued by him contains "Maharajadhiraj" on the obverse and "Shri Amshu" on the reverse. In the stone inscriptions of Dhruva Deva and Jishnu Gupta, who became kings after him, Amshu Varma is described as "Bhattaraka Maharajadhiraj."

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<sup>5</sup> Bhagwan Lal Indraji and Gnoli have read the year as Samvat 34 in the stone inscription of Amshu Varma located at Bungmati. The Itihas Shamsodhan Mandal has now identified it as Samvat 29.

<sup>6</sup> Since the portion of Bibhu Varma's inscription indicating the Samvat era is wornout, there is doubt whether the date is 45.

A major change occurred in the politics of Nepal after the death of Amshu Varma. In view of the growing influence of the Guptas, Dhruva Deva, who belonged to the Lichchhavi dynasty, was obliged to offer the position of joint king to Jishnu Gupta. It is yet unclear how Dhruva Deva became king. Some inscriptions of Amshu Varma refer to Udaya Deva as Heir-Apparent. Accordingly, Udaya Deva should have ascended the throne after the death of Amshu Varma. Amshu Varma has designated him as Heir-Apparent, even though Udaya Deva was not his son, and not even a member of his family. It is possible that Udaya Deva ruled for a short time after the death of Amshu Varma. But there is no evidence available to substantiate this hypothesis. According to Chinese sources, Narendra Deva (Na-Ling-Ti-Po) fled to Tibet after his brother removed his father from the throne. This indicates that it was Udaya Deva who had been dethroned in this manner. It may also be presumed that Dhruva Deva, who occupied the position of joint king along with Jishnu Gupta, was the brother of Udaya Deva. In any case, the joint rule of the Lichchhavis and the Guptas started after the death of Amshu Varma.

5 inscriptions installed during the joint rule of Jishnu Gupta and Dhruva Deva are available. 2 of them bear the Samvat date 48 and 49. The date has become illegible in 3 other inscriptions.

The joint rule of Jishnu Gupta and Dhruva Deva was followed by that of Jishnu Gupta and Bhimarjuna Deva, according to available inscriptions. 3 inscriptions installed during this period have been discovered. The date has become illegible in one of these inscriptions. The two other inscriptions contain the Samvat dates 55 (631 A.D.) and 59 (635 A.D.). There is evidence that Jishnu Gupta alone ruled for some years thereafter. Vishnu Gupta, son of Jishnu Gupta, then established his joint rule along with Bhimarjuna Deva. He had obtained his authority from his father. 2 inscriptions dated the Samvat years 64 and 65 (640 A.D. and 641 A.D.) have been discovered from this period.

At this time, Narendra Deva was living in exile in Tibet. However, he was making efforts to reestablish his authority in Nepal. According to Chinese sources, he enlisted the help of the rulers of Tibet, attacked Vishnu Gupta and Bhimarjuna Deva defeated them and thus became King of Nepal. This event marked the end of the joint Lichchhavi-Gupta rule in Nepal. The Lichchhavi dynasty along began to rule the country.

12 inscriptions issued during the reign of Narendra Deva have been discovered. The earliest inscription bears the date of Samvat 39 (645 A.D.), while the latest one is dated Samvat 103 (679 A.D.). Narendra Deva thus appears to have ruled for 34 years.

Contd...

Narendra Deva was succeeded by his son, Shiva Deva II, 7 inscriptions installed during the reign of Shiva Deva II have been discovered. The earliest date in these inscriptions is Samvat 109 (685 A.D.), while the latest is Samvat 125 (701 A.D.). Shiva Deva II thus appears to have ruled for 16 years. He was succeeded by Jaya Deva II. There is only one inscription belonging to his period, which is dated Samvat 157 (or 159). 4 other inscriptions, which are now damaged, also are ascribed to him. 2 of them bear the dates of Samvat 137 and 147. On this basis, Jaya Deva II appears to have ruled for 20 years.

The history of the Lichchhavi kings becomes unclear after Jaya Deva II. The 4 damaged inscriptions mentioned above refer to Vijaya Deva as Yuvaraj (Heir-Apparent) during the reign of Jaya Deva II. It is thus possible that Vijaya Deva became king after the death of Jaya Deva. But no inscription belonging to the reign of Vijaya Deva is available. It is therefore difficult to say how long he ruled. Nor is any evidence available in inscriptions to indicate who became king after Vijaya Deva. Vanshavalis, however, list the names of certain kings after Vijaya Deva.

Mana Deva II is the last Lichchhavi King mentioned in inscriptions. The inscription which contains his name bears the date of Samvat 180 (756 A.D.).

This marks the end of the Lichchhavi period, which may be described as the ancient period in the history of Nepal.

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(S.B.M.)

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Regmi Research (Private) Ltd,  
Lazimpat, Kathmandu, Nepal.

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Government Of Nepal Act, 1948

Whereas by virtue of the supreme authority vested through the instruments of their sacred Panja-patras by Sree Panch Maharajadhirajas of Nepal, dating from the Sambat year 1903 onwards, delegating all powers of the State upon the contemporaneous Sree 3 Maharajas,

And whereas, I, Maharaja Padma Shum Shere Jung Bahadur Rana, am now carrying on the administration of the country by virtue of the authority vested in me by the aforesaid Panja-patra,

And whereas, it is our fervent desire, through all social, economic and political developments to bring Nepal, this sacred country of Lord Pashupatinath, in line with the advanced nations of the world and give our beloved motherland her rightful place in the comity of nations,

And whereas through the resurrection of our ancient ideals of the Panchayat and other similar institutions, it is our declared policy to provide for the increasingly closer association of our dear people in every branch of administration and thus bring about enhanced prosperity and happiness to our people,

And whereas progress in giving effect to this policy can only be achieved by successive stages and must be guided by the cooperation received from those to whom new opportunities have been offered and by the extent to which further confidence can be reposed upon their sense of responsibility,

And whereas we consider it expedient that immediate steps in this direction should now be taken,

I, Maharaja Padma Shum Shere Jung Bahadur Rana, do hereby ordain and promulgate this Constitutional Act in the thirty-six year of the reign of His Majesty Sree 5 Maharajadhiraja Tribhubana Bir Bikram Shah.

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\*Free English rendering printed by the Joreganesh Press in 1948.

Part I  
Preliminary

1. This Declaration may be cited as the "Government of Nepal Act, 2004" Sambat (1948 A.D.).
2. This Act shall come into force on 1st Baisakh, 2005 Sambat,

Provided that if it appears to His Highness that through local circumstances or other causes, it will not be practicable or convenient that all the provisions of this Act should come into operation simultaneously on that date, he may, notwithstanding anything in this section, fix an earlier or later date for the coming into operation, either generally or for particular purposes or areas, of any particular provisions of this Act. All provisions of this Act shall, however, come into force throughout the Kingdom before the end of the year 2005 Sambat.

3. The rule or succession relating to His Majesty the Maharajadhiraja Sree 5 and His Highness the Maharaja Sree 3, shall continue as heretofore in accordance with law, custom, and usage in that behalf and shall for all time be inalienable and unalterable.

Part II  
Fundamental Rights And Duties

4. Subject to the principles of public order and morality this Constitution guarantees to the citizens of Nepal freedom of person, freedom of speech, liberty of press, freedom of assembly and discussion, freedom of worship, complete equality in the eye of the law, cheap and speedy justice, universal free compulsory elementary education, universal and equal suffrage for all adults, security of private property as defined by the laws of the State as at present existing and laws and rules to be made hereunder,
5. Subject to his physical, mental and economic capacity it shall be the duty of every citizen to promote public welfare, to contribute to public funds, to be in readiness to labour physically and intellectually for the safety and well-being of the Realm and bear true allegiance to His Majesty the Maharajadhiraja Sree 5 and His Highness the Maharaja Sree 3 and be faithful to the State and its constitution.

Contd...

Part III  
Executive

6. Subject to the provisions of this Act, the executive authority of Nepal shall be exercised by His Highness Sree 3 Maharaja either directly or through officers subordinate to him.
7. (a) There shall be a Council of Ministers to aid and advise His Highness in the exercise of the executive authority of the State, chosen from among the members of the Legislature.
- (b) The Council shall consist of such number of Ministers, not being less than five, of which two at least shall be chosen from among the elected members of the Legislature, as His Highness may determine from time to time.
- (c) The Presidents and Vice-Presidents of Panchayats, who may be ex-officio members of the Legislature, shall also be regarded as elected members.
8. (a) His Highness the Maharaja or in his absence the Commander-in-Chief shall preside at meetings of the Council of Ministers. The ministers shall work within the framework of the rules made by His Highness for the purpose and be responsible to him.
- (b) His Highness shall also allocate portfolios among his ministers and determine their order of precedence.
9. The ministers appointed by His Highness the Maharaja shall be sworn as members of the Council and shall hold office for a term of four years. Any minister shall vacate his office before the expiry of his term only if he -
- (a) submits by resignation under his hand addressed to His Highness the Maharaja,
- (b) does not command the confidence of His Highness the Maharaja, or
- (c) himself admits or is condemned by secret ballot of the Council of Ministers of having committed some grave offence.

Provided that:-

If he has vacated office under Sub-Section (a) or (b) above, he shall not cease to be a member of the Legislature for the remaining term of his office.

Contd..

10. The Ministers shall be entitled to receive such salaries and allowances, as may from time to time be determined by His Highness the Maharaja.
11. (a) The Council of Ministers shall transact all executive business of the State. It shall, however, be its special responsibility to give particular attention to all matters not falling within the purview of the Legislature, to lay down the general policy of the State, scrutinise the budget of the various departments, to give final consideration to the government bills to be placed before the Legislature, and to bring about coordination and cooperation between the various departments of administration.
- (b) Within the framework of the policy laid down by the Council of Ministers under this Act, the ministers shall, in their own discretion, administer the department or departments under them and shall prepare the estimate of their departments. They shall be responsible to the Council for all their acts of their departments and shall also submit to His Highness such information and explanation as he may require.
12. (a) There shall be an Advocate-General, appointed by His Highness, to give advice to the Government upon such legal matters as may be referred to him by the Government.
- (b) He shall have the right of audience in all Courts of the State.
- (c) He shall hold office during the pleasure of His Highness and shall receive remunerations as His Highness may determine.
13. There shall be set up from among the members of the Legislature, Administrative Committees to aid and advise the various departments of the Executive and thereby associate the opinion of the Legislature with the policy of the Government.
14. (a) These Committees shall deal with such departments as may be assigned to them by His Highness, whether these departments fall within the purview of the Legislature or not.
- (b) A Committee, appointed by His Highness from among the members of the Rastra Sabha, shall choose the members of the various Administrative Committees.
- (c) There shall be at least four members in each Administrative Committee, the Chairman of which shall be the head of the department for which the Committee has been constituted.

Contd...

(d) The Administrative Committees shall deal with all matters of administrative policies and measures pertaining to the subjects allotted to them. All matters connected with the normal routine administration of the departments and with appointments, promotions or transfers of officers in the departments shall, however, be the sole responsibility of the minister concerned.

15. All rules and regulations pertaining to the working of these Committees shall be framed by the Government.

Part IV  
The Legislature  
A. The Panchayats

16. There shall be a "Gram" Panchayat for every village or a group of villages, which shall form a unit as specified by rules framed by the Government in this behalf, consisting of five to fifteen members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch.

17. There shall be a "Nagar" Panchayat for every town or city or a group thereof consisting of ten to fifty members elected by the vote of all adults with necessary qualifications, who will elect their own Pradhan Panch in accordance with the rules prescribed by the Government in this behalf.

18. The Pradhan Panch of each Gram Panchayat and Nagar Panchayat shall elect from among themselves and if necessary from among their members fifteen to twenty members who, together with the special representatives as mentioned in the rules framed by the Government in this behalf, shall form the "Zilla Panchayat" in places to be notified by the Government. It shall elect its own President.

19. It shall be the duty of the Village, Town and City Panchayats, within the limits of the funds at their disposal and subject to the control of the Government and in the case of a Village Panchayat, to that of the Zilla Panchayat as well, to attend to all matters relating to the education, welfare and prosperity of the people and the territory under their charge, particularly justice, water supply, sanitation, construction and maintenance of roads, drains, bunds, bridges and public buildings, grazing lands, basic education, unemployment relief through cottage industries and other measures, which are likely to promote the health, safety, education, comfort and the social and economic well-being of the people.

Contd...

20. The Zilla Panchayats will receive from the center the allotted share of the funds for the Zilla concerned. They shall retain half of the fund for their own use and distribute the other half among the Village Panchayats within their respective jurisdiction in proportion to the amount contributed by the areas concerned.
21. The Zilla Panchayat shall coordinate the activities of the Village and Town Panchayats within its jurisdiction and shall aid and advise the Bada Hakim of the Zilla on matters of policy, relating to the welfare of the Zilla. It shall also perform such other duties as may from time to time be assigned to it by the Government.

#### B. Central Legislature

22. (a) There shall be a State Legislature of Nepal which shall consist of His Highness the Maharaja and two Chambers to be known respectively as the Rastra Sabha and the Bharadari Sabha.
- (b) The Rastra Sabha shall consist of not less than sixty and not more than seventy members, both elected and nominated, as per Schedule "A" of this Act, provided that the ratio between the nominated and elected members be in the proportion of 2 to 3 or as nearly approximating to that proportion as possible.
- (c) The Bharadari Sabha shall consist of not less than twenty and not more than thirty members, nominated by His Highness to represent as far as possible the chief national interests and activities.
- (d) The Legislature of Nepal shall be a permanent body not subject to dissolution, but as near as possible one-fourth of the members thereof shall retire every year and new members elected or nominated as the case may be in accordance with the provisions in that behalf to be fixed up by the President at the beginning of the first session.
23. (a) The Chambers of the Legislature shall be summoned to meet at least twice every year.
- (b) Subject to the provisions of this section, His Highness the Maharaja may in his discretion -
- (1) Summon the Chambers of either Chamber to meet at such time and place as he thinks fit, and
  - (2) Prorogue or dissolve the Chambers.

Contd...

24. His Highness the Maharaja may in his discretion address or send messages to either or both Chambers. The Legislature shall with all convenient despatch consider any matter which it is required to take into consideration in such an address or messages.
25. Every Minister or the Chairman of the Administrative Committee or in his absence the Departmental Secretary and the Advocate-General shall have the right to speak in and otherwise to take part in the proceedings of either Chamber and any Committee of the Legislature, but shall be entitled to vote only in the Chamber of which he is a member.
26. (a) There shall be a President and a Vice-President of the Rastra Sabha, who shall respectively be nominated by His Highness the Maharaja and elected by the Chamber from among its members. In case of absence or vacancy of the President or the Vice-President nomination or election will take place as the case may be.
- (b) (1) The President and the Vice-President may resign their office by writing under their hand addressed to His Highness the Maharaja or may be removed from office by order of His Highness the Maharaja for reasons to be specified under rules to be made for the purpose and any vacancy occurring shall be filled by nomination or election as the case may be.
- (2) They shall vacate their office if they cease to be a member of the House. They may be removed from office by resolution moved by two-thirds of the total number of members of the Sabha and passed by a similar majority of the members voting.
- (c) The Commander-in-Chief shall be the President of the Bharadari Sabha and the Vice-President thereof shall be nominated by His Highness the Maharaja.
27. (a) Save as in this Act expressly provided, all questions in a Chamber or a joint sitting of the Chambers, shall be determined by a majority of votes of the members present and voting, other than the President or the person acting as such, who shall not vote in the first instance but shall have a casting vote in the case of equality of votes.
- (b) Either Chamber shall have the power to act notwithstanding any vacancy in the membership thereof and any proceedings in the Chamber or in a joint sitting of the Chambers shall be valid notwithstanding that it is discovered subsequently that some person, who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

Contd...

- (c) If at any time during a meeting of a Chamber of the Legislature or at a joint sitting of both the Chambers, less than one-fourth of the total number of members of the Chambers or Chamber is present, it shall be the duty of the President or person acting as such, either to adjourn the meeting or suspend it until at least the required number of members are present.
28. Every member of the Legislature shall, before taking his seat, take an oath of office in the form and manner, prescribed by rules under this Act.
29. (a) No person shall stand for membership of both the Chambers.
- (b) If a member of the Legislature becomes subject to any of the disqualifications mentioned in Section Thirty of the next succeeding section, or by writing under his hand addressed to His Highness resigns his seat, thereupon his seat shall become vacant.
- (c) If for two consecutive sessions of either Chamber or for forty-five days running, a member of the Chamber, without the permission of the President thereof, absents himself from all meetings of the Chamber, his seat shall, become vacant.
30. A person shall be disqualified for being chosen as, or for being, a member of either Chamber -
- (a) (1) If he holds any office under the Government other than an office, declared by rules made under this Act not to disqualify its holder,
- (2) If he is of unsound mind,
- (3) If he is an undischarged insolvent,
- (4) If he is convicted of having violated rules about elections, made under this Act, provided that the time-limit of his disqualification shall be fixed by the same rules,
- (5) If whether before or after passing of this Act, he has been convicted of any offence and sentenced to imprisonment for not less than one year by a Court in Nepal provided that Government may, after his discharge, remove the disqualification after five years or earlier,
- (6) If he has been dismissed from civil or military service, provided that Government may remove the disqualification after five years or earlier.

Contd...

- (b) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of imprisonment.
- (c) The seat of a person charged as per above sections, disqualifying him from becoming a member of the Legislature shall remain vacant until final decision has been made on the subject by the Court or Authority concerned.
- (d) For the purpose of this section, a person shall not be deemed to be disqualified under Section (a), (i), -
- (1) If he is a Minister under the Government,
  - (2) If he holds certain pension or allowances through reasons other than an office of profit, or
  - (3) If he receives small freeholds or concessions for work in the villages.
31. If a person sits or votes as a member of either Chamber when he is not qualified or disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of Rs 100/- to be recovered as a debt to the Government.
32. (a) Subject to the rules and standing order regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature, and no member thereof shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any Committee thereof and no person shall be so liable in respect of the publication by or under the authority of the Legislature or any report, paper, or proceedings.
- (b) No member of the Legislature shall be liable to any arrest or imprisonment during the meeting of the Legislature and within the precincts of the Chamber or to any proceedings under civil process during the whole period of any particular session of the Legislature.
- (c) No member of the Legislature shall be liable to any punitive or disciplinary action by the President other than being expelled from the Chamber for infringing the rules or behaving in a disorderly manner.
33. Members of the Legislature shall be entitled to receive such salaries and allowances as may be prescribed by His Highness at the first instance and thereafter as determined by an act of the Legislature.

34. (a) Subject to the provisions of this Act, any member of the Legislature may ask questions, move resolutions and introduce Bills regarding the welfare and administration of the whole of the Kingdom of Nepal or any part thereof and for the subjects of Nepal, wherever they may be residing, provided that His Highness the Maharaja may disallow the putting of any question, the moving of any resolution, and the introduction or consideration of any bill, at any stage in the Legislature, if he regards the same as not being in the public interest.
- (b) Nothing can or shall further be said or done in the Legislature by questions, resolutions, or Bills that shall in any way interfere with or affect the succession, position, rights, and privileges of His Majesty Sree 5 Maharajadhiraja or His Highness Sree 3 Maharaja as by ancient law, custom and usages established.
- (c) No questions shall also be raised or discussed in the Legislature about the personal character of any individual or in respect to the conduct of any judge in the discharge of his duties.
35. (a) Subject to the provisions of this Act with respect to financial and other Bills, a Bill may originate in either Chamber through any member of the House.
- (b) No Bill shall be deemed to have been passed by the Chambers of Legislature, unless it has been agreed to by both the Chambers.
36. (a) If after a Bill or any other measure has been passed by one Chamber and transmitted to the other Chamber,
- (1) the Bill is rejected by the other Chamber,
  - (2) the Chambers have finally disagreed as to amendments to be made in the Bill, or
  - (3) more than twelve months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to His Highness the Maharaja for his assent,
- His Highness the Maharaja may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill.
- (b) Any Bill thus passed at the joint sitting of the two Chambers shall be deemed to have been passed by both Chambers.

Contd...

- (c) At a joint sitting of the two Chambers the President of the Bharadari Sabha or in his absence such person as may be appointed for the purpose by His Highness the Maharaja shall preside.
37. All Bills passed by the Legislature shall become Law only after being authenticated by His Highness, and receiving his formal "Seal".
38. (a) His Highness the Maharaja shall in respect of every financial year cause to be laid before the Chambers of the Legislature a statement of the estimated receipts and expenditure for that year.
- (b) This statement shall show separately the following,-
- (1) the sums required to meet expenditure described by this Act as expenditure charged upon the revenue of the State.
  - (2) The sums required to meet other expenditure proposed to be made from the revenue of the State.
- (c) The following expenditure shall be expenditure charged upon the revenue of the State,-
- (1) The Civil Lists of His Majesty Sree 5 Maharajadhiraja and of His Highness Sree 3 Maharaja.
  - (2) Expenditure on the armed forces.
  - (3) Pay, pension and allowances of public servants appointed by His Highness.
  - (4) Expenditure on foreign affairs, including matters governed by treaties or agreements, now in force or hereafter to be made.
  - (5) Expenditure for the purpose of the discharge by the Government of its special responsibilities with respect to the prevention of any grave menace to the peace and tranquillity of the country or any part thereof, the safeguarding of the financial stability and credit of the Government, the protection of the weak and depressed from the oppression and with respect to items of expenditure, if any, that may be classified for being spent at the exclusive discretion of His Highness the Maharaja.
  - (6) Salaries and allowances of members of the Council of Ministers, Advocate-General and Auditor-General.

Contd...

- (7) Expenditure on religious Guths and Trusts.
- (8) Interests on Loans and charges on account of Sinking Fund.
- (9) Any other expenditure declared by this Act or any other law, to be so charged.
- (d) Any question whether any proposed expenditure falls within a class of expenditure charged upon the revenue of the State shall be decided by His Highness.
39. (a) So much of the estimates of expenditure as relates to expenditure charged upon the revenue of the State shall not be submitted to the discussion or vote of the Legislature, provided that discussion may be allowed in either Chamber on estimates referred to in Section 38 (c) (7), (8) and (9).
- (b) The expenditure with respect to grants on account of Panchayats shall fall within items to be submitted to the Legislature for discussion, provided that no curtailment shall be made on the estimates submitted.
- (c) So much of the said estimates as related to other expenditure shall be submitted in the form of demands for grants to the Rashtra Sabha and then the Bharadwari Sabha and either Chamber shall have power to refuse to assent to any demand or to assent to any demand with such alterations as it might deem necessary.
- (d) No demand for a grant shall be made except on the recommendation of His Highness the Maharaja.
40. His Highness shall authenticate by a signature all grants made and voted upon by the Legislature and no expenditure shall be deemed lawful unless so duly authenticated.
41. If in respect of any financial year, other expenditure becomes necessary over and above the expenditure theretofore authorised for that year a supplementary grant may be obtained from the Legislature in accordance with the process and provisions mentioned above.
42. (a) A bill or an amendment with regard to -
- (1) Imposing or altering any tax, or
  - (2) Government coinage and currency, or

Contd...

- (3) The borrowing of money and the undertaking of any financial obligation by the Government, or
- (4) Regulation about arms and ammunitions, shall not be introduced or moved except on the intimation of the Government.
- (b) Any bill or resolution affecting the religion or religious rites and usages of any class or institute shall be deemed to have been passed by the Legislature only if two-thirds of the members present and voting give their assent to it.
43. Provisions shall be made by Government for the smooth and speedy conduct of business in the Legislature. Provided that Government shall give consideration to the question of altering these rules if half the members of the House consider such alteration necessary.
44. All proceedings in the Legislature shall be conducted in Nepali.
45. (a) The validity of any proceedings in the Legislature or the conduct of an officer doing his rightful duty within the Legislature shall not be subject to the jurisdiction of any Court of Law.
- (b) Nor shall the validity of any proceedings in the Legislature be called in question on the ground of any alleged irregularity of procedure.
46. His Highness the Maharaja in Council may promulgate such emergency regulations as are necessary for the preservation of law and order in the country or any part thereof. Any such regulation shall be valid for a period not exceeding six months before which these regulations may be annulled by His Highness if he considers that the situation no longer warrants the continuation of these regulations.
47. (a) If, at any time, His Highness is satisfied that a situation has arisen in which, for the prevention of disorder and lawlessness in the country, the Government cannot be carried on in accordance with the provisions of this Act, he may, by proclamation,-
- (1) assume to himself all and any of the powers vested by this Act upon any body or authority,
- (2) declare that such questions as are defined in this Act shall be conducted in the manner prescribed by him in his discretion.

Contd...

- (b) Any such proclamation may be revoked or varied by a subsequent proclamation.
- (c) Within six months of such proclamation, His Highness shall summon the existing or in his discretion a new Legislature.

Part V  
Administration of Justice

48. Justice shall be cheap and speedy. Elementary civil and criminal justice shall be administered by the Village Panchayats in such manner and subject to such control and supervision as may be prescribed by law.
49. Justice shall be administered by judges in public Courts, established for the purpose. The Courts shall comprise Courts of first instance and also Courts of Appeal.
50. Subject to the provisions of this Act, the constitution and organization of courts, the distribution of jurisdiction and business among the courts and judges, the method of recruitment, terms of service and conditions of service of judges and all other matters relating to administration of justice shall be regulated by law.
51. Special Courts may, in extraordinary circumstances be established by His Highness the Maharaja, if he considers that the procedure of ordinary courts would not be adequate to secure the preservation of public peace and order.
52. His Highness shall appoint from among the members of the Legislature, a Judicial Committee, which shall consist of not more than 12 members including two members with special qualifications from outside the Legislature. This Committee shall have power -
- (1) to act the Supreme Court of Appeal in special cases under such provisions as may be made under this Act,
  - (2) to frame rules and regulations for the administration of justice, and
  - (3) to carry out the provisions as specified in Section 67 of this Act.

Subject to the provisions of this Act, rules regarding the composition and functions of this Committee shall from time to time be framed by the Government.

53. (a) There shall be a High Court for Nepal.

Contd...

- (b) The High Court shall consist of a Chief Justice and such other Judges, not exceeding twelve in number, as His Highness may from time to time deem it necessary to appoint.

Provided that:-

His Highness may, on the recommendation of the Chief Justice, appoint to act as additional judges of the High Court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, while so acting, have all the powers of a judge of the High Court.

54. Every permanent judge of the High Court shall hold office until he attains the age of sixty-five years:

- (a) A judge may by resignation under his hand addressed to His Highness resign his office;
- (b) A judge may not be removed from his office except by His Highness on a joint address by the Legislature, praying for such removal on the ground of proved misbehaviour or incapacity.
- (c) A judge may be removed by His Highness on the ground of gross misbehaviour or infirmity, physical or mental, if the Judicial Committee of the Legislature on reference by His Highness so recommends.
- (d) The judges of the High Court shall receive such remuneration as His Highness may fix; but the remuneration shall not be altered during their continuance in office.

55. The High Court shall be a Court of records and have such jurisdiction, and such power and authority over or in relation to the administration of justice, as may be vested in it by law.

56. The High Court shall have superintendence over all Courts for the time being subject to its jurisdiction, and may do any of the following things, that is to say,-

- (a) Call for returns;
- (b) Direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction,
- (c) Make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts,
- (d) Prescribe forms in which books, entries, and accounts shall be kept by the officers of any such courts;

Contd...

Provided that:

Such rules and forms shall be consistent with the provisions of any law for the time being in force.

57. Until steps have been taken in regard to any matter, covered by the provisions of this chapter, the existing laws and regulations in regard to that matter shall continue to be in force.
58. Provisions shall be made by law for the protection of judges and other officers acting judicially, for acts done or ordered to be done by them in good faith in the discharge of their duties.
59. Nothing contained in this Act shall derogate from the right of His Highness to grant pardons reprieves, respites, or remission of punishments.

Part VI  
Miscellaneous

60. As soon after the commencement of this Act as expedient, the Government shall provide for universal, free compulsory, elementary education, and technical and higher education will be provided by the State to the extent necessary to prepare candidates for wider opportunities of service of the people of Nepal. In addition, the State will provide as far as possible for the liquidation of adult illiteracy. The aim of educational institutions shall be good moral training, personal and vocational efficiency and the development of the spirit of nationality, and international friendliness.
61. The Government shall have the authority to raise loans for the development of the State or in times of emergency, provided that it shall lay this information before the Legislature at its next meeting.
62. (a) There shall be an Auditor-General to be appointed by His Highness the Maharaja and he shall draw such salaries and allowances as His Highness the Maharaja may determine. It shall be his duty to examine and audit the accounts of the State, subject to such rules as may be framed in this behalf. He shall only be removed from office in like manner and on like grounds as a judge of the Pradhan Nyayala.
- (b) The Auditor-General shall submit to His Highness a report, relating to the accounts of the State for being laid before the Legislature.

Contd...

63. All acts and contracts made by the Council of Ministers in exercise of its executive authority shall be expressed in behalf of the Government of Nepal.
64. (a) The Government will frame rules implementing and elucidating this Constitution, specially with regard to Fundamental Rights, Panchayats, Judiciary, Audits, education, recruitment, promotions and transfers for the civil and military services and for the purpose of safeguarding the interests of public servants and the armed forces and for all matters not provided for in this Constitution.
- (b) The Government shall also make rules, governing the qualifications of the voters and candidates, delimitations of electoral areas, and other matters relating to election.
65. (a) There shall be a Public Service Commission, appointed by His Highness for the purpose of selecting qualified candidates to all civil posts under the Government.
- (b) It shall consist of such members as may be appointed by His Highness for the purpose together with representatives of departments where vacancies may have occurred.
- (c) It shall be the duty of the Public Service Commission within the rules to be framed under this Act to examine the fitness and qualifications of candidates for government service and to submit their recommendation.
66. Whereas difficulties may arise in relation to the working of this Constitution for the first time, His Highness may make such rules and regulations, as may be needed for removing these difficulties and implementing the provisions of this Act.
67. Any dispute about the interpretation of any of the provisions of this Act or Rules framed thereunder, shall be referred to the Judicial Committee of the Legislature which shall give its judgement within two months from the date of reference. This judgement shall be deemed final for all purposes.
68. (a) At the expiration of seven years from the commencement of this Act or if possible earlier as His Highness the Sree 3 Maharaja, in his sole discretion, may determine, His Highness the Sree 3 Maharaja shall appoint a Commission as near half of whom as possible shall be elected by the Legislature for the purpose of enquiring into the working of the Government, the growth of education, and development of representative institutions,

Contd...

and matters connected therewith and the Commission shall report as to whether and to what extent it is desirable to extend, modify or restrict the degree of constitutional advance then existing therein.

- (b) The Commission shall also enquire into and report on any other matter which may be referred to the Commission by His Highness the Maharaja Sree 3.
- (c) His Highness the Maharaja Sree 3 shall, on report of that Commission, take such action as may be deemed necessary and desirable for implementing the recommendations of the said Commission.

Schedule (A)  
Composition of Rastra Sabha

1. Elected Members:-

42.

(a) The Pradhan Panch of the following Zilla Panchayats:-

1. East No. 1.	13. Sallayana.	25. Sarlahi.
2. East No. 2.	14. Piuthan.	26. Saptari.
3. East No. 3.	15. Dailekh.	27. Siraha.
4. East No. 4.	16. Doti.	28. Morang and Jhapa
5. Dhankuta.	17. Dandeldhura.	29. Palhi and Mugh- khand.
6. Ilam,	18. Baitadi.	30. Khajhani and Seoraj.
7. West No. 1.	19. Jumla.	31. Banke and Bardia.
8. West No. 2.	20. Chisapani.	32. Kailali and Kanchanpur.
9. West No. 3.	21. The Valley proper.	
10. West No. 4.	22. Bara-Parsa.	
11. Palpa	23. Rautahat.	
12. Gulmi.	24. Mahottari.	

Contd...

(b) The Pradhan Panch of the following Nagar Panchayats: 4

33. Kathmandu.                      34. Patan.                      35. Bhaktapur.  
36. Birganj.

N.B. The boundaries of constituencies may, taking the areas and population into consideration, be redrawn so as to give equal representation as far as possible, but the number of total seat shall in no case vary.

(c) List of the interests to be represented in the Rastra Sabha by election and the seats allotted to each.

<u>Interests (Constituencies)</u>	<u>No. of seats</u>
(1) Merchants and traders. Those paying Rs 1,000/- or more to the Government as Custom duty shall elect one representative from among themselves	1
(2) Zamindars and holders of Birtas.  Those owning Ropanis or Bighas of land or more or those paying Rs or more to Government as land revenue shall elect one representative from among themselves.	1
(3) Intelligensia.  Matriculates or Madhyamas or those with higher qualifications shall elect at least a graduate or an Acharya or those having equivalent qualifications in Nepali.	2
(4) Government servants.	1
(5) Labour.	1

N.B. Rules and regulations concerning Sections (4) and (5) shall be framed by Government.

2. Nominated members.

28.

His Highness the Maharaja will nominate these.

\*\*\*\*\*

Ministers During The Lichchhavi Period<sup>1</sup>

By

Dhanabajra Bajracharya.

Ancient Sanskrit texts, such as the Manusmriti and the Arthashastra of Kautilya, mention two types of ministers, Mantri and Amatya. A Mantri was a minister who advised the King in affairs of State. The Amatya, on the other hand, helped the King to run the administration.

No inscription belonging to the Lichchhavi period in Nepal contains any reference to Mantri. However, the term Amatya occurs in three inscriptions.

The term Kumaramatya occurs in the Bhansarchok (Patan)<sup>2</sup> and Yangalhiti (Kathmandu)<sup>3</sup> inscriptions of King Narendra Deva. Kumaramatya assisted the Kumara (Crown Prince) in the discharge of his administrative duties. However, the duties of the Kumaramatya were not defined properly.

An inscription at Sankhu (Kathmandu)<sup>4</sup> mentions Dharmarajikamatya. The inscription is broken and hence it is not possible to understand from it what the duties of the Dharmarajikamatya were. Some inscriptions of the Maurya Emperor Ashoka in India mention Dharmamahamatra as a minister in charge of religious affairs.<sup>5</sup> It is possible that the Dharmarajikamatya denoted a similar functionary in Nepal during the Lichchhavi period.

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<sup>1</sup>Condensed from: "Lichchhavi Kalko Shasan Paddhati." (Administrative System During The Lichchhavi Period). Purnima, 22, Shrawan-Aswin, 2026 (July-September 1969), 111-116 PP; and "Lichchhavi Kalko Shasan Sambandhi Paribhashik Shabda Ko Vyakhiya." (Definition of Technical Terms Relating To Administration During The Lichchhavi Period), Purnima, 11, 6-17 PP.

<sup>2</sup>R. Gnoli, Nepalese Inscriptions, No. 67.

<sup>3</sup>Ibid, No. 66.

<sup>4</sup>Ibid, No. 75.

<sup>5</sup>Dinesh Chandra Sarkar, "Abhilekh Sangraha". (A Collection of Inscriptions). P. 23.

Order Regarding Evidence Of Citizenship Status, 1919\*

From Commander-In-Chief General Sir Bhim Shamsar Rana, K.C.S.I., K.C.V.O.

To Thakali Dittha Devi Datta Sedhain of Kerung,

Greetings, when the question of collecting taxes from our ryots who had migrated to Tibet was referred (to the Prime Minister), an order was issued to ascertain whether they were in fact our ryots. Some of those who had migrated (to Tibet) have now come here and agreed to pay taxes. They number 122, including Sandu Bhote and one or two other persons from Manang and 4 persons from Mustang. They are clearly our ryots, and they approach our offices. They have requested for certificates to prove that they are ryots of Gorkha, because, in the course of their travels for purposes of trade, Tibetans demand Jagat (duties) and other payments from them on the ground that they are Tibetans.

It has not been possible to summon such other persons as are understood to be ryots of Gorkha, because they have left for different areas for purposes of trade. When inquiries were made regarding those who were available, 2 persons said that they had been offered as Gharjuwain (a son-in-law who lives in the house of his father-in-law as a member of the family) by their parents. You have submitted to us lists of these 2 persons, as well as of other persons who have been proved to be our ryots.

In Lhasa also, the custom is followed of collecting the Gyanpanzing tax from (Tibetan) ryots living in Olangchung and other places, other than such half-castes, and a request has been made that they should be permitted to pay this tax. Make inquiries of those regarding whom you have reported that no inquiries have been made because they have gone elsewhere for purposes of trade. If it is proved that they are ryots of Gorkha, compile records containing particulars regarding where they were born inside the territory of Gorkha, where in the Moglan they have settled down and how many years ago, their name and their age, collect the Gyanpanzing tax from them yearly at the rate of  $1\frac{1}{2}$  Kala (Sha) Mohars each and issue the necessary receipts. Such receipts will constitute evidence of the fact that they are ryots of Gorkha. No other evidence need be furnished. So far as the 2 persons who say they have been offered as Gharjuwain by their parents are concerned, such an offer alone cannot deprive them of their rights as ryots. Collect Rs  $1\frac{1}{2}$  from them in Kala Mohars as from other persons. Collect the tax only from those persons who are proved to be ryots of Gorkha. Do not collect it from those who cannot be proved to be our ryots, so that complaints are received later. Understand this and act accordingly.

Marga 12, 1976

(November 27, 1919)

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\*Yogi Narahari Nath (ed), Itihas Prakash Ma Samdhi Patra Sangraha (A Collection of Treaties In Light On History). Part I. Dang: Falgun 2022 (March 1966). P. 147.

Nepali Envoy To China, 1792\*

From King Ran Bahadur Shah,

To Damodar Pande.

Greetings. All is well here. We desire the same there. The news here is good. The Chinese Emperor is not insignificant. He is a great Emperor. We could have repulsed them with the blessings of (Goddess Shri Durga) when they came here this time. But it will not be good for the future to maintain hostility with the Emperor. He too desires to conclude a treaty, and that is what we too desire. Tung Thwang has sent a letter asking that one of the four Kajis be sent with letters and presents to offer his respects to the Chinese Emperor. Kajis used to be sent formerly to conclude treaties with Tanahu and Lamjung. We realize at present that it will not be proper for us not to depute a Kaji to the Emperor. When the matter was discussed with the other Kajis here, they said that Damdhar (Damodar) Pande, the recipient of Birta (land) grants and senior-most Kaji, should go. So you have to go. If there is any delay, (the interests) of the State will be harmed. You should therefore depart from there. So far as instructions are concerned, you are a Pande of our court. You are not ignorant of (matters) which will benefit the State and bring you credit. You know (such matters). In this respect, act according to your discretion. Submit a reply to this soon, within 1 ghadi (24 minutes) after you receive this royal order. Delay will be harmful.

Dated Thursday, Bhadra Sudi 13, 1849  
(September 1792) at Kantipur.

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\* Sandhipatra Sangraha, op- cit. PP. 55-56.

Mustang Rajya, 1790\*

From King Ran Bahadur Shah,

To Raja Wangyal Dorje of Mustang.

We hereby confirm your rule over the territories occupied by you from the time of your forefathers, adding thereto the territories situated north-east of Bandarphat, along with Bharbung-Khola, Tarap-Khola, Langu-Khola and Chharkagaun, which had been encroached upon and occupied by Jumla. We also confirm the customary payments which you have been collecting in Thak, Thini, Barhagaun, Manang, Nar, Nisyan and other areas. Jumla, when it occupied your country, used to forcibly collect the Chhyakpol tax from those who visited it for trade. We hereby grant you (authority to collect) this tax. Do not create obstructions when our troops or nobles visit (your country) on any business. When you commence military campaigns in the north and the west, send wholeheartedly your troops and military supplies to join our troops. Attack the territories that are to be attacked, and guard those that are to be guarded. Formerly, you used to make Sirto and Mamuli payments to Lhasa and Jumla. Continue paying Rs 71 to Lhasa as before. A sum of Rs 929, along with 5 horses, which you used to pay to Jumla, should now be submitted to us at Kantipur on the first day of the month of Magh (January 11) every year. We hereby issue a copper-inscription to this effect. Be faithful to us, and comply with our orders. Rule over and enjoy your territories situated the (prescribed) boundaries from generation to generation.

Dated Wednesday, Jestha Sudi 5, 1847 (May 1790) at the capital, Kantipur.

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\*Sandhipatra Sangraha, op-cit. P. 671.

A Glossary Of Revenue, Administrative And Other Terms Occurring  
In Nepali Historical Documents

Adai	...	A royal palace functionary who looked after matters relating to Crown lands.
Anil	...	The chief revenue officer or functionary of a district or village.
Asmani	...	Miscellaneous levies and payments such as judicial fines and escheats, which were not collected on a periodic basis.
Baksauni	...	(1) A fine collected from Magar beef-eaters in Salyan.  (2) Fees collected on Birta land transactions.
Bepari-Nayak	...	The head of the merchant community in Patan engaged in trade with Tibet.
Bhainsi Bhansar	...	A contract for the collection of taxes on the sale of buffalo-meat, milk and curd; fines collected for injuries caused by buffaloes from their owners; fines collected from members of the Kasai community and their escheat property; a levy on new-born buffalo calves; and transit duties on buffaloes, in Kathmandu Valley.
Bhainsi-Puchhahi	...	A tax levied on buffaloes in the hill regions.
Bheshdhari	...	Members of religious orders, broadly classified into Sanyasis and Bairagis.
Bheti-Salami	...	A tax collected from Indian mendicants, landlords and other persons who visited the Tarai regions of Nepal.
Bhot-Bhansari	...	An official in charge of the minting of coins for Tibet; he also exercised judicial authority over Nepali merchants in Tibet.

(To Be Continued)

Corrigendum

Regmi Research Series, Year 2, No. 3, March 1, 1970.

Page 53, Line 9

Instead of "... whose touch must be purified..." read "...whose touch need not be purified ..."

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Regmi Research (Private) Ltd,  
Kathmandu: May 1, 1970.

Regmi Research Series

Year 2, No. 5,

Edited By:

Mahesh C. Regmi.

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Regmi Research (Private) Ltd,  
Lazimpat, Kathmandu, Nepal.

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Dom Communities

Dom, or Dum, was a generic term used to denote untouchable communities in the far-western hill areas of Nepal. The term Chokhajati,<sup>1</sup> in contradistinction, meant castes and communities contact with whom did not result in the ritual defilement of members of higher castes.

Pauni was another term used to denote such untouchable castes as Tamot and Damai in Salyan<sup>2</sup> and elsewhere. No information is available to indicate whether the terms Dom and Pauni had a common denotation in Nepal.

The following account of Dom communities in the North-West Provinces and Oudh in India, written in 1890,<sup>3</sup> contains material relevant to Nepal:-

Dom, Domra (Skt. doma). A race of outcastes which appears in at least two and possibly three forms in these provinces,

First the race of wandering houseless thieves and vagrants who infest Bihar and the districts of the Benares Division. Secondly, the Dom of the hills. Thirdly the musician class known as Dum or Dum Mirasi.

As regards the first class they are found in these provinces in considerable numbers in Gorakhpur and Basti, and to a less degree in the districts further west. They are absolute vagrants, have not even mats or tents to cover them like the Sansi and Habura. They frequent the jungles but do not hunt or fish. They live by burglary and stealing, while their women beg and prostitute themselves. In dry weather they sleep under trees and in the rains and chill of winter they slink into outhouses and any shelter they can get. Their characteristic weapon is the banka or curved knife with which they are supposed to split bamboo for baskets which and begging are their ostensible means of livelihood. In cold weather they carry about at night an earthen pot full of hot coals which, when they are closely beset, they fling with great accuracy at their assailants often causing severe wounds.

<sup>1</sup> cf. Order to Subedar Hikmat Adhikari Regarding Collection of Fines For Adultery, Ashadh Sudi 13, 1895 (July 1838). Regmi Research Collections, Vol. 27, PP. 576-577.

<sup>2</sup> Order Regarding Exemption from Fines For Adultery In Salyan. Bhadra Badi 3, 1867 (August 1810). Vol. 39, PP. 326-327.

<sup>3</sup> William Crooke, An Ethnographical Handbook For The N.-W. Provinces and Oudh. Allahabad: North-Western Provinces and Oudh Government Press, 1890. PP. 68-72.

They will eat any sort of garbage and the leavings of any caste, but the Dhobi. They have a tradition that the Dhobis once practised some great fraud on them when they came into contact first; but the idea is more probably due to the repugnance common to all Hindus towards the Dhobi who is considered defiled by washing the clothes of women after their confinements. Their ideas of morality are very lax. Prenuptial infidelity, if the paramour be a man of the clan, is permitted: and the same is pretty much the case with married women who freely prostitute themselves. While a Dom is in jail his wife is always adopted by another man of the same clan. They divide the country into circles for begging and thieving, e.g., in Gorakhpur the river Rohini used to be the boundary between the two clans; if one of another clan trespassed on the district of another, he was promptly given up to the Police. They are generally small men with a distinctly non-Aryan look, very small black bright eyes and exceedingly dark skin. They never lay a suit in Court and never appeal. They are very drunken and have terrible fights amongst themselves chiefly about women. Most old Doms have their scalps and bodies scarred with club wounds, and cuts of the banka knife. It is not easy to classify them because many of the subdivisions have risen in the social scale and now disclaim the name of Dom.

The regular vagrant criminal Doms are the Maghaya who take their name from the ancient kingdom of Magadha. They have been identified with the Maccocalingae of Pliny.<sup>4</sup> The Doms themselves are perhaps the modern representation of the Svapaka eaters of or feeders of dogs<sup>5</sup> of Manu. Attempts are being made to reclaim these Maghaya Doms both in Gorakhpur and Bihar, but apparently not with much success. The Maghaya Doms were in former years notorious for dacoities and road robberies in Gorakhpur and the neighbouring districts, but they have now been in a great measure brought under Police control. In their present condition they present a very close analogy to the Cagots and Caqueux of the valleys of the Pyrenees and the plains of Bretagne Poitou and Guirne and to the Rodiyas of Ceylon described by Sir E. Tennent.<sup>6</sup> Besides these are the Kashiwala or Benares Doms who are the most respected. They light funeral pyres and often attain considerable wealth from the fees they receive for this duty. They have so far risen in the social scale that they will not fire brick-kilns. Next come the Banwad or rope makers who take their name from ban the fibre on which they work. The Hela are supposed to be another Division. They have turned Muhammadans and work as sweepers. The Bansphor, or breakers of the bamboo, work in bamboo, and make baskets and thatches. Akin to these are the Bansbinua or weavers of bamboo, who make sieves and baskets. The Dharkar (dhar, rope; kar, maker) is a reformed Dom, that is he has left off eating dogs, burning corpses, and other vile occupations and lives by working in reed and cane. He plays a long trumpet (singha) at marriages.

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<sup>4</sup>J.W. McCrindle, Indian Antiquary, VI 337 note.

<sup>5</sup>Manu X, 38, Lassen on Indika of Khesias, Indian Antiquary XI, 321.

<sup>6</sup>Ceylon II, 187 sqq.

The Patua (pat, a leaf) makes the leaf platters used at feasts. The Dhapara are apparently the same as the Maghaya. Like many low races such as the Ceylon Veddahs<sup>7</sup> they have traditions that they are the degraded representatives of some higher caste. They have been identified with the Dom Katar or Domtikar Rajputs of Gorakhpur.<sup>8</sup> Many places in Gorakhpur such as Domdiha, Domingarh, &c., are named from them. Carnegie<sup>9</sup> connects them with the Donwar Rajputs. There are similar traditions in Gonda<sup>10</sup> of an Oudh Dom kingdom. They are said to have been ousted from the fort of Domingarh by the ancestors of the present Satasi Rajas of Rudrapur and those of Bansi and Unaula. Similarly the hill Doms claim to have been once lords of the country and to have established a leathern coinage.<sup>11</sup>

Next come the hill Doms.<sup>12</sup> They are supposed to be relics of the original inhabitants of the country corresponding to the Dhiyar or are smelters of Jammu, the Batal of the Kashmir valley, the Bem of Ladakh, the Newar of Nepal. In Garhwal they appear to have been enslaved by the emigrant Khasiyas. Under the name of Dum they are described in Jammu<sup>13</sup> as "dark in colour, small in limb, and their countenance is of a much lower type than that of the Dogras generally, though one sees exceptions due no doubt to an admixture of blood, for curiously the separation of them from the ordinary daily life of the others does not prevent an occasional intercourse that tends in some degree to assimilate the races." In our Hills the Dom has been recognised as a descendant of the Dasyus of the Veda, who held upper India before the advent of the Naga or Khasa races. In Garhwal they are artisans and workmen of various kinds, and have none of the vagrant and predatory habits which characterise the eastern Maghaiyas. They have various sub-divisions; the Koli (who in the plains is a Chamar) weave cloth, keep pigs and fowl, and work in the fields; the Tamota or Tamta, who represent the Thathera of the plains, and work in brass copper and gold and also at agriculture; the Lohar or blacksmith; the Or masons and carpenters; the Dharhi or musician. Next comes the Bhul or Barya, who represents the Teli of the plains makes oil and does field work; the Chunyara like the Kharadi of the plains is a turner in wood; the Ruriya workers in bamboos; the Agari, Agariya miners and smelters,

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<sup>7</sup>Idem II, 442.

<sup>8</sup>Buchanan, Eastern India, II, 453. Archaeological Report XXII, 65, sq.

<sup>9</sup>Notes 24.

<sup>10</sup>Oudh Gazetteer I, 539.

<sup>11</sup>Madden, J.A.S.B. 1848, P. 604.

<sup>12</sup>Atkinson, Himalayan Gazetteer II, 370 sq. 439 III, 277, sq. 446 sqq.

<sup>13</sup>Drew's Jammu, P. 56.

of whom a tribe of the same name and engaged in the same trade is found in south Mirzapur, (they take their name from Agar Skt. akara, a mine), the Pahri, Pahriya or Paheri (pahra Skt. Prahara, a turn at watching) village messengers and drudges; the Mallah or Dhunar agriculturists; the Darya village sorcerers; who conjure away hail storms and the like, and receive dues of grain in Jeth (May - June); the Chamar who call themselves Bairsuwa, and never acknowledge the name of Chamar; the Badi (Skt. vadin, a speaker) Nesfield<sup>14</sup> perhaps erroneously identifies with the Bhat). He plays on various instruments and signs at festivals, begs from door to door, lampoons people who refuse to give him alms and snares fowl and fish; the Hurkiya (so called from the Huruk or Huruka a small drum which he carries) never takes to agriculture and wanders about with his women who dance and sing. In the plains he has a very low position being generally the nameless bastard of some prostitute; the Darzi called also Auji and Suji lives by tailoring and agriculture; the Dholi, so called from his beating the drum called dholak by way of incantation to cause spirits and ghosts to enter or leave the person of any one, and so induce that person to give money to the performer. The name of Haliya was given to those employed as ploughmen and Chyora to the domestic slave who lived on his master's means and had to obey every order, and eat the leavings. "Their montane and non-Brahmanical origin is sufficiently shown by the names of the deities worshipped by them, Ganganath, Bholanath, Masan, Khabish, Goril, Kshetral, Saim, Airi, Kalbisht or Kaluwa, Chaumu, Badhan, Haru, Latu, Bheliya, the Katyuri Rajas, Runiya, Balchan, Kalchan-bhausi, Chhurmali. Doms do not wear the sacred thread or the bracelet (rakhi), nor do they have caste marks or wear as a rule the top knot (sikha), and in a rough way they imitate the customs of the better classes, especially those who have made money in their contracts with Government. Their offerings to deceased ancestors (shraddha) when made at all are performed on the amawas or last day of the Kanyagat of Kuar. The sister's son, younger sister's husband or son-in-law (a curious survival of the rule of female descent) act as Brahmans on the occasion and receive gifts as such. Doms eat the flesh of all animals, use their skins, and eat food from all classes except the Bhangi, Musalman and Christian. There is no fixed time for marriage. When an elder brother dies the younger takes the widow to wife whether she has children or not, hence the proverb mal bhir adhari ber, talai bhir men onchh, when the upper walls fall they come on the lower wall, when the elder brother dies the burden falls on the younger. The elder brother cannot however take to wife the widow of a deceased younger brother, and contracts a stain if even her shadow crosses his path. He transfers her to some other of the brother-hood, but during the lifetime of her second husband, if he or she be dissatisfied, another may take her by paying the cost of her marriage. This may be repeated several times. The prohibited degrees are only a daughter, sister, uncle, aunt, brother, and these they cannot eat or smoke with."<sup>15</sup>

<sup>14</sup>Brief View, 49.

<sup>15</sup>Atkinson, Himalayan Gazetteer III, 448.

play. They sometimes abbreviate the title Mirashi into Mir as though they

Next come the Dum or Dom Mirasi. The word Mirasi is derived from the Arabic miras, "inheritance", in the sense that this caste are a sort of hereditary bards or minstrels to the lower tribes as the Bhat is to the Rajputs. They are also known as Pakhawaji from pakhawaj the timbrel which they were Sayyids. The men are musicians and the women dance and sing, but they only perform in the presence of females and are reputed therefore to be chaste. They are said to eat with and intermarry with the Dharhi, and both adopt the common name of kalawant (kala, skill, in the sense of "accomplished") or Qawwal (one who speaks well). The instruments they use are generally the small drum (Dholak) the cymbals (majira) or the lute made of gourds (kingri). They are as a rule Muhammadans and are said to have been converted in response to an invitation from the poet Amir Khusru who lived in the reign of Ala-ud-din-Khilji (1295 A.D.).<sup>16</sup> The most famous of them in recent times was Raji-ud-daula who ruled the Court of Oudh.<sup>17</sup>

There seems reason to believe that some at least of the gypsy tribes of Europe are akin to the Maghaiya Dom and a connection has been traced between the two languages.<sup>18</sup> "The word Rom in all the gypsy dialects of Europe has a two-fold meaning signifying" "man" and "husband" as well as "gypsy". A satisfactory connection has still to be found for it, that connected with Rama the incarnate Vishnu of the Hindus being discountenanced by the authority of Professor Ascòli of Milan. By a curious and unexplained coincidence the identical word Rom or Rome occurs with the meaning of "man" in modern Coptic and according to Herodotus (II, 143) belonged also to the language of the ancient Egyptians. Although this isolated fact in no way affects the general bearings of the question it is worth noting as an etymological curiosity. It is not improbable that among the primitive element of the Aryan mother tongue may have existed a root ro or rom expressive of power, the survival of which we can discern in the Greek rome strength, the Latin robur and perhaps in the illustrious name of Rome itself.<sup>19</sup> There seems however very little doubt that the word Romani is derived from Dom or Domra.<sup>20</sup>

The Dom race has produced one great author Nabhaji a Vaishnava who wrote the Bhakta mala or roll of the Bhagats. He lived in the reign of Jahangir and was a contemporary of Tulasi Das,

<sup>16</sup>Nesfield, Brief view 44.

<sup>17</sup>Sleeman, Journey I, LXI.

<sup>18</sup>G.A. Grierson, Indian Antiquary XV, 14 sq. XVI 35 sqq.

<sup>19</sup>Edinburgh Review, July 1878, P. 140.

<sup>20</sup>G.A. Grierson, Indian Antiquary XV, 14 sq., XVI, 35 sqq. F.H. Groome, Encyclopedia Britannica, 9th edition Article "Gipsies." C.J. Leland. Academy, 19th June 1875.

Revenue Functionaries In The Eastern Tarai Districts

The system of revenue collection followed in the eastern Tarai districts at the time of their conquest by Gorkha around the last quarter of the eighteenth century was based on the system introduced in northern India by the Pathan rulers before the emergence of the Mughal Empire. An Indian historian has described the Pathan system of revenue administration in the following words:-<sup>1</sup>

"During the pre-Mughal period in India, the Parganna was an important administrative unit, because it was here that the government came into direct contact with the peasant. The main officials included the Amil, a mushrif also known as Amin or Munsif, and a Qanungo. The Amil was the chief executive officer and the head of the Parganna administration. The mushrif was the chief assessment officer. The Qanungo maintained records of produce and assessment. The Chaudhari was appointed to represent the peasants and keep the administration informed of their condition and demands. The village, which was the basic unit of administration through its headman. The Patwari kept records of cultivation, produce, assessment and payment of the State demand."

The Parganna was a group of villages comprising a unit of revenue administration.

The heirarchy of revenue collection functionaries in the eastern Tarai districts during the eighteenth and early nineteenth centuries may schematically be represented as follows:-

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<sup>1</sup> I.H. Qureshi, "Islamic Political Theory, Administrative Organization, Law and Legal Institutions". In K.M. Munshi (ed), The History And Culture Of The Indian People, Vol. 6: The Delhi Sultanate. PP. 453-454



In India, the Mokadam was a village-level functionary in charge of settlement operations and the allotment of uncultivated lands in the village. In Nepal, his primary responsibility was to assist in the collection of revenues. Thus in December 1793, local officials in Saptari and Mahottari districts were directed to insure that "Mokadams do not make collections in excess of the prescribed rates."<sup>9</sup> The Mandar (or Mandal) of Morang district appears to have performed essentially the same functions.<sup>10</sup> The Patwari was appointed to maintain accounts of revenue assessments and collections at the village level. Often the same person was appointed both as Kanugoye and as Patwari.<sup>11</sup>

Chaudharis, Kanugoyes and Mokaddams were generally appointed on the basis of their ability to promote land reclamation and settlement and collect revenues.<sup>12</sup>

The Jethraiyat appears to have been the senior-most ryot of the village, who helped the functionaries mentioned above in their contacts with the peasantry.

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<sup>8</sup>Ibid., PP. 129-133.

<sup>9</sup>Vol. 5, P. 261.

<sup>10</sup>Vol. 5, P. 753.

<sup>11</sup>Vol. 6, P. 453.

<sup>12</sup>Vol. 5, P. 751.

Defense Arrangements During The Malla Period<sup>1</sup>

Even before their conquest of Kathmandu, Lalitpur and Bhaktapur, the Gorkhalis had subjugated many villages in Kathmandu Valley. Water must be brought from the Bishnumati river near the temple of Shobha-bhagavati on Poush Shukla Saptami (seventh day of the bright half of the moon in late December or early January) every year to perform religious ceremonies at the temple of Seto Machhindranath in Kathmandu. Several rites have to be performed on the river-bank before bringing water. But in 1822 Vikrama (1765 A.D.), because of the panic created by the Gorkhalis, water from the Bishnumati river was brought secretly without performing the prescribed rites on the spot.<sup>2</sup> This shows that the Gorkhalis had already established their hold in the Swayambhu area across the Bishnumati river by that time. Prithvi Narayan Shah had arrived in Balaju 14 days before his conquest of Kantipur.

Why were not the Malla Kings able to repulse the Gorkhalis even when the latter were so near? And why was it so difficult for the Gorkhalis to enter into the capitals of the three Kingdoms of Kathmandu Valley?

These days the construction of a bridge on the Bagmati river has facilitated communications between Kathmandu and Lalitpur. Bhaktapur too is not so isolated as it was formerly. Kathmandu town is situated on an elevation, so that all streets leading outward from it slope downwards. Similar is the case with Bhaktapur town. Traces of a moat built on the northern side are still visible, as are ruins of gates and walls built around the town. Such ruins are found in Lalitpur also.

According to a 1510 Vikrama (1453 A.D.) inscription of Yaksha Malla installed on the outer wall of the royal palace in Bhaktapur, this king enlisted the cooperation of his subjects to convert Bhaktapur into a strong fort. A moat, and then a wall, were constructed on all sides of the town. There were gates at several points leading to the town, each

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<sup>1</sup>Dhanabajra Bajracharya, "Malla Kalma Desh Raksha Ko Vyavastha Ra Tyasprati Praja Ko Kartavya." (Defense Arrangements During The Malla Period And The Obligations Of The Subjects). Purnima, 2, Shrawan 2021 (July 1964), 20-33 PP.

<sup>2</sup>Shantisafu manuscript available at Machhindrabahal, Kathmandu. According to this manuscripts, King Jaya Prakash Malla deputed troops to guard the temple attendants while they were taking water from the river.

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of which located a fortress (Lankwath). Streets leading to the town sloped either downwards or upwards. The entire inhabitants of Bhaktapur town worked on a compulsory basis to defend the town. Default in the fulfillment of such obligations was punished with fines. The inhabitants of each locality were responsible for its security. They cleaned the moat and repaired walls in their area. Each gate-fortress was under an official called Kwathanayak. It was repaired when necessary with the labor of the local inhabitants. Such repair and cleaning operations were performed on Jestha Shukla Shasthi (sixth day of the bright half of the moon in the month of May), before the advent of the monsoon.<sup>3</sup> The Kwathanayak was fined 12 dramma in case the operations were not performed satisfactorily in the area under his jurisdiction. The fort and its walls were inspected on Aswin Krishna Ashtami (eighth day of the dark half of the moon in the month of October). Any person who attempted to damage any part of the fort was fined 9 dramma. A fine of 1 dramma was collected for each brick or piece of wood taken out from it.

Lalitpur too was organized like a fort.<sup>4</sup> It had a moat along with walls. Trees were planted on the sides of the moat. There were fortresses at different points on the wall. Information about the defense system of Kathmandu is not available, but it may be presumed that the system was similar to that followed in Bhaktapur and Lalitpur.<sup>5</sup>

The three kingdoms of Kathmandu, Bhaktapur and Lalitpur comprised many small towns, which too had been organized like forts. The ruins of Nala fort, situated at a distance of approximately 4 miles from Bhaktapur, can still be seen. Nala was under the kingdom of Bhaktapur, but it was repeatedly subjugated by the Gorkhalis. It was therefore necessary to make arrangements for the security of the town, which is situated on level terrain with hills in the northern side. A wall had been constructed around the town, which still stands on the northern and north-western sides. Beyond the wall, a moat had been dug on the hills, traces of which are still visible. No such arrangements had been made on the eastern,

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<sup>3</sup>This occasion is now celebrated by Newars as the Sithi festival. Wells are cleaned on this day.

<sup>4</sup>Information about the defense system of Lalitpur is contained in the Kirtipataka, a poem composed by Pandit Kunu Sharma during the rule of King Shrinivas Malla.

<sup>5</sup>For references to the walls and gates of Kathmandu town, see Itihas Samshodhan Ko Praman Prameya, PP 277 and 280; Aitihasik Patra Sangraha, Part 2, P. 32.

southern and western sides, which comprised territory ruled by Bhaktapur. However, the territory beyond the northern hills belonged to Kathmandu.

Traces of a fort are visible in Kirtipur, with a moat around it, as well as in Lubhu, Pharping and elsewhere. A stone inscription at the Mahalaxmi temple in Thankot, a reproduction of which is available at the Bir Library in Kathmandu, states that the Thankot fort was renovated by Jaya Ratna Singh and others during the rule of King Jaya Rajya Prakash Malla.

An inscription installed by King Shrinivas Malla of Lalitpur at the Rato Machhindranath temple in 1729 Vikrama (1672 A.D.)<sup>6</sup> states that the king may exact labor on a compulsory basis from his subjects in the construction and repair of forts, walls and bridges as well as in war. Default was to be punished with fines, binding with ropes or exile, as appropriate. Even the king was not entitled to grant exemption to anybody from these obligations. In addition, the people were under obligation to pay taxes to the king, as well as to the royal official (Praman) appointed to administer the area and the local functionary (Dware). The Praman was not authorized to exact anything without payment from the people, nor to increase the number of troops.<sup>7</sup>

The Malla Kings did not have a large standing army. Panchas and the common people too had therefore an important role in the defense system. The common people fought as soldiers when necessary. After they repulsed the enemy, they obtained gifts from the king, which they utilized to perform religious ceremonies at local temples. The king sometimes gave feasts to the people and fulfilled their demands on such occasions.

<sup>6</sup> Published in Abhilekh Sangraha, Part 10, PP. 9-11.

<sup>7</sup> cf. Identical copper inscriptions issued by King Ranjit Malla of Bhaktapur for Nakadesh and Bode villages. Ibid, Part II, PP. 16-17.

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Around 1787 Vikrama (1730 A.D.), Kathmandu, Lalitpur and Gorkha jointly occupied the fort of Obhu from Bhaktapur and established an outpost at Somalinga. The people of Bhaktapur and such other towns as Thimi, Nakadesh and Bode then drove out the enemy and reoccupied Obhu. King Ranjit Malla then offered gifts of gold and elephants to several persons.<sup>8</sup>

People had to work on a compulsory basis also in the construction of irrigation channels, in default of which they had to pay a fine of 3 dams.<sup>9</sup>

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<sup>8</sup> Aitihāsik Patra Sangraha, Part 2, PP. 52-57.

<sup>9</sup> cf. Inscription of King Jitāmītra Malla of Bhaktapur. Itihas Samshodhan Ko Praman Prameya, PP. 281-282.

The Dolaji System

The Dolaji system, under which persons who had no sons could designate a daughter as their heir, was prevalent among Newars in Kathmandu Valley. The daughter thus designated as Dolaji performed the funeral rights of her parents and inherited their property.

The Muluki Ain (Legal Code) of 1866-67 contains the following provisions relating to the Dolaji system:-<sup>1</sup>

1. The son ... of a Dolaji woman shall not be entitled to inherit the property of their father, in case the latter has other sons (born of another woman). ... (However), he is entitled to his lawful share in the property of his mother.
2. In case the father of a son born of a Dolaji woman has no other sons (from another woman), ... his property shall not be inherited by his brothers. The sons of a Dolaji ... shall be entitled to perform the funeral rites of their parents and inherit the property (of the father).
3. A Dolaji ... shall inherit the property of the person who has designated her as such, not of his brothers.

The 1952 edition of the Muluki Ain prescribes:-<sup>2</sup>

1. (A person) who has no sons but only a daughter may designate (such daughter) as a Dolaji in the manner prescribed by law, even if he is entitled to adopt a son. The person who takes a Dolaji woman as his wife shall have no claim to her movable and immovable property. He shall be entitled to inherit his own father's property.

<sup>1</sup> His Majesty's Government, "Dharma Putra Ko." (On Adoption). Shri 5 Surendra Bikram Shah Dev Ka Shasan Kalma Baneko Muluki Ain. (The Legal Code Enacted During The Reign of King Surendra Bikram Shah Dev). Kathmandu: Ministry of Law and Justice, Jetha 2022 (June 1965), Sections 9-11, P. 148.

<sup>2</sup> Government of Nepal, "Dharma Putra Ko." (On Adoption). Muluki Ain (Legal Code). Part III (1952 ed.), Sections 5-8, PP. 101-102.

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2. In the caste where the Dolaji system is prevalent, in case (a Dolaji) daughter has no issue, so that no direct heir to the property is available, such property shall accrue to the nearest relative according to law of the family which had designated the Dolaji. In case (a Dolaji woman) has only a daughter, such daughter may use the property as a Dolaji herself, but only in case her mother has handed over to her the original Dolaji deed, and executed a separate Dolaji deed entitling her to do so. No relative shall have any claim (to such property). In case no such deed has been executed, (the daughter of the Dolaji) shall be entitled only to marriage expenses as well as 10% (of the property) as her dowry, while the balance shall accrue to relatives.
3. A Dolaji woman may take up a man of higher or equal caste as her husband according to her choice. In case she takes up a man of lower caste as her husband, her designation as a Dolaji shall be null and void. Relatives shall then be entitled to appropriate the property. In case a Dolaji woman has neither sons nor daughters, her husband may get her property in case she executes a deed to this effect after she attains the age of 45 years.
4. ... A daughter who is designated as a Dolaji shall be entitled to the entire rights due to the father ... who designated her as such.

These provisions have been retained in the 1963 edition of the Muluki Ain, but with one minor change - that a girl may be designated as a Dolaji only before her marriage.<sup>3</sup> However, there is evidence that this only represents a clearer definition of the traditional custom, and not a substantive amendment.

After the Gorkhali conquest of Kathmandu Valley in 1768-69, the new government saw no reason in interfering with the Dolaji system. Royal approval was necessary for designating a girl as Dolaji, although this does not appear to have been a Gorkhali innovation.

Bhim Laxmi Udas, of Talachhe Tol in Kathmandu, had been designated as a Dolaji by her father, Bhau Singh Udas, "with the royal palace as witness" through an official of the Chhebhadel office<sup>4</sup> on payment of a fee of Rs 51 as

<sup>3</sup>His Majesty's Government, "Dharma Putra Ko." (On Adoption). Muluki Ain (Legal Code) (1963 ed.), Sections 5-8, PP. 140-141.

<sup>4</sup>The Chhebhadel was "a tribunal for the settlement of all disputes relating to houses." Brian H. Hodgson, "Some Account of The Systems of Law and Police As Recognized in the State of Nepal." The Journal Of The Royal Asiatic Society Of Great Britain And Ireland, Vol. I, 1834, P. 259.

Panphul.<sup>5</sup> This action was contested by the relatives of Bhau Singh Udas in the court, but unsuccessfully. In 1879 Vikrama (1812 A.D.), the claimants were fined and the Dolaji was confirmed on payment of a fee (Salami) of Rs 2,000. Bhim Laxmi Udas, the Dolaji, was then permitted to appropriate the entire movable and immovable property bequeathed to her by her father, perform the funeral rites of her parents and observe the traditional customs and usages of the family.<sup>6</sup>

A son born of a Dolaji woman was joined to the caste of his mother, not his father. Sirpati Banda, of Lagan Tol in Kathmandu, has designated his daughter, Subarna Laxmi, as a Dolaji. Subarna Laxmi later married Dhanjay Padhya (Dhananjaya Upadhyaya), obviously a Brahman. A son named Bhaju Mani was then born to the couple. Bhaju Mani requested the government to recognize him as a member of the Banda caste. The government granted the request, on the ground that "according to the traditional custom prevalent in Nepal (i.e. Kathmandu Valley), (the son of a Dolaji woman) joins the caste of his mother."

The Dolaji system may be regarded as evidence of the fact that the Newars were once a matrilineal community.

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<sup>5</sup>lit. betel and flower.

<sup>6</sup>Regmi Research Collections, Vol. 43, PP. 327-328.

<sup>7</sup>Ibid, Vol. 39, PP. 217-218.

Population of Kathmandu Valley, 1856<sup>1</sup>

In 1856, Prime Minister Jung Bahadur conducted the first population census of Nepal. Particulars compiled for Kathmandu Valley in the course of this census on Marga Sudi 8, 1913 (December 1856) are summarized below:-

Kathmandu (Urban)

<u>Particulars</u>	<u>No. of Houses</u>	<u>No. of Inhabitants</u>
Old Newar Houses	21,000	210,000
New Houses	3,000	30,000
Gorkhalis, government employees, non-governmental persons, slaves, etc	x	100,000
<b>Total</b>	<b>24,000</b>	<b>340,000</b>

Kathmandu (Rural)

Particulars obtained from 91 villages in Gokarna, Changu, Swayambhu, Deupatan and Tokha:-

No. of house ...	3,513
No. of inhabitants...	19,079

No particulars obtained from 91 villages in Teku, Dharmathali, Paknajor, Dhumberahi, Naksal, etc.

Patan (Urban)

<u>Particulars</u>	<u>No. of Houses</u>	<u>No. of Inhabitants</u>
Old Newar Houses	22,000 <sup>2</sup>	154,000
Gorkhalis, government employees, non-governmental persons, slaves etc.	x	6,000
<b>Total</b>	<b>22,000</b>	<b>160,000</b>

<sup>1</sup>Regmi Research Collections, Vol. 1, PP. 842-846.

<sup>2</sup>This is exclusive of 2,000 houses depopulated as a result of a small-pox epidemic.

Contd...

Patan (Rural)

Particulars obtained from 157 villages in Lubhu, Chitlang, Tistung, Palung, etc:-

No. of houses ... 9,913

No. of inhabitants ... 60,257

No particulars obtained from 39 villages in Dhapakhel, Jaulakhel, Dhobighat, Sinamugal, Kirtipur, Thankot, etc.

Bhagaun (Urban)

<u>Particulars</u>	<u>No. of Houses</u>	<u>No. of Inhabitants</u>
Old Newar Houses	11,500 <sup>3</sup>	92,000
Gorkhalis, government employees, slaves, etc.	x	6,000
Total	11,500	98,000

Bhadgaun (Rural)

Particulars obtained from 151 villages in Dhulikhel, Khadpu, Chankot, Panauti, Bihabar, Banepa, etc:-

No. of Houses ... 5,181

No. of Inhabitants ... 32,503

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<sup>3</sup>This is exclusive of 500 houses depopulated as a result of a small-pox epidemic.

Gleanings From The GorkhapatraPayment Of Debts Of Members Of Rana Family

Gorkhapatra, Ashadh 16, 1971 (June 30, 1914)

On Ashadh 13, 1971 (June 27, 1914), His Highness the Prime Minister (i.e. Chandra Shamsher Jung Bahadur Rana) paid off the debts of all members of the Rana family from his personal treasury. Ranas who had lived frugally and had not incurred debts received Rs 1,000 each. Minor children of Ranas too received Rs 1,000 each. The total amount thus disbursed is said to have amounted to approximately Rs 300,000.

Installation Of Telephone Lines

Gorkhapatra, Ashadh 20, 1972 (July 4, 1915)

Telephone lines have been installed from the Tundikhel, Kathmandu, to Birganj over a distance of 72 miles.

Passports To Visitors From India

Gorkhapatra, Jestha 17, 1984 (June 3, 1927)

Previously, passports to visitors from India were issued in Birganj. Now a railway link has been established between Birganj and Amlekhganj. Passports may now be obtained at Amlekhganj. The following public announcement was issued on Baisakh 30, 1984 (May 13, 1927) in this connection:-

Previously, passports were issued to visitors from India to Kathmandu, Nepal, at Birganj if it was proved that they were genuine visitors. As railway lines have been laid between Birganj and Amlekhganj, genuine visitors can get passports at Amlekhganj. Henceforth, the Passport Office at Amlekhganj will issue passports to Nepali citizens, to Indians who have shops and trading establishment in Kathmandu or are employed by the Government, and to pilgrims in accordance with appropriate legal provisions. The Birganj District Headquarters Office too will issue such passports. Persons other than those mentioned above should file an application with the Birganj District Headquarters Office if they want to get passports to visit Kathmandu. The Birganj District Headquarters Office shall issue passports to such persons only if so deemed proper.

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King Bhupatindra Malla<sup>1</sup>

By  
Bhola Nath Poudel

Bhupatindra Malla was one of the famous Kings of Bhaktapur, Many monuments still extant in that town bear testimony to his love of architecture. Bhupatindra Malla was also an expert administrator.

Bhupatindra Malla was born on Kartik 23, 1731 Vikrama (November 8-9, 1674) to King Sumati Jitmitra Malla and Queen Lalmati. Available evidence indicates that Jitmitra Malla associated Bhupatindra Malla in the administration of the kingdom as soon as the latter came of age.

A Suki coin minted during the reign of Bhupatindra Malla bears the date Bhadra Badi 11, 816 (Nepali era). This shows that the coin was minted on the occasion of the coronation of Bhupatindra Malla. During the coronation of King Ranajit Malla also, coins had been minted indicating the date and month in full. In Falgun 816 (Nepali era, 1752 Vikrama) a treaty was signed between Jitmitra Malla and Yognarendra Malla.<sup>2</sup> This shows that Jitmitra Malla was occupying the throne of Bhaktapur at that time. Bhupatindra Malla thus ascended the throne of Bhaktapur on Aswin 11, 1753 (Vikrama). However, Bhupatindra Malla appears as king even five years previously. An inscription dated 811 Nepali era (1748 Vikrama), found at Dathuphale in Thimi states that King Bhupatindra Malla constructed a rest-house as well as a water spout in accordance with the command of his father, Jitmitra Malla. The Tarabhakti Sudharnava, available at the Bir Library, which was written in the Nepali era 812 (1749 Vikrama) mentions Bhupatindra Malla as King. Similarly, a copy of the Yogavali belonging to Bhupatindra Malla, also available at the Bir Library, mentions him as Maharajadhiraj in Kartik 816 (Nepali era). These references make it clear that Bhupatindra Malla had occupied the position of a king even before he formally ascended the throne. Jitmitra Malla appears to have done so in order to give his son experience in the administration of the kingdom.

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<sup>1</sup>"Bhupatindra Malla." Purnima, 9, Baisakh 2023 (April 1966). 23-29 PP.

<sup>2</sup>Aitihāsik Patra Sangraha, Part 2, PP. 17-22.

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In Lalitpur, a conflict had arisen between Srinivas Malla and his son Yognarendra Malla. The conflict was resolved only after Srinivas Malla abdicated in favor of Yognarendra Malla. Jitmitra Malla regarded Srinivas Malla with respect. He was present at the abdication of Srinivas Malla. This is probably the reason why Jitmitra Malla gradually conferred administrative powers on his son, Bhupatindra Malla. Bhupatindra Malla had therefore already become an experienced administrator when he formally ascended the throne in 1753 Vikrama. No Chautara (Prime Minister) or other official was able to exercise any influence over him. Even Chautara Bhagiram, who was powerful during the reign of King Jitmitra Malla, was not able to retain his power after Bhupatindra Malla became king. In fact, no other official was able to retain his power long during the reign of Bhupatindra Malla. Hakufa, an illegitimate member of the Malla royal family, became Chautara for some time. But he could not attain the position enjoyed by Bhagiram. On the beginning, Bhupatindra Malla was assisted by his uncle, Ugra Malla. But even Ugra Malla had not been able to exercise much influence over Bhupatindra Malla. Thus, as a result of the wise step taken by Jitmitra Malla, no political conflict occurred during the reign of Bhupatindra Malla.

At that time, the three Malla kings of Kathmandu Valley were each trying to obtain the assistance of the other to suppress the third. King Yognarendra Malla of Lalitpur was of an aggressive disposition. He thus came into frequent conflict with Bhupatindra Malla. However, Bhupatindra Malla never succumbed to the pressure of Yognarendra Malla. On the other hand, Bhupatindra Malla was able occasionally to exercise influence over Yognarendra Malla with the help of other kings. In 1758 Vikrama, a treaty had been signed between Yognarendra Malla and Bhupatindra Malla. The treaty provided that in case Lalitpur sought assistance from Kathmandu without consulting Bhaktapur, the four kingdoms of Bhaktapur, Gorkha, Makwanpur and Tanahu should collect a fine of Rs 40,000 from Lalitpur. It shows that Bhupatindra Malla had been able to exercise influence on Yognarendra Malla with the help of the other kings. It also indicates his desire to prevent a collusion between Kantipur and Lalitpur. However, 18 months later, Bhupatindra Malla signed a treaty with King Bhaskar Malla of Kantipur against Lalitpur. According to this treaty, Kantipur should never leave the side of Bhaktapur, and should be given priority in assistance. The treaty provided for a pledge of 36,000 mohars. Similarly, Bhaktapur undertook not to open roads for Lalitpur without the consent of Kantipur.

Because of all these reasons, Yognarendra Malla was displeased with Bhaktapur. On Bhadra 29, 1762 Vikrama, Yognarendra Malla himself led a force to occupy the well-known fort of Obhu in Bhaktapur. The forces of Lalitpur besieged Obhu on 3 sides. Even then, the fort did not surrender. Yognarendra Malla directed the battle from Changu. He did not go back to Lalitpur even during the Dashain festival. Bhupatindra Malla therefore shifted to Banepa along with his son. Meanwhile, Yognarendra Malla died suddenly in Changu.

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He had been poisoned by somebody belonging to Bhaktapur. After the death of their king, the forces of Lalitpur called off the siege and returned to Lalitpur. Thus Yognarendra Malla had to lose his life in the course of his conflict with Bhupatindra Malla.

At that time, there was rivalry among the 3 Malla kings of Kathmandu Valley on the question of procuring elephants from the Tarai in association with Makwanpur. Bhupatindra Malla did not lag behind in this field. According to the Vyayanirdesh, a copy of which is available at the Bir Library, Bhupatindra Malla conducted elephant-catching operations in Falgun 828 (Nepali era, 1764 Vikrama) in the company of King Manik Sen of Makwanpur. The Taleju Kisidutayavidhi, a copy of which is available at the Bir Library, mentions that King Bhupatindra Malla caught an elephant in Makwanpur and offered it to the temple of Taleju in 834 Nepali era (1771 Vikrama).

Bhupatindra Malla constructed several forts with the cooperation of his subjects. According to the Vyayanirdesh, he led the foundation of a fort in Poush 827 Nepali era (1763 Vikrama). It also mentions that he renovated the fort of Kolapa in Bhaktapur in Kartik 830 Nepali era (1766 Vikrama).

Following the example of his father, Bhupatindra Malla trained his son, Ranajit Malla, in the affairs of the administration. An inscription available at Kwalakm Tole in Thimi, dated 841 Nepali era (1778 Vikrama) refers to the reign of King Bhupatindra Malla and Ranajit Malla. Similar references are available also in an inscription found at Tachapa Tol in Bhaktapur, and a copy of the Vidyavilap drama available at the Bir Library.

A coin minted during the reign of Ranajit Malla bears the date Baisakh Sudi 15, 842 (Nepali era). According to a document in the possession of Chandraman Joshi, Ranajit Malla ascended the throne on this date. This makes it clear that this was the date when the reign of Bhupatindra Malla came to an end.

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Newar Traders In Lhasa<sup>1</sup>

From King Rejendra,

To Laxmi Sundar.

With effect from Baisakh Badi 1, 1885 (April 1827), we appoint you as Naik of Newar traders and merchants in Lhasa, replacing Shiva Newar with due loyalty, obtain Rs 1001 as emoluments for the men (working) with you, as well as for yourself. Collect customary payments from the Thakali,<sup>2</sup> as well as from the traders, merchants and retail shop-keepers belonging to the Battiskothi<sup>3</sup> (in Lhasa). Discharge your functions justly, keep the traders and merchants pleased and satisfied. Appropriate one-sixth of whatever is collected, and remit the actual balance to us. Submit accounts every year and obtain clearance. Do not commit injustice and do not harass traders and merchants. Prove true to your salt and always remain prompt regarding matters which will benefit us.

Baisakh Sudi 1, 1885

(April 1, 1817)

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<sup>1</sup>Regmi Research Collections, Vol. 43, P. 90.

<sup>2</sup>The head of the Newar mercantile community in Lhasa.

<sup>3</sup>lit. 32 commercial establishments. The Newar mercantile community in Lhasa was collectively so called because of the 32 commercial houses said to have been first established there during the reign of King Pratap Malla of Kathmandu. (1641-1674 A.D.).

A Glossary Of Revenue, Administrative And Other Terms  
Occurring In Nepali Historical Documents

(Continued)

Bhusawan	...		A levy collected in the eastern Tarai districts to provide husk for the landlord's cattle, often incorporated into the governmental tax assessment.
Bihadani	...		A levy collected on marriages in the eastern Tarai districts.
Budha	...		A village headman in Thak, Thini and elsewhere in north-western Nepal.
Budhyauli	...	(1)	A village functionary in Ruikhola and elsewhere in north-western Nepal.
		(2)	A member of the Limbu village council in the far-eastern hill districts.
Chak-Chakui	...		Fines imposed on members of Bhote, Chepang, Darai, Majhi, Hayu, Danuwar, Kumhal, Pahari, Sarki, Kami, Sunar, Chunar, Hurke, Damai, Gaina, Badi, Bhat, Poda Chyamkhalak and other castes for adultery within their respective castes.
Chauda Chira	...		A payment collected by heads of monasteries in the eastern Tarai districts from visiting Indian priests.
Chaudinghisa	...		Duty on silver imported from Tibet.
Chauga (Chyanga)	...		A coarse variety of homespun cotton cloth.
Chari	...		Pasturage tax in the Tarai districts.
Chaudhari	...	(1)	A landlord or Zamindar in the Tarai districts.
		(2)	A functionary responsible for revenue collection at the parganna level in the Tarai districts.

Contd...

## (3) Headmen of Newar communities in the hill districts.

Chhaurahi	...	A levy imposed on sacred thread investiture ceremonies in the Tarai districts.
Chhit-Chhap	...	A tax collected from dyers and printers of cloth.
Chumawan	...	A levy collected to finance the sacred thread investiture ceremony of a royal prince.
Chuni	...	Ryots whose names were listed in the tax assessment records.
Chhebhadel	...	The Chhebhadel according to Brian Hodgson, was a tribunal for the settlement of all disputes relating to houses which did not possess criminal jurisdiction. The chief of this office Chhibhadel collected taxes and payments as well from the inhabitants of Kathmandu, as well as from traders visiting the town from outside. He was in charge of the supply of fuelwood to the royal palace. He also caught cattle, goats, sheep and horses which were let loose in the fields, and handed them over to the royal cattle sheds.

To Be Continued

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Mahesh C. Regmi.

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Property Rights Of Widows

Traditionally, in Nepal a widow was entitled to inherit her husband's property as long as she remained chaste. The deceased husband's relatives were entitled to inherit only "whatever, is left of the property after the widow's death."<sup>1</sup> This suggests that there was no restriction on the right of a widow to sell the property left by her husband.

Legislation relating to the property rights of widows was codified for the first time in 1853. A full translation of the "Law on Inheritance and Property Rights of Widows", contained in the 1866-67 edition of the Muluki Ain (Legal Code) is as follows:-<sup>2</sup>

1. In case a widow had remained chaste and maintained her livelihood through agriculture or otherwise (subsequently) starts living as the wife of another man, she shall not be entitled to take away property, goods, cash, cattle, slaves, etc acquired during the period when she had remained chaste to her former husband. The entire property shall accrue according to law to her legitimate children (by her former husband) and other coparceners.
2. In case a woman who has become a prostitute has one or two children from her first husband, as well as from her second and third husbands, and similarly has children from other men also, such children shall be entitled to a share in the prosperity (in the case of sons) and marriage expenses (in the case of daughters) of their respective fathers according to law. Any (property) acquired by the mother after she became a prostitute shall be shared as inheritance or marriage expenses by her children from all her husbands. The court shall charge a fee of ten per cent of (the value of the inheritance) thus realized.

<sup>1</sup>Regmi Research Collections, Vol. 38, P. 540 and Vol. 43, P. 40.

<sup>2</sup>His Majesty's Government, Sri 5 Surendra Bikram Shah Dev Ka Shasan Kalma Baneko Muluki Ain (Legal Code Enacted During The Reign Of King Surendra Biram Shah Dev). Kathmandu: Ministry of Law and Justice, 1965. "Bidhuwa Ka Amsha Dhan Ko." (Property And Inheritance Rights of Widows). PP. 128-130.

Contd...

3. In case women who have not attained the age of 45 years have committed illicit sexual intercourse or been degraded from their caste, and have sold, gifted or donated lands, money, goods, slaves and other property, realizing that they will not get anything if the matter was reported, such transactions shall not be regarded as valid even if these had been concluded before their illicit sexual intercourse was reported. In case such sale was witnessed by a coparcener and by either the (local) court (Adalat), the (local) police station (Thana) or the (local) council (Amal), it shall be regarded as valid even if the fact that the woman had started living as the wife of another man had not been reported. In case none of them had witnessed the sale, and in case it is proved that (the woman) had sold, gifted or donated (the property) and then started living as the wife of another man, the transaction shall not be regarded as valid.
4. If the husband of a woman dies and the widow has remained chaste, then, irrespective of whether she has obtained her share (in the husband's property) and is living separately or is living in the joint family without subdividing (the property), she shall not be entitled to sell or otherwise dispose of her share of houses, lands and slaves until she attains the age of 45 years. Sale or mortgage of houses, lands and slaves concluded because she does not possess sufficient means of livelihood shall be regarded as valid if it has been witnessed by coparceners. In case coparceners do not (agree to) become witnesses (to such transactions), she shall be entitled to sell such property only to the extent necessary to enable her to maintain herself, or to make reasonable gifts or donations, with the Adalat, Thana or Amal as witness. Women of above the age of 45 years shall be entitled to sell, gift or donate their share (in the husband's property) or Jiuni (property bequeathed to her for maintenance) and Pewa (personal property given to her by her husband) as well as their share houses, lands, money, goods, jewelry and other property as she likes. (Such transactions) need not be witnessed by her coparceners and by the Adalat or the Amal.
5. Women of any caste who have no husbands and have not attained the age of 45 years shall be entitled to gift their share (in the husband's property) or their Jiuni or Pewa in the form of land, cattle, slaves and other property after allocating 10% thereof to finance her funeral expenses in the event of serious illness or while becoming Satis. Such gifts, as well as the title of the recipient (to the gifted property) shall be regarded as valid. They may, if they so like, allocate more than 10% (of such property) to finance their funeral expenses. Even if they remain alive, such gifts shall not be invalidated.

Contd...

6. In case widows who have no sons are living in the joint family without subdividing the property do not want to live in this manner and demand their share of the property, and in case their fathers-in-law, mothers-in-law, brothers-in-law, co-wives, sisters-in-law, nephews and sons of co-wives ask her to live in the style in which they are living and make gifts or perform religious functions as they do, and have actually been fulfilling such assurances, such widows shall not be entitled to obtain her share and live elsewhere. They must continue to live in the joint family. But if (the relatives mentioned above) have not maintained her in the same style as they themselves are living in, and have not let her make gifts or perform religious functions as they themselves have been doing, or have already subdivided the property and been living separately, or in case there are only co-wives, (such widows) may obtain their share of the property according to law and utilize it in living separately.
7. In case the fathers-in-law, mothers-in-law, brothers-in-law, co-wives, sisters-in-law, nephews and sons of co-wives of widows who have no sons ask her to live in the joint family and make gifts and perform religious functions in the same manner as they have been doing, and not so leave the joint family to live with their parents or other relatives, and in case (such widows) do not agree to do so, (but) leave the joint family to live with their parents or elsewhere, they must hand over (to the joint family) whatever goods, jewelry or other property they have taken away. If she incurs debts while living elsewhere, the joint family need not repay such debts.

The 1952 edition of the Muluki Ain contains the following law on this subject:<sup>3</sup>

1. From Tuesday, Shrawan Sudi 5, 1957 (August 5, 1900) a widow shall be entitled to dispose of property to which she has a rightful claim as follows:-

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<sup>3</sup> Government of Nepal, Muluki Ain (Legal Code), Kathmandu: Gorkhapatra Press, 1952. "Bidhawa Ka Amsha Dhan Ko." (Property And Inheritance Rights of Widows). Part III, PP. 98-99.

Contd...

- (1) A widow who has attained the age of 40 years may dispose of as she likes without the consent of sons one-third of movable property to which she has a rightful claim, as well as immovable property of the time of her husband if she has her own or co-wife's son or any brother-in-law born of her husband's own mother, and she has been maintained by them in the same style as in the days when her husband was living. In case she has not attained the age of 40 years, she may do so only with one-fourth of the property. In case she can secure the consent of sons, she may do so with the whole of the property. In case she has not been maintained in the same style as in the days when her husband was living, and in case she has attained the age 40 years of age, she may dispose of the entire movable property and half of the immovable property, or else with half of the movable property and one-third of the immovable property even without the consent of co-parceners.
- (2) In case there exist only coparceners within three generations, and in case her own or her co-wife's sons do not exist, and the coparceners have maintained her with respect in the same manner as during the life time of her husband, she cannot, if she has attained the age of 40 years, dispose of the entire property without the consent of such coparceners. She shall be entitled to dispose of only nine-tenths of movable property and half of the immovable property without their consent. In case she has not attained the age of 40 years, she may thus dispose of half of movable property and one-third of immovable property without the consent of coparceners. In case she has not been properly maintained, she may, irrespective of whether or not she has attained the age of 40 years dispose of the entire movable property and nine-tenths of the immovable property as she likes. In case coparceners within three generations do not exist, then, irrespective of whether or not she has attained the age of 40 years, she may dispose of (movable and immovable property) as she likes without having government offices or courts witness (the transaction).
- (3) In case there is any movable property earned by the grand-father she may dispose of half of the immovable property which she is entitled to dispose of under the foregoing provisions. Movable property may be disposed of as provided for therein. In case she has Daijo or Pewa property, she may dispose of both movable and, immovable assets without the consent of coparceners, even if she has sons.

Contd...

- (4) In case income from immovable property is sufficient to maintaining her all the year round, she may dispose it of only after fulfilling the legal conditions prescribed in the foregoing clauses. In case income from immovable property is not sufficient to maintain her all the year round, she may, dispose of all movable and immovable property as the likes, provided she has attained the age of 40 years otherwise, she may dispose of only the entire movable property and immovable property to the value of Rs 500 without the consent of coparceners.
- (5) In case, after the disposal of the property with all legal formalities completed, it is reported that she has started living as the wife of another man, the provisions of Section 9 of the law on Gifts and Donations shall be applicable.
2. In case a widow starts living as the wife of another man, she shall not be entitled to take with her any of the movable or immovable property which had accrued to her when she was chaste to her former husband as well as that earned by herself. It shall accrue to coparceners.
  3. In case any person refuses to give what is due from him and uses force, he shall be liable to pay the amount involved and charged 10% or 5% thereof.
  4. In case a person claims what is not due and forcibly appropriates it, he shall be liable to pay the amount involved and fined with 10% thereof.
  5. In case a person claims what is not due, he shall be fined with 5% of the amount claimed.
  6. Where a fine is imposed, the 5% charge shall not be collected. In case a person wins the case without having to pay a fine or 10% or 5% charge, he shall be granted a judgment in his favor on payment of Jitauri fee amounting 1% of the fine according to the nature of the case.
  7. Any person who claims more or offers less than what is due, shall be fined with 10% of the amount so claimed or offered.
  8. Where a time-limit is prescribed in the law, action shall be taken accordingly. In case anything is given or accepted in contravention of this law, no complaint shall be entertained unless filed within 2 years.
  9. The term of imprisonment under this law shall not exceed 6 years.

Contd...

The 1952 Muluki Ain contains the following provisions relating to the property rights of widows:-<sup>4</sup>

23. A married wife who becomes a widow and is entitled by law to a full share of property because she has remained chaste shall receive the share due to her husband.
31. A childless widow who is living in a joint family without subdividing the property shall not be permitted to obtain her share and live separately as long as her relatives maintain her in the same style and let her make gifts and perform religious functions in the same manner as themselves, unless she is more than 30 years of age. In case (her relatives) do not do so, she may obtain her share of the property and utilize it living separately even if she has not attained the age of 30 years. (But) she shall not leave the lands accruing as her husband's share and live at her paternal home or elsewhere.
32. In case a widow who is maintained by her relatives in accordance with the provisions of the law does not accept this and, instead of living at her home, lives at her paternal home or at the home of any relative, she shall not be entitled to her share of the property unless she comes back to live in the home of her husband, even if she has attained an age when she is entitled to obtain such share according to law. The debts incurred by a widow during the time she was living elsewhere need not be paid off by the persons who are entitled to inherit her property. A widow who has not attained the age of 45 years may take away goods, slaves and other wealth to her parental home only if she signs a document stipulating that she will hand them over whenever her coparceners so desire and not claim that she has spent them. Otherwise, she shall not be permitted to take (such goods, slaves and other wealth) away. She shall leave them in the custody of her coparceners.

The 1963 Muluki Ain does not have a separate law on the property rights of widows. It has, instead, a law on the inheritance rights of women, which is as follows:-<sup>5</sup>

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<sup>4</sup>Sections 23, 31 and 32 of "Amshabanda Ke." (On subdivision of prop. PP. 85 and 87.

<sup>5</sup>His Majesty's Government, Muluki Ain (Legal Code). (1963 ed.). "Stri Amsha Dhan Ko." (On Inheritance Rights of Women), PP. 138-139.

1. Girls, married women or widows may use movable or immovable assets acquired by them in any way they like.
2. Girls, married women or widows may use the entire movable assets, and half of the immovable assets, acquired by them as inheritance, as they like even without the consent of anybody. The entire immovable assets may be used as they like, with the consent of the father, or else of brothers living in the undivided family in the case of girls, of the husband in the case of a married woman, and of the sons, if any, in the case of a widow. A girl who has no father or brothers living in the undivided family, and a widow who has no sons, shall not use more than three-fourths of the immovable assets as they like, without the consent of a relative within three generations, if any.
3. Unsecured loans contracted by such women shall not be realized from out of immovable assets which cannot be used as they like in accordance with the provisions of Section 2 of this law.
4. Movable or immovable assets gifted to women by their friends and relatives on the father's or maternal grandfather's side, and any increment made or occurring thereto, is considered Daijo. Movable or immovable assets gifted in writing by the husband or by relatives on the husband's side with the consent of all co-parceners, or by other friends and relatives on the husband's side, and any increment made or occurring thereto, is considered Pewa.
5. A woman may use her Daijo and Pewa assets as she likes. After her death, in case she has willed (such assets) to any person, the provisions of the will shall be complied with. In case there is no such will, the assets shall accrue to sons living jointly with her, if any; or else sons who have separated from her; or else to the husband; or else to her unmarried daughter; or else to her married daughter; or else to the sons of her sons; or else to her daughters' sons; or else to the nearest relative.
6. In case conjugal relations are broken in accordance with the provisions of the Law On Conjugal Relations, or in case a widow fails to remain chaste to the (deceased) husband, the share obtained by her from the husband's side and any increment made or occurring thereto shall not accrue to the woman, but to the nearest relative.
7. In case a woman gifts, donates or sells, or otherwise transfers property which she is entitled to, other than her Daijo and Pewa, to any person, and subsequently spoils herself through illicit sexual intercourse with such person, the transaction shall not be recognized as valid. The person who has a valid claim thereto may have it restored.

8. Complaints shall be entertained only if filed within two years after illicit sexual intercourse is exposed in matters pertaining to Section 7 of this law, and after performance or occurrence, in other matters.

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Royal Dynasties During The Lichchhavi Period<sup>1</sup>

By

Jagadish C. Regmi.

Nepal was under Lichchhavi rule from the beginning of the Christian era to the 8th or 9th centuries. The Lichchhavi royal dynasty occupied the throne nearly the whole of this period. However, available inscriptions also mention the Gupta, Mundri and Dakshin royal dynasties having ruled over Nepal during this period.

The sole reference to the Mundri royal dynasty is contained in the Changunarayan inscription (circa 604 A.D.)<sup>2</sup> of Shiva Deva. This is an order addressed to the inhabitants of Gundimaka village, which was probably located in the Changu area where the inscription was first discovered. It describes the boundaries of the local Kotta.<sup>3</sup> The boundaries mention lands belonging to the Mundri and Dakshin royal dynasties in the east and the north respectively. There is no doubt that the Mundris royal dynasty was different from that of the Lichchhavis and that it ruled over Nepal at one time. On the basis of phonetic similarity, it may be speculated that King Aramudi, who once fought against Kashmir, belonged to this dynasty.

The Changunarayan inscription also refers to the Dakshin royal dynasty, as we have already mentioned above. The Jyabahal (Jaisidwal) inscription of 613 A.D.,<sup>4</sup> and the Gnyaneshwar inscription of King Jaya Deva II (?) dated circa 733 A.D.<sup>5</sup> contain references to this dynasty. The latter inscription mentions administrative offices maintained by it, thus possibly indicating that this dynasty was ruling at that time. It appears that the term Dakshin (south) was used to indicate the area where a royal dynasty different from that of the Lichchhavis was in power. It is noteworthy that references to this dynasty are available for a 130-year period between 604 and 733 A.D.

<sup>1</sup> Jagadish C. Regmi, Lichchhavi Samskriti (Lichchhavi Culture) Kathmandu: Ratna Pustak Bhandar, 1969, PP. 10-12. The section dealing with the Gupta royal dynasty will be translated in the next issue of Regmi Research Series.

<sup>2</sup> R. Gnoli, Nepalese Inscriptions, P. 46.

<sup>3</sup> i.e. local administrative headquarters. Jagadish C. Regmi, op. cit. PP. 377-380.

<sup>4</sup> Gnoli, op. cit. P. 55,

<sup>5</sup> Abhilekh Sangraha, Part 5, PP. 16-17.

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Remarks On A Tour Through Nepal In May, 1876<sup>1</sup>

Travelling by palanquins one day in May, 1876, from the British boundary of the Champaran district of Bihar, during the night, we reached the edge of the belt of the Nepali Tarai forest, at that point just ten miles broad; then, mounting horses, we rode through the forests and valleys of the lower range of hills, a distance of thirty-five miles, by an excellent cart road, to the foot of the Sisagarhi Hill, which we immediately ascended by an extraordinarily sharp and difficult incline, and on the crest found ourselves on a fortified hill-top, where we stopped for the night. Next morning, crossing the Sisagarhi Range, we descended into a valley, and then ascended the Chandragiri Range, which commands a view of the valley of Nepal, the surrounding mountains, and the snowy ranges beyond, - altogether a noble prospect. Then we descended into the valley, and were thence driven in a carriage to Kathmandu and the Residency.

The thirty-five miles of distance through the Tarai and the low hills must be done at one march, between sunrise and sunset, in order to avoid the malaria, which is much dreaded, especially in the hot season. With the ponies we had it took us seven hours; but, if one had time to lay out one's own horses, it might be done in four and a half hours. The Nepali Government took great pains with the road as far as the foot of the Sisagarhi Hill; but they, no doubt purposely, left the road over the hills of Sisagarhi and Chandragiri as difficult as possible, regarding the very stiff ascents and descents as part of their natural fortifications, on which they so much rely.

In Nepal itself we stayed a full week; rode all about the valley; visited the several cities and the numerous Hindu and Buddhist temples and other architectural remains; saw the King, the Minister Jang Bahadur, the principal officers, and the troops; and ascended two of the neighbouring mountains, from the summit of one of which we were rewarded, after some hours of hard walking in heavy weather, by a view of the snowy ranges, of which there were actually counted no less than ten! We received the most hospitable kindness and much interesting and useful information from the Resident, Mr. Girdlestone, and the greatest civility and attention from the Nepali Government. Indeed, Mr. Girdlestone's political ability and special experience rendered his conversation most interesting and instructive.

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<sup>1</sup> Sir Richard Temple, Journals Kept In Hyderabad, Kashmir, Sikkim And Nepal. London: W. H. Allen & Co, 1887. Vol. II, 249-262 PP.

The valley scenery of Nepal is, of course, very pretty and good, but it is not at all comparable to that of Kashmir, the glory of Nepal being in its architecture rather than in its scenery. Still the scenery sets off and enhances the effect of the architecture by affording a blue background tipped with everlasting snows. The Nepali Hindu temple architecture is strikingly picturesque, - perhaps uniquely picturesque in India, - being modelled on that of the Chinese pagodas, - storey piled upon storey, with copper-gilt finials, minute wood-carvings, and purple-enamelled bricks. It is all the work of the original Mongoloid Newar dynasties, violently displaced a century ago by the semi-Aryan Gorkhas, whose modern temples are only a feeble reflex of the structures at Benares. The typical Buddhist buildings are second-rate specimens of the northern Buddhist architecture, without any of the character and originality we are accustomed to admire in the Sikkim-Bhutan-Tibetan style.

The cultivation of the Nepal Valley is blessed with unequalled advantages, and is carried on with the utmost industry. In May we found a waving harvest of wheat awaiting the sickle, and I was told that almost all these lands had already yielded an equally good rice harvest within the agricultural year, and that many of the fields would yet yield special crops, - pepper, vegetables, and the like ! In short, most of the lands yield two harvests in the year, and some yield even three ! The chemical quality of the soil must be excellent, but one special cause of the fertility is the artificial irrigation from the countless streams and streamlets from the neighbouring hills. There are, however, no lakes, such as those which adorn Kashmir.

The houses of the people - even of the rural peasantry - have brick walls and tiled roofs, being altogether much more substantial than the dwellings of the corresponding classes of the plains of India.

The surface of the valley is difficult for roads, and consists of layers and plateau-like platforms, one above or below the other; nevertheless, it is traversed by many strongly-made causeways radiating from Kathmandu in all directions.

The champaign area of the valley is taken to be 250 square miles, the length being twenty-five miles, with an average breadth of ten miles.<sup>2</sup> Its population is very dense, the whole country-side being dotted over with villages and cottages. The number is not really known, but has been estimated to be 400,000 souls, - an apparently impossible number. That, however, it must be very large, is borne out by the fact that, excellent as the cultivation is, the land does not afford food enough for the people, a considerable

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<sup>2</sup>This would seem to be about the true area, though every writer varies. Brian Hodgson has 16 by 16=256 sq. m.; Dr. Oldfield, 15 by 14=220 sq. m.; Dr. Wright, 16 by 9=154 sq. m.; Dr. Allen and Mr. Fergusson, 12 by 9=108 sq. m.

food supply having to be yearly imported from the plains, - an important circumstance politically, of which the Nepalis are well aware. There is, indeed, the suburban population of four cities, including Kathmandu, which cannot be less in all than 120,000 souls;<sup>3</sup> and if from 250 square miles, one-fourth, - say sixty-five square miles, - be deducted for streams, roads, ravines, &c., there are left 185 square miles, on which it is possible that a dense suburban and rural population of 800 to 1,000 to the square mile may subsist. Altogether it is probable that the population of the Nepal Valley can hardly be less than 300,000 souls.

The valley is destitute of the superior kinds of manufactures, save those which pertain to weapons of war; but there are all the signs of health, vigour, contentment and alacrity in the general aspect of the people; and altogether, if its cultivation, irrigation, communications, habitations, works of art, and social organization be taken into consideration, the Nepal Valley affords a monument of what can be accomplished by the unaided genius and industry of the natives of India.

It will have been observed that Nepal has been above treated as a small valley, and this is strictly and accurately the case; though, from being the military and political centre, it has given its name to a great Himalayan dominion adjoining British territory for over a length of 500 miles. This great territory, inhabited mainly by aboriginal or Indo-Chinese races, was originally ruled by a number of petty dynasties springing out of them. Some of these dynasties, however, were of a mixed race, coming from Aryan Rajput fathers and aboriginal mothers, and among them was the dynasty of the Gorkha tract.

The Gorkha district, for "Gorkha" is the name of a place rather than of a nation, is situate near the junction of several branches of the well-known river Gandak within the Himalayan region, there called collectively the Trisulganga. It is inhabited, as above described, by half-caste Rajputs, who have the hardihood of their maternal ancestors, inhabitants of the hills, together with the higher qualities of their paternal ancestors the Rajputs of the plains. They do little in the way of cultivation, but are addicted to martial pursuits, and thus the Gorkha dynasty gradually beat down, or absorbed, all the surrounding dynasties, and overran all the mountainous country which now constitutes the Nepali dominion.

Among the first of the defeated dynasties was that of the Newars of the Nepal Valley itself, which is quite the gem of the whole country; and it was the Newar rule that made the valley what it is. The Newars were mar-

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<sup>3</sup> Often estimated, indeed, at 165,000: thus, Bhatgaon, 50,000; Kathmandu, 50,000; Patan, 60,000; Kirtipur, 5,000.

/Kathmandu, the capital of Nepal  
but Gorkha

superior to the Gorkha people in culture and civilization, though inferior in organization and arms. They made, however, a protracted resistance to the invaders from Gorkha, during the course of which they asked aid from the British. This was in the early days of our rule, and a British expedition was sent, which became prostrated by Tarai fever and failed. After that the Newars succumbed, and Nepal became Gorkhali, as the phrase is, meaning dependent on Gorkha. The seat of Government was transferred from Gorkha to/ continues to be the patria-i.e., the mother state, from which the principal men still come, and the best troops are still drawn. Hence it is that, though the military and administrative centre is in Nepal, the political centre is still at Gorkha; and, if the Nepal Valley were to be occupied by an enemy, the heart of the dominion would be untouched until Gorkha was taken. This is an important political consideration.

In scientific circles, the jealousy with which the Nepali Government guards its territory against the approach of knowledge has long been notorious. Nothing, however, will dissuade the Nepalis from the belief that topographical surveys, geological examinations, and botanical collections, are either the precursors of political aggression, or else lead to complications which end in annexation; and so the exclusion of the Nepali dominion from the gaze of science is religiously maintained.

The Nepali Government is fond of stating its subject population at five millions of souls, including all the hills and the strip of plains along their southern base; but there are no data for such a statement, which, according to our general knowledge of the Himalayan regions, must be greatly in excess of the truth. Besides Nepal itself, there are valleys in the territory, such as those of Gorkha, Pokhri, and so on, which are well inhabited, and so is a portion of the submontane strip; but with these exceptions the area is very thinly populated.

In the trade between Nepal and British territory the former sends articles which either are luxuries or of secondary necessity, whereas she receives either food-supply or other necessaries, a fact to be noted.

The revenues are stated by the Nepali Government to be one hundred lakhs of rupees, or one million sterling. In this there is probably some exaggeration. The Resident, however, seemed to think that the expenture could not be less than three-quarters of a million, and might have been more; and as there was no debt, some inference may hence be drawn as to the fiscal resources.

The army serving with the colours has an effective strength of 20,000 men. We saw 12,000 men reviewed at Kathmandu, but there are irregular troops scattered in the interior; and as the military system is one of very short service, it happens that nearly all the able-bodied men of the whole country have been trained to arms. Under certain circumstances, the military strength, represented by 20,000 men, might be multiplied many times.

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In the valley near Kathmandu there are arsenals and magazines, with ordnance, including siege guns, stores, thousands of stands of arms, small arm ammunition, and the like. It is remarkable that for all this they depend on indigenous manufactures, a circumstance which, however creditable to their patriotism, must detract greatly from the military value of these things.

There are no fortresses in Nepal, and the Government says that its trust is not in fortifications made by mortal hands, but to the natural fortresses with which the Maker of the mountains has endowed the country! How far this trust is justified by topographical fact is a point on which I shall have some remarks to offer presently.

As to the effective value of the Nepali troops, I may say that it may be at once allowed that they are much the best troops possessed by any native state in India.

Of the infantry, the material, as regards fighting men, is excellent, hardihood, endurance, activity, cheerfulness in emergent trouble, being their known qualities, and such being the case, it is probable that they would display a high degree of courage. In mountain warfare their national qualities, with the addition of what may be termed their foreign drill and discipline, would make them admirable troops; but they are inefficiently officered in the higher grades, all the military commands, divisions, brigades, and even colonelcies being given away to the relations and adherents of the Minister. Not only in general respects, but also in details of newest improvements, an imitation, or attempt at imitation, of the British system is made: and the drill and exercise - as seen on a parade ground, are truly excellent. Field exercises and manoeuvres, too, are much attempted, but it is doubtful whether they are efficiently performed. As already stated, the rifles are manufactured in Nepal, and are made after the Enfield model, by hand not by machinery. Thus manufactured, they cannot be really efficient.

As regards the mounted branch of the service, there is absolutely no cavalry worthy of the name, and a regimental mounted officer rides a pony, not a horse; nor could the Nepalis ever command the supply of any appreciable number of horses. This is an important circumstance, if ever the military strength of Nepal has to be measured.

In the artillery the guns are mainly dragged by men, which is much the best plan for service in the hills. I saw the men mounting and dismounting their little guns, which they did in a very smart and handy manner. The very small amount of artillery drawn by horses is a circumstance to be borne in mind, if Nepali power is ever to be exerted in the plains, for the absence of horses for artillery would appear at first sight to be a fatal defect. The Nepali Government has, however, a very large stock of elephants, and doubtless would reckon on that for the carrying of guns. There is a large supply of ordnance of various calibres, also made in Nepal.

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In every infantry regiment a certain number of the men are trained to gunnery, but this would not avail in action according to modern warfare.

The Nepali Contingent, in the support of the British troops in the Oudh Campaign of 1858, did fairly well, and the native infantry regiments of our own, which are recruited within the Gorkhali dominions, have always been famed as among the very best troops in our service. In the war with Nepal in 1815 the bravery and stubbornness of the Nepali soldiery called forth the respectful commendation of the British officers, but in their last war with Tibet, the Nepalis by no means got the best of it, as the Tibetans were assisted by the Chinese, and the exhaustion of Nepali resources, which occurred on that occasion is still greatly remembered. They, indeed, still speak with respect of some branches, at least, of the Chinese army, and that does not indicate a very formidable standard of military prowess.

On the whole, it is probable that, notwithstanding all their merits and their aptitude for particular sorts of warfare, the Nepali army would be quickly destroyed if opposed in the open field to a civilised enemy. If the present army of Nepal, 20,000 strong, were to be drawn up in the open country, adjoining their own Tarai, in front of a small mixed British force of, say 5,000 men, armed and equipped with the newest appliances, and led by a commander who was at once a tactician and a strategist, they would be routed in a few hours. The fortitude of these mountaineers, and their tincture of foreign discipline, would be of no avail against military skill and science, and the resources of modern armament. I mention this latter point because, however absurd the idea may appear to some, the Nepalis imagine that they would hold their own in the hills against the British, and think that they might not improbably be successful in a general contest, and, in the event of the British power being shaken, could press onward across the plains of Bengal to the seaboard. Their trust is in their natural fortifications of mountains; their ambition towards the rich plains and the sea-borne commerce.

The Nepalis regard themselves as a Himalayan power placed between two Empires, the Chinese and the British, and except by general report, they do not seem to take any special cognizance as yet of other powers. It is to be hoped that we may never allow them to have occasion for doing so; for, though externally they are very polite to us, it is a different sort of politeness from that of the ordinary Native States, and one cannot help seeing that they have what Shake speare would have called "a high stomach". It is nearly certain, as a matter of historical retrospect, that, if it had not been for the rise of the British power, the Sikhs and the Gorkhals would have divided between them the vast territory now comprised under the designation of the Bengal Presidency, and the Nepalis are doubtless aware of this.

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The Minister, Jang Bahadur, created a Maharaja by the King of Nepal, was thoroughly loyal to us from conviction, from personal sentiment, from the teaching of experience, and from associations in the past; and, although plots were now and again hatched against him, he was universally believed to have a life-tenure of supreme power in Nepal, as the Gorkhali King, styled Maharajadhiraja, or Independent Monarch, did not take part in public affairs, though his person and office were regarded by the nation as sacred. Jang Bahadur quite commanded the devotion of his relatives, and they had the chief appointments in the army. He, however, retained in his own hand the ultimate control of the military as well as the civil administration. His civil government was reported to be vigorous and successful and generally just, but it was nevertheless understood that he was incessantly obliged to take care of himself against intriguers and murderers. /cultivated and partly

If a revolution in Nepal were to occur, I hardly see how it could affect British interests, provided that there were general peace in India at the time: but if we were ourselves in difficulty at such a moment, or if there were disturbances going on elsewhere a revolution in Nepal might, perhaps, be awkward. It is to be remarked, however, that if we were to be under the necessity of punishing the Nepali Government, which we may trust will never occur punishment could be easily inflicted; for between our frontier and the lower ranges of the Nepali Himalayas there intervenes a long strip of flat territory, some 500 miles in length and of varying breadth, but never exceeding twenty-five miles perhaps. It is partly covered with rich forests, and could be easily seized and held by us. Indeed it affords, from its situation, extraordinary facilities for such an operation, and the blow would be immediately and severely felt by the Nepalis. Besides their distress at the loss of territory in the very quarter where they most desire expansion, they would fear the cutting off of some of their food-supplies, and of many necessaries which they receive by trade. It is to be hoped that such a decisive stroke would suffice as a demonstration of British power, even in grave contingencies. Moreover, it is probable that the Nepalis who must be well aware of all this, would never provoke it.

If, however, it were to become necessary to approach Nepal itself, that would be a much more serious business.

Situated as we are in India, it is necessary for us to think of these possibilities beforehand, though we hope that they may never be realized, and it is far more pleasant to think of the loyal conduct of Nepal for many years, the useful assistance she rendered in 1857 and 1858 affording an earnest of the good service she may yet render us, and to mark the good character which her people bear in British territory, whether serving in the army, or whether emigrating as colonists and labourers into our hill districts, where new industries are springing up.

Contd...

The relations of Nepal with Tibet form a constant subject of conversation with the Nepali officers. There is some trade with Tibet, not apparently of much importance, either as regards the articles of commerce or the routes traversed, and there are disputes on the border constantly occurring, the nature of which is not precisely ascertainable. For some years an agent of the Nepali Government was stationed at Lhasa, but having, it was alleged, been much ill-treated, he was withdrawn shortly before 1876. It is, however, indirectly advantageous to British interests that a Nepali Agency should be maintained at Lhasa, as by means of it we could obtain information. On the whole, I could not make out that the situation of Nepal with respect to the eastern part of Tibet, which is the really important part of that country, is at all dominant, or even influential. The Tibetans would not probably mind the Nepalis in the least, except as dependants of ours. There are at least two passes practicable for troops between Nepal and Tibet, but, as lines of political and commercial communication with Lhasa, they are not nearly so important as our own routes by Sikkim nearer home.

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Judicial Customs In Nepal

Brian H. Hodgson writes:<sup>1</sup>

"The law of caste is the cornerstone of Hinduism. Hence the innumerable ceremonial observances, penetrating into every act of life, which have been erected to perpetuate this law; and hence the dreadful inflictions with which the breach of it is visited. Of all breaches of its, intercourse between a Hindu and an outcast of different sexes is the most enormous; but it is not, by many, the only one deemed worthy of punishment by mutilation or death. The codes of Manu and other Hindu sages are full of these strange enormities; but it is in Nepal alone ... that the sword of public justice is now wielded to realize them. It is in Nepal alone, of all Hindu States, that two-thirds of the times of the judges is employed in the discussion of cases better fitted for the confessional, or the tribunal of public opinion, or some domestic court, such as the Panchayat of brethren or fellow-craftsmen; than for a kings court of justice."

If the accused person did not confess his guilt, and circumstantial evidence was lacking, the case was disposed of through Nya, or trial by ordeal. Hodgson's description of this system is as follows:-<sup>2</sup>

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<sup>1</sup>Brian Houghton Hodgson, "On The Law And Legal Practice Of Nepal, as regards Familier Intercourse between a Hindu and an outcast." The Journal Of The Royal Asiatic Society Of Great Britain And Ireland, Vol. I, 1834, 47-48 PP.

<sup>2</sup>Brian Houghton Hodgson, "Some Account Of The System Of Law and Police, as recognized in the State of Nepal." Ibid, PP 221-222.

Contd...

"The names of the respective parties are described on two peices of paper, which are rolled up into balls, and then have puja offered to them. From each party a fine or fee of one rupee is taken; the balls are then affixed to staffs of reed, and two annas more are taken from each party. The reeds are then entrusted to two of the havildars of the court to take to the Queen's Tank; and with the havildars, a bichari of the court, a Brahman, and the parties proceed thither, as also two men of the Chamakhalak (or chamara) caste. On arriving at the tank, the bichari again exhorts the parties to avoid the ordeal by adopting some other mode of settling the business, the merits of which are only known to themselves. If they continue to insist on the ordeal, the two havildars, each holding one of the reeds, go, one to the east and the other to the west side of the tank, entering water about knee deep. The Brahman, the parties, and the Chamakhalaks all at this moment enter the water a little way; and the Brahman performs puja to Varuna in the name of the parties, and repeats a sacred text, the meaning of which is that mankind know not what passes in the minds of each other, but that all inward thoughts and past acts are known to the Gods Surya, Chandra, Varuna and Yama and that they will do justice between the parties in this cause. When the puja is over, the Brahman gives the tilak to the two Chamakhalaks, and says to them, "Let the champion of truth win, and let the false one's champion lose." This being said, the Brahman and the parties come out of the water, and the Chamakhalaks separate, one going to each place where a reed is erected. They then enter the deep water, and at a signal given, both immerse themselves in the water at the same instant. Whichever of them first rises from the water, the reed nearest to him is instantly destroyed together with the scroll attached to it. The other reed is carried back to the court where the ball of paper is opened and the name read. If the scroll bears the plaintiff's name he wins the cause; if it be that of the defendant, the latter is victorious. The fine called Jit-houri is then paid by the winner, and that called harouri by the loser; besides which, five rupees are demanded from the winner in return for a turban which he gets, and the same sum, under the name of Sabhasuddha (or purification of the court), from the loser. The above four demands on the parties, viz, jithouri, harouri, pagri, and sabhasuddha are government taxes; and, exclusive of these, eight annas must be paid to the mahamas of the court, eight annas more to the Khardar or registrar. In this manner multitudes of causes are decided by nyaya (ordeal) when the parties cannot be brought to agree upon the subject matter of dispute and have neither documentary, nor verbal evidence to adduce."

Contd...

Edwin T. Atkinson has described several other forms of trial by ordeal in Kumaun and Garhwal during the period when these areas were under Gorkhali rule. He writes:<sup>3</sup>

PP. 26-628:-

The administration of justice was on no regular system, each of the officers exercising jurisdiction according to his position and the number of men at his disposal to ensure his orders being obeyed. Throughout Kumaun and Garhwal all civil and petty criminal cases were disposed of by the commandant of the troops to which the tract was assigned, while cases of importance were disposed of by the civil governor of the province assisted by the military chiefs who happened to be present at his headquarters.<sup>4</sup> But the commandants were frequently absent on active duty and delegated their powers to Becharis, as their deputies were styled, who either farmed the dues on law proceedings at a specific sum or remained accountable for the full receipts.<sup>5</sup> Their method of procedure was that common to their predecessors and most Hindu states and was simple in the extreme. A brief oral examination of the parties was conducted in presence of the court, and in case of doubt the section of the Mahabharata known as the Harivansa was placed on the head of the witness, who was then required to speak the truth. Where the evidence of eye-witnesses was not procurable or the testimony was conflicting as in the case of boundary disputes, recourse was had to ordeal. Three forms of ordeal were in common use: (a) the gola-dip, in which a bar of red-hot iron was carried in the hands for a certain distance: (b) the karai-dip, in which the hands was plunged into burning oil, and like the former the evidence of innocence was that no harm resulted; and (c) the tarazu-ka-dip, in which the person undergoing the ordeal was weighed against a number of stones which were carefully sealed and deposited in some secure place and again weighed the next morning, and if the person undergoing this ordeal proved heavier than on the preceding evening, his innocence was considered established. Even the mahant of the sacred temple of Ram Rai at Dehra had to submit to the karai-dip ordeal when charged with murder, and being severely burned was obliged to pay a heavy fine. The judgment was recorded on the spot and witnessed by the by-standers and then handed over to the successful party, whilst the other was mulcted in a heavy fine proportioned more to his means than the importance of the case. Panchayats or councils of

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<sup>3</sup>Edwin T. Atkinson, The Himalayan Districts Of The North-Western Provinces Of India, Allahabad: North-Western Provinces And Oudh Government Press, 1864, Vol. 2, PP. 626-628.

<sup>4</sup>Trail in Kumaun Memoir, 27.

<sup>5</sup>Garhwal was divided into three commands, As. Res, XI, 499.

Contd...

arbitrators were frequently had recourse to, especially in cases of disputed inheritance and commercial dealings, and these, too, were frequently disposed of by lot. The names of the parties were written on slips of paper of equal size, shape and material, and were then laid before an idol in a temple; the priest then went in and took up one of the papers, and the name recorded therein was declared successful. Many matters were simply decided in a somewhat similar way by the claimant proceeding to some well-known temple and there swearing by the idol that his statement was the true one. To the present day several temples are celebrated in this respect.

The following forms of ordeal are also noted by Trail :- "The tir-ka-dip, in which the person remained with his head submerged in water while another ran the distance of a bow shot and back, was sometimes resorted to. The Gorkhali governors introduced another mode of trial by water, in which two boys, both unable to swim, were thrown into a pond of water and the longest liver gained the cause. Formerly poison was in very particular cases resorted to as the criterion of innocence; a given dose of a particular root was administered, and the party, if he survived, was absolved. A further mode of appeal to the interposition of the deity was placing the sum of money, or a bit of earth from the land in dispute, in a temple before the idol; one of the parties volunteering such test, then with imprecations on himself if false, took up the article in question. Supposing no death to occur within six months in his immediate family, he gained his cause; on the contrary he was cast in the event of being visited with any great calamity, or if afflicted with severe sickness during that period."

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To Be Continued

A Glossary Of Revenue, Administrative And Other  
Terms Occurring In Nepali Historical Documents

Dafdari	...	A revenue functionary in western Nepal and Kumaun. The duties of the Dafdari were "not to let lands assigned to the Army remain uncultivated, correct double entries of such land assignments, ... collect revenue and transmit the proceeds to the local administrator ... reclaim waste lands and submit accounts every year."
Dahi Bhansar	...	Revenue from curd vendors in Kathmandu Valley. In Kathmandu, it amounted to Rs 201 in 1794, Rs 250 in 1805, Rs 321 in 1833 and Rs 420 in 1906, when the tax was abolished. A tax called Dahi-Dastur was levied in some parts of the eastern hill region also.
Dalali	...	Duties collected on goods when they reached the market. Such duties were collected in some parts of India also during the mid-18th century.
Danda-Kunda	...	A generic term used to denote judicial fines.
Dhalwa	...	Care-takers of State irrigation channels in Kathmandu Valley. Their emoluments, called Dhalwa-Pathi, consisted of a levy of 4 manas of paddy per ropani of irrigated land.
Dhami	...	A Shaman or medicine-man. They were appointed by the State in some Tarai and inner Tarai districts to look after the people and keep the gods satisfied. Their main function was to check the depredation of wild animals, particularly tigers. <del>Danda</del> Danda was a fine imposed on a Dhami whose god (Devaya) caused suffering to others.
Dokan	...	Shop; a levy of shops.

Contd...

- Dware ... (1) A local revenue collection official, in Salyan, Lamjung, Manang and elsewhere.
- (2) An official appointed at the royal palace to collect certain levies.
- (3) A village headman in Kathmandu Valley.
- Fakirana ... A levy collected in Kathmandu Valley and elsewhere, the proceeds of which were assigned to Fakirs (Muslim mendicants).
- Fattemubarak ... A tax collected from traders in Kathmandu Valley to commemorate its conquest by King Prithvi Narayan Shah in 1768-69. Fatah means victory and Mubarak means felicitations in the Arabic language. In 1903, Foreign commercial houses in Kathmandu Valley were exempted from payment.
- Fouzdar ... A district or local functionary responsible for revenue collection and other functions in the Tarai. In Saptari and Mahottari district administration appears to have been in the hands of Fouzdar until 1785. They were responsible for the appointment of local and village level revenue functionaries. They allotted waste lands for cultivation and provided loans and other facilities to settlers. They made necessary disbursements in the district and submitted accounts to Kathmandu. They had authority to recruit troops in the event of foreign aggression and to keep military installations in a state of constant preparedness. They often discharged these functions in the capacity of contractors. They were replaced by officials called Subbas. Dang was under a Fouzdar until 1816.
- Gadimubarak ... A levy collected on a country-wide basis to finance the expenses of a royal coronation.

Contd...

Ganjahar	...	An official appointed to collect market and customs duties in the market towns of the Tarai.
Ghargani	...	A generic term used to denote taxes and levies collected on homesteads.
Ghiyai	...	A tax levied on cows grazed in the forests of Sheoraj in the western Tarai. It was abolished in 1808 on the ground that it was collected nowhere else in the kingdom.
Ghiukhane	...	A tax assessed and collected in cash on Khet (paddy) lands in Kathmandu Valley and some hill districts.
Ghod-Mahal	...	Duties charged on the purchase, import, export or registration of horses.
Godan	...	(1) A tax levied all over the country to finance the ritual gift of cows on special occasions at the royal palace. Such a tax had been levied at the time of the assassination of Ran Bahadur Shah in 1806.  (2) The fine paid by a person who committed an offense involving loss of caste to the Dharmadhikar (Chief Religious Authority) as a token of expiation.
Goddhuwa	...	A tax levied to finance the wedding of a royal princess.

To Be Continued

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### Abolition Of The Sati System

On June 28, 1920, Prime Minister Chandra Shamsher enforced legislation\* abolishing the Sati system in Nepal. According to the Muluki Ain (Legal Code):-

Those who fulfilled the requirements of the law had so far been permitted to become Sati. The matter was discussed in an assembly of (the royal) preceptors and priests, members of the nobility, officials and scholars and the scriptures too were consulted. (These discussions) showed that celibacy is as much as a virtue as the obligation (of a woman) to become a Sati after the death of her husband. Even in the case of women who have remained in full chastity and who sincerely desire to become Sati, (self-immolation as Sati) is forbidden if they are pregnant or in menstruation, or have minor sons or daughters. In the case of other (women) too, Sati is not an absolute obligation, for no sin accrues to them if they do not become Sati. (Self-immolation as Sati) is resorted to only to gain desired objectives, such as the attainment of heaven and other enjoyments. But such objectives can be attained not only by those who become Sati, but also by those who remain in celibacy. Those who are led to become Sati through the persuasion of others are not entitled to the merit of this act. Instead, they will have to undergo retribution for their sin. This is understood to be the teaching of the scriptures, and this is what the scriptures tell.

Prior to this, legislation had been enacted to enable (women) who had remained really chaste to become Sati if they so desired. (However), because of the influence of the age, people persuaded women who did not have a proper knowledge of the scriptures to become Sati even if they did not sincerely desired so, with the objective of inheriting (the women's) property, or to fulfill any other objective. Since women cannot understand the meaning of the scriptures, they were misled in this manner and accordingly became Sati. But women who become Sati in this manner do not gain the merit due to a (genuine) Sati. Instead, sin accrues to them, according to the scriptures.

Although persuasion takes a long time, only a few women in this age are prepared to become Sati. It is not possible to distinguish among women who have remained chaste and sincerely desire to become Sati and those who have been persuaded by others to become Sati. It has therefore been reported that because of the influence of the age, (the Sati system) may be of benefit to one or two women, but is harmful to many.

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\* "Jyan Sambandhi Ko" (Law Relating To Human Life). Muluki Ain (Legal Code), Part IV (1955 ed.). Section 63, PP. 66-68.

Contd...

(Moreover), (the practice of Sati) is not an absolute (obligation), but is, and has been considered to be, meant only to gain desired objectives. The virtues of chastity can be preserved even by practising celibacy, instead of becoming Sati. (The Sati system) may be beneficial in some respects, but it harms a greater number (of women) than it benefits. It has therefore been considered that it will be better to abolish the Sati system than to retain it.

Accordingly, all laws heretofore enacted to permit the Sati system are hereby repealed. From this time, the Sati system has been abolished all over the Kingdom of Gorkha. In case any (woman) requests permission to become Sati, the members of her family and other relatives, as well as the Jimidar, Talukdar, respectable persons of the village and all others, and, in case the request has been made to a government office, (its officials), shall explain the aforesaid provisions to her, and stop her (from becoming a Sati). In case this is not done, and any woman is permitted to become Sati in the future, and a living person is accordingly burnt to death, punishment according to the law relating to murder shall be awarded to (the person) who grants permission (to any woman to become Sati), as well as to those who burn her or assist (in this act). In case (any person) has attempted (to persuade a woman to become) Sati and thus burn her with the motive of inheriting her property, he shall not be entitled to appropriate such inheritance, even if the woman dies and (her property) accrues to him as inheritance. (Such property) shall then accrue to the nearest relative after him.

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Contd. . .

Judicial Customs In Nepal

During the 18th and 19th centuries, the government of Nepal appears to have utilized the services of local Panchas in the dispensation of justice. The following references may be of interest in this connection:-

1. On Magh Sudi 11, 1868 (January 12, 1812) the Panchas of Dhorlikharka (Dhulikhel ?) were directed to adjudicate in a dispute between Krishna Singh Newar, a tenant, and his landowner regarding the former's occupancy rights in a plot of land owned by the latter. They were directed to send both parties to Kathmandu if they were unable to settle the dispute themselves.<sup>1</sup>
2. In Mahottari, local revenue functionaries, Birta owners, etc were directed on Kartik Sudi 10, 1866 (November 1810) to punish guilty people only after their confession was attested by local Panchas.<sup>2</sup>
3. In Nangle, Kathmandu, the local Dware (revenue collection functionary) was directed to obtain a confession from an illegitimate son of one Garudadhvaj and the daughter of Garudadhvaj's legitimate son, who had co-habited with each other, in the presence of local Panchas.<sup>3</sup>
4. In Thimi, a case relating to commensal relations among some Newar families in Phujel (Gorkha) was heard by the local officials (Amali) and local Panchas on Marga Sudi 14, 1904 (December 1847). The government directed that such matters should be disposed of among Newars in the hill regions in the place where the offense was committed, and not outside.<sup>4</sup>
5. Regulations promulgated for Doti district on Marga Badi 14, 1883 (November 1826) directed the establishment of an Adalat at Silgadi to dispose of complaints against local officials, government contractors and Jagirdars. Punishment was to be awarded as decided upon by Panchas and Bicharis (Judges).<sup>5</sup>

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1. Regmi Research Collections, Vol. 28, P. 48,

2. Ibid, Vol. 40, P. 116.

3. Ibid, Vol. 40, P. 40.

4. Ibid, Vol. 33, P. 40.

5. Ibid, Vol. 43, P. 457.

Contd...

These references make it clear that Panchas did not actually dispose justice, but only acted like a Jury.

In Jumla, every offense was customarily punished with a fine of Rs 5, irrespective of its nature. An order issued on Poush Badi 4, 1873 (December 1816) abolished this practice and decreed that fines should be heavier for major offenses, and lighter for minor ones.<sup>6</sup>

In the hill areas east of the Arun river, King Ran Bahadur Shah had prescribed the rates of fines for the Yakha and Khambu communities for different offenses as follows:-

Infanticide	...	Rs 15
Incest	...	Rs 15 for man Rs 12 for woman.
Intra-communal adultery (Chak Chakui)	...	Rs 12 for man Rs 10 for woman
Injury involving bloodshed	...	Rs 5.

These rates were made applicable to the Majhi and Kumhal communities also in this region on Shrawan Badi 10, 1867 (July 1810).<sup>7</sup>

The general rule was that adultery with a woman of higher caste was a punishable offense.<sup>8</sup> The nature of the punishment awarded for such offenses varied according to caste status. The following table will make this clear:-

<u>Caste Status</u>		<u>Punishment</u>		<u>Reference</u>
<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	
Slave	Magar	Death	Enslavement	36/128
Slave	Brahman	Death	Not mentioned	36/220
Slave	Sunar	Death	Enslavement	42/389

6. Ibid, Vol. 36, P. 338.

7. Ibid, Vol. 39, P. 298.

8. Ibid, Vol. 36, P. 220.

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Damai	Brahman	Death	N.M.	42/161
Damai	Kumhale	Death	N.M.	40/81
Damai	Brahman's slave	Death	N.M.	42/457
Damai	Kami	Enslavement	Enslavement	34/141
Sunar	Brahman	Death	N.M.	39/221
Sunuwar	Kami	Death	Enslavement	34/143
Kami	Magar	Death	,,	42/192
Magar	Kami	Death	N.M.	39/274
Sarki	Khas	Death	N.M.	36/309
Sarki	Slave	Death	N.M.	42/175
Karki	Brahman	Death	N.M.	36/309
Tilanga	Bhote.	cutting of genitals	N.M.	42/21
Brahman	Brahman (married woman)	Confiscation of property less of caste, exile.	N.M.	<u>Puratattwa Patra</u> <u>Sangraha, Part 2,</u> P. 108.
Brahman	Brahman (widow)	Fine	N.M.	43/263
Khatri	Jaisi	Cutting of genitals	N.M.	41/263
Khatri	Brahman	Death	N.M.	41/73

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(To Be Continued)

## The Gupta Kings Of Nepal<sup>1</sup>

A new change occurred in the history of Nepal after the rule of Amshu Varma came to an end. The Gupta dynasty played an important role in bringing about this change. Jishnu Gupta, who established his joint rule along with the Lichchhavi King Dhruva Deva, appears as an important personality.

In view of his surname, "Gupta", it is clear that Jishnu Gupta belonged to the Gupta dynasty.<sup>2</sup> The Thankot inscription of 59 Samvat proves that the Guptas belonged to the lunar dynasty. This inscription describes Jishnu Gupta as an ornament of the lunar dynasty. A study of contemporary inscriptions reveals the names of some ancestors of Jishnu Gupta. The Thankot inscription of the time of Jishnu Gupta and Bhimarjuna Deva mentions that Mana Gupta Gomi was the great-great-grandfather of Jishnu Gupta.<sup>3</sup> No royal titles such as Bhattaraka and Maharaja have been used in this inscription to denote Mana Gupta Gomi. We may therefore speculate that Mana Gupta Gomi did not occupy any important position. The inscription states that Mana Gupta Gomi constructed a tank. This shows that his social and economic position was high.

In the Kewalpur inscription of Dhruva Deva and Jishnu Gupta,<sup>4</sup> Jishnu Gupta has referred to Bh(a)uma Gupta as his grandfather.

Available evidence shows that Bhauma Gupta had usurped the Lichchhavi throne for some time. The Kewalpur inscription describes Bhauma Gupta as a former King. This inscription mentions Bhauma Gupta after Gana Deva. We may therefore speculate that Bhauma Gupta ascended the throne after Gana Deva. In the Lagan Tol inscription of Narendra Deva<sup>5</sup> also we find that Bhauma Gupta had converted Maneshwar into state property possibly he was able to do so because he was king. The Gopala Vamshavali supports this view and describes Bh(a)uma Gupta as king.

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1. Jagadish Chandra Regmi, Lichchhavi Sanskriti (Lichchhavi Culture). Kathmandu: Ratna Pustak Bhandar, 1969, PP. 13-30.
  2. Bhagavan Lal Indraji and Buhler have erroneously expressed the view that Jishnu Gupta was a son or relative of Amshu Varma. (Inscriptions From Nepal P. 48). Walsh thinks he was a son of Amshu Varma. (Journal of the Royal Asiatic Society, 1908, P. 681). It is surprising that they committed such a mistake in 1908 without studying the Thankot and Handigaun inscriptions which S. Levi had published in 1905.
  3. R. Gnoli, Nepalese Inscriptions In Gupta Characters, No. 59.
  4. Ibid, No. 54.
  5. Ibid, PP. 88-89.

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The earliest Gopala king, as enumerated in the Gopala Vamshavali, used the surname "Gupta". We cannot say whether there was any relationship between these Guptas and Jishnu Gupta and other later Guptas. References to persons using the surname of Gupta are found in inscriptions dated subsequent to 428 Shaka (506 A.D.). The Adinarayan (Thankot) inscription of Vasanta Deva<sup>6</sup> refers to Virochana Gupta as Dutaka. This inscription mentions that Virochana Gupta was an Yajnika (one who performed sacrifices). In the Lagan Tol inscription of Vasanta Deva,<sup>7</sup> Ravi Gupta has been mentioned as Dutaka. This inscription also shows that Ravi Gupta occupied the important position of commander-in-chief and chamberlain. Kramalila, who has been mentioned in the Balambu inscription of Vasanta Deva,<sup>8</sup> has been referred to as Maharaja Maha-Samanta. D.R. Regmi<sup>9</sup> regards him as a member of the Gupta dynasty. However, this view is not tenable. This inscription also mentions the name of Bhauma Gupta as Pratihara (chamberlain). Thulla Gupta and Shubha Gupta have been mentioned in the Balambu (Khadnya) inscription of Vasanta Deva.<sup>10</sup>

### Bhauma Gupta

The evidence we have presented above indicates that members of the Gupta dynasty occupied important positions in the Lichchhavi administration. However, we cannot say how Bhauma Gupta and Mana Gupta were related to each other.

The Shivalinga inscription (460 Samvat or 540 A.D.) near the Pashupati temple<sup>11</sup> was installed by a woman called Abhiri. In this inscription, Abhiri has referred to Bhauma Gupta as her son. This inscription was installed by Abhiri along with a Shivalinga in the name of her husband. The Shivalinga is named Anuparameshwara. It is possible that the Shivalinga was named after the husband of Abhiri. This shows that Bhauma Gupta's father was called Anuparama. However, Abhiri has not referred to her husband by name. She has referred to him only as the son of Paramabhimani. The name Anuparama occurs in another inscription also, found in front of the Satya Narayan temple at Handigaun in Kathmandu.<sup>12</sup> The inscription, which has been inscribed on a Garuda Pillar, contains verses meant to propitiate Vyasa. It then states that the verses were composed by Anuparama.

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6. Ibid, PP. 18-19.

7. Ibid, P. 20.

8. Ibid, P. 20.

9. D.R. Regmi, Ancient Nepal, P. 1

10. Purnima, No. 5, P. 71.

11. R. Gnoli, op. cit. P. 23.

12. Ibid, P. 15.

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Members of the Gupta dynasty appear to have entered into the Lichchhavi administration since the time of Vasanta Deva. It was against this background that Bhauma Gupta also had become a government officer under a Lichchhavi king.

Bhauma Gupta appears to have entered into the administration since the time of the Lichchhavi king Gana Deva. According to the damaged inscription of Kotal Tol in Pharping dated 479 Samvat (557 A.D.),<sup>13</sup> Bhauma Gupta, whose name occurs on the top, is described as commander-in-chief and chamberlain. Bhauma Gupta's name occurs in 5 other inscriptions of the time of Gana Deva. These inscriptions,<sup>14</sup> which are dated 482 Samvat (560 A.D.); refer to Bhauma Gupta as commander-in-chief and chamberlain. In addition, the prefix "Shri" is used before his name. These inscriptions state that king Gana Deva accepted a request made by Bhauma Gupta to the effect that government offices (Adhikaranas) should not be allowed any entry into the Tegvala and Kichharing villages of the Sitatikatala area. These inscriptions show that Bhauma Gupta occupied an important administrative position during this period. Another inscription of the time of Gana Deva, inscribed on the pedestal of the image of Harihara at Tyagal Tol near the Pashupati temple, dated 489 Samvat,<sup>15</sup> refers to both Gana Deva and Bhauma Gupta. However, it does not use any title to denote Bhauma Gupta. He has been described only as Paramadaivata. This term has been used also in an inscription of Vasanta Deva found at the Adinarayan temple in Thankot.<sup>16</sup> In this inscription, the term has been used to denote Vasanta Deva's father, Mahi Deva.

In northern India, the Gupta emperors used the title of Paramadaivata, in the Damodar copper inscription of Kumar Gupta (444 A.D.),<sup>17</sup> the king has been described as Parama Daivata. Subsequently, Buddha Gupta also adopted this title, as is evident from an inscription found in the same place.<sup>18</sup> On the basis of this evidence, we may say that the title of Paramadaivata was used to denote kings. Against this background, the use of this title by Bhauma Gupta indicates an important fact. Thus, by 537 A.D. (535 A.D.?) Bhauma Gupta appears to have attained a status higher than that of commander-in-chief and chamberlain.

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13. Abhilekha Sangraha, Part 9, PP. 19-20.

14. R.Gnoli, op. cit. PP. 26-27.

15. Ibid, P. 28.

16. Ibid, PP. 18-19.

17. Epigraphia Indica, Vol. XV. P. 130f.

18. Ibid, P. 135.

We have obtained all this to clarify the political situation during the 24-year period from 489 to 512 Samvat. Gana Deva's last inscription is dated 489 Samvat. The next inscription we get is dated 512. This indicates that after Gana Deva, Bhauma Gupta usurped the Lichchhavi throne and ruled during this 24-year period. All this proves beyond doubts that Bhauma Gupta ruled as king for sometime.

However, Bhauma Gupta was not able to entrench the rule of the Gupta dynasty for long. This information we get from the Budhanilakantha inscription of Shiva Deva dated 512 Samvat (590 A.D.).<sup>19</sup> In this inscription, Bhauma Gupta once more appears as commander-in-chief and chamberlain during the period of Gana Deva. This shows that the power of the Lichchhavi dynasty was increased, while that of the Gupta dynasty had declined. Bhauma Gupta, who had attained royal status, had once more become a member of the nobility with his old titles. The Gopala Vamshavali<sup>20</sup> also hints at this fact. It mentions that after king Bhumi Gupta ruled for 45 years, the solar dynasty once more gained ascendancy and Shiva Deva became king.

#### Joint Rule Of Gana Deva And Bhauma Gupta ?

It is generally held that from the time of Vasanta Deva to that of Bhimarjuna Deva there was a joint rule of the Lichchhavis and the Guptas (as well as of the Varmas). Gautam Vajra Vajracharya<sup>21</sup> has thus stated that a form of dual rule commenced after the time of Vasanta Deva. He adds, "The Balambu inscription shows that Gana Deva occupied the royal throne in accordance with the tradition of dual rule. However, Bhauma Gupta appears as the chief administrator of the state."

However, we do not have any evidence to prove that the dual rule had commenced so early during the Lichchhavi period. We cannot therefore accept the view that Gana Deva and Bhauma Gupta had ruled jointly.

In the inscription of Gana Deva, Bhauma Gupta appears as commander-in-chief and chamberlain. Subsequently, he was able to increase his authority, but he does not appear as a joint ruler. Moreover, there appears to be a very great difference in the personalities of these 2 persons. Gana Deva has been clearly described as Bhattaraka Maharaja. On the other hand, no such title has been used to describe Bhauma Gupta. There is no term in the inscription of Gana Deva which may help to prove that a joint rule existed at that time.

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19. Purnima, No. 15, P. 332.

20. Himavat Samskriti, No. 1, P. 11.

21. Purnima, No. 10, P. 6.

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After Bhauma Gupta, it appears that the Gupta dynasty declined in influence for sometime. This is why no person bearing the surname of Gupta is mentioned in the inscriptions of Shiva Deva and Amshu Varma.

#### Political Condition In Nepal After Amshu Varma

After the fall of Bhauma Gupta, Shiva Deva I ascended the throne. Amshu Varma was a very influential officer during his rule. By the time Shiva Deva died, Amshu Varma had considerably increased his power. The result was that he himself became king after Shiva Deva's death. There is no truth in the views that Amshu Varma and Shiva Deva ruled jointly.

In some inscriptions installed during the rule of Amshu Varma, we find references to Yuvaraja Udaya Deva. This has led Babu Ram Acharya<sup>22</sup> to think that Udaya Deva was the son of Amshu Varma. However, we cannot regard Udaya Deva as Amshu Varma's son. This view is disproved by the Pashupati inscription of Jaya Deva II,<sup>23</sup> which describes Udaya Deva as belonging to the Lichchhavi dynasty. The use of different surnames also indicates that there was no such relationship between Udaya Deva and Amshu Varma.

It is possible that Udaya Deva became king for sometime after Amshu Varma because he has been described as Yuvaraja (hier-apparent) in the inscriptions of Amshu Varma. However, no clear historical evidence is available to prove this theory. According to Chinese sources,<sup>24</sup> Narendra Deva's father was ousted from the throne by his brother. This possibly means that Udaya Deva was dethroned by his brother, Dhruva Deva. This evidence too indicates that Udaya Deva ruled for some time.

Dhruva Deva became king after ousting his elder brother, Udaya Deva. However, the inscriptions installed during his rule refer to Jishnu Gupta as joint ruler. We may speculate that Dhruva Deva gave this status to Jishnu Gupta in appreciation of his cooperation in the conspiracy organized against Udaya Deva.

#### Joint Rule Of Jishnu Gupta And Dhruva Deva

After Udaya Deva was ousted, the joint rule of Dhruva Deva and Jishnu Gupta commenced. This was the first joint rule in the history of Nepal.

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22. Sanskrita Sandesh, No. 3, P. 32.

23. R. Gnoli, op. cit. P. 115.

24. S. Levi, Le Nepal, Vol. II, P. 166.

But contemporary inscriptions contain no evidence to prove that the two rulers shared powers equally. We may even say that Dhruva Deva was no more than a nominal ruler, and that the entire affairs of the administration were conducted by Jishnu Gupta. Six inscriptions installed during the joint rule of Jishnu Gupta and Dhruva Deva are available<sup>25</sup> Figures indicating the date have been worn out in 4 of these inscriptions. The other two inscriptions are dated 48 and 49 Samvat. The last date of Amshu Varma for which evidence is available is 45 Samvat (621 A.D.).<sup>26</sup> Accordingly, there appears to be a gap of merely 2 years between the joint rule of Jishnu Gupta and Dhruva Deva and the last date of Amshu Varma. The Chhinnamasta temple inscription of Patan<sup>27</sup> is dated 48 Samvat (624 A.D.). This date may be regarded as the first year of the joint rule of Jishnu Gupta and Dhruva Deva.

The inscriptions of the joint rule of Jishnu Gupta and Dhruva Deva were issued in the name of "Bhattaraka Maharaja" Dhruva Deva from Malagriha. They also refer to Jishnu Gupta in the "Kailasha-Kuta-Bhawana." This shows that during the joint rule, the Lichchhavi king Dhruva Deva issued orders from his ancestral palace, while Jishnu Gupta did so from the Kailasakutabhawana.

No inscription has given any of the usual royal titles to Jishnu Gupta. He has been given only the title of "Bhagavat Pashupati-Bhattaraka-Padanudhyato-Bappa-Padanudhyata" used by Amshu Varma. But though he had not adopted any royal title, Jishnu Gupta occupied an important position in the contemporary balance of power. This is proved by the reference in contemporary inscriptions to Vishnu Gupta as Yuvaraja. It is undoubtedly important that even during the joint rule, Jishnu Gupta has declared his son, Vishnu Gupta, as Yuvaraja.

No information is available to indicate when this joint rule came to an end. Inscriptions of this period are available only until 48 or 49 Samvat (624 or 625 A.D.). There is evidence that the joint rule of Jishnu Gupta and Bhimarjuna Deva commenced in 55 Samvat (621 A.D.). On the basis of this date, we may conclude that the joint rule of Jishnu Gupta and Dhruva Deva came to an end in 54 Samvat (630 A.D.) as the latest.

#### Bhimarjuna Deva And Jishnu Gupta

The joint rule of Dhruva Deva and Jishnu Gupta was thus followed by that of Bhimarjuna Deva and Jishnu Gupta. We cannot say how Bhimarjuna Deva was related to Dhruva Deva. Possibly, he was a son of Dhruva Deva. Three inscriptions installed during the period of this joint rule are available.<sup>28</sup> Two of them are dated 55 and 59 Samvat (631 and 635 A.D.). The figure mentioning the

25. R. Gnoli, op. cit. Nos. 50, 51, 52, 53, 54; Purnima, No. 5, P. 72.

26. R. Gnoli, P. 60.

27. Ibid, No. 50.

28. Ibid, Nos. 55, 56 and 58.

Contd...

date has been worn out in the third inscription. On the basis of this date, we know that the joint rule of Bhimarjuna Deva and Jishnu Gupta commenced in 55 Samvat or sometime earlier. Jishnu Gupta's power appears to have remained unchanged even during the period of his joint rule with Bhimarjuna Deva. In the inscription mentioned above, Bhimarjuna Deva has been described as "Lichchhavi-Kula-Ketu" and "Bhattaraka Maharaja." However, Vishnu Gupta continued to be described as Yuvaraja. There is evidence that the joint rule of Bhimarjuna Deva and Jishnu Gupta did not continue long. The last inscription issued during the period of this joint rule, which is available at Thankot,<sup>29</sup> is dated 59 Samvat (635 A.D.). In that year, Jishnu Gupta removed the Lichchhavi king from the throne and started ruling alone. This shows that Bhimarjuna Deva did not rule for many years.

#### Jishnu Gupta And The Lichchhavi Kings

In a joint rule, it is almost impossible for both rulers to share power equally. In other words, it is natural that one of them should be a nominal ruler while the entire powers of the administration should be vested in the other. This was true during the joint rule of Jishnu Gupta with both Bhimarjuna Deva and Dhruva Deva.

Lichchhavi kings have been described as "Bhattaraka Maharaja" in inscriptions. This title was used since the time of Vasanta Deva, Gana Deva and Shiva Deva I. Dhruva Deva and Bhimarjuna Deva also followed this tradition. Shiva Deva I also used the title of "Lichchhavi-Kulatilaka." However, he did not use the title of "Bappa-Padanudhyata" which indicates the unbroken tradition of Lichchhavi rule and the king's devotion to his paternal ancestors. This must have been so because these rulers usurped the throne from the real heir, Udaya Deva.

In contradistinction, Jishnu Gupta did not use any such royal titles. He is described in all inscriptions only with the prefix "Shri" before his name. It should be recalled that around 39 Samvat (615 A.D.).<sup>30</sup> Amshu Varma too renounced the title of "Maha-Samanta" and used only "Shri." Even then, he had been able to emphasize his royal status. Jishnu Gupta too followed the example set by Amshu Varma and used only the prefix "Shri" before his name. Moreover, he also described himself as "Bhagavat-Pashupati-Bhattaraka-Padanugrihita", "Bappa-Padanudhyata" and "Kushali" as Amshu Varma had done. These titles have not been used by Dhruva Deva or Bhimarjuna Deva. Jishnu Gupta has imitated Amshu Varma in many matters because both of them had occupied an almost similar position in contemporary politics.

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29. Ibid, No. 56.

30. Ibid, P. 56.

These inscriptions also show that, even though the Lichchhavi kings used respectful titles, their position in the administration was not important. The inscriptions invariably contain orders issued by Jishnu Gupta but the Lichchhavi king is mentioned first. They contain verbs in the singular number. It should also be noted that Vishnu Gupta, who also was a member of the Gupta dynasty, occupied the position of Yuvaraja. Moreover, there is no connection between the Lichchhavi king and the substance of the inscription issued during the joint rule. This is proved in particular by the Kewalpur and Thankot inscriptions.<sup>31</sup> Accordingly, it is clear that both Dhruva Deva and Bhimarjuna Deva were kings only in name. At the same time, it is noteworthy that Jishnu Gupta had no alternative but to refer to the appropriate Lichchhavi king in all of his inscriptions.

All this bears testimony to the great influence which Jishnu Gupta enjoyed during the period of joint rule. He was able to suppress the Lichchhavi kings effectively. A few years after the beginning of his joint rule of Bhimarjuna Deva, he even refused to acknowledge the Lichchhavi king, according to contemporary evidence.

#### Jishnu Gupta Assumes Full Authority

The joint rule of Bhimarjuna Deva and Jishnu Gupta came to an end in 59 Samvat (635 A.D.). Thereafter, Jishnu Gupta started ruling alone. The Maligaun inscription of 59 Samvat (635 A.D.)<sup>32</sup> contains several expressions which help us to speculate that a major change had occurred in contemporary politics even though the name of the king has become illegible. The order contained in this inscription was issued from the Kailasha-Kuta-Bhawana. If it had been issued during the joint rule of Bhimarjuna Deva and Jishnu Gupta, it would have been promulgated from the Managriha according to tradition. This makes it clear that the inscription was not issued during the period of the joint rule. This fact is proved by the script used in the inscription as well as by its structure. It may therefore be correct to conclude that this inscription was issued during the period when Jishnu Gupta ruled alone. We have, moreover, pointed out above that the joint rule of Jishnu Gupta and Bhimarjuna Deva came to an end in 59 Samvat (635 A.D.).

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31. Ibid, No. 59.

32. Ibid, No. 57.

Two inscriptions found on the idol of Chhatra-Chandeshwar in Pasupati,<sup>33</sup> the Bode inscription<sup>34</sup> and copper coins on which the word "Jishnu Gupta"<sup>35</sup> has been inscribed also constitute concrete evidence of the fact that Jishnu Gupta had been able to introduce a one-man rule of his own. In the first inscription, which was installed south of the Pasupati temple by Acharya Pranardana Pranakaushika of the Shaiva sect on the occasion of the installation of an idol of Chhatra-Chandeshwara, there is a clear reference to the fact that Jishnu Gupta was king at that time. Had the Lichchhavi king too been in power at that time, Pranardana would have mentioned his name also. The other two inscriptions also mention only Jishnu Gupta. However, the date has become illegible in all these 3 inscriptions. According to the Maligaun inscription, we know that Jishnu Gupta's one-man rule commenced in 59 Samvat (635 A.D.). The joint rule of Jishnu Gupta and Bhimarjuna Deva commenced in 64 Samvat (640 A.D.). This makes it clear that his one-man rule had come to an end by that time.

#### Joint Rule Of Vishnu Gupta And Bhimarjuna Deva

It appears that the joint rule of Vishnu Gupta and Bhimarjuna Deva commenced after the death of Jishnu Gupta. According to the Yengahiti Lagan Tol inscription of 64 Samvat (640 A.D.),<sup>36</sup> as well as the Sunaguthi (Bhringaveshwar temple) inscription of 65 Samvat (541 A.D.),<sup>37</sup> the name of Vishnu Gupta is followed by that of the Lichchhavi king Bhimarjuna Deva. This shows that Bhimarjuna Deva had once again become king. As we have mentioned above, the name of the king has become illegible in the Maligaun inscription. However, Shridhar Gupta has been mentioned as Yuvaraja. We have already mentioned that the Maligaun inscription was installed by Jishnu Gupta. Shridhara Gupta has been mentioned as Yuvaraja also in the inscriptions installed during the joint rule of Bhimarjuna Deva and Vishnu Gupta (64 and 65 Samvat). Because of the identical surname, we may regard Shridhara as the son of Vishnu Gupta. It is important that in the Maligaun inscription Jishnu Gupta has referred to Shridhara Gupta instead of to Vishnu Gupta as in his previous inscriptions. It was contrary to the policy of Jishnu Gupta, father of Vishnu Gupta, that Vishnu Gupta should have started a joint rule with Bhimarjuna Deva, who had been rendered powerless by Jishnu Gupta. This makes it clear that Vishnu Gupta and Bhimarjuna Deva had started conspiring against the one-man rule of Jishnu Gupta. This is possibly why Jishnu Gupta removed Vishnu Gupta from the position of Yuvaraja and appointed Shridhara Gupta instead.

33. Ibid, Nos. 59, 60.

34. Purnima, No. 13, P. 7.

35. A. Cunningham, Coins of Ancient India, P. 117.

36. R. Gnoli, op. cit. No. 61.

37. Ibid, No. 62.

The system of administration followed during the joint rule of Bhimarjuna Deva and Vishnu Gupta was not different from that followed during the time of Jishnu Gupta. Bhimarjuna Deva resided at the Managriha, and Vishnu Gupta at the Kailash-Kuta-Bhavana. Although Vishnu Gupta occupies the second place in the inscriptions, he actually wielded greater authority than Bhimarjuna Deva. Accordingly, he had made Shridhara Gupta, his son, Yuvaraja. Both inscriptions installed during the period of this joint rule refer to Shridhara Gupta as Yuvaraja. We do not know how long the joint rule of Vishnu Gupta and Bhimarjuna Deva continued. Inscriptional references to this period are dated only 64 and 65 Samvat (640 and 641 A.D.). After that, in 69 Samvat (645 A.D.), we get an inscription of Narandra Deva. We may therefore speculate that the joint rule of Vishnu Gupta and Bhimarjuna Deva continued for some time between 64-65 and 69 Samvat (645 A.D.).

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The Origin Of Changu Narayan<sup>1</sup>

(The sage) Jaimini asked:

Who are the gods that dwell in the Shleshmantaka forest<sup>2</sup> and where do they live ? O fortunate one, tell me everything, for I desire to hear this."

(The sage) Markandeya replied:

There are many sacred places in the holy Shleshmantaka forest area. The entire gods, who grant boons to their devotees, live there. Even then, I shall describe some of the main sacred places there. On the Dolagiri hill,<sup>3</sup> (the god) Hari,<sup>4</sup> who has (an effigy) of (the bird) Garuda<sup>5</sup> on his flag and who is gracious towards his devotees, came out of a Champaka tree. The recitation of his name will render even the most poisonous snake harmless.

Jaimini (then) asked:

How did Garudadhwaaja come out of a Champaka tree ? Tell me, O fortunate one whose wealth consists in penance, for I desire to hear this.

Markandeya said:

Listen to me attentively, you whose wealth consists in penance ! There once lived a pious hermit named Sudarshana, who was of a very choleric temperament. He had made an excellent hermitage. He had a brown cow, which was like another Kamadhenu cow.<sup>6</sup> The hermit, who practised self-restraint, and who worshipped his guests, performed religious performances for propitiating his gods and ancestors and also maintained himself with the milk of this cow.

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1. Murali Dhara Jha (ed.), Nepal Mahatmya From Skanda Purana (Sanskrit text with English and Sanskrit titles) Banaras: Prabhakari Company, 1901, PP. 7-13. An extract from the Skanda-Purana dealing with temples and sacred places in Kathmandu Valley.

2. Shleshmantaka is the name of the wood near the Pashupati temple in Kathmandu.

3. Dolagiri is the hill on the north-east of Kathmandu where the temple of Changu Narayan is situated.

4. Hari, Garudadhwaaj, Madhusudana, Vishnu, etc are names of God Narayana.

5. Garuda is the bird on which God Narayana rides.

6. Kamadhenu is the name of the cow of the gods.

Contd...

Once the cow, while roaming about, entered into the Champaka grove. Then a handsome man emerged from the (trunk of the) Champaka tree, drank the milk of the cow and then disappeared inside the tree. The hermit tried to milk the cow but to no purpose. Every day the cow used to go to the grove, and the man drank her milk there. When the hermit could not get any milk from the cow for seven days, he became very angry, and said, "If I am the repository of (merit accruing from) penance, I will cut off the head of the foolish person who drinks my cow's milk, which is meant for religious performances (to propitiate) the gods.

The Brahman then stealthily followed the cow, which disappeared inside the grove of Champaka trees. The man again came out of the tree and drank the milk of the cow. Hardly had the man finished drinking the milk and gone back into the tree than the hermit, furious with anger, cut his head off with his sword. The body of the decapitated person then assumed a conch<sup>7</sup> (Shankha), a wheel (Chakra), a club (Gada) and a lotus (Padma). When the hermit saw the headless body seated on Garuda, he felt very distressed. "What have I done?" He cried again and again, censuring himself and fainted. Reviving he decided to immolate himself in order to atone for (his sin). Seeing him about to immolate himself, God Narayana said, "O great sage, have no fear, and do not feel distressed. Whatever you have done is proper. I am pleased with you. Cast aside your fear, and ask a boon from me."

Hearing such good words from Narayana, the hermit immediately lost his fear, and with folded hands, said, "O God, what an irony that you should grant a boon to a person who has done you such a great injury? O Madhusudana! I am a sinful and despicable person, who has become a Chandala through his action. Kill me with the Sudarsana-Chakra. O Madhusudana! I have beheaded Him not even the hair of Whom could be removed in war by the gods supported by the Gandharvas,<sup>8</sup> Asuras<sup>9</sup> and human beings."

Hearing these words of Sudarshana, Narayana said, "Listen, O tiger among hermits, to the story of the person who has beheaded me. In days of yore, there was a Danava named Chanda, of great valor. A great worshipper of God Shiva, accompanied by his consort Uma, pleased with the Danava came before him and said, "O great Danava ask a boon for whatever you like." The great Danava whose wealth consists in his penance, then asked that he might not be killed by any living being except a woman.

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7. God Narayana has the Shankha, the Chakra, the Gada and the Padma on his four hands.

8. Gandharvas are celestial musicians, a class of demi-gods.

9. Asura, Danava, Daitya, etc refer to the enemies of the gods.

Sumati, who was devoted to religious deeds, was a very handsome person. He was a pupil of Shukracharya and Parashurama and was skilled in the science of archery. He was an intimate friend of Chanda. They were so intimate that they moved about, ate and drank together. Through the boon of Shiva and the favor of Sumati, Chanda, the Danava, ruled over the entire three worlds. He then started oppressing the gods. The gods, led by Indra, thereupon went to Kshirasagara<sup>10</sup> and prayed to God Vishnu. Pleased with their prayer, Vishnu said to Indra, "Tell me why you have come. I will do it at once." Indra, hearing these words of Vishnu said, "O Purushottama ? fight against Chanda, the Daitya."

Markandeya continued:

Vishnu, the enemy of Daityas then said, "Let that be so", and started for the kingdom of Chanda along with other gods to fight against the brave lord of Daityas.

When Chanda heard that the army of the gods was coming, he became angry and came out of his kingdom along with numerous Daityas. Then a fierce and hair-raising battle started between the gods and Daityas, both of whom used different kinds of weapons. There flowed a fearsome river of blood in the battle-field. The wheels of chariots looked like crocodiles in the river and lumps of flesh looked like mud. The river of the battle-field was filled with bodies separated from heads, and the hairs on them looked like aquatic plants. The arrows were comparable to dreadful waves, capable of destroying both gods and Asuras. Those who were brave crossed the river, while cowards were drowned. The army of the gods was badly defeated by the valor of the Daityas.

I then engaged myself in a fight with the brave Daityas. The army of the Daityas was killed in large numbers with the arrows discharged from my bow. When Chanda, the lord of the Daityas, accompanied by a large and terrible army, saw his army being killed thus, he came straight to me to fight. The noise of his chariot shook the earth. He covered me with showers of arrows, thus showing the skill of his hands. Then the battle assumed a very terrible form between us, who looked like two rain-clouds. The lord of the Daityas pierced my brow with 3 arrows and my heart with 7. He pierced Garuda with 63 arrows. I too pierced his heart with 5 arrows and vital points on his brow with 10. Then the angry Daitya shot at me 3 arrows. He pierced Garuda too with 8 arrows. Much blood flowed out the body of Garuda. When I saw Garuda injured, I became furious. Then I tore his flag with my arrows and beheaded his chariot-driver with one arrow. I killed four horses of the wicked Daitya with four arrows, penetrated his armour with one arrow and aimed five arrows at his heart. Then Chanda, with his chariot broken, his armour destroyed and

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10. Kshirasagara is the ocean of milk where God Narayan lives.

Contd...

his horses and driver killed, became very perturbed and began to fight on foot. Seeing him injured and frightened with my arrows, Sumati, disciple of Parashurama, who was highly skilled in the science of archery and the favorite disciple of Shukra in the science of Mantras, became very angry and because of his great affection for Chanda, pushed him away and came before me in his big chariot.

Then we too fought a fierce and noisy battle like two lions fighting in a jungle. Even heaven became frightened at seeing our battle. When I discharged the Agneyastra (fire-missile), Sumati retaliated the Parjanyastra (rain-missile), I then discharged Vayavyastra (wind-missile), whereupon he threw at me the Parvatastra (mountain-missile). When I discharged the Sarpastra (serpent-missiles), he threw at me the Garudastra (Garuda-missiles). After piercing my heart with seven dreadful arrows, and Garuda with ninety arrows, Sumati, the brave Brahmana began to roar,

Garuda, injured in the vital parts of his body, vomitted blood and fell senseless like a tree. When Garuda thus collapsed, I began to fight on foot. Then the gods became very much afraid and cried with fear. Even though of a forgiving disposition, I felt ashamed and angry because this had happened in the presence of the gods. Realizing that a serious situation was likely to arise, I discharged my sharp and dreadful Sudarshana Chakra (wheel) weapon upon him. I thus cut the head of the Brahmana off. Thus I committed the sin of killing a Brahmana.

Shukracharya then came to the battle-field. Furious with anger, he cursed me. He said, "O Vishnu ! Since you have beheaded my disciple, a Brahmana may you be beheaded by his descendants." I received this dreadful curse from Shukracharya. I then traveled in various countries, with the burden of the sin caused by the killing of a Brahmana. But I could not get peace anywhere. Overwhelmed with my sin, I dwelt inside the Champaka tree on the Dolagiri hill. You cut off my head because of the curse of Shukracharya, and you are not to blame for this. Freed from this curse, I shall stay here. O Sudarshana ! worship me here. Persons who worship me with devotion on the twelfth day of the moon or on full moon day, as well as Wednesday will definitely reach heaven (Vaikuntha).

Vishnu then emerged from the Champaka tree on the charming hill of Dolagiri and lived there with his head separated from his body with Sudarshana as his worshipper. Seeing Vishnu living on the Dolagiri hill, serpents became harmless by the grace of Garuda, O Jaimini, greatest among sages.

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Contd...

Forest Protection Measures During The Nineteenth Century

1. In 1879 Samvat (1812 A.D.), an order was promulgated prohibiting reclamation, manufacture of charcoal for non-military purposes and destruction of forests around Kathmandu Valley, including Kahule, Kakani, Manichud, Sindhu-Bhanjyang, Mahadev-Pokhari, Raniban, Phulchoki, Champadevi, Chandagiri, Panauti, Banepa, Nala, Chaukot, Dhulikhel, Bihabar, Dhumkharka, Hattiban and Siseneri. The boundaries of these forests were demarcated and forest guards were appointed.

Subsequently, several persons received royal grants to clear and reclaim lands in these forests. All such grants were withdrawn on Baisakh Sudi 11, 1890 (May 1833) and arrangements were made for the appointment of forest guards in adequate numbers. Village headmen and other local functionaries were made responsible for apprehending offenders and handing them over to the authorities in Kathmandu. The government directed that timber should be cut in these forests only through the special permission of Prime Minister Bhimsen Thapa.<sup>1</sup>

2. At one place in Liglig, Gorkha district, peasants cultivating Jagir lands complained on Falgun Badi 13, 1895 (March 1839) that deforestation had led to the drying up of sources of water and thus rendered their lands uncultivable. The government appointed two local persons as caretakers of the forests. Arrangements were made to cut timber for the construction of palaces, bridges and roadside shelters, as well as for the requirements of the local people, only through their permission.<sup>2</sup>

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1. Regmi Research Collections, Vol 26, P. 296.

2. ibid, P. 393.

3. At Pokhre village in Sipa, Sindhupalchok district, a Birta owner complained on Chaitra Badi 11, 1899 (March 1843) that forests on his Birta lands were being indiscriminately destroyed by the local people, so that the village was being ruined and Jagir lands were being rendered uncultivable. The government thereupon issued an order prohibiting the cutting of green timber and land reclamation in the forest. It directed, in addition, that timber should be cut only through the permission of the Birta owner in such a manner that the forest was not destroyed. The Birta owner himself was appointed caretaker of the forest, with powers to apprehend offenders and hand them over to the authorities.<sup>3</sup>

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3. Ibid, P. 530.

Contd...

A Glossary of Revenue, Administrative And Other Terms  
Occurring In Nepali Historical Documents

Gola	...	Market; market duties.
Gram-Kharcha	...	A levy imposed in the eastern Tarai districts in 1793 to finance the perquisites of local officials and functionaries.
Guruwa	...	A medicine-man in the Tharu community; appointed by the state to look after the welfare of the local community.
Guthi	...	Endowment of lands, income or revenue to finance religious and charitable functions.
Hasil	...	A tax collected from weavers and poultry-farmers.
Hat	...	Levies collected from traders who sold their goods at periodic fairs.
Hattidana	...	Tax collected from Newar to finance the supply of fodder for royal elephants.
Hel	...	Tax collected from persons who reared cows in Kathmandu Valley.
Hile-Kharcha	...	A tax collected in Thak and elsewhere. No information is available about its meaning.
Jagat	...	Inland transit duties on goods.
Jaisi-Danda	...	Fines collected from Jaisis for performing the priestly and other functions of pure Brahmans.
Jalkar	...	Tax collected from members of the Majhi community in the form of cash or black gram; tax on fishing rights.
Jammabandi	...	Tax assessment records.

Contd...

Jethabudha	...	A village headman in Chharka and other hill areas.
Jhara	...	Compulsory labor obligation.
Jimidar	...	A landowner; a functionary responsible for revenue collection.
Jogichakra	...	A levy; the meaning is not known.
Jogi-Mandali	...	Revenue from Judicial fines, escheats, etc from mendicants of the Jogi sect, as well as from a tax of 1 anna imposed on every household of the Majhi, Kumhale, Darai, Danuwar, Newar, Kushle, Tharu, Pahari, Dhami, Hayu, Sunuwar, Chepang, Kusahari and Jolaha communities.
Jyulo	...	Paddy-field or Khet land. Term used in Jumla and other Himalayan regions.
Kachho	...	Ore of iron or copper; a tax payable in this form in the mining areas of the hill region.
Kalabanjar	...	Virgin forest lands in the Tarai.
Kaldar	...	Milled sicca coins minted in India.
Kamin	...	A revenue functionary in Kumaun with Pradhans under him.
Kamsarah	...	Land tax assessment at concessional rates in the eastern Tarai.
Kanugoye	...	A Perganna-level functionary responsible for the preparation of land and revenue records in the Tarai.
Kapas-Bhansar	...	Revenue from transit duties collected on cotton and yarn.
Kascharai	...	A tax imposed on cattle grazed on pasture lands in the Tarai.
Kathmahal	...	Revenue from sale of timber in the Tarai.

Contd...

Katiyari	...	Tax paid by barbers, blacksmiths, curd-vendors, oil-vendors, liquor-vendors, etc in the Tarai.
Khajanchi	...	The officer-in-charge of the Central Treasury in Kathmandu.
Khurchapi	...	A tax levied on buffaloes in Morang and elsewhere in the eastern Tarai.
Khurpathyak	...	A tax collected from persons cultivating Pakho holdings in the hill regions. On mining lands, it was collected in the form of metal.
Kipat	...	A form of customary communal land tenure prevalent among Limbus, Rais, Sherpas, Danuwars, Sunuwars, Majhis, Newars and other communities in the hill regions including Kathmandu Valley.
Kotwal	...	An official appointed in the eastern Tarai districts to recover stolen property or else compensate the owner.
Kuriya	...	Tenants occupying homesteads on Birta lands.

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(To Be Continued)

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Regmi Research (Private) Ltd,  
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An Official Nepali Account Of The Nepal-China War<sup>1</sup>

King Ran Bahadur Shah's Letter To Officials Sent For The Conquest Of Kumaun Garhwal

To Kaji Jagajit Pande, Sardar Ambar Singh Thapa and Captain Golyan Khawas, Greetings.

All is well here. We want good news there. We received your letter and noted its contents. The news here is good. You have reported that when the enemy came and encamped at Koudya, many (of our troops) stayed there to resist the advance, and that when Ambar Singh Thapa went there for assistance along with additional troops, the enemy was repulsed with heavy loss of life. We have read the message. You have won the battle. The letter appears to have been written in Falgun (commencing February 13). It reached here on the 8th of Aswin (September 23).

Recently, no (letter) has come from there.

When the Chinese troops reached Dhaibung, the morale of our troops went down. We were faced with the problem of saving the country and of repulsing the enemy by maintaining troops on two fronts. This was the reason why the paid soldiers, musketeers (Tilanga) and shield bearers accompanying you had to be dismissed. There was justice in some cases and injustice in others. Yet we shall grant paddy to some and cash to others. Nobody should therefore feel dejected. We shall act with prudence. Let everybody know this and remain loyal and satisfied.

When the enemy was only at one day's distance from Kathmandu, we checked him where possible and negotiated where this was to our interest. We then wrote to you about what had happened here and asked you to come post-haste. By the grace of (the Goddess) we faced the enemy by means of strength and tactics and repulsed him, maintaining the country independent as usual.

There also you have repulsed the enemy and retained hold over the conquered territory. Now that arrangements have been completed here, we shall have to maintain only one front there. This territory has accrued to us through our good fortune. Do not therefore abandon it. Though, because of the happening here, we could not render necessary assistance, yet now we shall do so.

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1. Dhana Bajra Bajracharya and Gnyan Mani Nepal, Aitihāsik Patra Sangraha. (A Collection of Historical Letters), Kathmandu: Nepal Samskritik Parishad, 2014 (1957), pp. 56-74.

Contd...

The letter written by Devanidhi Pant reached here after 40 days. He has written that the troops of the king of Sirmur were stationed at Langurgarh for rendering assistance, but went back when the king of Garhwal failed to pay the promised money. With the advice of the Nawab, a meeting was arranged at the Alakhnanda and a treaty was negotiated. The settlement was made that the territory across the Yamuna should belong to Sirmur, while that on this side should accrue to Gorkha. After making this treaty, the king went back. Srinagar came under the suzerainty of Gorkha. This is what was contained in that letter.

The same news has been communicated also by a few other people living in ... (words missing). No news has arrived from there, but we have taken this report to be true. We are glad that you have done well. So far as future plans are concerned, we have sent Kalu Pande and Bhagu Khawas there. Let them stay there along with their two regiments, as well as Jog Malla and Bhakti Thapa. Appoint a Subba in that new territory along with necessary troops to look after it, and Sardars, Subbas, Umraos and Subedars as considered necessary by Kaji Jagajit Pande. Those who receive orders from the Kaji shall obey them or else be considered rebels, and those who obey them shall be considered loyal. After making necessary arrangements there, Jagajit Pande should come here, accompanied by the necessary number of men. The Pajani<sup>2</sup> has to be held early, so come as soon as you get this royal order.

We have already informed you how our army came back after reaching Digarcha. The subsequent developments are as follows.

When the news of the plunder of Digarcha and the capture of the Tibetan Kajis reached China, the Chinese Emperor sent his General, his son-in-law Tung Thang, Chan Chun, Hai Kun, and other Ambassadors and Sardars, and the Chinese Sok Yogyia Gurumba Khamba, with troops, to Lhasa towards the end of Falgun (mid-March).

From Lhasa they sent a few letters for concluding a treaty, and demanded that we should give them back Syamarpa Lama, who had sought our refuge, and Dhurin Kaji and Ito Kaji of Lhasa, who had been detained by us. But we refused to give up those who had sought our succor, from considerations of virtue.

Thereupon General Tung Thang advanced with his army and on Thursday, Ashadh Sudi 2, overpowered our Chhutte outpost at Kukurghat. To the Sardar of our troops at Kerung also came the news that one outpost was still in our possession. At this, Sardar Shatru Bhanjan Malla, accompanied by his troops, and Tularam and Udhan, Subedars, along with regiments, started from Kerung. The enemy had occupied the outpost at Kukurghat and was waiting to attack the troops that would come as reinforcements, after maintaining a position on the way.

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2. i.e. annual reorganization of civil and military services.

Not understanding the enemy's plans, our reinforcements, rather inadequate in number, reached the opposite side of Pangsingtar. A battle took place there. 20 or 25 men of our side, along with Tularam Subedar, fell fighting. 10 or 15 men of the enemy also were killed. Some got wounded. Our troops retreated to Kerung, fighting all the way. At the gates of our outpost at Kerung, our Udhan Khawas died of a bullet-wound. Sardar Shatru Bhanjan Malla killed a few persons, but when he was wounded by arrows on his back and arm, he retreated and joined his troops at Kerung. We had two forts inside Kerung and one outpost. The people who defended them were inadequate in number. On that same day the enemy attacked the fort. But when he failed to break it, he withdrew. Next day he launched an attack again, and after a fighting of about six hours failed to make any headway and so withdrew.

On the fourth day, the enemy again made an attack in the early hours of the morning. With guns and arrows and bags of gunpowder and burning foliage and torches, he first overran the outer fortifications a little before noon. In the two inner forts, fighting went on throughout the day. Three or four hundred of the enemy were killed. Two hundred were killed on our side too. A little after dusk, our two forts were breached, but some of our men managed to escape. On that same night, the enemy pursued them and reached Rasuwa a little after sunrise. Shots were exchanged by both sides all day long, and 8 or 10 of the enemy were killed.

When the enemy crossed the Rasuwa river at a high point and came to besiege our men, the latter left Rasuwa and took to their heels. At Syapruk they met Subedars Bhaskar and Jagbal who were going from here along with their regiments. There was an exchange of gunfire between the enemy and us from the two sides of the river. Prabal Rana, Bharat Khawas and Rana Keshar Pande, together with a few Uraos and with the Shrinath regiment then reached there for the defense of Syapruk village.

After seven or eight days, the enemy attempted to cross the river, but was checked and repulsed by our gunfire. After two or three days, when they saw a strong force crossing the river at a high point, our troops considered the ascent difficult and therefore decided to shift from Syapruk to Dhunche. We had a strong force at Dhunche commanded by Damodar Pande. Subedars Bhaskar and Jagbal, along with their regiments, were staying at adjacent places at the top of the Dhunche hill, named Deurali. The enemy came upon them at that place, but was twice repulsed by our men. On the third attack, two of our Subedars, along with 40 or 50 men were killed. The enemy occupied that territory with a loss of 200 or 250 men. From Dhunche our troops went to there reoccupy that area, but the enemy attacked them midway. Our troops repulsed him once, but when he came in larger numbers, a few were killed on both sides. Our troops then withdrew and joined the nobles at Dhunche. The place was a difficult one, and so they left Dhunche and came to Dhaibung.

Contd...

The enemy pursued them and a battle took place near Kamaragarh. Our troops won the battle and killed 40 or 50 of the enemy with shots and swords. 100 or 150 (of the enemy) fell down the hill and died. The enemy then encamped at Ramche while our troops maintained position at Dhaibung.

Meanwhile, the enemy sent letters from Dhunche expressing the desire to conclude peace. We wrote a reply to the letter here and sent a Dhewa accompanying Chiniya Pande and Dhurin Kaji as well as a Chinese we had detained here along with the reply. They met our nobles at Dhaibung and then went to Ramche. They handed the letter over to Sardar Ha Ye-kun and Chun Tu-yi, subordinates of General Tung Thang. They sent the letter to General Tung Thang, and an oral message through our courier that the place was too small for their troops and officers, and therefore we should evacuate Dhaibung and send our nobles to conduct negotiations. They wrote letters on a piece of red cloth and told our couriers to show it to their troops coming through Deurali as well as to our troops, and added that they had ceased fighting and that our troops should also do the same.

When the cloth was shown to the troops at Deurali, there was a cease-fire on both sides. It was difficult for us to fight at Dhaibung, and when this message came, our nobles left the place. The enemy remained on one side of the Betrabeti, while our troops stayed on the other.

From Dhaibung General Tung Thang wrote a letter demanding that we should send to them the Chinese detained here, Dhurin Kaji and Ito Kaji. We sent them, along with Ranajit Pande, Bhotu Pande, Narsingh Taksari, Ram Das Pant and Balabhadra Khawas to General Tung Thang. On Saturday, Shrawan 31, they crossed the Betrabeti and at night met the Amba of the enemy troops across the river. On that same night they took the Chinese detained here and Dhurin Kaji to General Tung Thang. On Sunday, our nobles who had gone from here met General Tung Thang at noon. They had a reply to the letter sent from here. On Tuesday, they sent Ranajit Pande and Balabhadra Khawas here. The latter reached here on Wednesday.

The letter contained many matters. But the main point was that Dhaibung was too narrow for them, and that they therefore should be allowed to come to Nuwakot, where the king and his uncle should also go to negotiate peace; and if the king and his uncle could not come, emissaries should be sent to conduct the talks. They further wrote that if we did not allow them to come to Nuwakot and failed to withdraw our troops from the two fronts, they would come by force. A second letter was also received the same day. We prepared a reply to the second letter and ordered our troops to resist them if they crossed the river by force.

Contd...

On the morning of Monday, Bhadra 8, the enemy crossed the Betrabati and advanced at several points, including Chokde, where Damodar Pande was staying, Dhudhe Thumka, where our outpost was situated; and at Gerkhu on the main road, which was occupied by Kirti Man Singh. Our troops repulsed them at all the three points and forced them to withdraw to the Betrabati.

On the ford over the Betrabati, the chief Chinese official began to kill his retreating troops. As the ford was blocked, many fell down into the Betrabati river. Several of the enemy fell down the hill and died, while others were killed by our troops' shells, swords and arrows. In all 1,000 or 1,200 of the enemy were killed. On our side, 15 or 16 were wounded by arrows, swords or shells. Of the Chinese that managed to escape across the river, two Sardars had their noses cut, and they immediately jumped into the Betrabati river and were drowned. Bhotu Pande and Narsingh Taksari are still in the enemy camp. The enemy has not left talking of peace in spite of this battle, and we too are doing the same. spite

General Tung Thang wrote two or three letters demanding that goods looted at Digarcha which had reached our Palace should be sent back along with the high-ranking nobles who would be deputed to China with letters and presents for the Emperor, that the agreement signed between our nobles and Kaji Syamarpa Lama of Tibet at Kerung should be sent, and that, since Syamarpa Lama was already dead, his family and belongings should also be sent back, so that they might be placed in their own monastery (Gumba). We sent Hari and Balabhadra Khawas with all these to China along with General Tung Thang. We shall send high-ranking nobles with letters and presents for the Emperor, with instructions to visit China, obtain an audience with the Emperor and state our case. If (the Chinese) accepts these nobles, finalizes a treaty and goes back along with his troops, it will be good.

On Aswin 5, we sent Kaji Devadutta Thapa, Subba Pratiman Rana, Jayanta Shahi, son of Jethabudha Narsingh Taksari, and Balabhadra, son of Khardar Bishnu Shankar, to China along with Tung Thang. On Aswin 10, they met General Tung Thang at Dhaibung. Tung Thang was highly pleased to see our nobles and Kajis. The Chinese troops were suffering from the scarcity of food. Several of them were ill, and many had died. When our nobles reached there, they began to take back the sick and the offending, along with their troops and arms and ammunition. Tung Thang was accompanied only by his troops. On Saturday, Aswin 24, General Tung Thang left Dhaibung along with his troops and returned to China accompanied by his troops and our Kajis.

Kantipur, Kartik Badi 7, 1849 Vikrama.

1792

Contd...

Explanation:

King Ran Bahadur Shah wrote this letter in 1849 Vikrama to Kaji Jagjit Pande, Sardar Amar Singh Thapa (Senior) and Captain Golayan Khawas, who had gone for the conquest of Kumaun and Garhwal. Jagjit Pande was the eldest of the five sons of Kaji Tularam Pande. Sardar Amar Singh Thapa and the others worked under his command. Jagjit Pande is famous for his role in the conquest of western Nepal. He was one of the four Kajis of Nepal at that time.

At the beginning of this letter, reference has been made to the letter sent by Jagjit Pande and others in Falgun, 1848 Vikrama. The letter reached the Capital after 6 months. It refers to a battle that took place at Kaude. In Ashadh, 1848 Vikrama, when Nepali troops reached Srinagar, the capital of Garhwal, the King of that State, Pradyumna Shah, fled across the river Alakananda. After the advent of winter, a fierce battle took place between the Garhwali ruler and the Nepalis. Pradyumna Shah suffered a crushing defeat at the hands of the Nepali troops led by Sardar Amar Singh Thapa. Pradyumna Shah then tried to repulse the Gorkha troops with the help of Jagat Prakash, ruler of Sirmur, by promising him to pay money.

Meanwhile, during the rainy season of 1849 Vikrama, the government of Nepal was experiencing difficulty in defending the country when a war broke out with the Chinese. It was because of this that salaries of some of the troops sent to the west were withheld and some soldiers were dismissed. Kaji Jagjit Pande and others were ordered to come back to Kathmandu immediately. But before the order reached them, a treaty between Nepal and China had been concluded, and as such the troops of Jagjit Pande did not have to fight the Chinese. In this letter, King Ran Bahadur Shah has referred to the need to resume the campaign in the west and look after the administrative affairs of the conquered territories.

Jagat Prakash, ruler of Sirmur, had then arrived in Langurganah to help Pradyumna Shah. But Pradyumna Shah did not give him the stipulated money, whereupon the latter turned against him and sided with the Nepalis. In Bhadra, 1849 Vikrama, the ruler of Sirmur, Jagat Prakash, signed a treaty with Jagjit Pande. According to this treaty, the river Yamuna was recognized as the western boundary of Nepal. In Aswin, 1849 Vikrama, the King of Garhwal, Pradyumna Shah, signed a treaty with Nepal under which he agreed to pay an annual tribute of Rs 25,000.

This letter mentions how after information reached the capital from nobles elsewhere that Srinagar had been subjugated by Nepal. Captain Kalu Pande and Bhaju Khawas were sent along with troops to protect the newly-conquered territory, while Kaji Jagjit Pande was ordered to hand over the administration of Kumaun and Garhwal to Subba Yoga Malla and Bhakti Thapa, who were in Kathmandu for the Pajani. Then follows a detailed account of the war with China.

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Ever since King Prithvi Narayan Shah conquered Kathmandu Valley, relations between Nepal and Tibet had become strained. The Malla rulers of Nepal had circulated debased coins due to the scarcity of silver. These coins reached Tibet in large numbers. Prithvi Narayan Shah was in favor of circulating pure coins. Therefore, the Nepalis insisted on using coins of pure silver only and not debased coins. The Tibetans did not accept Prithvi Narayan's policy, because it harmed their interests. Consequently, trade between Nepal and Tibet declined and relations went on deteriorating.

In 1838 Vikrama, the Tashi Lama of Digarcha, Pal Den Yeshe died. His brother, Syamarpa Lama misappropriated the funds of the monastery. He was put in imprisonment by the followers of the new incarnate Lama. In 1844 Vikrama, he escaped from prison and took asylum in Nepal. When Nepal gave asylum to Syamarpa Lama, war between Nepal and Tibet became inevitable.

In 1845 Vikrama, war broke out between Nepal and Tibet. In this war, Nepal defeated Tibet, Nepali troops captured the areas from Kuti to Sikharjung and from Kerung to Jhunga. A treaty was ultimately concluded through the mediation of China. Nepal relinquished the Tibetan areas conquered by it while Tibet agreed to pay an annual tribute of Rs 50,000 to Nepal.

But Tibet paid this annual tribute not more than once, thus violating the treaty. Nepal, therefore, again declared war on Tibet. In 1848 Vikrama, Bahadur Shah sent troops to attack Tibet, commanded by Abhiman Singh Basnet from Kerung and by Kaji Damodar Pande from Kuti. Kaji Damodar Pande went on conquering Tibetan territory and reached Digarcha, the capital of the Tashi Lama. In Digarcha, he captured a large quantity of gold and silver and then returned to Kathmandu with his troops in Magh, 1848 Vikrama. Syamarpa Lama was still living as a refugee in Nepal. During the war, Nepali troops captured Kaji Dhurin and Kaji Yuto of Lhasa and brought them to Kathmandu. Tibet conveyed to the Chinese Emperor the news that Nepal had conquered Digarcha and captured the Kajis of Lhasa. It asked China for help against Nepal. China sent troops to defend Tibet. After this development, war broke out in 1849 Vikrama between Nepal and China.

Nepal's relations with China are very old. In 678 Vikrama, when the Tang dynasty was ruling China, Yuen Chwang, a Chinese traveller, visited India through Afghanistan. After visiting places of Buddhist pilgrimage and studying Buddhist literature, he returned to China in 700 Vikrama. In his travelogue, he has also mentioned Nepal and its famous King, Amshu Varma (663-678 Vikrama). Previously, Nepal depended on India for its relations with China. At the end of the seventh century Vikrama, King Srong Btsan Campo created the State of Tibet between Nepal and China. With the rise of Tibet, India's contacts with China started through Nepal. Buddhism spread to Tibet through Nepal. Tibet borrowed Nepal's script and social customs.

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During the reign of the Lichchhavi ruler, Narendra Dev, between 700 and 714 Vikrama, China's Ambassador Wang-Yunche travelled between China and India through Nepal. He has written about King Narendra Dev, his palace, and the prevailing situation. After the death of Emperor Harsha in 704 Vikrama, Ambassador Wang-Yunche was insulted by Harsha's vassal, Arunashwa. The Chinese Emperor then attacked northern India. In this war, both Nepal and Tibet helped China. According to Chinese accounts, King Narendra Dev of Nepal sent 7,000 cavalry troops to the aid of China during this war. Accurate accounts of Nepal's subsequent relations with China up to the thirteenth century are not available.

In 1425 Vikrama, the Ming dynasty came into power after the fall of the Yuan dynasty which had been established by Kublai Khan Mongol. The first Emperor of the Ming dynasty was Hang Bu. A Chinese delegation came to Nepal in 1441 Vikrama. At this time, Sthiti Malla was king of Nepal, but ministers of the Baish family were in power in Kathmandu, even though Jaya Singh Ram and his younger brother, Madan Singh Ram, were the rulers. In 1471 Vikrama too, the Chinese Emperor, Yung Lo, sent a delegation to Nepal. At this time, King Jyotir Malla was occupying the throne of Bhadgaon. Kathmandu was being ruled by Madan Singh Ram's son, Shakti Singh Ram. Nepal also was sending delegations to China. Madan Singh Ram and his son, Shakti Singh Ram, are mentioned in Chinese chronicles.

After ruling China for about about 275 years, the famous Ming dynasty collapsed, and in 1701 Vikrama it was replaced by the Manchu dynasty. When war broke out between Nepal and China, China was being ruled by Emperor Tshien-lung of the Manchu dynasty.

The second Emperor of the Manchu dynasty, named Kang Hi (1718-79 Vikrama) was a great lover of learning and art. Tshien-lung was his grandson. Tshien-lung too was a lover of learning and art. He ruled for sixty years from 1793 to 1853 Vikrama. During his rule, there were as many as four kings of the Gorkha dynasty in Nepal.

Tshien-lung greatly expanded the Chinese empire. He brought Tibet too under his suzerainty. So when he came to know about the fall of Digarcha to Nepali troops and the capture of Tibetan Kajis by them, he immediately sent a large army to Lhasa to attack Nepal under the command of Tung-Thyang, his son-in-law. The Chinese troops reached Lhasa towards the end of Falgun 1844 Vikrama. Messages were exchanged between Nepal and Tung-Thyang. Tung-Thyang proposed that Nepal should surrender Syamarpa Lama as well as Kaji Dhurin and Kaji Yuto of Lhasa. Nepal emphatically replied that it would not surrender those who had sought refuge, and that it was even prepared to fight on this issue.

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In these circumstances, war between Nepal and China was inevitable. At this time, Nepal was involved in war at three or four fronts. To take revenge for its defeat, Tibet incited Sikkim to attack Nepal at Chainpur in the east. Bijayapur's administrator, Subba Purnanda Upadhyaya, as well as Kaji Deva Datta Thapa, who had been deputed from Kathmandu, repulsed the attack and defeated the enemy. Kaji Jagjit Pande was fighting in Garhwal. Meanwhile, the rulers of Achham, Doti and Jumla revolted and cut off communications between Kathmandu and Kumaun and Garhwal. But within two months, Captain Kalu Pande quelled the revolt with the assistance of the ruler of Jajarkot. In this way, many Nepali generals were scattered here and there. So Nepal had been unable to fully prepare itself to meet the Chinese attack.

On Ashadh 11, 1849 Vikrama, Tung-Thyang attacked the Nepali fort at Kukurghat. The Chinese easily conquered the area, as the number of Nepali soldiers there was very small to stop the advance of the Chinese troops, Sardar Shatru Bhanjan Malla, Subedar Tula Ram and Udhau Khawas left Kerung for Kukurghat. The enemy was fully prepared, while the number of Nepali troops was small. Advancing without knowledge of the enemy's preparations, they encountered the enemy at Pansingtar. Subedar Tularam was killed along with 20 or 25 other Nepalis. The Nepali withdrew to Kerung, where the Chinese pursued them. In the first encounter, Subedar Udhau Khawas was killed, while Sardar Shatru Bhanjan Malla was wounded.

There were three Nepali forts in Kerung. After four or five days of fighting, the Chinese troops captured all of them. The Chinese venture was successful because the number of Nepali soldiers there was small. The Nepalis then withdrew to Rasuwa. The enemy too came on their heels.

Hearing about the Chinese advance, Bahadur Shah immediately sent a large army commanded by Kaji Damodar Pande on Ashadh 15. This reinforcement proceeded from Kathmandu with all possible speed. The Nepali troops gradually withdrew from Rasuwa because the Chinese were hotly pursuing them. At Syapruk, they met Subedars Bhaskar and Jagbal. For their assistance, Prabal Rana, Bharat Khawas and Rana Keshar Pande also reached there. Thus the Nepalis gathered some strength and checked the Chinese advance for ten or twelve days. But the enemy made a surprise attack and consequently they withdrew to Dhunche where Damodar Pande was staying. Fighting took place between the two sides on the Dhunche hill. The Nepalis twice defeated the enemy. In the third battle, however, some Nepali soldiers including Subedar Bhaskar Rana, were killed. But the Chinese side suffered two or three hundred casualties. There were a few more encounters. But the Nepali troops left Dhunche and came to Dhaibung because the enemy was in pursuit and Dhunche was unsuitable for fighting. There was another encounter at Kamamaregadh as the Chinese were still in pursuit. Nearly 40 or 50 Chinese soldiers were killed, while about 150 fell down the steep hills and died. The Nepalis scored a victory in this battle. The Chinese troops had not so far met with such stiff resistance and were advancing easily. After this, Tung-Thyang played a trick. He sent a message to Kathmandu proposing a treaty. His aim was to find out to what

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extent the Nepalis had been weakened and how much strength they still possessed. Nepali Bhardars went to Tung-Thyang with a reply to his letter. He proposed that both sides should agree to a cease-fire and suggested that because Dhunche was too small for them, they should be allowed to stay in Dhaibung, where Nepali Bhardars should come for holding negotiations.

Realizing that their preparations for war with China were inadequate and that the intrusion of the enemy would only harm the country, the Nepal government accepted Tung-Thyang's suggestion. Nepali troops accordingly left Dhaibung to make room for the Chinese troops after a cease-fire notice was printed in big letters on red cloth and shown to the Chinese at the top of the Dhunche hill and the Nepalis at Dhaibung. Fighting came to an end and the Nepalis came across the river Betravati while the Chinese troops remained at Dhaibung on the other side.

Tung-Thyang had asked the Nepal government to send envoys for peace talks along with the Chinese and Tibetan Kajis captured by Nepali troops. Kaji Ranjit Pande, Bhotu Pande, Nar Singh Taksari, Ram Das Panth, Balbhadra Khawas and others reached Dhaibung on Shrawan 31 along with them. But now Tung-Thyang began to talk differently. He wanted that the Chinese should occupy Kathmandu just as the Nepali had once plundered Digarcha. He had got back the Tibetan and Chinese Kajis, as well as Dhaibung, without a fight. He stopped the Nepali Bhardars there and told them, "Dhaibung too is very narrow for us. Let us proceed to Nuwakot and hold negotiations there. For this the king himself or his uncle should come, or the matter may be handled by Bhardars. Withdraw your troops, otherwise we shall advance by means of force." Four days later, he sent Ranjit Pande and Balabhadra Khawas alone to Kathmandu with a letter to this effect.

Now the Nepalis understood the real motive of Tung-Thyang. Acceptance of his conditions would have meant surrender. Bahadur Shah therefore ordered his army to resist if this enemy attempted to advance by means of force.

On Bhadra 8, about 10,000 Chinese troops crossed the Betravati and advanced on three points. The Nepalis had three forts this side of Betravati, at Chokde, Dudhethumko and Gerkhu. Kirtiman Singh Basnet was in command at Gerkhu and Damodar Pande at Chokde. At all these three places, there was heavy fighting between the Nepali and Chinese troops. In the end, the Nepalis repulsed the Chinese at all the three points. The Chinese took to their heels and reached the Betravati. Seeing no other way of inciting his troops to resist the Nepalis, the Chinese General stood on the bridge and himself began to slay his retreating soldiers. The noses of two officers who had retreated beyond the river were cut. They immediately leapt into the waters of the river. But this action of the Chinese General had the contrary effect. Instead of feeling encouraged, the Chinese troops began to retreat through other routes. Many of them lost their lives when they fell down the hills into the river. Many were killed by the bullets, arrows or sword thrust by the Nepalis. In all, 1,000 or 1,200 Chinese soldiers were killed in this way.

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Abandoning all hopes of further advance, Tung-Thyang decided to conclude a treaty and wrote a letter to the government of Nepal accordingly. As soon as this letter reached Nepal, the government sent a letter deputing Damodar Pande, who was in the battle-field, to go to China for the treaty negotiations. The letter was as follows:-

"The Chinese Emperor is not a small Emperor, but a great one. By the grace of the goddess, we could have completely driven them out this time, but we did not think it proper to create permanent conflict with the Emperor. He too intends to make peace with us. Tung-Thyang asked us to send one of our four Kajis to meet the Emperor of China, with letters and presents. Yesterday, our Kajis were going to Tanahu and Lamjung to conclude treaties there also. But we realize now that we should send some Kajis to the Emperor. The seniormost Kaji, Damodar Pande, who has received Birta grants, should therefore go. Delay will not serve the interests of our country. Start from there. So far as orders are concerned, you are a Pande of our palace. You know everything, so do all that will benefit the country and bring credit to you. Understand this well. Send a reply immediately after getting this letter. Delay will harm us." Dated Thursday, Bhadra Sudi 13 at Kantipur.

But Tung-Thyang was repeatedly demanding the restoration of property which the Nepalis had looted during the capture of Digarcha, the surrender of Syamarpa Lama, and the return of the treaty of 1845 Vikrama. The Government of Nepal, realizing the importance of maintaining good relations with China, sent Hari Vakil and Balabhadra Khawas with all these to Tung-Thyang on their way to China.

Thus, according to this treaty, Syamarpa Lama had to be surrendered. But as he had already committed suicide, Tung-Thyang carried away only the dead body and some of his belongings. The Nepalis had to return some of the property looted in Digarcha. The treaty signed with Tibet in 1845 Vikrama was cancelled. A Nepali delegation was to visit the Chinese Emperor every five years. The Chinese withdrew their forces from the Nepali territory occupied by them. The territory thus reverted to Nepal.

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A delegation consisting of Kaji Devadatta Thapa (Magar), Subba Pratiman Rana and others left Kathmandu for China along with letters and presents on Aswin 5, 1849 Vikrama. On Aswin 24, Tung Thyang left for China along with the Nepali envoys.

This letter had been written some time before Aswin 5, 1849. But it was not sent for some reason. It was sent only on Aswin 24, after an account of the departure of the delegation for China and the return of Tung Thyang was added.

Some foreign historians have claimed that after this war, Nepal became a part of the Chinese empire. But this letter clearly refutes this claim and shows that Nepal had never recognized China's suzerainty. Nepal had not expressed its desire to conclude a treaty with China, after being defeated in any battle at the hands of the Chinese troops. On the contrary, the Chinese troops had suffered a crushing defeat at the hands of Nepali troops in the last battle fought on the Betravati. Moreover, the morale of the Nepali troops was very high during these days. The letter to Kaji Damodar Pande says that "the Nepali troops by the grace of the Goddess, could have completely driven the Chinese troops out. But we did not think it proper to create permanent conflict with the Emperor. He too intends to make peace with us." The Chinese troops had come very near the capital. Continued conflict with China would therefore have led to possibilities of British pressure over Nepal. In such situation, it was very wise on the part of the Government of Nepal to conclude a treaty with China. No provision in the treaty suggests that Nepal accepted China's suzerainty or harmed its own interests in any way.

The treaty provided for the visit of a Nepali delegation to China every five years. This too benefitted Nepal. Now that the Government of Nepal had established direct contacts with the Chinese government, Sino-Nepal relations would not be impaired in any way. Moreover, relations that had been interrupted for many years past were re-established. This practice continued till 1965 Vikrama during the rule of Prime Minister Chandra Shamsher. Diplomatic relations between Nepal and China were again severed when China underwent a revolution in which the imperial rule came to an end and a republican regime was set up. Relations between Nepal and China were resumed in 2013 Vikrama on the basis of the Panchasheela.

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The Tharu Community And Their Culture<sup>x</sup>

By  
Ishwar Baral

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There is a story about the origin of the Tharu community. When the Muslims invaded Chitor (Rajputana) in the 12th century, the Rajputs sent their women to the hilly regions in the north for safety. These women waited long for their men, but in vain. They then accepted as their husbands their own servants, as well as local low caste people. Children born of such union came to be known as Tharus. Accordingly, Tharu women have greater authority inside the home, and the Tharus still call their wives "Rani" (queen). However, this custom is prevalent only among the Rani Tharus, who therefore regard themselves as of higher status than other Tharus.

The Tharus call Indians other than themselves "Baji". This is a derogatory term. This may be presumed to indicate that they belong to a period earlier than the Vrijji Republic. Probably the Vrijji (Vajji) Republic, in course of its expansion, oppressed the Tharus and therefore they started calling the inhabitants of Vajji Vaji (with long "a"). In the Nepali language, the term "Vajiya" signifies abuse. In the Bengali language, a useless thing is referred to as "Vaje". If Vajji corrupted as Vaje, the original home of the Tharu community must have been somewhere near Vajji. Vajji comprised the modern districts of Champaran and Muzaffarpur, the major portion of Darbhanga, the Mirzapur, Parsa and Sonepur divisions of Chhapra district and other areas. An old Tharu of Kailali told this writer that the Tharus originally came from Saptari and Mahottari. This view probably contains some truth. Moreover, the Tharu dialect is a peculiar mixture of Magadhi, Maithili, Bhojpuri and Awadhi.

Did the term Tharu originate from "Thar", a district in Sindh? But considerable research is needed before we can express such a view. Linguistic evidence as well as the Tharu physiognomy, which has affinities with that of Tibetans and Burmese, would appear to preclude this theory.

According to an ancient custom, which is still prevalent in Rajputana, the Tharus cut off their toe and put tika on the head of their King with the blood. Babu Ram Acharya therefore holds that the Tharus were originally Kshatriyas and came from Rajputana.

The Tharus of Western Nepal are mostly concentrated in Banke, Bardiya, Kailali, Kanchanpur, Salyan, Dang and Deukhuri. Their clans are: Kuchila, Danwar, Kachhariya, Dangoriya, Kathariya, Rajhathiya, Rana, Khunha, Sunha, Raji, etc.

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<sup>x</sup>"Tharu Jati Ra Tinko Sanskriti". Nepal (A Collection Of Articles On The History And Culture Of Nepal). Kathmandu: Tribhuvan University Cultural Association, 1966. 160-161 PP).

Kirat Migrations<sup>x</sup>

In ancient times, the Kirats claimed to have had a divine origin. They had a language of their own, which they called the divine language. In course of time the Kirat community multiplied in numbers. Their leaders then decided to hold a population census, and asked each of them to bring a stone.

Every Kirat then brought a stone before the leader. A small hillock then grew up. To commensurate the census, the leader proposed the construction of a tower with these stones. Everybody agreed and started digging the foundation. Gradually the tower became so high that the top was no longer visible. Yet the tower was getting higher. People still carried stones and brought clay, and the stones also were being laid one by one. As work was going on at full speed, something happened, and language difficulties arose. Nobody could understand what his fellow said. They started quarrelling among themselves. Those who were at the base of the tower pulled it down. Many people were killed by the tower as it was falling. Among those who escaped with their lives, 16 leaders, each speaking a different language, emerged. They too started fighting among themselves. In the end, only 4 leaders remained alive. When these too started fighting, a leader named Papahang led his followers towards the east to find a place to live in. In 6 months, he came to Simangadh.

This group spoke 12 different languages. They could not therefore all remain at the same place. The Magars, Chans and Gurungs settled down in Palpa, Doti and Pyuthan in the north-west. The Nagas, Siyas, Lapchas and Kachins went to Assam, Sukkim and Burma in the east. The Lapchas, Kachins and Siyas told their moved ahead, telling their follows to follow them by the banana bushes and Bohori trees which they would cut at different points on the road. The Limbus, Khambas, Meches, Koches, Tharus, Danuwars and Dhimals accordingly followed them to the east. But the banana bushes had again sprouted up, and the Bohori trees too had grown, so that only a dark stain was visible on the spot where they had been cut. The Danuwars and Dhimals then decided that it would be difficult to reach their brethren and so settled down in the Nepal Tarai. The Limbus and Khambus similarly went to the hilly areas of Nepal. The Meches, Koches and Tharus proceeded towards the east and established their rule in Assam. A branch of this group, calling themselves Dukpa, settled down in Bhutan. Those who went southward settled down in the Garo, Khasi and Jayantiya hills. From the Garo hills, one group, known as Haijongs, reached Mymensingh.

One group, known as the Kachharis, gradually settled down in Sylhet, Tripura, Manipur, Comilla, Noakhali, Chittagong and Arakan.

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<sup>x</sup>Iman Singh Chemjong, "Kirati Bhasha Ko Gadbadhi", (Kirati Language Disturbances), "Kirati Dantiya Katha" (Kirati Myths and Legends). Kathmandu: Royal Nepal Academy, 2021 (1964), 41-42 PP.

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### Ancient Bhaktapur<sup>x</sup>

Before the inception of the kingdom of Nepal, Bhaktapur, alike Kathmandu and Lalitpur, was a distinct entity. The name Bhaktapur used to denote the kingdom and the city of Bhaktapur. At present Bhaktapur stands only for the city and the district. The area of Bhaktapur is 45 sq. miles only. The population and area of this district is lesser than that of Lalitpur or Kathmandu. At different times this city has been historically known by different names -- Bhatgaon, Bhaktapuri, Bhaktapur, Bhaktapattan, Bhaktagram, Bhaktapathan, Khripum, Mrakhaprim, Khrimprim, Khwapum, Khwapwa and Khwapwi being some of those.

Like Kathmandu and Lalitpur it had the status of the kingdom of Nepal once. The kingdom of the ancient Mallas was Bhaktapur. The name Bhaktapur is nowhere mentioned in the Sanskrit and Newari manuscripts even up to the time of the later Malla kings. Bhatgaon is mentioned in the letters written by the king of Kathmandu, Jaya Prakash Malla and the king of Patan, Rajya Prakash Malla to the Kaji Kalu Pande in the court of the Gorkha King Prithvi Narayan Shah. From this it can be known that at Gorkha and other close-lying districts the name Bhatgaon was currently known and this was before the amalgamation of the different kingdoms by Prithvi Narayan Shah Dev in one unit.

In the stone, gold and silver inscriptions written in Sanskrit, this city has been called Bhatapuri, Bhaktapur, Bhaktapattan and Bhaktagram. In the "Swarodaya Tika" written by Narapatijaya Sharma in Vikram Samvat 1458 (1401) at the time of the reign of the Royal Prince of Bhaktapur, Dharma Malla and his three brothers, the name Bhaktapuri is mentioned. In the book "Prayarchitta Samrechaya" written at the time of the reign of King Anand Dev near about Samvat 1214 (1157) for the first time Bhaktapur is mentioned. In the "Khanda Khadya Tika" written in the reign of King Jit Malla and Pran Malla at about Vikram Samvat 1590 (1533) for the first time the name Bhaktapattan is seen. This Bhaktapattan also transforms itself to Bhaktapattan at about Vikram Samvat 1763 in the gold inscriptions of Bhupatindra Malla. This Bhaktapattan is similar to Lalitpattan and Devpattan. Deupattan might have been the prime source of this change. But when we see the stone inscriptions of Poorna Raj Bajracharya dated about 1804 (1747) the use of Bhaktapattan the final verdict we still feel lacking.

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<sup>x</sup>Lila Raj Shrestha, "Prachin Bhaktapur Khripung Gram", (Ancient Bhaktapur-Khripunggram). (Gorkhapatra, Chaitra 20, 2022 (April 2, 1966)).

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At about Vikram Samvat 1190 (1133) in the reign of Narendra Dev for the first time Bhaktagram is mentioned in the book "Pratisthan Tantra". This same Bhaktagram continued to be in use up to the latter Malla kings. Bhaktapuri being only the feminine form, we do not find popularly adopted. As Bhaktapattan and Bhaktapattan were used instead of Bhaktapur, in the same process Bhaktagram being the currently accepted term up to the latter Mallas this might have degenerated to Bhatgaon of common use. The name Bhaktapur came into being in Vikram Samvat 935 (878) at the inception of the kingdom of Thakuri dynasty. Later on in 935 (878) when we see the name of Patan to be Lalitpur in the stone inscriptions of Rudra Dev's era, we can deduce that both of these names were given by Radha Dev.

In the two Lichchhavi stone inscriptions of about Vikram Samvat 650 found in this city, it is said that king Shiv Dev had given similar rights. But in the stone inscription of Tulache Tole, Bhaktapur, the name mentioned is Khripum. And in the stone inscription of Yolmarhi Tole, Bhaktapur, the name mentioned is Makhaprim. Later on in the "Hamsayamal" of Vikram Samvat 1195 (1138) the writer mentions the name of his residential area to be Khrimprim Bruma -- this might be the combination of above mentioned Khripum and Makhoprim becoming one in Khrimprimbruma, Bruma standing for city.

But in Vikram Samvat 1061 (1004), before "Hamsayamal" was written, Khwapu is mentioned in a stone inscription of King Nirman Dev. This word had already degenerated to Khwapu and Khwapwa from Khrimprim in the spoken and written Newari. This Khwapu we find in the garb of Khapwa appearing in a stone inscription dated Vikram Samvat 1509 (1452) during the reign of King Yaksha Malla and in the copper inscription of King Jagajaya Malla inscribed at about Vikram Samvat 1785 (1728) at Changu Narayan temple. This same word from that time on appears in many instances.

These days the word Khapwa is used as Khopa. In Newari to mention Bhatgaon this word is used. We have tried to find out the source of this term we have found to be in the Kirati term Khripum.

This city has been mentioned in different terms but the continuation of Kirati culture has been maintained by the adoption of the term Khwapu -- a direct descendant of the Kirati term Khripum. This is one example of the continuity of cultural heritage even through the transformation of names.

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Jagachchandra<sup>x</sup>

Jagat Prakash Malla ruled in Bhaktapur from 1700 to 1729 Vikrama (1643 to 1672). During the latter part of his reign, Minister Chandra Shekhar Singh attained an important position in Bhaktapur. Not much information is available about him, however. An inscription of Jagat Prakash Malla discovered at Khauma Tole (in Bhaktapur) shows that Chandra Shekhar Singh had offered the hand of a girl to Jagat Prakash Malla in marriage (see Purnima, No. 5). This is all that we know about the relationship between Chandra Shekhar Singh and Jagat Prakash Malla. This can mean that Chandra Shekhar Singh was Jagat Prakash Malla's father-in-law or brother-in-law, or that he procured a girl and offered her in marriage to Jagat Prakash Malla.

A Suki coin bearing the date 782 Nepal Samvat (1662) bears the name of Jagat Prakash Malla on the obverse and that of Chandra Shekhar Singh on the reverse. (The first reference to Chandra Shekhar Singh or Chand Shekhar Singh is found in a book called "Gitavali" (Collection of Songs) composed by Jagat Prakash Malla in 1717 Vikrama (1660). The manuscript is available (No. 3154) at the Rashtriya Pustakalaya (National Library) (in Kathmandu). The inscription of Chandra Shekhar Singh's name on a coin along with that of the King is indicative of his influence. In the Khauma Tole inscription of 1723 Vikrama (1666), Jagat Prakash Malla refers to Chandra Shekhar Singh as one as dear to him as his own life. This shows how Chandra Shekhar Singh's influence was increasing. This process continued until he became one with the king as "Jagachchandra" - or conjunction of the first names of both persons.

The Bir Library (in Kathmandu) (No. 377) contains a drama called "Muladeva - Shashideva-Vyakhyan" by Jagat Prakash Malla, wherein he refers to himself as the reigning king, but also occasionally refers to "Jagachchandra". The first verse in this drama is sung by Jagachchandra. The drama mentions that (the Goddess) Lalaju bestowed the name of Jagachchandra because of the deep affection existing between the two men. The concluding portion mentions both Jagat Prakash Malla and Chandra Shekhar Singh individually, which shows whom the term Jagachchandra refers to.

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<sup>x</sup> Bholu Nath Poudel, "Jagachchandra", Purnima, 8, Magh 1, 2022  
(January 14, 1966), 20-25 PR.

There are statues of "Jagachchandra" at the Bhairav temple in Bhaktapur. The statues depict two fully armed men with lamps in their hands. The statue on the right is larger, but shows the appearance of a younger man than the statue on the left. Both statues are installed on the same pedestal, on the four sides of which is written: "Since the statue offered by Jaya Jagachchandra Deva to Akashbhairav was damaged, Jayabhupatindra Malla made these of brass. These statues were first installed in 788 Nepal Samvat (1725 Vikram - 1668 A.D.). These were renovated in 833 Nepal Samvat (1769 Vikrama-1712 A.D.)."

It is thus clear that the two statues of "Jagachchandra" were of Jagat Prakash Malla and Chandra Shekhar Singh.

The Bhaktapur museum contains a portion of a stone inscription of Jagat Prakash Malla containing a hymn to the ten incarnations (of Vishnu) composed by him. This hymn contains the word "Jagachchandra" at several places, and says "Jagachchandra, though two creatures, are one." It bears the date 789 Nepal Samvat (1726 Vikrama - 1669 A.D.).

There are two inscriptions of Jagat Prakash Malla at the Jih Swanchok (courtyard) of the Bhaktapur Palace, both bearing the same date. One of them contains rules regarding the Bhandarkhal tank in Newari verse. The other refers to the Sadashivachok (courtyard). These two show that the term "Jagachchandra" was used to refer to Jagat Prakash Malla and Chandra Shekhar Singh. "Jagachchandra" is here mentioned as king, while the term Malla follows. This proves that Chandra Shekhar Singh's influence had further increased by this time. The date is 792 Nepal Samvat (1729 Vikrama - 1672 A.D.).

Thus it is clear that "Jagachchandra" was used to denote both Jagat Prakash Malla and Chandra Shekhar Singh.

Jagat Prakash Malla was born on Marga 25, 1695 (approximately December 10, 1638 A.D.). During the time when Chandra Shekhar Singh had gained influence, he had already attained majority. The reason for Chandra Shekhar Singh's lasting influence is not clear.

However, this relationship does not appear to have developed in matters relating to administrative affairs. Accounts of Jagat Prakash Malla's dealings with Kantipur and Lalitpur bear only his own name.

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Contd...

Judicial Customs In Nepal

The 1866-67 edition of the Legal Code contains the following law governing the system of Nya or trial by ordeal:-<sup>1</sup>

1. In some areas, when trial is held by Nya at the instance of anybody, (the accused person) is put into a sack and submerged in water. In the future, Nya shall not be conducted in this manner in violation of the law. In case the (person who is) submerged in this manner dies, the officer or local headman<sup>2</sup> who conducted Nya in this manner shall himself be put into a sack and submerged in water. The Nya (trial) shall be invalidated.
2. Nya shall not be conducted in cases relating to lands, cattle, gold, silver, jewelry and other property, murder, claims that orphans are slaves, witchcraft and rape. Any officer or local headman<sup>3</sup> who disposes of such cases through Nya shall be fined with Rs 20. The judgment so delivered through Nya shall be invalidated. The case shall be heard again by the court.<sup>4</sup> It shall be disposed of through evidence furnished by documents, signatures, witnesses and possession. After true justice is awarded in this manner, the victory of the winning side shall be confirmed.

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1. His Majesty's Government, Shri 5 Surendra Bikram Shah Dev Ka Shasan Kal Ma Baneko Muluki Ain. (Legal Code Enacted During The Reign Of King Surendra Bikram Shah). Kathmandu: Ministry of Law and Justice. Jestha 2022 (June 1965). "Nya Halaunyako". (On Trial By Ordeal). P. 234.
  2. The terms used are Dittha, Bichari, Amali, Jimmawal and Mukhiya.
  3. The terms used are Hakim of Adalat, Dittha, Bichari, Amali, Dware, Thari, Mukhiya, Mijhar and Bhardars of Gaunda (district headquarters office).
  4. The terms used are Adalat, Amal and Gaunda.

Contd...

Imprisonment by Proxy was another interesting judicial custom. The 1866-67 Legal Code contains the following law on this subject:-<sup>1</sup>

1. In case a woman commits offenses other than those punishable with life imprisonment, and in case any male relative from the family of her husband or from among her own or her mother's paternal relatives offers to undergo imprisonment as her proxy and prays that she be accordingly released, he shall be made to sign a bond and imprisoned in lieu of the woman, who shall be released.
2. In case a widow, married woman or girl is involved in any punishable cases other than those involving murder, rape and sharing of kitchen or the use of water (touched by her), and in case her husband, son, father-in-law, father or her own or her husband's elder or younger brother stipulate that they will not produce her before the court,<sup>2</sup> but will themselves undergo liability for the offense committed by her, action shall be taken according to law. But if nobody comes forward to make any such representation on her behalf, and her husband too has gone elsewhere or abroad, she shall be punished with a fine according to law. But she shall

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1. Ibid, "Satu Kaid Baschhu Bhanyako". (On Imprisonment by Proxy), P. 246.

2. The term used is Kachahari.

not be under obligation to perform the ritual of Dhunga-Chhuwai,<sup>3</sup> nor shall any fee be collected for such ritual. In case the money is not paid, she shall be imprisoned according to law.

3. In case a woman commits any offense other than those punishable with life imprisonment, and in case her husband, son, her own or her husband's elder or younger brother, father or any relative on her mother's paternal relatives offers to stand surety for her and undertake to bear liability for the punishment to be awarded her, he shall be made to sign a bond, and action shall be taken against him according to law, while the woman shall be released. In case no man offers to stand surety, (such woman) shall be summoned through 2 male persons, if female peons are not available, and brought (before the court). In case she does not come, and remains intransigent, she shall be caught hold of at the place where a physicians feels the pulse and brought before the court, and the case shall then be disposed of. A male peon shall not be sent alone to arrest a woman.

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3. According to Brian H: Hodgson, Dhunga-Chuayi meant a system under which a stone (dhunga), the image of God Vishnu, was placed before the loser when he lost a case, and he was commanded to touch it. "He places one rupee and one pice on the stone, and then salutes it with a bow, and retires, leaving the offering. The proceeds go to the Bichari", (Brian H. Hodgson, "Some Account Of The Systems Of Law And Police As Recognized In The State Of Nepal", The Journal Of The Royal Asiatic Society Of Great Britain and Ireland, Vol. I, 1834, P. 273.

Contd...

Glossary of Revenue, Administrative And Other  
Terms Occurring In Nepali Historical Documents

- Kusahi Bisahi ... A tax collected from Birta owning Brahmans and members of religious orders in consideration of the confirmation of their Birta lands in the western regions which were annexed during the period from 1782 to 1789. The rates ranged from Rs 9 to Rs 14 per 20 muris of land. The tax was sometimes collected also in the form of household utensils, gold and silver.
- Lag Alag ... A tax collected in the Thak area when the territory was annexed. No information is available regarding its nature and purpose.
- Laskari ... A rupee coin minted in India which was in circulation in Nepal also during the 18th and 19th centuries. 14 Laskari annas exchanged for one Nepali rupee in the western hill areas in 1787.
- Laxmipuja ... A tax collected in Gorkha and other hill areas to finance official ceremonies during the Laxmipuja festival in October or November.
- Lekhwar ... A revenue collection functionary in the Tarai areas of Garhwal.
- Mafi ... Free-hold lands, from the Arabic "Muafi".
- Maghe-Sankranti Kharcha ... A tax collected in Thak and elsewhere to finance official ceremonies on the first-day of the month of Magh (January 14) every year.
- Mahant-Mandali ... Similar to the Jogi-Mandali (See *Research Series*, Vol. 2, No. 7, July 1970, P. 174) for members of monastic orders.

- Mandar ... A revenue collection functionary in Morang, Sheoraj and other areas in the Tarai, probably synonymous with the Mandal of Mughal India.
- Marta ... Pasture lands.
- Masine Jat ... Castes and communities whose members could be enslaved. These included Bhote, Chepang, Darai, Majhi, Haya, Danuwar, Kumhal and Pahari.
- Matwala Jat ... Castes and communities among whom the drinking of liquor was not prohibited. These included the castes and communities mentioned above.
- Mejmani ... A levy collected from village headmen in the hill areas to finance hospitality expenses for visiting officials; often collected in the form of a goat.
- Mijhars ... Headmen of certain low-caste occupational castes and Mongoloid communities such as Tamauta, Lohar, Mahar, Phalamya, Kadera, Mahi, Nau and Sunuwar. Mijhars collected levies from the families of castes or communities under their jurisdiction, as well as judicial fines, escheat and expiation fees. They retained the prescribed commissions and transmitted the proceeds to the government.
- Mohinaike ... A functionary appointed in Kathmandu Valley and some hill districts to discharge functions relating to land reclamation and revenue collection.
- Mokaddam ... In Mughal India, the Mokaddam (Muqaddam) was a village-level functionary in charge of settlement and the allotment of uncultivated lands. In Nepal, however, he functioned at Parganna level and assisted in the collection of revenue.

Contd...

- Mokarri ... A system of land tenure prevalent in the districts of the eastern Tarai under which the government assigned lands or villages to individuals subject to the payment of a fixed sum of money every year. The Mokarri holder, in consideration of this payment, enjoyed authority to collect land and other revenues and reclaim waste lands in the areas assigned to him. When such grants were made on a permanent, they were known as Istimrar Mokarri. (Istimrar is an Arabic word meaning permanent).
- Moro-Aputali ... Escheat property occurring to the state. The state disclaimed its rights to appropriate the escheat property of certain communities. These included Khas, Bhote, Gurung, Ghale, Magar and Sunuwar.
- Mudahi ... A tax on transactions in slaves.
- Mule Dware ... The topmost local functionary in the Rui-Khola area adjoining Tibet, with village-level Budhyaulis under him.

To Be Continued.

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Regmi Research (Private) Ltd,  
Laximpat, Kathmandu, Nepal.

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On The Nepal-China War

1. Instructions To Kaji Devadatta Thapa<sup>1</sup>

From King Ran Bahadur.

Regulations regarding the matters to be represented to the Chinese Emperor through Kaji Devadatta Thapa.

We had offered Khillat<sup>2</sup> and Kitap<sup>3</sup> to the Chinese Emperor and thus shown regard for him.<sup>4</sup>

We knew nothing about the army of China. Syamarpa Lama said that he had lived in China for 5 or 7 years and that China's system<sup>5</sup> was good. We felt that he had told us good things and therefore relied on him. He thus created a quarrel between Tibet and us.

When Tung Thyang reached Lhasa with a big army, we told Syamarpa Lama: "You said you would be responsible if the Chinese came. Go there and meet your obligations." Thereupon Syamarpa Lama said, "I am ill. I shall go there after I get well." He showed great difficulty in saying this. He continued to be ill, and after a few days he died.

After this Tung Thwang entered into our Kingdom with a big army. We had shown regard for the Emperor from former times. This happened because we trusted a mean person. We then sent our Bhardars to Tung Thyang to seek his favor and take refuge,<sup>6</sup> Tung Thwang gave them refuge as was sought for. He said, "We shall settle your quarrel with Tibet. Send a Kaji with us along with a petition and presents to the Emperor. I shall present him before the Emperor, provide refuge and send him back pleased, with great honors and rewards." The Maharaja<sup>7</sup> said, "I am a child. If I send my uncle,<sup>8</sup> there will be nobody to look after the country. I cannot therefore send him."

1. Regmi Research Collections, Vol. 5, PP. 220-222.

2. An Arabic term meaning robes presented by the State as a token of respect.

3. A corrupt form of the Arabic Kitab. It may mean either the collar of a robe or a book.

4. The original sentence is: "Chin Badshah lai hamile khilat ra kitap sir Charhai Badshah lai manyaiko ho."

5. The term used is dastur.

6. Nepali expression is: "Baksauna Pichha Parna."

7. King Ran Bahadur.

8. Bahadur Shah.

Contd...

(Tell the Emperor): "We have accordingly been sent to seek favor and take refuge. That is how we have come."

If Tung Thyang shows favor and asks you to represent your interests and difficulties, represent the following matters to the Emperor:-

From time immemorial, Nepal and Tibet had been using pure silver coins without any copper alloy. Later kings were indigent, and therefore they minted counterfeit coins mixed with copper and sent them to Tibet. During our regime, feeling that it was better to use pure silver, we sent (coins) accordingly. In the beginning, Lhasa too considered this good. Subsequently, the pure silver coins and the coins mixed with coins began to circulate at par. Traditionally, the custom of using copper and silver on an equal basis has not existed. Sin will accrue if counterfeit coins are used. This will not be auspicious. Say that if our request is to be granted, Lhasa should be ordered to use pure silver coins.

If asked about (our relations) with the Pirangis, say that courtesy in the form of correspondence exists.

If asked about (our relations) with Nawab Asafuddaula, say: "Our frontiers adjoin his in the west. He is on good terms with us."

Say: "The Emperor has granted us refuge. We too show regard for the Emperor. If at any time a powerful enemy attacks us, we shall request assistance. At that time, we must be helped with letters and troops."

Have the words "we shall help you" inserted in the letter to be sent to us by the Emperor. Give this matter topmost priority.

• Aswin Sudi 2, 1819.

## 2. Letter Sent To King Ran Bahadur Shah From Digarcha By Nepali Delegation Which Had Returned From Peking<sup>9</sup>

Obeisance from Your Majesty's servants, Devadatta Thapa, Pratiman Rana, Jayanta Shah and Balabhadra. We are well here. Our obligations shall be fulfilled if Your Majesty too is well. The news here is good, thanks to Your Majesty's valor.

<sup>9</sup>Dhanabajra Bajracharya and Gnyan Mani Nepal (Editors), Aitihāsik Patra-sangraha (A Collection of Historical Letters). Kathmandu: Nepal Samskritik Parishad, 1957, PP. 77-79.

In our previous letter, we had described our journey to Lhasa. It must have been represented to Your Majesty. We left Lhasa on Bhadra 16 and reached here on Bhadra 26. We shall meet the Lama here and leave this place in 2 or 4 days. Because of ... (words missing), the people have no geldings. Since we will have to use horses on bad roads, there may be some delay on the way. We shall not be able to arrive there for the Dashain festival. We think we shall be able to appear before Your Majesty 5 or 7 days after the Dashain.

Hi Taloya, Li Taloya, Li Foya and Ma Foya, who accompanied us from Kerung to Peking, are Kashmiri interpreters. They came back to Lhasa from Peking along with us. The two Taloya interpreters remained in Lhasa. The Khan Amba summoned Li Foya, Ma Foya and Chhin Taloya of Digarcha to Lhasa and gave them necessary instructions. These three Chinese officials, and the three Dhewas of Lhasa, ... , Dhigirpatemba and Tashikhamsa, and an interpreter of the four Kajis of Lhasa called Dharke, seven persons in all, will escort us up to Kerung. (Li) Foya and Ma Foya, who will go back from Kerung, are Jamadars of 200 troops each. They took great care of us of the way and suffered much. It will therefore be good if Your Majesty sends us 3 Swords and Khukuris inlaid with gold, as well as ... brocade of crimson color and 1 bakkhu (woolen blanket) to the 2 Taloyas and Li Foya. They will feel pleased. ... Your Majesty should send some presents also to the 3 Dhewas and 1 interpreter of Lhasa. The Dalai Lama and the Khan Amba have sent Dhewa Chitung to Nepal from Lhasa along with instructions. They will come along with us and represent all matters there.

We came to Tibet on ... business. If Your Majesty so pleases, we shall stay in Tibet for 1 or 2 days. We could make acquaintance from Tibet itself and then appear before Your Majesty. It will be good if the (present) solicited for the Chinese and Dhewas are sent soon. We shall represent other particulars after we come there. What more to wise persons ?

Bhadra Sudi 3, Camp Digarcha.

#### Explanation

After a treaty was concluded with China in 1849, a Nepali delegation consisting of Kaji Devadatta Thapa, Subba Pratiman Rana, Jayant Shah, (son of Narasingh Taksari) and Balabhadra (son of Khardar Bishmushankar), went to the Chinese Emperor with presents. This letter was sent to King Ran Bahadur Shah after the delegation returned from China and arrived in Digarcha. Before this, the delegation had sent a letter from Lhasa, describing its arrival in China. But we have not been able to secure that letter.

Contd...

This letter does not contain the year. It mentions only the day of the month and of the week. A perusal of the calendar for that period shows that the date is Bhadra 23, 1853 Vikrama. The letter mentions that the delegation would reach Kathmandu only after the Dashain. Thus it took about three years for the Nepali delegation to return from China.

After they crossed the frontiers of Nepal, members of the Nepali delegation was treated as guests of China. The Chinese government deputed its officials to escort them up to the frontiers on their way back. Their traveling expenses were borne, and all other arrangements made, by the Chinese government itself. Tibet too made some arrangements of its own in addition. In fact, it deputed officials to escort the delegation up to Kathmandu. The Nepalis took interpreters along with them while visiting Tibet and China. This letter mentions that the Nepali delegation was accompanied by a Kashmiri interpreter. Probably the Nepalis used the Persian language, which was used prominently at that time.

In this letter, the Nepali delegation has requested King Ran Bahadur Shah to give Nepal-made goods such as Khukuris and Banat cloth as presents to the Chinese officials (Jamadars) who escorted it up to Tibet.

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Village Panchayats During The Rana Period

Village Panchayat Act, 1949\*

Preamble:

Whereas it has been represented that even in cases other than those mentioned in Section 5 of the Law on Judicial Authority of Jagirdars and Birta owners in which compromise can be effected by the prominent persons of the village without formal complaints and responses being filed or penalties being awarded, (the litigants) do not approach such prominent persons, and, instead, take recourse to the court even in minor matters which could be settled amicably, so that they cannot attend to their occupations and are liable to undergo penalties, and are thus harassed,

Whereas, on Baisakh 27, 1983 (May 10, 1926) an order was issued authorizing the formation of Panchayats in Dang-Deukhuri district on an experimental basis to see whether the establishment of Panchayats could facilitate the quick disposal or amicable settlement of complaints or disputes within the village itself, thereby enabling the people to attend to their occupations without any hindrance,

Whereas Panchayats consisting of elected representatives of the local villages were formed (under the aforesaid order) and entrusted with the functions of maintaining law and order within the Panchayat area, cultivating (waste) lands, making arrangements for construction of dams, irrigation channels, etc;

Whereas Panchayat courts had also been established to dispose of complaint or disputes in matters affecting the customs, usages, etc of the local Tharu community, through persuasion or compromise where possible or else through direct arbitration (by the Panchayat Court),

Whereas Panchayats had been instituted in 1930 at 2 places in Bhaktapur, 6 places in Lalitpur (including one at Lubhu), 9 places in Kathmandu and in 1936, one Panchayat had been formed for every 4 or 5 villages or moujas in Saptari and Bethari (Tarai) and in East No. 2 and West No. 3 (hill region) at the discretion of the local Bada Hakims, subject to the provision that all disputes or complaints filed according to law shall, as far as practicable, be disposed of or settled by Panchayats through persuasion or compromise in the presence of the Chairman of the Panchayat, to be elected by people in the Panchayat area, other Panchayat members and the litigants, as well as the prominent persons of the village, and where compromise is not possible the disputes shall be referred to the court.

\*Government of Nepal, Gaun Panchayat Ko Ain (Village Panchayat Act). First Promulgated: Aswin 19, 2006 (October 5, 1949). Reprinted: 2009 Vikrama (1952). Kathmandu: Gorkhapatra Press, 31. PP.

Contd...

Whereas reports submitted by district headquarters offices state that Panchayats in all the areas where these have been formed are performing their functions without giving excuse to any person for filing complaints thereagainst, that complaints about improper actions by Panchayat members have not so far been received and that the establishment of Panchayats in an orderly manner within a short time there has proved to be of a great convenience for the villagers in getting their grievances redressed locally, without suffering any harassment, so that people in other districts too have started demanding the formation of Panchayats in their villages,

Whereas orders and regulations had been promulgated providing for the formation of such Panchayas in all the towns and villages or moujas both inside and outside of Kathmandu Valley at the discretion of the (appropriate) district Bada Hakims, and empowering (Panchayats) to dispose of public complaints by effecting compromise in accordance with the law in the presence of the Jimidar or Talukdar of the village, who will function as chief Pancha, and other Panchayat members elected by the local residents,

Whereas reports from district headquarters offices in the districts where Panchayats were formed in the above-mentioned manner have stated that Panchayats there are functioning well and that no complaints against any Panchayat member have so far been received, thus indicating that the public in those districts as well can now get their complaints disposed of locally, without facing any inconvenience or harassment, thanks to the introduction of Panchayats in their villages,

Whereas Jimidars and other prominent persons as well as other people from the Tarai districts have submitted petitions to us to the effect that it would be convenient to all if a provision was made stipulating that no complaint filed by any person shall be entertained unless it is first lodged with the local Village Panchayat, and if other additional powers were conferred on Panchayats,

Whereas, in response to the aforesaid petition, provisions have been made for forming Village Panchayats each consisting of a Chairman elected by a majority of the local inhabitants, 7 members elected by them, and a member nominated by the government, with powers to dispose of cases by effecting compromise where possible according to the law, and where no compromise is possible, dispose of the cases directly, in case the sum involved in litigation does not exceed Rs 100.00, and in case the fines to be awarded in such cases do not exceed Rs 25.00; for prohibiting any villager to file his cases directly at the (Civil or Criminal) Court without obtaining from the appropriate Panchayat a certificate authorizing him to do so; and for entrusting Panchayats with such functions as making arrangements for sanitation and cleanliness in the Panchayat area, maintaining law and order, promoting the development of education, agriculture, industry, etc, arranging for the construction and maintenance of dams,

Contd...

channels and other irrigation facilities as well as of roads, taking such measures as may be needed to insure that the public is not harassed in any way by landowners and other prominent persons of the village, and so on,

Whereas the aforesaid powers had been conferred on Panchayats in Tarai districts provisionally for 2 years beginning Chaitra 25, 2003 (April 6, 1947) pending the enforcement of the new regulations,

Whereas the Constitution Committee, consisting of the Minister and Commander-in-Chief, the Generals of the Western and Eastern Commands, other Generals, the Naib Bada Guruju and other officers and office heads has, in pursuance of our directive to determine, at its own discretion, the extent of amendments to be effected in the existing regulations, or of powers to be conferred to Panchayats in order to insure uniformity in the working of Panchayats in the hill and Tarai regions, has submitted a draft (of the Village Panchayat Act),

And whereas we have approved the said draft submitted by the Constitution Committee,

Now therefore, we hereby enact the following Village Panchayat Act throughout the State of Nepal,

Necessary copies of this Act shall be printed and issued by the Gorkhapatra Printing Press and shall be forwarded (against receipts containing necessary particulars) to all appropriate persons in order to insure that Panchayats and Panchayat Courts already existing in areas where new Panchayats are to be formed after demarcating their boundaries under the provisions of this (Village Panchayat) Act may be abolished in a smooth manner.

#### Part I

1. (a) This law may be called the Village Panchayat Act.
- (b) The Central Administrative Office shall publish orders, notifications and rules in the press in respect to the enforcement of this Act.
- (c) If so necessary, the Central Administrative Office may change or amend such rules.
2. (a) In order to establish a Village Assembly in every village or group of villages, a notification shall be published indicating the name and boundaries as well as the number of members of the Panchayat of such Village Assembly.

Contd...

- (b) The area under the jurisdiction of every Village Assembly thus established may at any time be altered at the discretion of the government or on the representation of such Village Assembly or the inhabitants of the village, if the reasons advanced therein are considered proper.
3. (a) Every Village Assembly as mentioned in the notification shall be considered a corporate body. It shall discharge functions within its authority according to laws and regulations. For the good of the body, it may sell, purchase or accept as gift or donation movable and immovable property and make proper arrangements in respect thereto, and issue or accept contracts of any other kind like an individual. It may sue and be sued against like an individual.
- (b) Every Village Assembly shall have a separate seal of its own.
4. All genuine citizens of the area under the jurisdiction of the Village Assembly who have attained the age of 21 years, other than those mentioned below, shall be its members:-
- (a) Lunatics.
- (b) Lepers.
- (c) Persons who have been declared bankrupt and insolvent.
- (d) Government employees posted in the area (under the jurisdiction of the Village Assembly).
- (e) Persons who have been convicted of offenses relating to elections.
- (f) Persons who have been sentenced to, or have undergone, imprisonment for more than six months for any offense, and have been released on parole for good conduct.
- (g) Members of associations which have been banned by the government.

Note -

Persons who have lived in the Village Assembly area for a year shall be considered genuine inhabitants thereof.

5. Unless any member becomes disqualified under the circumstances mentioned in Section 4, or moves to another Village Assembly area, he shall be regarded as a member of the Village Assembly.

Contd...

6. (a) The disqualifications mentioned in Clauses (e) and (f) of Section 4 may be removed by order of the government.
- (b) In case any person who is disqualified to become a member of the Village Assembly under Section 4 is already working as a member thereof for any reason, the action taken by the Village Assembly including such person shall not be invalid.
7. (a) In case any area comprising a Village Assembly is amalgamated with any Town or Village Panchayat, such Village Assembly shall be dissolved and accounts of its income and expenditure and its assets as well as documents in respect to the functions performed by it shall be handed over to the Town or Village Panchayat into which it is amalgamated.
- (b) In case any constituent area of a Village Assembly is situated within any Town or Village Panchayat area, only such part shall be separated (from the Village Assembly) and the accounts of income and expenditure and assets in respect to such part as well as documents concerning the functions performed in therein shall be handed over to the Town or Village Panchayat into which it is merged.

#### Chapter II

#### Meetings And Functions Of Village Assembly

8. (a) The members of the Village Assembly shall duly elect from among themselves a Chairman, a Vice-Chairman as well as an executive to be known as the Village Panchayat consisting of such number of members as prescribed in the order, each with a term of 3 years.
- (b) The members of the Village Panchayat shall duly elect from among themselves a Chairman and a Vice-Chairman, each of whom shall have a tenure of three years.
- (c) Every member of the Village Panchayat shall hold office for three years. The Chairman of the Village Assembly shall cause one-third of the members of the Village Panchayat to retire every year by rotation, and arrange for fresh elections to replace them.

Note - At the end of the first and the second year of the formation of the Village Panchayat, the Chairman shall organize lots to decide which one-third of the members should retire.

Contd...

- (d) Only persons who have attained the age of 25 years or more, are literate, hold property (land, houses, etc) within the area under the jurisdiction of the concerned Village Panchayat, and whose names are registered in the voters lists of the Village Panchayat, shall be entitled to be elected to the Village Panchayat.
- (e) Before assuming office, every member and employee of the Village Panchayat shall take oath in the following manner at the Village Panchayat meeting:-
- "I swear by the name of God as well as the government of Nepal that I shall discharge my duties faithfully and impartially."
- (f) The Chairman of the Village Assembly, or, in his absence, the Vice-Chairman, shall conduct the proceedings of meetings of the Assembly.
- (g) In case any member dies or voluntarily resigns from his post, his seat shall be deemed to have fallen vacant. But no member shall continue in the following circumstances, when he shall relinquish his post. In case he does not relinquish his post in the following circumstances, the Village Panchayat shall cause him to do so:-
- (1) In case he suffers from any of the disqualifications mentioned in Section 4,
  - (2) In case he absents himself from three consecutive meetings of the Village Panchayat without assigning any satisfactory reasons therefor to the Chairman by means of a notice,
  - (3) In case any member wilfully secures contracts from the Village Panchayat or accepts contracts or becomes a partner in any contract concluded with the Village Panchayat,
  - (4) In case he indirectly or covertly assists any person in filing a suit against the Village Panchayat or assists him in prosecuting a case against the Village Panchayat or openly pleads such cases himself,
  - (5) In case he behaves in a manner which is incompatible with his post or misuses his position so as to cause harm to the public.
- (h) The Chairman of the Village Panchayat, and, during his absence, the Vice-Chairman on the former's written order, shall perform the following functions:-

Contd...

- (1) To convene meetings of the Village Panchayat according to need, subject to the provisions of this Act and the Village Panchayat Rules, preside over such meetings and conduct the proceedings thereof.
  - (2) To supervise the work of employees of the Village Panchayat.
  - (3) To look after the financial affairs of the Village Panchayat, and to notify the Village Panchayat of omissions, if any, found therein.
  - (4) To perform such functions as the Chairman is required to perform under the different provisions of the law and regulations relating to Village Panchayats.
  - (5) To perform any other function under authority granted by the Village Panchayat.
  - (6) To submit such reports and statements as may be asked for by the District Panchayat or the concerned Central Administrative Office and forward resolutions passed by the Village Panchayat to such office within the prescribed time-limit.
- (i) The Chairman may have any functions within his authority, other than those mentioned in Sub-Clause (1) of Clause (h) of Section 8, performed by the Vice-Chairman under his supervision. He shall direct the Vice-Chairman to perform such functions through a written order.
9. (a) The Village Assembly shall hold its general meeting and conduct its proceedings twice a year - once after the harvesting of the winter crop and once after the harvesting of the monsoon crop. In case the Chairman himself so deems proper, or in case a minimum of 20% of the total members file an application requesting for the convening of a meeting to discuss a particular matter explaining the reasons therefor, the Chairman may convene an extraordinary meeting within 30 days from the date of the receipt of such application. He shall issue a written notice specifying the date, venue and agenda of such meeting.
- (b) No meeting shall be held unless it attended by at least 10% of the total members. In case this quorum is not achieved, another date for holding the meeting shall be fixed and such meeting may be held even if it may be attended by a minimum of 5% of the members. No meeting shall be held if it is attended by less than 5% of the total members.

Contd...

- (c) The employees deputed for this purpose shall demarcate the wards of the Village Assembly in such a manner as to make it convenient for holding elections to the Village Assembly.
  - (d) The Chairman, Vice-Chairman as well as all other members of the Village Panchayat shall not be required to discharge compulsory labor obligations and pay other taxes other than those to be levied on houses and compounds according to the tax-assessment records as long as they hold office.
10. (a) The Village Assembly shall, at its meeting to be held annually after the harvesting of the monsoon crop, inspect and approve statements of income and expenditure for the preceeding year as well as for the current year up to the date of such meeting prepared by the Village Panchayat and clear the budget for the next fiscal year presented by the Village Panchayat.
- (b) The Village Assembly may revise or alter statements of income and expenditure presented by the Village Panchayat.
- (c) The Village Assembly shall, at the ordinary meeting to be held after the harvesting of the winter crop, discuss or make criticisms of the measures taken by the Village Panchayat in its area, the disputes disposed of by the Panchayat Court, as well as matters relating to the happiness or welfare of the villagers, formulate new plans and present them at the Village Panchayat meetings.

### Chapter III

#### Duties, Functions And Powers Of Village Panchayats

11. The Village Panchayat shall perform the following functions. It shall allocate funds for such functions within the limits of its income.
- (a) To construct and repair roads and keep them clean.
  - (b) To make arrangements for protecting the health of the public.
  - (c) To look after sanitation and take measures for preventing and arranging medical treatment for epidemics and infectious diseases.
  - (d) To protect and look after the buildings and other assets in the custody of the Village Assembly as well as those that may be added to its custody subsequently.
  - (e) To compile and maintain population records.

Contd....

- (f) To remove encroachments, if any, by other persons on the houses or other assets belonging to or in the custody of the Village Assembly.
- (g) To maintain crematoria and arrange for places where corpses are thrown.
- (h) To submit reports to the District Administration Office regarding measures taken for the benefit of the villages under the jurisdiction of the District Panchayat.
- (i) To open and manage schools for providing primary education to children.
- (j) To set aside and take care of pasture grounds.
- (k) To construct, repair and protect public wells, tanks, ponds, water taps as well as sources of water, and arrange for and protect drinking places for cattle and ponds for washing and to protect trees situated around sources of water.
- (l) To construct new houses, extend or alter the structure of existing ones.
- (m) To extend assistance in the development of agriculture, trade and industry.
- (n) In the event of the outbreak of fire, to make arrangements for extinguishing it and protecting life and property from the fire.
- (o) To elect members to the Panchayat Court.
- (p) To make arrangements for maternity and child welfare.
- (q) To select places for dumping garbage.
- (r) To perform any other function assigned to the Village Assembly.
- (s) To make arrangements for the formation of the Panchayat Court and for meeting its expenses.
- (t) To make arrangements for maintaining cattle-pounds.
- (u) To increase the cattle population, improve cattle breeding, protect them from diseases and make arrangements for their treatment.

Contd...

- (v) To fill up and level dumping grounds and pits containing garbage.
- (w) To appoint peons to act as guards or sentries, and deliver written orders issued by the Panchayat and the Panchayat Court in accordance with the rules.
- (x) To contribute 20% of its income to the District Panchayat and to submit, if necessary, reports to the latter in accordance with the provisions of the Act.
- (y) To make arrangements for propagating and imparting training on cottage industry.
- (z) To make safeguards against theft, robbery, assault, etc, in moujas or wards of the Village Panchayat area or to quell riots or disturbances during fairs or exhibitions, arrest and hand over the culprits (to the police station) with the cooperation of the local people, and in the event of such assistance being inadequate, with the assistance of the District Administration Office or the Police Station after informing them accordingly; and to provide information, if any available, under Section 40 of the Law on Judicial Procedure (of the Legal Code).
- (aa) To take steps to prevent cows, buffaloes or other animals from damaging or destroying farms or fields.
- (ab) To look after the property of lunatics and orphans and make provisions for feeding destitutes according to the law on Poverty and Indigency.
- (ac) To prepare lists of members of the Village Assembly after it is constituted and to indicate changes if any, in the composition thereof every year.
- (ad) To accept copies of public notifications or proclamations (of the government) from the District Administration Office and Act accordingly and retain such copies with care.
- (ae) To perform within the area under its jurisdiction such functions as Talukdars and Jimidars (tax collection functionaries) are required to perform under Section 2 of the Law on Capital Offenses.
- (af) To perform any other function of a Village Assembly without prejudice to the Act and rules.

Contd...

Optional Functions

12. The Village Panchayat, if it so desires, may perform the following functions as well:-

- (a) To plant trees on either side of the road as well as in other appropriate places.
- (b) To establish cooperative societies.
- (c) To maintain godowns for the storage of improved seeds and agricultural tools.
- (d) To undertake relief measures in the event of famines and other calamities.
- (e) To open libraries and reading rooms and submit reports thereof.
- (f) To arrange for sports grounds and gymnasiums.
- (g) To see that places used for such purposes as leather work, dying and cooking are kept away from main settlements, so that they may not cause any inconvenience to the villagers.
- (h) To maintain radio sets and gramophones.
- (i) To make arrangements for lighting.
- (j) To open and run markets, fairs and hats (seasonal markets).

13. (a) Canals and irrigation channels other than those under the control of the government and individuals, drains and main roads and tracks (within the village) shall remain under the control of the Village Panchayat. In case it is necessary to repair such canals or channels, construct new drains, culverts, etc, or shift existing ones to other places, or to expand, deepen or improve such canals, drains, culverts etc, the Village Panchayat shall do so without causing any damage to adjoining fields or farms, as far as possible. The Village Panchayat may clear any bushes and trees, or branches thereof, if it is necessary to do so for the aforesaid purposes.
- (b) The Village Panchayat shall make arrangements for separate places for drawing drinking water, washing, bathing, etc, in order that filth and dirt may not reach them.

Contd...

14. (1) The Village Panchayat, if it so deems necessary to improve public health in the village, may, by notification, direct the concerned persons to undertake the following functions according to their capacity within a specified time-limit:-
- (a) To repair or alter the design of lavatories and latrines or other similar dumping places.
  - (b) To clean ponds, tanks or water spouts.
  - (c) To clear bushes or grasses within the compound of houses.
  - (d) To remove garbages from the compound.
- (2) In case the owner of the concerned house is aggrieved by such notification, he may file an appeal against such order with the District Administration Office within 30 days from the date of the receipt thereof.
15. (a) Every Village Panchayat shall be required to open primary schools and Pathsalas in accordance with the rules meant for primary schools and Pathsalas. The Village Panchayat shall introduce such curricula as are prescribed by the Education Department and appoint qualified teachers for such schools. It shall provide assistance to existing schools or Pathsalas.
- (b) The Village Panchayat shall open dispensaries subject to the rules framed by the Health Department.
  - (c) The subsidies received from the government as well as contributions in cash or in kind collected for purposes mentioned in the preceding rules shall be kept with care and accounts thereof shall also be maintained.
16. In case any Village Panchayat is unable to establish schools or dispensaries in its area independently, it may open schools and dispensaries jointly with any other Village Panchayat.
17. (a) In case the District Administration Office issues any written order to the Village Panchayat directing it to provide assistance to government employees who are deputed to its area on any official business of any kind, it shall accordingly provide every possible cooperation to them.

Contd...

- (b) In case any person who has committed any offense punishable by law and regulations in respect to State cases, or has absconded from jail, or is in arrears to the government, or in respect to whom notification and warrants have been issued, is found entering the Panchayat area, the Village Panchayat shall inform the appropriate office or regional court accordingly and shall also assist in arresting him.
18. (a) In case the Village Panchayat feels that it is necessary to undertake any task for the welfare of the people within its area, it shall inform the concerned Central Administration Office of the steps needed to be taken in respect thereto and then act as directed.
- (b) In case any government employee deputed on official business, or any Jimidar, Patuwar, Talukdar or any other person, is found to have harassed or to be harassing the local people, the Village Panchayat shall report the matter along with evidence to the Chief Officer of the appropriate District Administration Office. On receipt of such report, the concerned District Administration Office shall take action or direct action to be taken according to law and regulations.
19. In case the Village Panchayat is asked to recover government arrears or any other outstanding amounts from persons within the area under its jurisdiction, or in case it is requested by any person to collect rents or any other dues which he is entitled to receive according to law and regulations, the Village Panchayat may recover such arrears, rents or other dues on the basis of a contract or in any other manner which may benefit it.
20. In case any member of the Village Panchayat or any Joint Committee formed under this Act or the rules, or any member thereof, misappropriates or causes loss of funds belonging to or in the possession of the Panchayat, only such member or committee shall be personally accountable therefor. Suits may be filed against such member or committee in order to realize such losses.
21. A permanent Taharir (clerk) may be appointed in order to conduct the business of the Village Assembly smoothly. His salary shall be paid from of the Village Assembly Fund. In case it is required to appoint more than one such employee or to appoint any number of temporary employees, the Village Assembly shall seek the approval of the appropriate office and act as directed. If it becomes necessary, the Village Assembly may appoint one person on a temporary basis for a maximum period of six months. It may also dismiss its employees.

Contd...

22. The Village Panchayat may, if necessary, form any committee from among its members to assist in the performance of any function specified in this Act. The Village Panchayat may delegate any of its powers to such committee.
23. Two or more Village Assemblies may jointly form a committee to discuss matters concerning their areas and delegate necessary powers to it. The inhabitants of such villages or areas shall be under obligation to abide by the rules framed by such Joint Committee.
24. Every Village Panchayat shall maintain a fund of its own. The following amounts shall be credited to this fund after making entry thereof in the accounts.
25. (a) Proceeds of taxes which the Village Panchayat is empowered to levy under this Act.
- (b) Subsidy in cash or in kind granted by the government to the Village Assembly.
- (c) Amounts which are directed by any government court to be credited to the accounts of the Village Panchayat.
- (d) Proceeds from fines, Baksauni, etc, imposed under Section 43 of the Panchayat Court Act.
- (e) Sale proceeds of garbage, cow-dung, carcasses, etc, collected by employees of the Village Panchayat.
- (f) Loans obtained the Village Assembly.
- (g) Subsidies or grants provided by the District Panchayat or any other Panchayat.
- (h) Donations made by any person to the Village Assembly.
- (i) Financial subsidy granted to it by the government for purposes specified by it.
- (j) Amounts received (from any person or agency) under Section 17.
- (k) Fines on stray animals and other levies imposed under the Act and regulations.
- (l) Income accruing from the movable and immovable assets in the possession of the Village Assembly.

To Be Continued

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Miscellaneous Land Grants And Endowments1. Land Grant To Muslim Caretakers Of Ranipokhari Tank In Kathmandu

From King Ran Bahadur,

To Karimullah, Rahimullah, Fakrullah and Bismillah.

You have constructed a new house on a plot of land near the Ranipokhari bridge and are living there. We hereby grant this land to you as Gharbari. Construct seats and doors on the rest-house on the bridge. Keep it locked from early evening throughout the night. Keep it open during the day. Do not permit anybody to wash his clothes or bathe his head, or to pass urine or excretion, in the tank. With due loyalty, plant fruits and flowers on the land and appropriate the produce.

Kartik Sudi 5, 1852  
(9/16)

2. Guthi Endowment For Whitewashing Bridge On Bishnumati River In Kathmandu

From King Girban.

We hereby endow 300 muris of lands mentioned below for whitewashing the bridge on the Bishnumati river on Kartik Badi 1 every year. Yasdhar Bajrakarmi is entrusted with the responsibility of operating this Guthi. Income from these lands shall be utilized to whitewash the bridge. 10 ropanis of lands have been allotted as the emoluments of the Guthiyar. The surplus amount shall be kept in reserve to finance necessary repairs. In case the amount proves to be inadequate, the matter shall be referred to us.

(Particulars of 300 muris of lands situated in Kirtipur and Thansing, Nuwakot district, follow).

Shrawan Badi 10, 1867  
(9/62)

3. Confirmation Of Land Grant Made During Solar Eclipse

From King Girban,

To Gopal Jha, son of Tota Jha.

Formerly, the King of Makwanpur had granted the mouja of Sudiyahi in Mahottari Parganna of Mahottari district, after indicating the boundaries thereof, as Kush Birta during a solar eclipse with the object of propitiating

Contd...

Vishnu. Our father (i.e. King Ran Bahadur) had confirmed this grant for propitiating Vishnu. Udaya Singh and Ganapati Padhya had been deputed to measure the lands so that a copper plate might be issued. They have demarcated the boundaries and submitted their report. We hereby issue this royal order on copper plate (confirming the grant) of the lands being utilized so far as well as all revenues accruing therefrom, with the exception of Goddhuwa, Gadimubarak, Chumawan and Sair. With due loyalty, reclaim the land and promote settlement, and appropriate the produce, knowing it to be Kush Birta, and enjoy happiness from generation to generation. Wish victory for us and bless us. The Birta owner shall not encroach upon lands not mentioned in the grant, which shall not be confiscated without any offense being committed. In case you do not comply with these restrictions, you shall be a sinner in this world. Any person who confiscates land granted by himself or by others shall be reborn as a worm and live in human excretion for 60,000 years.

Baisakh 1 (Badi 8) 1869  
(9/223)

4. Waste Land Grant For Guthi Endowment For Maintenance Of Water-Spout

From King Rajendra,  
To Jaifar Adhikari.

We hereby grant 13 muris of waste land in Khari for endowment as Guthi to repair and maintain the water-spout constructed by you on the Khari hill on the main road leading to Bunkot. With due loyalty, reclaim the waste land, repair and maintain the water-spout and use the land as Guthi.

(Particulars of land follow).

Marga Badi 14, 1891  
(9/282)

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Nisaf	...	A corrupt form of the Arabic "Nisaf" which meant "taxable minimum." A levy was collected on this basis on lands allotted to Mokaddams in the eastern Tarai before 1794.
Nun-Bhansari	...	An official appointed to collect duties on salt imported from Tibet.
Nwagi-Kharcha	...	A levy collected in Thak and elsewhere in the form of newly-harvested grains.
Pagari-Dastur	...	A payment of Rs 5 collected from the winner in a court case in return for a turban (Pagari).
Pahidar (Also Pahikasht)	...	In the Tarai districts, cultivator who does not live in the village where his lands are situated.
Pakho	...	Unirrigated hillside or high lands possibly a corrupt form of the Persian "bakhs."
Panchakhat	...	Originally, offenses relating to bribery, smuggling, murder (including infanticide), assault resulting in the shedding of blood and cow-slaughter. Subsequently, offenses involving capital punishment, shaving of the head, branding for degradation to a lower caste and loss of caste.
Panchit	...	A levy imposed in the eastern Tarai districts before 1793; the proceeds were appropriated by local officials and functionaries. Replaced by the Gram-Kharcha levy in that year.
Parta	...	Waste lands, possibly a corrupt form of the Mughal term "Parauti."
Basuban	...	Compensation paid to the husband by a person who took his wife.

Contd...

Patuwari	...	In the Tarai districts, a functionary who maintains tax assessment and collection records.
Paulo	...	A quantity of gold dust equal to 6 <u>mashas</u> , valued at Rs 8 in Jumla in 1836.
Peshkar	...	A judicial functionary in some Tarai districts.
Potadar	...	An official appointed to collect the Pota tax on Birta lands in Kathmandu Valley.
Pradhan	...	(1) A revenue collection functionary in Kathmandu Valley at the village level chosen from among local landowners.  (2) Headmen of the Putwar, Dole, Bala, Duiyan, Dali and other communities in Kathmandu Valley.
Puchhahi	...	A tax levied on falcons in Jumla, Dullu, Dailekh and other areas.
Purohiti	...	A tax imposed on Brahman priests in the eastern Tarai districts.
Prajajat	...	A generic term used to denote such communities as Bhote, Chepang, Darai, Majhi, Hayu, Danuwar, Kumhal and Pahari, but not Gurung, Limbu and Rai.
Pradhan	...	(1) A revenue functionary in Kumaun who assisted the Kamin in the collection of revenue and the exercise of judicial authority.  (2) In Kathmandu Valley, there were four Pradhans to assist the Dware in discharging similar functions.
Raibandi	...	(1) Tax assessment schedule.

Contd...

- (2) Land allotments among local inhabitants in proportion to their physical capacity and the size of their families.
- (3) Allotments to military personnel of revenue assigned to the company.

Raj-Anka

...

A generic term used to denote taxes and levies the proceeds of which accrued to the royal palace. These included Walak, Godan, Chumawan, Gadimubarak, Goddhuwa, and Fattemubarak.

Rajwar

...

A revenue collection functionary in the far-western Tarai.

Sagauddha

...

A levy on communal facilities such as pastures and sources of water in the eastern Tarai districts.

Sahanapal

...

- (1) A functionary appointed in villages in Kathmandu Valley to prevent cattle from straying into fields.
- (2) A tax collection from peasants to finance the emoluments of the Sahanapal.

Sair

...

Taxes other than land tax, such as customs duties.

To Be Continued

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Regmi Research (Private) Ltd,

Lazimpat, Kathmandu, Nepal.

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Rituals In Nepali Life\*

By

Badri Ratna and Ratna Kaji Bajracharya

Let us discuss here the traditional rites performed in Nepal from birth to death and afterwards.

From The Sambalodaya Tantra

Birth becomes possible when a father and a mother unite, following the path of enjoyment.

The genital organ of the mother is joined at the center by two arteries, one secreting semen and the other blood, coming from the right and the left sides respectively.

At the center the father's semen joins the mother's blood, forming thereby a compound, which in the form of a drop passes into the womb of the mother.

The compound becomes a pudding-like mass of semen and blood after the first month, a thin substance after the second, a mass of flesh after the third and a solid substance after the fourth.

With the wind passing through it the solid mass then takes the form of a fish in the fifth month developing hands, feet, head and body in small proportions and also all the five senses of eyes, ears, nose, tongue and mind.

(Bones and livers are formed in the sixth month).

Hairs and nails develop in the seventh month.

In the eighth, all the senses are developed and in the tenth everything is complete and birth takes place.

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\*Badri Ratna and Ratna Kaji Bajracharya, Nepali Jan Jivan Kriya Paddhati (Rituals in Nepali Life), Kathmandu: The authors, 1963, 38 PP (Newari).

## Removal Of The Umbilical Cord

### From The Manjushri Parajika

For the benefit of the new-born baby nine varieties of seeds (including areca-nuts) are presented and then the umbilical cord shall be cut off against a fruit, with prayer that the child may grow wise.

On this occasion, the baby shall be bathed; auspicious music played, religious gifts distributed; and celebrations held. The family shall then observe impurity caused by the birth of the child.

## Purificatory Rites

### From The Manjushri Parajika

Purificatory rites shall be performed in the traditional manner. The child shall be consecrated with a water jar and blessed.

Ghee and honey shall be kept on a leaf of a pipal (*Ficus religiosa*) tree, and worship shall then be offered according to rules. Thereafter the child shall be made to taste the ghee and honey.

Six pathis of Shali paddy shall be heaped at a place. (A circular figure of Manjushri, drawn on a piece of slate, shall be placed on the top of the heap). Sixty lighted wicks shall be placed all around it, and worship shall be offered with all the three different thoughts of abstract meditation.

Then the horoscope shall be drawn up according to the principles explained in the Graha Sadhana. The planets shall be worshiped. The night shall be passed in a vigil and the Graha Matrika recited.

## The Naming Ceremony

### From The Manjushri Parajika

The naming ceremony of the child shall be performed according to the prescribed letter of the alphabet, on the tenth, twelfth or twentieth day of its birth.

## Ceremony Of Exposure To The Sun

The child shall be exposed to the Sun either after the first or the third month of its birth. This will greatly benefit the child.

Contd...

### Ceremony Of Giving Food

The ceremony of giving the child food shall be held in the sixth month or after a year of its birth. On this occasion a tray with ornaments, clothes, clay, cotton, paddy, ink, pen etc on it shall be placed before the child, so that it may pick up anything it likes, indicating thereby its life in the future. Thereafter it shall be given food.

### Protection From The Planets

#### From The Nemasutra Parajika

(On the occasion of the food giving ceremony) the child shall be made to wear a necklace of multicolored threads bearing an amulet containing a coral, hingul, kut, the Sobhanjan fruit, nardostachys Jatamansi, a piece of cloth, a piece of iron, terminalia chebula, a piece of copper, and a piece of silver, symbolic of the Sun, the Moon, Mars, Mercury, Jupiter, Venus, Saturn, Rahu, Ketu and birth respectively. This will greatly benefit and protect the child.

### Purification Of Throat

The day following the food giving ceremony, a water jar shall be worshipped and the throat purificatory rites performed by cleaning the child's mouth with a stick, then sending it to the local deity and presenting it with auspicious articles.

### Shaving Of Head

#### From The Manjushri Parajika

The ceremony of tonsure shall be held between the seventh and the twelfth year of the child's life formation in the mother's womb, in the manner followed by Brahmins, Kshtriya, Vaishyas and Shudras. Ear-holes shall also be made on the occasion.

### Bratabandha Ceremony

The Bratabandha ceremony shall be held in the seventh or twelfth year of birth. On the occasion the boy's head shall be shaved except on the crown, and nails shall be cut off. He shall then be made to bathe himself with sesame and myrobalans worshipped according to the prescribed rites. An arrow, a sacred thread and the branch of a birch tree, shall be given to him, and he shall be sent to the forest. In case he is to commence the life of a householder, he shall be taken to the temple of Ganesh in the locality and brought back home after giving him alms at the gate of his house.

Contd...

### Rites Of Monasticism

The boy's head shall be completely shaved and his nails cut off. He shall wear yellow robes and undergo training in the Five and Ten Principles.

He shall be sent to the Sangha, given a bowl, Kundhar Shilalaku, instructed in the Shat Paramita and the Chatur Brahma Arya Satya.

#### From The Manjushri Parajika

He shall then be given education in various branches of learning including Bodhi Chitta Jnyan, whereupon he shall be known as a Bhikshu. He shall, however, be known as Shramaner if he is given education only in half of the above, and Chairak, if educated only in a quarter. Among these three categories the highest is the Bhikshu. They cannot perform sacrificial rites.

### Rites Of Initiation Into Priesthood (Bajracharya)

#### From The Kriya Sangraha

A Bhikshu, who is born in the Shakya family and enters the monastic order, shall be addressed as Bande. The Bhikshu who, afterwards, holds a bell and an object representing a thunder-bolt shall be called a Bajracharya.

#### From The Manjushri Parajika

A Bhikshu who deserves to attain Nirvan (i.e. final liberation) and who sheds his desires shall be invested with a bell and an object representing a thunderbolt. He shall then be authorised to perform sacrificial rites. A Bhikshu who is invested with these two objects shall be conferred the title of Bajracharya and then permitted to peruse and recite the Mahayan Sutra.

### Marriage

#### From The Kriya Sangraha

On an auspicious day and moment a girl who is blessed with good qualities shall be brought. (Sacrificial rites and wedding shall be performed according to traditional rites).

Her body shall be purified. A piece of iron and a lighted wick in a pathi shall in turn be rotated in the air before her face. She shall then be made to homage to the gods. After that she shall be given clothes and ornaments to wear.

Contd...

She shall hold a box, containing yellow powder, vermilion and a piece of gold and offer them to gods and elders.

Thereafter she shall have red powder put on the parting of the hair over her head with a metal stick which subsequently shall be placed on her hair.

### Handing The Bride To The Groom

#### From The Panigrahan Bidhan

Ginger, salt, raw-sugar, chutro, madan-pushpa, fish, the Sobhanjan fruit, frog, betel, nuts, fried rice and whole rice grains packed in a leaf and suspending it by a special thread 101 times longer than her height shall be put round her neck. (She shall then be given a marriage vessel).

A Swastik mark shall be drawn on her palm. A piece of thread, fried rice and rice grains shall be placed on it in a leaf. She shall then close her fist. Then with a solemn vow (Sankalpa), her hand shall be given to the boy.

### Nikshabhu Rites

The system of performing Nikshabhu rites on the day following marriage is prevalent only among some persons. (A special feature of this rite is that the bride and her mother-in-law for the first time in their life share the kitchen. They exchange food between themselves from their plates -- Nepal Press Digest (Pvt) Ltd).

### Hair Braiding Ceremony

It is a rite performed on the third day of the marriage. The boy then braids the hair of the bride. This system is also not observed by all.

#### (Rites To Be Performed By Girls)

### Confinement During Menstruation

On the day when the girl is to be confined, she shall worship a water jar. She shall then be placed in a room arranged for the purpose. The Sun's rays shall not be allowed to enter the room. She shall also not be allowed to see any man. After the expiry of twelve days she shall take a bath and then have a look of the Sun. She shall then worship the Sun, visit a local temple and Ganesh. Auspicious articles shall be offered to her.

Contd...

The Seventy-Seventh YearFrom The Nem-sutra Parajika

The seventh day in the seventh month of the 77th year of a person's life shall be celebrated by his or her children.

Verses from the Grahamatrika shall be recited. A circle of the planets, as described in the Grahasadhana shall be drawn and worshipped. The head shall be shaved and nails cut off. Everybody shall then have a purificatory bath.

Rites on the occasion shall be performed by a person who has witnessed 950 moons. A chariot shall be made for the purpose after the traditional custom of the family, equipped with horses, etc. This ceremony is known as Bhimarath Kriya.

The Eighty Eighth YearFrom The Nemasutra

On the 8th day in the 9th month of the 88th year of a man's life, at the time when the 1000th moon is seen, one more such celebration called Debarath shall be held.

This celebration may also be held after the 80th year of a man's life. On this occasion a circle symbolizing Goddess Basundhara shall be drawn, surrounded by eight Yakshinis. Worship shall be offered and a prayer shall be made for the eight blessings (Ashta Siddhi).

The Ninetieth Year

After the completion of the ninth day in the ninth month of the ninetieth year of a man's life, a celebration called Maharath shall be held on the day when 1200th moon is seen.

As on the occasion of the first celebration known as Bhimarath, the Maharatha shall be performed by making a sacrificial platform, and drawing a circle of victory and a coronet.

Fruits Of Actions

Birth, disease, and old age are the fruits of actions done in the previous life. They are natural to a person after his coming into being in his mother's womb. Major diseases, such as those originating from wind, bile and phlegm, and typhoid are also the fruits of actions done in the previous life.

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A good physician treats a patient by examining his tongue and pulse.

He should similarly worship and appease terrible spirits, ghosts, gods, and serpents on suspicion that the disease might have been caused by them.

Skillful persons are also then asked to use their magical powers. Horoscopes are also consulted to see if it was due to the influence of any planet.

Thereafter necessary rites are performed as advised by those who have consulted the horoscope. In this way everything possible is done for the good of the patient.

Then the family deity is worshipped. Offerings are presented and blessings are invoked. But a deadly disease, once it attacks a person, is not cured in spite of all possible efforts.

(Finally) when the life-breath is about to go out of the nine gates, (ears, etc) and subsequently breathing becomes heavy, a sovereign drug (in pills) is administered and a gift known as Baitarani is given to a priest.

A cow also is gifted according to religious rites. An offering of water is made at the feet of the patient and then incantations relating to the family deity are recited in his presence.

By this time nothing is left in his body except the breath of life which too finally deserts it and goes to the abode of Yama, the god of Death.

Subsequently the soul is taken to see the field of action prepared by his own doings. He will get the fruits of his actions, whether good or bad.

### Utkranti Rites

(Passage of the soul out of the body)

Utkranti rites shall be performed after the death of a person and not before. If these rites are performed before the death takes place the person (in whose name they are performed -- Nepal Press Digest (Pvt) Ltd) shall go to hell.

Under these circumstances, Utkranti rites shall be performed only after having proper knowledge of the facts.

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### Funeral Rites

When a person breathes his last, a piece of iron or a knife should be placed over his body, and lights should be kept burning towards his head and feet, and if possible, all around the body. Because of the influence of the iron or knife, the breath of life, which has gone out, cannot re-enter the body. If not, it may return and enter it, with the result that it will not have an access to any good state (i.e. it will be condemned to the perpetual state of agati). This is why a piece of iron should be placed over the dead body.

### Casting of Clothes At Chhwasa

Clothes, taken out of the dead body or his old clothes and seat (or mat) and the girdle worn round his waist shall be thrown away at the Chhwasa, the place where his umbilical cord had been thrown away at birth. This is to be done so because it may otherwise lead to the infection of the disease of the dead person.

### Smoking The Eaves

Cowdung cakes shall be burnt in a clay-pot beside the main gate under the eaves, so as to emit smoke thereto. Discharging of smoke in this way into the whole house will destroy the germs of the disease which had claimed the life of the deceased person.

### Covering The Deady Body With White Cloth, etc

With cowdung make a drawing (on the ground -- N P P (Pvt) Ltd) of a Swastik, symbolizing "may it be well with him" and over it place the dead body, covered all over with a white cloth. Bringing it out therefrom, place it on a Kuta, (a staircase-like chariot) decorated with astamangal (a collection of eight auspicious articles), Kirkinijal (a wreath of pieces of fruit), Fayagan (a number of tinkling bells of paper), a wreath of flowers, flags, etc and then scatter fried paddy, vermilion, flowers, etc all over the Kuta.

### Casting Of A Bamboo-Pot At Cross Roads

When the dead body is taken out, the house shall be swept all over (with a broom-stick). The dust thus gathered shall be kept in a pot which subsequently shall be thrown away at the Chhwasa along with that broomstick. The pot, the dust and the broomstick are thus to be thrown away because it will prevent the inmates of the house from getting infected with the disease of the deceased person.

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## Funeral Procession

### From The Manjushri Parajika

The dead body shall then be taken to the crematorium, led by a person sweeping the path with a broom, another sprinkling water, the third burning incense, the fourth scattering paddy grains, the priests reciting the verses of Dharani, praying for the protection of the dead man's soul from evils, and a batch of instrument players, playing the funeral tunes, etc. (On the funeral ground, a pyre shall be made of fuelwood, over which the dead body shall be placed. Then the relatives and members of the family shall offer holy water to it).

### Rites To Be Performed On The Funeral Ground

#### From The Buddhokta Sansaramaya

In front of the dead body, three riceballs shall be offered—one to crows, another to spirits and the third to dogs.

The balls shall be offered by the son or in his absence by the wife or in her absence by the brother or in his absence by some other relative.

(By virtue of offering a rice ball to crows, the dead person shall not be reborn as a bird).

By virtue of offering a rice-ball to dogs, he shall not be reborn as an animal.

And by virtue of offering a rice ball to spirits, he shall not attain the state of a spirit or a lower animal.

By virtue of offering a rice ball to crows all efforts will be accomplished, while by that to dogs the path of religion will be seen.

And by virtue of offering a rice-ball to spirits, freedom from leading a spirits' life will be achieved.

Fire then shall be consecrated at the mouth of the dead body. (Consecration is thus to be made at the crematorium because a sacrificial hall in front of a divine mother's (matrika) place or on the bank of a river always remains constant).

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Washing Away Of AshesFrom The Manjushri Parajika

On the third day the bones of the dead body shall be washed and worshipped. The ashes at the crematorium shall also be worshipped and heaped to form a monument and again worshipped. Thereafter all the ashes shall be thrown into a river. The ashes may be thus thrown on the fifth, sixth or seventh day.

Quittance RitesFrom The Manjushri

On the third day a circle, representing Durgati, i.e. bad state, shall be drawn and worshipped. The pot containing the ashes shall also be worshipped. The Aparimita verses shall be recited. On the fifth, sixth or seventh day the ashes shall be placed inside a brass Chaitya and then consecrated with short rites. The ashes (left after this shall then be sent to five rivers to be thrown away).

Rites On The Seventh Day

On the seventh day, cooked rice shall be offered at the main gate of the house.

Hanging Rice On The Eaves

Again, on the same day, some rice shall be hung on the eaves, along with a burning wick late at night when no human being will walk out.

Purificatory Rites

All the relatives of the same clan shall go to the river side, shave their heads, cut off their nails, take a bath, put on new clothes, take panchgavya, (the five products of the cow, i.e. milk, curd, clarified butter, urine and cowdung) and thus get purified.

They shall purify their body by bathing in the river with a little flour, some pieces of dry myrobalans, sesamum, a little rice powder, oil and oil-cake.

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### House Purification

The priests (Acharyas), on the seventh day, and others on the twelfth, shall take nut, betel-leaves, and tooth-sticks and throw them away, and then perform sacrificial rites. This will purify the house.

### Das-Pinda Rites

(Offering Of Ten Rice Balls)

#### From The Nem Sutra

Beginning from the day of the death to the seventh or the tenth day, offerings of rice balls called Das Pinda shall be made.

#### From The Buddhokta Sansaramaya

Offering of rice balls in ten consecutive days helps the formation of head, eyes, nose, ears, heart, hands, bowels, senses, legs, hairs and nails, and body (of the dead person).

### Ekadas Pinda Rites

(Offering Of Eleventh Rice Ball)

On the eleventh day, the eleventh rice ball shall be offered.

The offering of this eleventh rice ball, on the eleventh day, will help the dead person to take his rebirth (in any one of the four forms of existence).

### Procedure Of Offering Pindas

Again, after a period of one and a half months or after three months rice balls shall be offered in the name of the dead person.

Again after the end of the year rice balls shall similarly be offered in his name.

### Lin Pinda

When offering rice balls, one each shall also be offered to the father, the grand-father and the great-grand-father if the dead person is a male or to the mother, the grand-mother and the great-grand-mother if it is a female. When offering these, to these three generations one should pray for the help of Buddha, Dharma and Sangha.

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In case a son dies while his father is living, no such offering shall be made.

Lin Pinda, Saman Pinda, Ninitta Pinda shall be offered at the house, or a hill top or river bank or any other holy place. The objects to be offered on such occasions shall be pure and edible and not impure and inedible.

### Priest

#### From The Manjushri Parajika

Help for performing the Shraddha ceremony should be sought from a person who is well disciplined, pure at heart, restrained in his desires and speech, content, well-versed in performance of all rites, patient and pure. The Shraddha ceremony caused to be performed by such a priest will bear eternal fruit and please and satisfy the manes.

Help for performing the Shraddha ceremony should not be sought from a person who is wicked, talkative, impure, quarrelsome, discontent and who can eat too much. If such a person is engaged to perform the Shraddha ceremony, the manes will go back disappointed and the donor will fall into hell.

### Shraddha

A rice ball offered on the Full Moon day of the month of Kartik is called dharma pinda, a ball of religion. As such all the four classes of fruits, religious, financial, sensual and emancipatory, will accrue on the dead person.

The Shraddha ceremony should be performed on the Full Moon days of Kartik and Magh, or on the thirteenth day of the Dark Half of Shravan or on the third day of Baishakh, The dead person will be benefitted considerably.

#### From The Manjushri Parajika

Performance of Shraddha ceremony on a wrong day will foil its purpose which consequently will prove detrimental to the growth of the family.

The Shraddha ceremony shall not be performed during the mourning period or touched by a woman during her menstruation. It will, otherwise, foil the purpose of the ceremony.

#### From The Manjushri Parajika

The Shraddha ceremony should be performed after noon and before sun

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When performing the Shraddha ceremony rhinocero's meat should be placed inside the rice ball. If it is done so, (owing to the influence of that meat), the reward of performing the ceremony will go to the manes even after the expiry of a Kalpa (a period of 432 million years), and they will always be happy.

The rice-balls to be offered to the manes should be made of grains of good quality, rice, beaten rice, rice-powder, barley powder, etc and not of things prohibited by the people (maize powder, millet powder, etc), and shall be mixed with ghee, honey, milk and curd.

These balls should then be offered in the name of the deceased person, along with flowers, incense, wicks, and eatables.

#### From The Manjushri Parajika

While performing the Shraddha ceremony, the person doing so should take his seat on a seat of Kusha grass and offer the rice-balls, keeping them on an arghapatra (a pot used specially for making offerings). The balls should, first of all, be offered to the ancestors and last to the deceased person.

Then a Bikal Pinda (a spare rice-ball) should be offered. Offering of such a Pinda is essential on the occasion of every kind of Shraddha ceremony. Performance of millions of Shraddha ceremonies will be of no avail if a Bikal Pinda is not offered on the occasion.

#### From The Pinda Bidhan

"May my offering of water obtained from the ground satisfy my brothers and sisters who were born in my family and who died issueless or who were delivered prematurely or who have fallen into the state of spirit, with deformed bodies or appearances. Let me offer the rice-balls to the destitute in the name of all those who, having fallen on the wrong path, have been deprived of their perfect state."

The rice-balls should not be offered in an iron, clay or wooden pot. In case it is done so, the manes will go back disappointed.

On the occasion of the Ashtami celebrations, offering of different kinds of flowers pleases gods, while on the occasion of Shraddha ceremony offering of red and fragrant flowers displeases the manes. So such flowers should not be offered,

#### From The Pinda Bidhan

The manes will be pleased if they are offered flowers such as lotus, Tagar, and Bhringaraj.

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On the occasion of the Shraddha ceremony the manes should be invoked with sesame, Kusha grass, water and flowers in the hand. They will be satisfied (regardless of a few things lacking). Sesame and Kusha grass is the best thing for all rites, specially for the Shraddha ceremony.

From The Manjushri Parajika

On the conclusion of the Shraddha ceremony, the vessel containing the rice-balls should be placed just outside the main gate, and encircled with a current of water three times from the right side and three times from the left. The priest, facing the west, should then recite the following verses regarding the conclusion of the ceremony (as follows).

From The Manjushri Parajika

"Be gone to your respective places as you have come before, giving blessings for achieving everything."

Right Place For Leaving Rice-Balls

The rice-balls should then be thrown away in a spirit's resort, river or a tank. Thereafter the relatives should be offered a feast.

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Village Panchayats During The Rana PeriodThe Village Panchayat Act, 1949

(Continued)

Chapter IVMovable And Immovable Assets And Fund Of Village Panchayat

26. The Village Panchayat may acquire land with the consent of the owner thereof, on payment of the values at locally current rates, in case the land is needed for any of the purposes mentioned in this Act. In case the landowner refuses to give the land, the Village Panchayat may submit an application for acquisition thereof to the chief of the appropriate District Administration Office, who shall study the grievances of the landowner, the current value of the land, and the opinion of the Village Assembly and then make a decision. In case any party is dissatisfied with such a decision, an appeal thereagainst may be filed in accordance with the law and regulations.
27. The Village Assembly shall have full ownership rights over any land or their property registered in its name, and the income accruing therefrom shall be credited to the fund of the Village Assembly.
28. In case there arises a dispute as to whether the Village Assembly possess ownership rights over any land or other property as mentioned in Section 27, the nearest court shall dispose it of.
29. In case it becomes necessary for the Village Panchayat to obtain land for any purpose, it shall notify the appropriate Central Administrative Office accordingly and act as directed.
30. (1) The Village Assembly may, if it so deems appropriate after taking into full consideration the situation in its area as well as the duties to be performed by it, and holding discussions subject to the rules prescribed by the government, impose the following taxes in areas within its jurisdiction, and collect such taxes only after it has notified the Central Administrative Office of such decision and obtained its approval thereto.
- (a) Tax on land at rates not exceeding 5% of the land tax payable to the Central Government.
- (b) Tax on any trade or occupation.

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Note:- Transactions in agricultural produce grown on one's own land and in property shall not be considered to be of a commercial nature.

- (c) Tax on the homesteads of persons who are not required to pay the taxes mentioned in (a) and (b), at rates not exceeding those mentioned therein.
- (2) Since revenue from the above-mentioned sources must be utilized at the discretion of the Village Panchayat for the welfare of the people living within the Village Assembly area, and since the government provides financial grants in addition, the Village Panchayat shall submit to the appropriate office a statement indicating the kind of taxes proposed to be imposed, the rates at which these are to be collected and the total proceeds thereof.
31. The Village Panchayat shall make necessary arrangements for collecting the taxes it is entitled to collect and protecting the proceeds thereof, as well as for maintaining accurate accounts in respect thereto.
32. (a) The expenses of the Panchayat Court shall be borne from the Village Assembly Fund.
- (b) The fines or fees accruing from court proceedings shall be credited to the fund of the Village Assembly in whose area the case is filed. If the case has been filed within the area under the jurisdiction of a joint committee, such proceeds shall be divided on an equal basis among the appropriate Village Panchayats.
33. The accounts of the Village Assembly shall be inspected annually by the District Panchayat.

#### Chapter V

#### Supervision Over Panchayats

34. (a) The District Panchayat shall exercise supervision over Village Panchayats while supervision over District Panchayats shall be exercised by the Central Administrative Office.
- (b) The District Panchayat shall supervise the work of Village Panchayats in the manner indicated below. In case the District Panchayat does not appear to be performing this function, the Central Administrative Office shall issue a notice directing it to do so. In case the District Panchayat is unable for any reason to exercise such supervision in accordance with such directive, the Central Administrative Office itself shall conduct such supervision.

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- (1) Inspect the movable and immovable assets and accounts and other documents of Village Panchayats.
  - (2) Tender opinions with regard to meetings or agenda of Panchayats and make them act accordingly.
  - (c) In case any Village Panchayat acts beyond its authority or in contravention of this Act, the Central Administrative Office may dissolve it or temporarily suspend its powers.
35. (a) In case any action of the Village Panchayat is likely to cause harm or loss to the public or to endanger the life of any person or to lead to disturbances anywhere, the District or Central Administrative Office may prohibit it from taking such action.
- (b) In case the District Administration Office takes action under Sub-Section (a), it shall explain the reasons therefor and suspend the functions of the Village Panchayat and notify the appropriate Central Administrative Office accordingly.
36. In case any of the functions suspended under Sub-Sections (a) and (b) of Section 35 must be completed urgently, the office issuing such order of suspension may direct the committee of the Village Panchayat or employees of such institutions to complete such particular function. The Village Panchayat, its committee and their employees shall be under obligations to discharge such functions and shall not refuse to do so.

#### Chapter VI

#### Penalties And Rules

37. In case any person performs any action in contravention of this Act, he shall be awarded the prescribed penalty, or else he shall be fined with an amount ranging from Rs 0.04 to Rs 10.00. In case he commits the same offense again, he shall be fined with Rs 1.00 on each count in addition.
38. In case it is required to prevent any offense other than those mentioned in this Act from being committed by any person, punishment shall be awarded in accordance with Section 37 after framing rules in respect thereof.
39. (a) In case any person damages any goods, irrigation channels, fences, lamp-posts or any other minor property in the custody of the Village Panchayat, or causes this to be done, he shall be punished with a fine not exceeding Rs 10.00
- (b) Loss or damage caused in the manner mentioned in Sub-Section (a) shall be recovered from the person responsible therefor or he shall be directed to restore the damaged property to its original condition.

40. In case any person does not do any work which he has been directed to do by the Panchayat by means of a written order according to Panchayat rules or in case he does any work which he has been prohibited to do, the Panchayat itself may undertake such work and realise the expenses involved therein from the defaulter, and, in addition, punish him with fines under Section 37.
41. The written documents issued by the Village Panchayat or the Panchayat Court shall not be returned under any pretext.
42. (a) In case any person feels aggrieved over any action performed or ordered by the Village Panchayat, he may file complaints at the District Panchayat within 30 days. The District Panchayat may commute, enhance or remit the penalties awarded by the Village Panchayat.
- (b) The Central Administrative Office may, if it so deems proper, extend the time-limit for filing complaints prescribed in Sub-Section (a) by a maximum of 15 days.
- (c) In case the complaint is not satisfied with the decision made on the complaint mentioned in Sub-Section (a), he may file an appeal to the Central Administrative Office.
43. In case an appeal is filed against any action ordered or punishment awarded by the Village Panchayat, such action or punishment shall be stayed until the appeal is disposed of.
44. (a) The Chairman or any member or employee of the Panchayat deputed by him may enter into any house or compound alone or in company with other employees for purposes of inspection or any other work authorized under the Act.
- (b) But such entry shall be made only between sunrise and sunset.
- (c) In case it becomes necessary to enter into the house of any person, this shall be done only after giving a written notice to him in advance of at least 4 hours.
- (d) In case women are found to be staying in any part of the house, it shall be entered into only after providing them with adequate time to move to other place under purdah.
- (e) The house shall be entered into without prejudice to the customs and usages of its occupants.

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45. (a) Complaints may be filed against the Village Assembly or the Village Panchayat, or members or employees of these institutions, or persons employed by them, in respect to the functions performed or caused to be performed by them. Such complaints shall be entertained only if a written notice explicitly indicating the amount of compensation sought and the name and address (of the complainant) is submitted to the Village Assembly or the Village Panchayat or at the office, or served at the residence of members or employees of these institutions or persons employed by them against whom the complaints are to be filed, in advance of two months.
- (b) Complaints mentioned in Sub-Section (a) shall be filed within six months from the date of the cause of action.
46. In case any police or government employee receives information to the effect that any person has acted or caused any action to be taken in contravention of this Act, he shall notify the concerned Village Panchayat accordingly and extend every possible assistance to the members and employees thereof.
47. (a) In case any dispute arises between (two or more) Panchayats, it shall be heard and disposed of by the District Panchayat. In case the District Panchayat is not in session and the dispute must be disposed of as expeditiously as possible, it shall be heard and decided upon by the appropriate District Administration Office, and the Central Administrative Office shall be notified of such decision. In the event of a dispute between the Village Panchayat and the District Panchayat or a Town Panchayat, the matter shall be referred to the appropriate Central Administrative Office.
- (b) In case any party is aggrieved over the decision made by the appropriate District Administration Office, an appeal may be filed to the Central Administrative Office.

### Chapter VII

#### On Matters Relating To Framing Of Panchayat Rules And Articles

48. (1) In case current law is vague or inadequate in any respect, the Village Panchayat may, without prejudice to the objectives of this Act, frame articles providing for the following matters:-
- (a) Prohibition to drink water at any water-spout or make such place filthy; and issuance of notices asking the public to draw water from specified places, explaining the reasons therefor, in the interests of the health of the people living in the Panchayat area.

- (b) Prohibition to let out filthy water in an indiscriminate manner and prevention of accumulation of such water.
- (c) Prevention of damage to main roads or to assets belonging to the Village Panchayat.
- (d) Prohibition to make the Panchayat area dirty and filthy.
- (e) Prohibition to keep goods indiscriminately on the roads and sell them in a dirty or filthy condition.
- (f) Maintenance of ponds, lakes, drains, pastures and playgrounds, funeral places, bathing-ghats, etc and public use thereof against fees.

(2) Articles framed under Sub-Section (1) shall come into force only after these have been approved by the District Panchayat.

49. In case it is required to interpret any provision contained in this Act and make inquiries in respect to any other matter relating to Panchayat affairs, the Central Administrative Office shall be notified accordingly and action shall be taken according to its directives.
50. In case it becomes necessary to make provision in matters not mentioned in this Act, or to effect some amendments thereto, the Central Administrative Office shall be notified accordingly.

#### Meetings And Working Procedure Of Village Panchayats

51. The Village Panchayat shall hold meetings at least four times in a year. In case the Chairman so deems necessary, or in case one-third of the members of the Panchayat submit a written notice to the Chairman requesting a meeting, the Chairman or the Vice-Chairman shall be under obligation to convene a meeting.
52. Notice of meetings of the Village Panchayat shall be sent to every member in advance of 10 days. Such notice shall indicate the date, time and the agenda of the meeting.
53. No meeting of the Village Panchayat shall be held unless it is attended by at least one-third of the total members, excluding the Chairman or the person who presides.
54. Every member of the Village Panchayat shall attend its meetings. In case he cannot attend a meeting for proper reasons, he shall send a notice to this effect on or before the day when it is due to be held.

55. The opinion of a majority of members on any matter or resolution presented at meetings of the Village Panchayat shall be regarded as the opinion of the Village Panchayat. In the event of a tie, the Chairman may exercise a casting vote. In other circumstances, the Chairman shall have no right to vote.
56. The Village Assembly shall perform, or cause to be performed, functions which it is empowered (to perform) according to the law and regulations in accordance with the opinion of the majority of its members after holding discussions thereon at its meetings.
57. A minute book containing the names of the members attending every meeting of the Village Panchayat, the resolutions approved therein as well as other matters shall be maintained after having signed by every member. The particulars contained in the minute book shall be read out at the next meeting of the Village Panchayat. A copy of every resolution approved at the meeting shall be forwarded to the Central Administration Office and one copy shall be sent to the appropriate District Panchayat within 7 days from the date when it is passed.
58. The Chairman, or in the event of his incapacity, the Vice-Chairman, shall preside over meetings of the Village Panchayat. In case the Chairman is unable to discharge the functions of a presiding officer for any reason, he shall issue to the Vice-Chairman a written order directing him to perform such functions.
59. In case both the Chairman and the Vice-Chairman are unable to attend a meeting of the Village Panchayat held on any day for any reason, and the meeting has to be held urgently, the Chairman may authorize any other member in writing to preside over such meeting. In case any other member presides over the meeting without obtaining such authority, any function performed or caused to be performed therein shall not be valid.
60. Any resolution once passed by the Village Panchayat shall not ordinarily be altered or amended during the next six months. In case it is necessary to amend such resolution, consent of at least half of the members of the Village Panchayat shall be necessary.
61. The public may witness the proceedings of the Village Panchayat with the permission of the Chairman. In case the visit of outsiders to the Village Panchayat is, in the opinion of the Chairman, undesirable, he may prohibit persons other than members from witnessing such proceedings.
62. Government employees functioning within the Village Panchayat area may participate in discussions on the activities of the Village Panchayat with the permission of the Chairman after making a request to this effect. But they shall have no power to vote on any matter.

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63. In case any member, defying the orders of the Chairman, obstructs the debate or discussions at meetings of the Village Panchayat, he shall at first be persuaded by the Chairman not to do so. But if he persists in such defiance, necessary action may be taken against him and he may even be removed from the meeting.
64. A meeting of the Village Panchayat held on any day to discuss any matter may be continued on other days also until a decision thereon is reached. In case the majority of members agree to postpone the meeting for some days, action may be taken accordingly.
65. Every meeting of the Village Panchayat shall hold discussions only on the items listed in the agenda, and no other matter shall be discussed therein. In case it is necessary to discuss any other matter, this may be done if two-third of members of the Panchayat so decide.
66. In case any member of the Village Panchayat absents himself from three consecutive meetings of the Panchayat without giving proper reasons, his seat shall be deemed to have fallen vacant. In the event of such vacancy, a new member shall be nominated and not elected according to the election rules. Such member may stand as a candidate only in the next elections.

Supervision By Central Administrative Office Over Village Panchayats

67. The Central Administrative Office shall have the power to act as follows in accordance with the relevant regulations:-
- (a) To institute a Village Panchayat in any area, prescribe or alter its boundaries, or temporarily suspend an existing Village Panchayat or dissolve it altogether and establish a new Village Panchayat.
  - (b) In the event of the temporary suspension of any Village Panchayat, to appoint a person to discharge its functions.
  - (c) To issue orders to Village Panchayats to finish any work being done by it under this Act within a specified time-limit, and in the event of its failure to complete such work within the specified time-limit, to depute other persons to complete it and recover the expenses involved in such work from the Village Panchayat Fund.
  - (d) To hear and decide on petitions, if any, filed by any member expelled under Clause (f) of Section 8, to the effect that he had been unjustly removed from membership.

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- (e) To remove any member, even if he may not have been expelled by the Village Panchayat, in case he misuses his position in such a manner as to cause harm to the public.
- (f) To permit any member expelled from the Village Panchayat to stand as a candidate again in the elections.
- (g) To approve the budget submitted by the Village Panchayat or to have it revised by the Village Panchayat itself, if so found necessary, or to approve it after effecting changes therein itself.
- (h) To have the budget and accounts of the Village Panchayat audited through an auditor,
- (i) To permit two or more Village Panchayats to form a joint committee if they so desire, or at its own discretion.
- (j) In the event of any part of the Village Panchayat being amalgamated with another Village Panchayat, to determine the amount of assets or liabilities of the former to be transferred to the Village Panchayat into which it is merged, and then hand over charge of such assets or liabilities to the latter,
- (k) In the event of any Village Panchayat being merged into another Village Panchayat, to declare the property, assets and liabilities of such Panchayat as belonging to the Panchayat into which it is merged, and direct the latter to assume responsibility for performing all functions and incurring expenses as required to be done in the former's area.
- (l) To frame rules in respect to the collection of taxes, fees, dues, etc, which the Village Panchayat is empowered to impose, and in the event of any defect being noticed in such taxes, dues, fees, etc, to order the Village Panchayat to rectify the same, or to withhold collection thereof for any reason, or to exempt any person from payment of such taxes, dues, fees, etc.
- (m) To hear complaints against any taxes or fees imposed or orders issued by the Village Panchayat.
- (n) To depute officers to inspect the work or documents of the Village Panchayat or to procure, for the purpose of inspection or scrutiny progress reports, statements or accounts of income and expenditure from the Village Panchayat, or any other documents in its possession.
- (o) To amend or repeal any rules or articles of Village Panchayats and revoke any orders issued by employees thereof.

- (p) To provide loans to Village Panchayats, or to permit any Village Panchayat to obtain loans from the public or any agency, if so deemed necessary, and to prescribe the rate of interest on such loans, the time-limit for repayment thereof, the number of instalments in which the loan is to be repaid, as well as the amount to be reserved for redemption of the loan every year, and the purposes for which the loans are to be utilized.
- (q) To delegate such other powers as may be necessary, frame rules and articles, or withdraw any powers delegated to Panchayats.
- (r) To ascertain whether or not the District Panchayat has disbursed the funds released by the government among all Village Assemblies and whether or not Village Panchayats have disbursed them in all village, and in case any irregularities are detected in the disbursement of such funds, to insure the proper disbursement thereof.

Aswin 19, 2006  
(October 5, 1949)

(Concluded)

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Gorkha-Tanahu Treaties, 1763<sup>x</sup>

(Abstract translations)

- (1) From King Tribikrama Sen to King Prithvi Narayan Shah.

We hereby pledge ourselves to offer Lambajung (i.e. Lamjung) and Kaski to you. If we do not attack them, and, instead, defend them, may we incur the sin of having killed seven Brahmans and seven cows, as well as the wrath of God Panchayana. If we attack these kingdoms, the religious merit of having nurtured seven Brahmans and seven cows shall accrue to us, besides the favor of God Panchayana. This treaty is hereby signed by Gorkha with Tanahu.

Jestha Badi 7, 1820 (May, 1763)

- (2) From King Prithvi Narayan Shah to King Tribikrama Sen.

We hereby pledge to offer Tanahu, Bhirkot and Palpa to you. If we do not attack them, and, instead, defend them, may we incur the sin of having killed seven Brahmans and seven cows, as well as the wrath of God Panchayana. If we attack these kingdoms, the religious merit of having nurtured seven Brahmans and seven cows shall accrue to us, besides the favor of God Panchayana. This treaty is hereby signed by Tanahu with Gorkha.

Jestha Badi 7, 1820 (May, 1763)

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<sup>x</sup>Regmi Research Collections, Vol. 37, PP. 115-116.

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Regmi Research (Private) Ltd,

Lazimpat, Kathmandu, Nepal.

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A Brief Account Of Ancient  
And Medieval Nepal

By

Babu Ram Acharya<sup>1</sup>

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The ancient period in the history of Nepal is supposed to have commenced around 750 B.C. However, little is known about the history of Nepal for 1 millenium, that is, until around 250 A.D. An idol of the Kushan period found at the Pashupati Temple and Indian literature shed some light on this period, however.

The early Lichchhavi period is considered to have lasted from 250 to 505 A.D. The medieval period in the history of Nepal began with the death of King Manadeva in 505 A.D.

The custom of worshipping and making ritual gifts of cows started when the Sanatana religion spread to Nepal during the Lichchhavi period. Cowherds (Gopala-Gwar) were procured from outside to look after cows. In course of time, these Gopalas gradually built up their strength, and after 5 generations they became very powerful.

King Mahadeva was succeeded by his son Mahideva. However, within less than a year after ascending the throne, Mahideva was succeeded by his son Basantadeva. During the reign of Basantadeva, the Abhiras<sup>2</sup> began to interfere in the affairs of the State. They eventually enforced laws prohibiting the son of the reigning king from succeeding his father. The Abhiras thus became dictator (Adhinayaka). Bhumagupta was the last Abhira dictator. He held absolute power during a period of intense turmoil that lasted nearly 70 years. After him, the country was ruled by Rupavarma and then by Amshuvarma. During their regime, routes were opened between Nepal and Tibet. Nepali envoys went to Tibet and even to China during the rule of Narendradeva, grandson of Amshuvarma.

Vaishyas arrived in Nepal in 880 A.D. when Lichchhavi rule had come to an end. After the Vaishyas came the Mallas (1,200 A.D.). The medieval period lasted in Nepal until 1525 A.D., the year when the Moghul empire was established in India. In fact, the establishment of the Moghul empire in India, the division of the Malla kingdom of Nepal into 3 parts and their eventual reunification are all events of the modern period.

1. "Purva Brittanta". (An Accountant of the Previous Period). In Nepal Ko Samskshipta Vrittanta (A Concise Account of Nepal). Part I, Kathmandu: Pramod Shamsheer and Nir Bikram "Pyasi", Chaitra 2022 (March 1966).

2. i.e. the Gopalas.

Contd...

At the beginning of the modern period, Nepal was in a divided condition. In 1525 A.D., it was divided into several fragments, which were known as the Baisi and Chaubisi principalities. These were all united by King Prithvi Narayan Shah, who emerged in 1743 A.D. The unification of Nepal was the most important event in the modern history of Nepal. The process of unification started by Prithvi Narayan Shah lasted till 1793 A.D., after which Nepal had to wage a war with the British. Under the Treaty signed after the war, Nepal had to relinquish some parts of its territory. An atmosphere of intranquillity prevailed throughout the Prime Ministership of Bhimasena Thapa. In the midst of the chaos that prevailed during that period, Jung Bahadur appeared on the scene and established the Rana regime.

The Rana regime collapsed following the end of the second world war. It was followed by the present administrative system.

Before 750 A.D., the Aryans had settled on the region stretching from the plains of the Indus and the Ganges to the Brahmaputra Valley in the east. The Aryans could not proceed northward because all routes leading to the Himalayas at the time were very inaccessible. However, they did manage to enter the Kangra area west of the Sutlej river. Although the Aryans could not proceed further westward, another branch of them entered Kashmir from Kashgar.

Until 750 A.D., Aryan settlements had extended only to the banks of the Sutlej. The Aryans had not been able to break through the Himalayas east of the Sutlej. A different race was inhabiting this region. This race has been described as "Kirata" in Sanskrit literature and as "Austro-Asians" by Europeans. Nepal was inhabited at that time by these Kiratas. Since the major part of Nepal consisted of forests, and communication difficulties too were very acute, the Kiratas were concentrated mostly on the banks of rivers. They lived in ordinary huts. With no culture or civilization of their own, they led almost a barbarian life. The southern plains of Nepal too were inhabited by Kiratas. It is believed that the Tharus now inhabiting the southern plains of Nepal are the descendants of Kiratas, for their physiognomy closely resembles that of the Kiratas of old. However, having lived in the plains for centuries, they have forgotten their original dialect and have imitated the Aryan civilization. Even then, they still retain some of their original customs and usages.

Being familiar with mountains, some of the Kiratas who had originally settled in the plains later migrated to Nepal Valley. Darais and Danuwars are branches of this Kirata community. Danuwars maintain their livelihood by catching fish. The Kumals also belong to the Kirata community. They are potters by occupation. They came to Nepal Valley along the banks of the Bagmati, the Kamala and the Trishuli. They chose Nepal Valley for settlement because of the level terrain. Nepal Valley is the most spacious tract after Kashmir. Moreover, the soil of this valley is fertile, and such rivers

as the Bagmati, the Bishnumati and the Manohara flow through it. After the arrival of the Darais, Danuwars and Kumals in Nepal Valley, the Kiratas living here started moving to and from the south.

At this time, the Lichchhavis were ruling over north Vihar under a democratic set-up. Several states including Videha had merged into a united Lichchhavi state, which was called "Vriji Sangh", Nepal established relations with the neighboring Vriji Sangh. This had a civilizing influence on Nepal, and, also led to political consciousness and unity among the Kiratas living in Nepal. The republican system, which lasted about 200 years in the Vriji Sangh, left an impact on Nepal. Nepal too adopted a democratic system during that period. After Gautama Buddha attained Nirvana, King Ajatashatru of Magadha conquered the Vriji Sangh and annexed it. A monarchy was then instituted in the Kirata state of Nepal as well. This marks the beginning of monarchy in Nepal.

With the institution of monarchical rule among the Kiratas, they became followers of Aryan culture without, however, completely renouncing their own culture. Consequent to the assimilation of these two distinct cultures, a new Kirata culture emerged.

Ananda, who was the main disciple of Gautama Buddha, had seen how trade in wool was flourishing in Nepal. He had noticed that the Kiratas were mainly engaged in trade in wool. This shows that civilization had dawned in this area with sheep-breeding.

Kautilya's Arthashastra also contains references to more than 20 varieties of woolen blankets made in Nepal used to export woolen blankets to Magadha at that time. The manufacture of five woolen blankets was thus thriving in Nepal along with trade in wool.

King Ashoka had sent missionaries to Nepal to propagate Buddhism. The propagation of Buddhism in Nepal helped the Kiratas to become cultured and civilized people, thereby inspiring them to embrace the Aryan civilization. The cultivation of paddy was then introduced, and the Kiratas began to improve their economic condition. They thus reached the level of progress attained by the Aryans.

Following the decline of the Maurya empire in Nepal, people of different races from West Asia started immigrating into India. They established a State in the Punjab. Later, the Kushana and Kaushana invaders conquered this area and extended their sway up to Magadha. The borders of their empire touched to Kashgar. During the reign of Kanishka, they introduced a new era, which was adopted by Nepal also. Kaushana images of the Sun-God were also brought into Nepal. Although a large number of such images existed in Nepal formerly, only two of them are found near the Pashupati Temple. This shows

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that the origin of sculpture in Nepal dates back to the Kaushana period. After the end of the Kaushana period, the Lichchhavis entered into Nepal around 250 A.D. The power of the Lichchhavis increased in Bihar when the Kaushanas were driven out. One branch of the Lichchhavis came to Nepal and entrenched its authority. After some time, the Lichchhavi State of Bihar was annexed by the Gupta Empire. The Lichchhavi kingdom of Nepal, however, did not join the Gupta Empire. But the Sanatana religion did spread to Nepal because of the influence of the Gupta Empire of India. The Buddhist Lichchhavis were compelled to adopt the Sanatana religion under the influence of the Guptas.

After adopting the Sanatana religion, the Lichchhavis installed an image of Narayan at Changu as well as of Varaha at Chandol. Thereafter they installed four well-known images of different gods, including those of Pashupati and Budhanilakantha. They brought in sculptors from India to make images of Vishnu and Pashupati because the local sculptors made only images of the Buddha and the Bodhisatwa. With the fusion of the Indian and Nepali sculptures, a distinct Nepali art emerged.

The people who had taken refuge in Nepal following the destruction of the Gupta Empire in India also rendered considerable contribution in enriching Nepali art and culture. It was at this time that the Abhiras, who had already, become cultured were able to suppress the Lichchhavi Kings and rule Nepal for 70 years after the death of King Manadeva.

The art of writing developed during the rule of King Manadeva who popularized the Gupta art of engraving inscriptions on stone in Nepal. Shortly afterwards, the Hunas invaded and destroyed the Gupta Empire.

Ravigupta was the first Abhira ruler (Abhinayaka) of Nepal. However, the Lichchhavi King Basantadeva was still respected by all. The Abhira rulers gradually usurped the powers of the Lichchhavi King. Finally, Bhumagupta abolished the kingship and assumed absolute power. During his regime, conflict started between the later Guptas and the Maukharis in India. This conflict had repercussions on Nepal also resulting in the ouster of the Abhiras. Another branch of the Lichchhavis then came to power. Amshuvarma then became the Lichchhavi Mahasamanta. He was a peculiar king. Although he minted coins in his name, he did not refer to himself as Bhattaraka, which was the common royal title at that time. The administration of Amshuvarma was very good. He also opened routes to Tibet.

After the death of Amshuvarma, the Abhiras resumed their dictatorial rule. Jishnugupta and his son Bishnugupta used the succeeding Lichchhavi kings as their puppets and maintained absolute rule for a total period of 22 years. Finally, Narendradeva, grandson of Amshuvarma, drove out the Abhiras and consolidated Lichchhavi rule.

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Narendradeva became king in 643 A.D. The Lichchhavi kingdom re-established by him lasted till 880 A.D. Thus Lichchhavi rule continued in Nepal for a total period of 630 years. Narendradeva had despatched a mission to Lhasa, from where it went to China. The talks which this mission had with the envoys of Rome and Iran in China enabled the world to get acquainted about the culture of Nepal. The Lichchhavi kingdom in fact attained the zenith of progress during the reign of Narendradeva and his successors.

The decline of the Lichchhavi rule started with the emergence of the Pala dynasty in Bihar. It was at this time that King Jayapida of Kashmir attacked Nepal. But he was repulsed.

After the collapse of the Lichchhavi rule, the rule of the Vaishyas started in Nepal. During this rule, Buddhist Tantrism flourished in Nepal along with Mahayana Buddhism. This was one of the contributions which the Pala rulers of Bihar made to Nepal. There also emerged the Shaiva Tantrik cult in Nepal. Buddhist Tantrism was later borrowed by Tibet from Nepal.

Vaishya rule lasted till 1200 A.D. This kingdom was not very strong because it was theocratic in character. Nepal did not achieve much progress during that period.

The early Malla rule commenced after the collapse of the Vaishya rule. During the Malla rule, Nepali art and culture prospered to a considerable extent. However, there was political intransigibility. Moreover, Nepal had then to face aggression from the kings of Tirhut through the south-west and from the Khasa kings through the west. Towards the end of 1349 A.D., Sultan Shamsuddin of Bengal invaded Nepal. King Rajamalla and all of his subjects were compelled to hide in forests to protect themselves from the Muslim invaders. The Muslims burned all the three towns as well as villages in Nepal Valley and destroyed all Chaityas and temples. However, they left Nepal in a week because they could not endure the cold climate. The Malla King then returned to the valley along with his subjects.

Rajamalla was succeeded by Arjunamalla. Bhaktapur was the capital of Nepal at that time. Rudramalla, a minister, proclaimed his independent rule there. When he died, he was succeeded by his daughter, who in turn was succeeded by her daughter named Rajalladevi. But the affairs of the state were run by Rajalladevi's grand-mother. Rajalladevi was married to Sthitimalla. Sthitimalla became king of Bhaktapur by virtue of his marriage to Rajalladevi.

Being a capable ruler Sthitimalla succeeded in being recognized as their king by the Prime Ministers (Mahapatra) of Kathmandu and Lalitpur in defiance of King Arjunamalla. Sthitimalla exiled Arjunamalla to Banepa with full honors and then proclaimed himself as king of Bhaktapur. Although

Contd...

his effective rule was confined to Bhaktapur, he was able to maintain peace all over the valley because he was recognized by the Prime Ministers of Kathmandu and Lalitpur also. In 1395, Sthitimalla became insane and was consequently succeeded by his son, Dharmamalla. However, Dharmamalla did not wear the crown. After his death Jyotirmalla, his brother, also ruled without actually ascending the throne. He wore the crown only when his father died.

Jyotirmalla was succeeded by Yakshamalla, who appointed his second son, Ratnamalla, as his representative in Kathmandu. His eldest son, Rayamalla, ascended the throne after his death. Rayamalla lived in Bhaktapur, while Ramamalla and Ranamalla, his younger brothers, lived in Lalitpur and Banepa respectively. Ranamalla, however, returned to Bhaktapur after Ramamalla's death. He ruled Bhaktapur jointly with the son of Rayamalla and one of his sister's sons. After the death of Rayamalla, Ratnamalla became king of Bhaktapur. He was able to bring the Prime Minister (Mahapatra) of Lalitpur under his control. He did not let Nepal to be divided long as he lived.

After the death of Ratnamalla, Suryamalla became king of Kathmandu in circa 1525 A.D. He created disunity in the kingdom by occupying by force the town of Sankhu, which was then under Bhaktapur. Suryamalla annexed Sindhupalchok also and later the route leading to Kuti. The Kerung route had already been occupied by Ratnamalla. King Suryamalla thus controlled both the major routes to Tibet.

Mahendramalla and Shivasimha were well-known kings after Suryamalla. By the time Shivasimha ascended the throne, the Prime Minister (Mahapatra) of Lalitpur had proclaimed himself "Maharaja", and had become almost independent of Kathmandu. Shivasimha brought Lalitpur under his control after removing him. The other ministers of Lalitpur, however, prevented the annexation of Lalitpur by Kathmandu and maintained an independent administration. In 1621 A.D., Laxminarasimhamalla, grandson of Shivasimha, handed over Lalitpur to Siddhinarasimhamalla, his step-brother. Thus emerged the three independent kingdoms of Kathmandu Valley. Mutual conflict among these three kingdoms ultimately ruined all of them.

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Guthi Lands Of Sri Varahi Temple In Bhaktapur\*

(Abstract Translation)

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(The Guthi Lagat Janch Office) had submitted a report for compiling records of Guthi lands endowed for meeting the expenses of regular and ceremonial ceremonies at the temple of Sri Varahi at Tekhacho Tol in Bhaktapur.

On Marga 6, 1989 (November 21, 1932), a Khadga Nishana order was issued directing the registration of these Guthi lands as Rajguthi. The order also directed that the Guthi functions should be performed by the Guthiyars, priests and other temple functionaries, and that the surplus amount should be collected (by the Guthi Tahasil Office).

The area of Guthi lands endowed for the temple was stated to be 10.12 ropanis. When these lands were surveyed, the actual area was found to be 12.4 ropanis. According to the survey regulations, the excess area was retained as Guthi. The total rent assessments on the lands were as follows:-

16.25 muris of paddy

2.25 muris of wheat

Rs 6.39 in cash

Total expenditure, as stated below, amounts to 7.9 muris of grains. The in-kind surplus thus amounts to 8.25 muris of paddy and 2.25 muris of wheat. The cash value of this in-kind surplus is as follows:-

	<u>Total Value</u>	<u>Conversion Rate</u>
Paddy	Rs 33.15	5 pathis per Rs 1.00
<u>Wheat</u>	<u>Rs 14.60</u>	3.12 pathis per Rs 1.00
Total -	Rs 47.75	

Together with the cash assessment of Rs 6.39, this makes a total amount of Rs 54.14.

\*Source: Records of the Guthi Lagat Janch Office in Kathmandu. Regmi Research Collections, Vol. 3, PP. 326-338.

Contd...

Total expenditure in cash, as stated below, amounts to Rs 38.49, thus leaving a surplus of Rs 15.65.

These arrangements were confirmed by Khadganishana order on Magh 29, 1999 (February 11, 1943) subject to the provision that only Rs 1.00 should be paid to the Guthi Tahasil Office as Salami from the surplus, and that the temple should be allowed to retain the balance of Rs 14.65.

(Particulars of plots of Guthi lands and the rents due from each in cash and in kind follow):-

### In-Kind Expenditure

#### A. Daily Ceremonies

Paddy required for ritual offering of rice for 365 days, at the rate of 2 muthis (0.2 mana) of rice daily (1 muri of paddy: 10 pathis of rice) ... 18 pathis and 2 manas

#### B. Special Ceremonies

(1) Paddy required for ritual offering of rice on 12 Chaturdashi days, at the rate of 2 muthis of rice per day ... 4 manas and 8 muthis

(2) Paddy required for making crushed rice for use on 12 Chaturdashi days, at the rate of 2 pathis and 2 manas per day (3 pathis of paddy: 2 pathis of crushed rice) ... 2 muris and 4 manas.

(3) Paddy required for making Jand (rice-beer) at the rate of 4 manas of rice on each Chaturdashi day ... 12 pathis

#### C. For Dashain Festival

(1) Paddy required for ritual offering of rice on 5 days, at the rate of 1 muthi of rice per day ... 1 mana

(2) Paddy required for feeding 4 persons with fried rice (Samye) on 4 days ... 3 pathis and 4 manas

Contd...

(3) Paddy required for 1 pathi of crushed rice for use on 4 days, at the rate of 2 manas of crushed rice per day	...	1 pathi and 4 manas
(4) Paddy required for making Jand to be used on 4 days, at the rate of 2 manas of rice per day	...	2 pathis
(5) Paddy required for feeding all Guthiyars on the Dashami day with 2 pathis and 2 manas of crushed rice	...	3 pathis and 3 manas
(6) Paddy required for 4 manas of rice for making Jand for use during the feast mentioned in (5)	...	1 pathi
D. Paddy required as emoluments of 12 Guthiyars working on daily rotation	...	4 muris

### Cash Expenditure

#### A. Daily Ceremonies

(1) Same rice at the rate of 2 muthis daily for 365 days	...	Rs 1.82 $\frac{1}{2}$
(2) White and red sandal wood at the rate of Rs 0.0 $\frac{1}{2}$ daily	...	Rs 1.82 $\frac{1}{2}$
(3) Fruits at the rate of Rs 0.0 $\frac{1}{4}$ daily	...	Rs 0.61 $\frac{1}{4}$
(4) Sweetmeats for ritual offering at the rate of Rs 0.0 $\frac{3}{8}$ per day	...	Rs 1.36 $\frac{3}{4}$
(5) Camphor and flowers at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 1.82 $\frac{1}{2}$
(6) Yarn for wicks, at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 1.82 $\frac{1}{2}$

Total - Rs 9.58

Contd...

**B. Special Ceremonies**

(1) Religious ceremonies on 12 Chaturdashi days in the year	...	Rs 28.91 $\frac{1}{2}$
(2) Religious ceremonies and feasts on 12 Chaturdashi days in the year:-		
(a) Vermilion powder (Sindur), at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 0.06
(b) Camphor and incense, do	...	Rs 0.06
(c) 2 duck's eggs at Rs 0.06 each	...	Rs 1.44
(d) Ritual cash offering at the rate of Rs 0.01 per day	...	Rs 0.12
(e) Fruits and flowers, at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 0.06
(f) Sweetmeats for ritual offering, at the rate of Rs 0.02 per day	...	Rs 0.24
(g) Yarn for wicks, at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 0.06
(h) Red Powder (Abir), at the rate of Rs 0.0 $\frac{1}{2}$ per day	...	Rs 0.06
		Total - Rs 15.54

**C. Samye Feast For 12 Guthiyars On 12 Chaturdashi Days In The Year**

(1) Meat at the rate of Rs 0.50 per day	...	Rs 6.00
(2) Peas at the rate of Rs 0.8 per day	...	Rs 0.96
(3) Soybeans, at the rate of Rs 0.06 per day	...	Rs 0.72
(4) Fish at the rate of Rs 0.06 per day	...	Rs 0.72
(5) Oil and spices at the rate of Rs 0.12 per day	...	Rs 1.44

Contd...

(6) Salt, red pepper, ginger, etc., at the rate of Rs 0.06 per day	...	Rs 0.72
(7) Potato at the rate of Rs 0.12 per day	...	Rs 1.44
(8) Syabaji (fried rice) at the rate of Rs 0.12 per day	...	Rs 1.44
		<u>Rs 1.44</u>
		Total- Rs 13.44

D. For Dashain Festival

(1) Religious ceremonies on 5 days:-

(a) On Ghatasthapana Day

(i) Vermilion powder	...	Rs 0.12
(ii) Incense, camphor, betel-nut	...	Rs 0.01
(iii) Frankincense (Gokuldhup)	...	Rs 0.0 $\frac{1}{2}$
(iv) Sweetmeats of 5 varieties	...	Rs 0.04
(v) Fruits	...	Rs 0.01
(vi) Barley	...	Rs 0.02
(vii) Duck's eggs	...	Rs 0.06
(viii) Flowers	...	Rs 0.02
(ix) Ritual cash offerings	...	Rs 0.01
(x) Syabaji (fried rice)	...	Rs 0.01
(xi) Chyura (crushed rice)	...	Rs 0.01
(xii) Soybean and ginger	...	Rs 0.01
(xiii) <u>Gupti</u> (?)	...	Rs 0.08
(xiv) Yarn for wicks	...	Rs 0.01
(xv) Earthen vessels	...	Rs 0.16

Contd...

(xvi) Earthen Jars	...	Rs 0.04
(xvii) Blackgram cakes	...	Rs 0.01
xviii) Red powder (Abir)	...	Rs 0.0 $\frac{1}{2}$
		Rs 0.51 $\frac{1}{2}$
Total -		Rs 0.51 $\frac{1}{2}$

b) On Saptami, Ashtami, Nawami  
And Dashami Days

(i) Vermilion powder	...	Rs 0.04
(ii) Incense, camphor, betel-nut	...	Rs 0.04
(iii) Frankincense	...	Rs 0.02
(iv) Red powder (Abir)	...	Rs 0.02
(v) Sweetmeats of 5 varieties and ritual cash offering	...	Rs 0.16
(vi) Curd	...	Rs 0.01
(vii) Fruits	...	Rs 0.04
(viii) 4 duck's eggs	...	Rs 0.24
(ix) Syabaji (fried rice) for Samye	...	Rs 0.08
(x) Fish (Sidra)	...	Rs 0.04
(xi) Soybean and ginger	...	Rs 0.04
(xii) Yarn for wicks and oil	...	Rs 0.02
(xiii) Cloth for bunting	...	Rs 0.02
(xiv) <u>Karnasana</u> (?)	...	Rs 0.02
(xv) <u>Dritari</u> (?), 1 pair	...	Rs 0.04
(xvi) Ritual cash offerings	...	Rs 0.12
(xvii) Dry fruits	...	Rs 0.04

Contd...

(xviii) <u>Panchamrit</u> (milk, ghee, curd, sugar and honey)	...	Rs 0.08
(xix) <u>Naye Ponaye</u> (?)	...	Rs 0.04
(xx) <u>Gupti</u> (?)	...	Rs 0.12
(xxi) Gourd (Kubhindo)	...	Rs 0.16
(xxii) Sugarcane, banana leaves	...	Rs 0.04
(xxiii) Blackgram cakes	...	Rs 0.04
(xxiv) 1 duck	...	Rs 0.50
(xxv) 1 goat	...	Rs 5.00
(xxvi) Red cloth	...	Rs 0.20
	Total -	Rs 7.37
(2) <u>Samye Feasts On Ghatasthapana, Saptami, Ashtami and Nawami Days After Performing Religious Ceremonies</u>		
(1) Syabaji (fried rice)	...	Rs 0.18
(2) Meat	...	Rs 0.50
(3) Oil, spices, salt, ginger, etc.	...	Rs 0.18
(4) Soybean	...	Rs 0.10
(5) Peas	...	Rs 0.06
(6) Potato	...	Rs 0.16
	Total -	Rs 1.18
(3) <u>Feasts On Dashami Day For 16 Persons Including 12 Guthiyars And 4 Temple Attendants.</u>		
(1) Syabaji	...	Rs 0.90
(2) Meat (of sacrificial goat)	...	x

Contd...

(3) Curd	...	Rs 0.50
(4) Brown sugar	...	Rs 0.06
(5) Fuelwood	...	Rs 0.30
(6) Leaves, bamboo-sticks	...	Rs 0.10
(7) Rope	...	Rs 0.10
(8) Red pepper, ginger, spices, etc.	...	Rs 0.45
(9) Potato	...	Rs 0.16
(10) Liquor	...	Rs 0.64
(11) Peas	...	Rs 0.14
(12) Soybeans	...	Rs 0.06
(13) Gourd (Pharsi)	...	Rs 0.04
(14) Slices of radish	...	Rs 0.04
(15) Bamboo-sticks	...	Rs 0.04
(16) Betel-nut	...	Rs 0.06
(17) Buffalo-meat	...	Rs 0.58
Total	...	<u>Rs 4.31</u>
Surplus amount	...	Rs 15.65 $\frac{1}{4}$

Buildings And Fixtures To Be Maintained By This Guthi

- (1) Temple of Sri Varahi (with measurements).
- (2) Building with court yard attached to the temple.
- (3) Another temple with a golden spire.
- (4) A well inside the compound of Sri Varahi temple.

Ashadh 17, 1994  
(July 1, 1937)

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On The Nepal-Tibet War, 1791  
(Abstract Translations)

1. Military Recruitment And Payment Of Emoluments

A. From King Ran Bahadur Shah<sup>1</sup>

To Subha Kirtiman Singh.

(The adult members) of every family of Subbas of the 22 clans<sup>2</sup> as well as of (other) functionaries,<sup>3</sup> soldiers and (common) subjects in Limbuwan shall assemble in your presence along with arms ...<sup>4</sup> and leave for the front. We hereby sanction allowances to them from the revenues of the territories conquered in Bhot.<sup>5</sup>

Shrawan Sudi 11, 1848  
(July 1791)

B. From King Ran Bahadur Shah<sup>6</sup>

To Damodar Pande.

Pay emoluments for one year according to (rank) to the Dhakre<sup>7</sup> soldiers accompanying Balabhadra Khawas from the revenues of newly-conquered territories.

Bhadra Badi 5, 1848  
(August 1791)

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1. Regmi Research Collections, Vol. 5, P. 7.

2. The Nepali term is Thar.

3. The Nepali term is Pagari.

4. The official copy of this document had been damaged by insects. Some words are missing here.

5. i.e. Tibet.

6. Regmi Research Collection, Vol. 5, P. 10.

7. i.e. irregulars.

## C. Bond Signed By Jaskhar Rana.

I hereby take charge of 9 soldiers deputed by the government to join the army at Dzungka as well as expenses required for them. At Muga, I shall hand over these 9 soldiers to Dewan Abhiman Singh and Captain Kalu Pande.

Bhadra Badi 10, 1848  
(August 1791)

2. Food Supply

A. From King Ran Bahadur<sup>8</sup>

To Tetar Mahant Shaiva<sup>9</sup>

You are hereby ordered to supply rice worth Rs 500 for war purposes.

Shrawan Sudi 11, 1848  
(July 1791)

B. From King Ran Bahadur<sup>10</sup>

To The Bitalab owner<sup>11</sup> of Dhunwakot<sup>12</sup>

You are hereby directed to supply 1 muri of rice for every 20 muris of Bitalab lands owned by you. The tenants<sup>13</sup> (cultivating your lands)

8. Regmi Research Collections, Vol. 5, P. 7.

9. Obviously the head of a monastery in some district in the eastern Tarai, possibly Morang.

10. Regmi Research Collections, Vol. 5, P. 8.

11. Bitalab was a form of Birta which involved the performance of special services for the royal palace whenever required. cf. Mahesh C. Regmi, Land Tenure and Taxation In Nepal, Vol. II: "The Land Grant System: Birta Tenure." Berkeley: Institute of International Studies, University of California, 1964, P. 36.

12. In Gorkha district.

13. The Nepali term is Kuriya. Tenants cultivating Raikar lands were, in contradistinction, known as Mohi.

shall transport (this rice) on Hulak<sup>14</sup> basis. Leading families (of Bitsa and owners) shall be responsible for guarding Badhuwa<sup>15</sup> and other Kajis and Sardars of Lhasa. As soon as you receive this order, join Jasram and Bhairav Singh at Listi and maintain watch carefully over Badhuwa under their supervision. In the event of any mistake, you shall be held responsible.

Bhadra Badi 2, 1848  
(August 1791)

C. From King Ran Bahadur Shah<sup>16</sup>

To The Amalidars<sup>17</sup> of Kuti

The Kajis, Sardars and other respectable persons of Lhasa who have been captured must be fed. Accordingly, supply 2 dharnis of butter, 1 Chepang, 1 seer of salt and 2 pathis of Sattu<sup>18</sup> daily to the place where Badhuwa is staying, as long as they are not sent back. (The expenses incurred in supplying these commodities) shall be debited while auditing the accounts of Kuti.<sup>19</sup>

Shrawan Sudi 3, 1848  
(July 1791)

### 3. Prohibition To Plunder Tibetan Monastery<sup>20</sup>

From King Ran Bahadur Shah

To Damodar Pande, Kirtiman Singh and all other regular<sup>21</sup> troops.

Do not plunder areas under the jurisdiction of the main Gumba of Shakhya Lama. We also direct that the Bhotas (there) shall not raise arms (against us). Let all comply with this order.

Bhadra Badi 12, 1848  
(August 1791)

14. Hulak meant a system of transporting supplies by relays of porters.

15. Obviously one of the captured Tibetan officials.

16. Regmi Research Collections, Vol. 5, P. 1.

17. I.e. local administrative or revenue functionaries.

18. i.e. porched barley meal.

19. Kuti was then a part of Nepal.

20. Regmi Research Collections, Vol. 5, P. 15.

21. The Nepali term is Bhara.

Contd...

4. Villages Granted To Syamarpa Lama<sup>22</sup>

From King Rana Bahadur Shah

To Syamarpa Lama.

We hereby grant the two villages of Pasinghyaca and Dhurburinbochhe-pasingchho to you. We also direct that the Amalidars of Dzongka and Kerung shall not interfere in areas covered by these villages, as well as in (the affairs of) disciples there. Know (these villages) to be your own and use them. Nobody shall create any dispute or indulge in loot and plunder there. Anybody who indulges in violence shall be deemed to have committed an offense.

Bhadra Sudi 2, 1848  
(September 1791)

5. War Regulations<sup>23</sup>

From King Ran Bahadur Shah

To Kirtiman Singh, Badal Singh

Basnyat and Purnananda Upadhyaya.

1. Recruit 3 companies of Dhakres belonging to all the 36 castes in areas east of the Dudhkosi and west of the Tista for the war. Join the army and attack Kharta. After Kharta is occupied, join the troops which have proceeded towards Kuti, following the most convenient route which may also cause the maximum harassment to the Bhotas.
2. Among goods plundered from the Gumbas of Lamas and the houses of Dhewas and Bharadars, foodstuffs shall be used by the troops; other goods shall be submitted to the government.
3. One-fifth of coral, pearls, jewels, gold and silver looted elsewhere shall be given to those who loot them; the rest shall be submitted to the government.

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22. Regmi Research Collections, Vol. 5, P. 16.

23. Regmi Research Collections, Vol. 5, PP. 17-19.

Contd...

4. One-sixth of brocade (Kuchin) and other cloths, copper, brass and other metals, horses and mules shall be given to those who loot them; the rest shall be submitted to us. One-tenth of musk, yaks' tails and borax shall be given to those who loot them.
5. Among the booty, the share of the government shall be set aside; the rest shall be apportioned equally among Dhakre troops, those paid regular emoluments<sup>24</sup> and those paid on monthly basis<sup>25</sup> in cash. Remissions shall be granted after audit.
6. Expenses incurred in cash in our work, for medical treatments, funerals, collection of information and correspondence shall be remitted after audit.
7. The entire enemy male population in areas where the war is fought shall be slaughtered; their children shall be taken to their homesteads and settled there.
8. There shall be no slaughter in villages in Bhot where the people do not fight, or where an amnesty has been proclaimed. They shall be given succor. Respectable persons shall be summoned and sent here.
9. The descendants of the Hong Kuso King shall be summoned to Kharta and conciliated. They shall be told, "Our King has declared that in case you join us and we conquer Lhasa, we shall restore your kingdom."

Bhadra Sudi 2, 1848  
(September 1791)

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24. The Nepali term is Dardiya.

25. The Nepali term is Dermahawal.

Nepal-Sirmur Treaty\*

Pledge (Dharmapatra) offered to Maharajadhiraj Ran Bahadur Shah of Gorkha  
By Maharaj Jagat Prakash Singh of Sirmur.\*\*

We hereby stipulate that the Ganga river shall form the boundary  
between Gorkha and Sirmur. In case we cover the territories of Gorkha,  
and do not regard the enemies of Gorkha as our enemies, and its friends  
as our friends, may the evil eyes of God Panchayana fall on us. In case  
we abide by this pledge, may the blessings of God Panchayana be on us.

Monday, Shrawan 12, 1847  
(July 27, 1792)

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\*Regmi Research Collections, Vol. 37, pp. 129-30.

\*\*The appropriate royal titles have been given before each name.

Glossary of Revenue, Administrative And Other Terms Occurring  
In Nepali Historical Documents

<b>Salami</b>		<p>A generic term used to denote miscellaneous payments due to the government. The term was thus used to denote:-</p> <p>(a) Fines imposed for counter-feiting or smelting coins.</p> <p>(b) Fees levied for affixing the official seal on weights and measures.</p> <p>(c) A levy collected in a newly-annexed territory.</p> <p>(d) Payments due from Chaudharis, Kanugyas, Mohinayikas and other revenue functionaries.</p>
<b>Sanyasi-Mandali</b>	...	<p>Similar to the Jogi-Mandali (Vol. 2, No. 7, July 1970, P. 174) and the Mahant-Mandali (Vol. 2, No. 8, August 1970, P. 198).</p>
<b>Sayana</b>	...	<p>A village-level revenue functionary in the Terai areas of Kumaun and Garhwal. His emoluments consisted of 10% of the proceeds of revenue collection.</p>
<b>Sera</b>	...	<p>Land allotted for the supply of food-grains and other agricultural produce for the royal household.</p>
<b>Serma.</b>	...	<p>A tax collected usually in cash on unmeasured Pakho holdings in the hill areas including Kathmandu Valley.</p>
<b>Shraddha-Kharcha</b>	...	<p>A levy collected in Thak and elsewhere presumably to finance Shraddha ceremonies (on the occasion of the anniversary of the death of father or husband) in the family of the village headman.</p>

Contd...

Singarhat	...	Fine imposed for assaulting a virgin giri.
Subbangi	...	A levy collected in Kumaun and Garhwal until 1802 for the benefit of the chief local administrator.
Subba Salami	...	A similar levy collected in Pyuthan until 1797. It was revived 2 years later and the proceeds were assigned to the Army.
Suna Birta	...	Lands granted as Birta on a non-taxable basis against cash payments to the government during the Malla period in Kathmandu Valley.
Taksari	...	An official in charge of mints in Kathmandu, Patan and Bhadgaun. He was responsible for the collection of customs duties on goods imported from or exported to Tibet. He also adjudicated in disputes of the trading community in Kathmandu, Patan and Bhadgaun. His emoluments consisted of one-tenth of the revenue from mint and one-sixteenth from customs revenue from Nepal-Tibet trade.
Thakali	...	(1) Leading Nepali merchants in Lhasa who assisted the Nayak in the exercise of judicial authority over the Nepali merchant community there.  (2) The inhabitants of Thak-Khola, the high valley of the Kali Gandaki river north-west of Pokhara in western Nepal.
Thalu	...	A village functionary in the Thak-Khola area, subordinate to the Budha.
Thani	...	A revenue functionary in Jumla, Mustang and other areas in north-western Nepal.

Contd...

Thapala	...	A vassal principality or territory. Jajarkot thus became a Thapala of Gorkha in 1790. Chhilli similarly occupied a Thapala status under the principality of Dang.
Tusal	...	A central office responsible for settlement of land disputes, registration of (Birta) land transactions, demarcation of land boundaries, irrigation, damage to lands by floods and landslides and other functions. It also handled procurement of copper on behalf of the Mint.
Umra	...	Officials appointed for divisions (thum) of hill districts to look after military matters.
Wajbi	...	A generic term for the actual amount of land revenue assessment.
Walak	...	Levies collected from each homestead in the hill districts, including Kathmandu Valley, the proceeds of which were used for the royal household. Walak payments were made in the form of ghee, oil, goats or bear, or in cash. They were of three kinds: (1) Saune Fagu Walak, collected during the months of Shrawan and Falgun every year, (2) Harsha Bismat Ko Walak, collected on occasions of national celebration or mourning and (3) Kaj Kalyan Ko Walak, collected on festive and ceremonial occasions.

(Concluded)

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Regmi Research (Private) Ltd,  
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## The Jaisi Caste

### Origin And Status

Babu Ram Acharya writes,<sup>1</sup>

"The Smritis, written in the plains of the "Madhydesha" between the Ganga and Jamuna rivers, regard it as a sin for a Brahman to take a married woman or widow of Brahman caste as his wife. Children born of a married Brahman woman or widow in this manner are known as "Kunda" and "Golaka" respectively. Orthodox Brahmans framed these rules even though it was not proper to punish children for the sins of their fathers.

"However, Brahmans inhabiting principalities established during the medieval period in the hill regions between Kumaun-Doti and Jajarkot-Salyan mitigated this punishment to some extent. The offspring of the unions mentioned above were employed as Jyotishi, or astrologers, which gradually corrupted to Jaisi, as well as clerks. However, they were not permitted to perform religious functions at the homes of pure Brahmans (Upadhyaya) and pure Kshatriyas (Thakuri). Jaisis thus occupied a lower rank in the Brahman caste. There were Jaisis all over the hill region up to the Kirat region in the east. In contradistinction, Upadhyaya Brahmans were permitted to study and teach the Vedas, conduct or perform religious functions (Yajnyas and give or accept ritual gifts (dana). Jaisis were prohibited from teaching the Vedas to, conducting Yajnyas for and taking ritual gifts from Upadhyaya Brahmans and Thakuris.

"During the invasion of Nuwakot, Prithvi Narayan Shah employed Kalu Jaisi (Adhikari) of Nuwakot to install a pest according to Tantric rites at Mahamandal without the knowledge of his enemy, Jayant Rana. Jaisis had not been able to do so at Sankhugaun when this village was attacked by Sardar Shivarama Simha Basnyat in 1745. The Gorkhalis were defeated in this battle. Prithvi Narayan Shah then introduced a rule according to which this task was to be performed by a brave soldier, not by a Jaisi, on a hill adjacent to the fort that was the target of attack. But the observance of this rite did not insure victory. Prithvi Narayan Shah did not recruit Jaisis as soldiers, but employed them to find out prospective recruits and discharge clerical functions. He had chosen Jaskarna Pande to start the economic blockade of Kathmandu Valley.

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1. Babu Ram Acharya, Shri 5 Bada Maharajadhiraj Prithvi Narayan Shah (The Great King Prithvi Narayan Shah). Kathmandu: His Majesty's Principal Press Secretariat, 1969, Part 4, PP. 765-773.

Contd...

"Upadhyaya Brahmans too functioned as astrologers and they too were called Jaisis. But these two groups of Jaisis did not have commensal and marital relations between them. Sometimes, an Upadhyaya Brahman who had the mother of Kundaka or Golaka children in his home secretly took rice touched by her. When the secret leaked, expiation was essential, and this sometimes involved the royal family too.

"In 1759, A.D., the practice was introduced of members of the royal family and other Kshatriya of offering obeisance (Pranama) to Upadhyaya Brahmans who functioned as astrologers (Jaisi), and "Salaam" to Kundakas, Golakas and their descendants. Jaskarna Pande received the first "Salaam" accordingly at Balkot in that year. In 1761 A.D., this practice was introduced all over the Kingdom of Gorkha. Soon afterwards, Jaskarna Pande was sentenced to capital punishment on the charge of having attempted to capture the Crown Prince, Pratap Simha Shah, and hand him over to Jaya Prakash Malla. But this did not affect the practice of offering "Salaam" to Jaisis. Both King Prithvi Narayan Shah and Crown Prince Pratap Simha Shah thus offered "Salaam" in their letters to Srikrishna Pathak, who had taken up the responsibility of attacking Kathmandu Valley. No letter of King Prithvi Narayan Shah in which he has offered "Salaam" in this manner to any other Jaisi has been discovered. 40 years after his death, Harivamsha Jaisi offered "Salaam" in a letter written to King Girban Yuddha Vikram Shah, while Rajguru Ranganath Pandit offered blessings (Shubhashirvad)."

#### King Prithvi Narayan Shah's Regulations, 1761<sup>2</sup>

On Aswin Badi 10, 1818 (September 23, 1761), in an order issued in the name of Jaisis all over the Kingdom, King Prithvi Narayan Shah decreed:

"Henceforth, Upadhyaya Brahmans shall perform six functions, but Jaisis shall perform only three. Jaisis may study, but not teach. They may perform Yajnyas but not conduct them. They may make ritual gifts (dāna) but not accept them. Jaisis shall offer obeisance (Pranama) to Upadhyaya Brahmans, while the latter shall give blessings (Ashish) to Jaisis. With Kshatriyas and Vaishyas, (Jaisis) shall exchange Salaams. Khas, Shudra and other castes shall offer Salaam to Jaisis first, and Jaisis shall then return such Salaams but not give blessings (Ashish). Whosoever abides by these rules shall get happiness. Whosoever does not abide by these rules shall get misery. You may think that the abolition of the practice of offering Pranamas to you is motivated by the desire to appropriate your Birta lands. In case any offense is committed, even a king loses his kingdom, and Upadhyaya Brahmans too lose their Birta lands. If no offense is committed, the Birta lands of even Baramu, Kumhal and Majhi are not confiscated. In Nepal too, all castes own Birta lands. In the Madhesh region, the Bhot reg-<sup>cr</sup>

2. Babu Ram Acharya, op. cit. P. 772-773.

Jumla, Kumaun and Doti too, all castes own Birta lands. All of them are utilizing these lands. Birta lands are granted to Upadhyaya Brahmans for the sake of religious merit. Members of every caste may acquire Birta lands through purchase if they have money. You have your Birta lands. Do not feel concerned on this account."

(Source: Jaisi Kotha records in the Ministry of Foreign Affairs of His Majesty's Government).

### The 1811 Regulations

The following regulations were promulgated in this connection by the government of Nepal on Poush Badi 12, 1868 (December 1811):-<sup>3</sup>

To members of all Jaisi castes all over the country. Our great-grandfather (i.e. King Prithvi Narayan Shah) had decreed what you should do and what you should not do. But you have not complied with the provisions of this decree. Nor have you been able to live separately. In 1862 Vikrama (1805 A.D.), therefore, regulations had been enforced directing you to study but not teach the Vedas, not to accept ritual gifts (dana), not to conduct religious functions, offer one-sided obeisance (Pranama) to Upadhyaya Brahmans and Salaam to us, exchange Salaams with other sacred thread-wearing castes and offer blessings (Ashish) to non-sacred thread-wearing castes. But you have not complied with these regulations. Moreover, it appears that you are mixing on the basis of equality with children born of (widowed) sisters-in-law, or of Brahman women who have been polluted through sexual intercourse with members of other castes or who have had three or four husbands. We hereby promulgate regulations prescribing penalties for those who have violated the provisions decreed previously as well as provisions to be complied with (in the future). Pay penalties through Dittha Bishram Khatri of the Koteling Adalat. Anybody who does not comply with these provisions shall be liable to punishment on his person and property.

1. Jaisis born of a union between an Upadhyaya Brahman widow and an Upadhyaya or of a marriage between the daughter of such Jaisis of good status and an Upadhyaya or a Jaisi, or of a union of such a Jaisi widow and an Upadhyaya or a Jaisi of similar status, or the offspring of such Jaisis, shall study but not teach the Vedas, give ritual gifts but not take them even though they are Brahmans, perform religious functions (homa) at home but not conduct them at the houses of others, offer one-sided obeisance (Pranama) to Upadhyaya Brahmans, Salaam to us and blessings (Ashish) to others. If Jaisis of the categories mentioned in this regulations pledge themselves to live separately from children born of Upadhyaya or Jaisi women polluted through sexual intercourse with other

3. Regmi Research Collections, Vol. 40, PP. 319-323.

- castes, of (widowed) sisters-in-law and of Upadhyaya or Jaisi woman who have had sexual intercourse with several persons, they shall undergo purification through customary (Niti) and Samriti (scriptural) rites after explaining the rites customarily observed by their family, and comply with the provisions of these regulations.
2. Those Jaisis who cannot live separately (as mentioned above) shall study but not teach the Vedas, give but not take ritual gifts, not conduct religious functions, offer one-sided obeisance (Pranama) to Upadhyaya Brahmans and Salaam to us, exchange Salaams with members of other sacred thread-wearing castes and offer blessings (Ashish) to members of non-sacred thread-wearing castes.
  3. Jaisis born of (widowed), sisters-in-law within three generations, or of other related women, or of Upadhyaya or Jaisi women who have been polluted through sexual intercourse with members of other castes or with three or four persons shall not study the Vedas, not be initiated with the Brahma-Gayatri and observe the other restrictions mentioned in No.2.
  4. Henceforth, no Jaisi of any category shall take an Upadhyaya widow as his wife, or commit sexual intercourse with sisters-in-law or other related women. Any Jaisi who commits sexual intercourse with sisters-in-law or other women related within three generations shall be liable to punishment on his person and property. Severe punishment shall be awarded to any Jaisi who commits sexual intercourse with sisters-in-law beyond three generations.
  5. Those who have previously violated provisions decreed for them shall be punished as follows by the Adalat. Henceforth, these regulations shall be complied with. Those who do not do so shall be liable to punishment on their life and property. A proclamation to this effect shall be issued. Anybody who awards punishment for the violation of provisions not mentioned in these regulations, or does anything to harass the people, shall be liable to punishment on his person and property according to his caste status.

Contd...

PenaltiesFines For (Jaisis) Who Commit Sexual Intercourse With Sisters-In-Law Within Three Generations

Abal	...	Rs 200
Doyam	...	Rs 150
Sim	...	Rs 100
Chahar	...	Rs 50

Fines For (Jaisis) Who Commit Sexual Intercourse With Sisters-In-Law Beyond Three Generations

Abal	...	Rs 100
Doyam	...	Rs 75
Sim	...	Rs 50
Chahar	...	Rs 25

Fines For (Jaisis) Who Conduct Religious Functions

Abal	...	Rs 50
Doyam	...	Rs 40
Sim	...	Rs 30
Chahar	...	Rs 20

Fines For (Jaisis) Who Teach The Vedas

Abal	...	Rs 200
Doyam	...	Rs 80
Sim	...	Rs 60
Chahar	...	Rs 40

Contd...

Fines For (Jaisis) Who Do Not Offer One-Sided Obeisance (Pranama) To Upadhyaya  
Brahmans, And Offer Blessings (Ashish) To Instead Of Exchanging Salaams with  
Members Of Sacred Thread-Wearing Castes

For Those Who Live Near Our Palace And Willfully Violate Orders

Abal	...	Rs 1,000
Doyam	...	Rs 500
Sim	...	Rs 250
Chahar	...	Rs 125

For Those Who Live Near The Palace But Do Not Observe The Prescribed Restrictions

Abal	...	Rs 5
Doyam	...	Rs 4
Sim	...	Rs 3
Chahar	...	Rs 2

Persons appointed to enforce these provisions shall draw their emoluments from the proceeds of the fines collected by them. Such emoluments shall be as follows:-

2 Collectors (Tahasildar)	...	Rs 140
2 Cashiers (Tahabildar)	...	Rs 80
2 Clerks (Bahidar)	...	Rs 100
12 Peons (Pyada)	...	Rs 300

Poush Badi 12, 1868  
(December 1811)

Contd...

### Remission Of Fines

The following order was issued on Baisakh Badi 4, 1869 (April 1812) in the same connection:-

To the Ditthas, Bicharis and other officials of the four Adalats who have been deputed to the east and the west to collect fines from Jaisis.

When Kaji Ambar Singh Thapa was coming here from Palpa, he saw that Jaisis living in the western regions, unable to pay fines, had fled to different places, so that villages and homesteads had become deserted. There indigent Jaisis that were left had been greatly oppressed by officials. Kaji Ambar Singh Thapa has reported this situation in detail to us. We therefore remit the fines which had been imposed on Jaisis all over the kingdom. Do not collect fines any more. So far as fines already collected are concerned, refund the balance, inclusive of expiation fees (Sabhasuddha), Pyajkhani and the Dhungo fee. In case you do not do so, and complaints are received accordingly, severe punishment shall be awarded on the person and property of those not making such refundment.

### Recent Legislation On The Jaisi Caste

The 1866-67 editions of the Muluki Ain contained the following law on Jaisis:-

1. In case a Jaisi Brahman commits incest, he shall be punished according to the law relating to Upadhyaya Brahmans (guilty of incest).
2. Children born of an Upadhyaya man and an Upadhyaya girl or widow become Jaisis of good status. Children born of marriage between the daughters of such Jaisis and Upadhyaya (Brahmans) also become Jaisis of good status.
3. If an Upadhyaya or Jaisi has taken as his wife a Brahman widow or a Brahman woman whose husband is an absconding criminal or has been sentenced to punishment and degraded to Shudra caste, and if such woman has remained chaste to her husband, so that (the Upadhyaya or Jaisi who subsequently takes her as his wife) is the second person to have sexual relations with her, children born of such a union shall belong to the Jaisi caste.

---

4. Regmi Research Collections, Vol. 41, PP. 81-82.

Contd...

4. In case a Brahman takes as his wife a woman of Upadhyaya or Jaisi caste who is not related to him, in such a manner that he is the third person to have sexual relations with her, children born of such a union shall be known as Bhat Jaisis. They shall be entitled to wear the sacred thread. If a member of a sacred thread-wearing caste deliberately involves himself in commensal relations with the widow of a Bhat Jaisi who is not related to him and takes her as his wife, a fine of Rs 50 shall be imposed. But he shall not be deemed to have committed any offense in case he does not involve himself in commensal relations. In case he does not pay the fine, he shall be imprisoned according to law.<sup>5</sup>

These provisions<sup>5</sup> were retained in substantially the same form in the 1955 edition of the Muluki Ain also<sup>6</sup> until finally repealed on April 12, 1963.

#### In Doti

Regulations promulgated for Doti district on Ashadh Sudi 1, 1886 (July 1829) prescribed<sup>7</sup>:-

"A Jaisi Brahman shall not take his sister-in-law as his wife after the death of his elder brother. In case he does so, he shall be severely punished."

- 
5. "Jaisi Bahun Ko". (On Jaisi Brahmans). In Shri 5 Surendra Bikram Shah Dev Ka Shasankalma Baneko Muluki Ain (Legal Code Enacted During The Reign of King Surendra). Kathmandu: Ministry of Law and Justice, 1965, 537 P.
6. "Adal Ko" (On Social Discipline). Muluki Ain (Legal Code), Kathmandu: Gorkhapatra Press, 1955, Part V, Sections 39-41, PP. 19-20.
7. Regmi Research Collections; Vol. 43, P. 636.

Contd...

Other Provisions

In case a Jaisi of good status committed sexual intercourse with a girl or widow of above the age of 11 years with her consent, and in case she was not related to him within prohibited degrees, punishment was awarded on the basis of whether or not he had involved himself or his caste-members in commensal relations with her. This will be clear from the following chart:-<sup>8</sup>

<u>Caste of girl or widow</u>	<u>Punishment on Jaisi if not involved in commensal relations with her</u>	<u>Punishment for involvement in commensal relations</u>
Upadhyaya	2 years' imprisonment	4 years' imprisonment
Rajput	Five of Rs 40,00	Rs 60.00
Jaisi of equal status	No offense	Rs 80.00
Sacred thread-wearing Kshatriya	No offense	Rs 25.00
Devabhaju, Terhoute, Bhatta, Mahatta, Nayar, Gujrati, Maharashtra, Tailang, Dravin, Madhise and other Brahman girls of foreign countries	No offense	Rs 30.00
Dasna, Jogi, Jangam, Sanyasi, Sewada, Bairagi, Kanfatta, Nanak, Udasi, Aghor and girls belonging to other religious sects.	No offense	Rs 20.00
Girls of liquor-drinking (Matwala) castes not permitted to be enslaved	No offense	Rs 5.00
do. which may be enslaved	No offense	No Reference.

8. "Ghati Badi Jat Ma Karani Garnya Jaisi Jat Ko" (on Sexual Intercourse Between Jaisis and Girls of Higher or Lower Castes). In Legal Code Enacted During The Reign Of King Surendra, op. cit. PP. 657-658.

The Childhood Of Rana Bahadur Shah<sup>x</sup>

By

Chittaranjan Nepali.

Perhaps no other King of Nepal has been subjected to as much criticism by historians as King Rana Bahadur Shah, the third King of the Shah dynasty. Every great and yet revolutionary and anti-conservative measure initiated by him in the cause of the country, the king and the people during his short reign has been evaluated from the very beginning in an unfavorable light, and this criticism lasted well over a century. Rana Bahadur Shah has been depicted as an insane, cruel and incompetent ruler in the history of Nepal. Many of his nationalist and far-reaching measures such as the expropriation of Birta lands, the Bhairavi-Chakra and the severance of relations with the British were cited as evidence of his lunacy or his cruel temperament, so that the actions attributed to him by British historians were regarded as true for over a century.

King Rana Bahadur Shah was born on Ashadh 11, 1832 B.S. (circa June 27, 1775) to Queen Rajendra Laxmi. His father, Pratap Simha Shah, having expired in the prime of his life, Rana Bahadur Shah ascended the throne on Marga 3, 1834 (November 18, 1775), that is, while he was barely two and a half years old. However, he began to rule directly only in 1851 (1794 A.D.). Before that year, he was king in name only, and the affairs of the state were handled during that period by his mother, Queen Rajendra Laxmi, and his uncle, Chautariya Bahadur Shah, successively as Regent.

Queen Rajendra Laxmi proved herself to be the most capable and talented among the female regents of Nepal. While she was Regent, with the infant King Rana Bahadur Shah in her lap, she annexed a number of principalities into the kingdom of Nepal, thereby laying one more brick in the foundation of the "Greater Kingdom of Nepal" laid by her father-in-law, King Prithvi Narayan Shah.

Queen Rajendra Laxmi could not continue as Regent for long. Eight years after she became Regent, she was involved in conflict with her brother-in-law, Bahadur Shah. Taking advantage of this feud, the Baisi states organized a revolt.

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<sup>x</sup>Chittaranjan Nepali, Shri 5 Rana Bahadur Shah (King Rana Bahadur Shah), Kathmandu: Mary Rajbhandari, 2020 (1963), Chapter I: "Balyakal (Sarwat 1832-51)" (Childhood: 1775-1794 A.D.), 1-21 PP.

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Chautariya Bahadur Shah had come back to Nepal from exile on the death of King Pratap Simha Shah. Being highly ambitious, Bahadur Shah wanted to rule over the kingdom as Regent on behalf of his nephew. This was the reason why he returned to Nepal. However, Rajendra Laxmi was no less clever. She understood the ambitions of her brother-in-law. She had not forgotten that Bahadur Shah had hatched a conspiracy against her husband during his reign. He had plotted against his own elder brother in collusion with Chautariya Dalamardan Shah, once ruler of Lalitpur. But the conspiracy misfired because the king had received advance information of it. Bahadur Shah was arrested. On the special request of Chief Priest Gajaraj Mishra, however, he was allowed to go into exile. He had gone to Bettiah, where Capuchin and other Christian missionaries, who had been expelled by King Prithvi Narayan Shah, were living. Bahadur Shah stayed in Bettiah as long as King Pratap Simha Shah lived.<sup>1</sup>

Bahadur Shah became Regent on his return to Nepal following the death of his brother, Pratap Simha Shah. He had an announcement to this effect made on behalf of the king. But Queen Rajendra Laxmi was opposed to him. In these circumstances, it was natural that a conflict should have occurred between them. The queen imprisoned Regent Bahadur Shah. But this time too Chief Royal Priest Gajaraj Mishra pleaded for his release. Accordingly, Bahadur Shah was freed. Bahadur Shah thereupon imprisoned Queen Rajendra Laxmi charging her with living an immoral life. He then proclaimed himself as Regent. However, his position as Regent was short-lived, as the majority of the influential Bhardars supported the queen. Nor was the charge of immoral behavior against the queen proved correct. Consequently, Queen Rajendra Laxmi was released. Bahadur Shah, realizing that he was no match for the powerful personality of the queen, again went into voluntary exile. Again he chose Bettiah for his residence. Occasionally, he visited Patna also. He stayed in India as long as Queen Rajendra Laxmi was Regent in Nepal.<sup>2</sup>

An analysis of the circumstances behind the feud between Queen Rajendra Laxmi and Chautariya Bahadur Shah would show clearly that it was prompted chiefly by policy considerations.

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1. (a) Kirkpatrick - An Account Of The Kingdom of Nepaul, PP. 271-72.
  - (b) Hamilton - An Account of Nepal, P. 247.
  - (c) Oldfield - Sketches of Nepal, P. 277
  - (d) Balchandra Sharma - Nepal-Ko Aitihāsik Ruprekha, P. 231.
  2. (a) Kirkpatrick, op. cit. P. 273.
  - (b) Balchandra Sharma, op. cit. P. 232.

Contd...

Chautariya Bahadur Shah, the second son of King Prithvi Narayan Shah, was born in Ashadh 1814 (June 1754), when Gorkha and Kantipur were at war with each other. His father was winning in every front, and, naturally, Bahadur Shah was gradually developing ambitions and lust for power. But as he realized that he was not the heir-apparent, he joined the opposition group. In order to realize his ambitions, he changed both his policy and tactics. In matters relating to foreign affairs, he differed from Prithvi Narayan Shah. For example, he did not oppose the activities of Capuchin and other Christian missionaries as his father had done. On the contrary, he always maintained good relations with Capuchin and other Christian missionaries who had been expelled by his father. Whenever he was compelled to go into exile, he went to Bettiah, where Christian missionaries were living. Through these missionaries, he maintained contacts with the Government of the English East India Company. He had donated a bell to a Church built by Capuchin at Patna.<sup>3</sup> In addition, he used to send gifts to Capuchin and other priests living at Bettiah while he was Regent in Nepal.

All this indicates that there existed fundamental difference of approach between King Prithvi Narayan Shah and Bahadur Shah with regard to foreign policy, particularly with regard to the policy towards the British. Bahadur Shah was a supporter of the British power, while Queen Rajendra Laxmi and other courtiers were strong opponents. It was not therefore surprising that a contest should have developed between Queen Rajendra Laxmi and Bahadur Shah for the post of Regent. It is possible that Queen Rajendra Laxmi did not want Bahadur Shah to become Regent because she was afraid lest he should try to eliminate the infant king. She was not sure that a man like Bahadur Shah, who had shown the courage to hatch a conspiracy against his own elder brother in collusion with his foreign allies, would not harbor evil designs against the infant king once he became Regent.

Bahadur Shah's quarrel against his brother, King Pratap Simha Shah, lasted until the latter's death. His quarrel with his sister-in-law too continued till her death. He had developed differences of opinion with Rana Bahadur Shah too, and it was this conflict which ultimately proved the cause of his death. Thus Bahadur Shah never remained on good terms with the reigning king and his supporters. Apart from ideological factors, his "opposition" mentality was also responsible for his feud with his elder brother, his sister-in-law, and lastly, with his nephew.

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3. Surya Bikram Gnyawali, Amar Simha Thapa, P. 170.

as true. Moreover,

In the face of this historical fact, Hamilton has claimed that Queen Rajendra Laxmi and Chautariya Bahadur Shah had developed an illicit sexual relationship and that at one stage there was even talk of their marriage.<sup>4</sup> He has quoted the people of Palpa as the source of this statement. But no other historian has referred to the alleged illicit sexual relationship between Queen Rajendra Laxmi and Bahadur Shah. Even Kirkpatrick, who visited Nepal during the regency of Bahadur Shah and wrote an account of Nepal, has not referred to any such relationship. Nor does the *Vamshawali* contain any reference to it. As such, it is difficult to accept Hamilton's allegation in political and administrative matters, Queen Rajendra Laxmi and Bahadur Shah were bitter opponents. They carried their political conflict to the last. In these circumstances, any illicit sexual relationship between them must definitely be regarded as improbable. Hamilton appears to have been motivated by political considerations in casting aspersions of this kind on the royal family of Nepal.

During the Regency of Queen Rajendra Laxmi, some principalities in the western region were annexed into the kingdom of Nepal. By conquering Kaski, Lamjung and Nuwakot, she further expanded the kingdom of Nepal founded by King Prithvi Narayan Shah. Her regency was a period of expansion. This is why she paid greater attention to the organization of the army than to administrative reforms.<sup>5</sup> She died in Shraavan 1842 (July 1785 A.D.).

Following the death of Queen Rajendra Laxmi, Chautariya Bahadur Shah, who was then living in exile in Bettiah, returned to Nepal and started functioning as Regent on behalf of his 10-year old nephew, Rana Bahadur Shah. During his regency too, the kingdom of Nepal expanded in the west.

Bahadur Shah married the daughter of Mahadatta Sen, King of Palpa, since he felt that any opposition from Palpa would interfere with his campaign of conquest in the western region. The marriage took place in the month of Magh 1842 (February 1795).

After the establishment of matrimonial relations with Palpa, Bahadur Shah sent his Kaji Jiva Shah, Kaji Shiva Narayan Khatri and Sardar Ambar Singh to invade Gulmi. The troops despatched under their command reached Gulmi after crossing the Kali river through Karkikot. The king of Gulmi fled and Gulmi was annexed.

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4. Hamilton, op. cit., P. 247.

5. Kirkpatrick, op. cit., P. 73.

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The Nepali troops then moved forward in three separate formations. Sardar Ambar Singh, commanding two companies, reached Chandrakot, while the troops commanded by Subba Jog Narayan reached Khanchi. The troops commanded by Kaji Jiva Shah and Sardar Parath Bhandari attacked Arjunga and Resunga respectively. In the meantime, the troops of Parbat invaded Salyani-Kurtha. They succeeded in occupying that area because the local officer (Dware), Sabal Shahi, fled in panic before reinforcements arrived. After occupying that area, the troops of Parbat attacked the Nepali troops stationed at Argha. However, the Nepalis finally emerged victorious. The town of Argha was annexed into Nepal.

A few days later, Sardar Ambar Singh Thapa, who had reached Chandrakot with two companies of troops, and Subba Jog Narayan Malla, who had reached Khanchi, jointly invaded Baglung. The troops commanded by Kaji Damodar Pande and Kaji Jagjit Pande, which had been winning a series of victories, captured Pyuthan, Dang and Jaharitar. They then returned to Kathmandu. Kaji Shiya Narayan and Sardar Prabal Rana conquered Jumla, reaching there through the snow-clad and inaccessible area of Muktinath. Simultaneously, the troops commanded by Sardar Kalu Pande and Sardar Shatrusal occupied Surkhet and Dailekh; while the troops commanded by Captain Narabir Khatri occupied Achham and Doti.

After winning victories in different areas in this manner, the royal troops encamped at Dhauli near Kumaun. In the meantime, fighting broke out between the Nepali troops and the forces of Mahindra Chandra at Gagauli. The Nepalis met with defeat in this battle. Later, however, Ambar Singh Thapa fought again in the same area and occupied it. The frontiers of Nepal thus extended to Almora.

Advancing further from Almora, the royal troops crossed the Alakananda. So far they had not had to fight hard. They had easily occupied all territories situated on the way. The troops commanded by Pratiman Shahi reached Srinagar and after giving charge of its defense to Kalu Khawas, moved beyond Liglig, and finally encamped at Jannarkhal. At the same time, Ambar Singh Thapa moved to Thumka from Palpa. At this, the enemy attacked the Nepalis from Salangadhi. The enemy troops also launched an attack at Kosha, but the attack was repulsed by Ambar Singh Thapa and Bhakti Thapa. However, as a result of an attack by enemy forces from across the Bheri and the Mahakali, the Nepali troops in Srinagar lost contact with their headquarters, thereby facing a serious situation. But Kalu Pande and Jagjit Pande defeated the enemy and rejoined the Nepali troops in Srinagar.

At that time Nepal also had to fight against the Chinese hordes which had been advancing from the north in aid of Tibet. The Chinese were approaching gradually, and it became very difficult for Nepal to fight at two fronts.

The Nepalis were defeated at several battles by the Chinese troops. When the Chinese finally reached Dhaibung which is situated at a distance of 2 or 3 days' journey from Kathmandu, Nepal recalled its troops from different fronts. The royal order of recall issued to Amar Singh Thapa, whose troops were then fighting on the Alakananda front, is as follows:-

To Amar Singh Thapa and Subedar Dasharath Khatri.

As the Chinese and Bhotyas have come up to Dhaibung, you two are hereby ordered to come back along with your troops as soon as possible.

Shravan 13, 1849 (July 28, 1792 A.D.)  
Kantipur.

On receiving the news of the arrival of Chinese troops at Dhaibung, Nepali troops in the far-western front were thus compelled to stop fighting and return home. They were also compelled to sign a peace treaty with Garhwal. But soon they received the news that fighting had stopped between the Chinese and the Nepali troops in the Betrawati area, Captain Kalu Pande and Subedar Narasahi therefore remained on the western front, while the other commanders returned to the capital.

Nepal had to go to war twice against Tibet during the regency of Bahadur Shah as a result of differences with regard to the terms of the treaty concluded with Tibet in 1832 (1775 A.D.) during the reign of King Pratap Simha Shah. The first phase of the Nepal-Tibet war, which had started in 1846 (1789 A.D.) lasted less than a year and concluded with the signing of a treaty at Kerung. Chinese Ambassadors acted as mediators in the negotiations that led to the treaty. This led to the resumption of contacts between Nepal and China, which had been interrupted for several centuries. Nepal then sent a delegation to Peking with presents for the Chinese Emperor. The delegation was led by Kaji Hari Shahi. The Chinese Emperor, on his part, conferred the title of "Wang" on King Rana Bahadur Shah and of "Ghung" on Regent Bahadur Shahi. He also sent gifts.

However, Nepal and Tibet could not maintain peaceful relations for long after the conclusion of this treaty. After about 3 years, the two states went to war again. This time, Nepal had to fight not only against the Tibetans but also against the Chinese troops who had come in aid of Tibet. It is true that Chinese troops commanded by Chang-Chung had come to Lhasa to help Tibet against Nepal during the previous war also. But by the time the Chinese had reached Lhasa, Nepali and Tibet had agreed to negotiate a treaty at Kerung. The Chinese troops did not have to raise arms. In the second war, however, the Nepal and Chinese troops fought each other fiercely. The war started from Kuti in 1791 and ended the following year on the banks of the Betrawati river.

While fighting was going on against the Chinese, Bahadur Shah, who was then Regent, appealed to the English East India Company Government for military aid. However, the English, who had already occupied several Indian States, did not extend any such aid. Lord Cornwallis, the then Governor-General, did not wish to disrupt the company's trade with China by providing military assistance to Nepal. Nor did he consider it necessary to lose the opportunity presented by this situation to fulfill his colonial ambition and maintain a foothold in Nepal. In fact, he had been nursing this ambition ever since the defeat of Captain Kinloch. Hence, instead of extending military support forthwith, he merely sent a military mission headed by William Kirkpatrick to make an on-the-spot study of the military situation in Nepal. This mission arrived in Kathmandu on March 3, 1793 A.D.

However, before this military mission arrived in Kathmandu, negotiations for a treaty had already started between the Nepali and Chinese military commanders on the banks of the Rapti. The nobles of Nepal did not show any interest in the mission. Kirkpatrick had therefore to go back to India after 24 days without accomplishing his task.

Just one year before the visit of the English military mission, a trade agreement had been concluded between the Government of Nepal and the East India Company Government. Bahadur Shah must have assessed the situation arising from the Nepal-Tibet war of 1789 and thus signed this treaty with the English with the objective of making it possible for him to ask for military support from the latter in the event of resumption of hostilities with Tibet, particularly because by that time the Tibetan Government had already started expressing dissatisfaction with the terms of the 1789 Treaty. Bahadur Shah probably sought to establish relations with the English East India Company in order to strengthen his own position on the advice of Capuchin and other Christian missionaries who had been driven out by Prithvi Narayan Shah. The practice of keeping one's position and power secure with the support of outsiders had since been frequently witnessed in Nepal. In fact, Bahadur Shah's generous attitude towards the English had played an important part in the conclusion of the trade treaty between Nepal and the English East India Company Government. The treaty was concluded on Falgun 7, 1848 (March 1, 1792). On behalf of Nepal, it was signed by Bahadur Shah himself, while Jonathan Duncan signed it on behalf of the English East India Company Government.<sup>6</sup>

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6. Aitchison - Treaties, Sunnuds and Engagements, Vol. II, No. XXII, pp. 103-5.

However, the adverse reception the treaty met from the king as well as from the nobles soon rendered it defunct. After the death of Bahadur Shah, the East India Company Government doubted whether the treaty would ever be enforced. That is why it sought to despatch Abdal Kadar Khan to study the situation and test the reactions of the Nepal Government.

Some historians have argued that Bahadur Shah's opponents, and not he himself, were responsible for this trade treaty. Prof. Dhundiraj Bhandari, author of "Nepal Ko Aitihāsik Vivechana" (Historical Analysis of Nepal), has even described Bahadur Shah as an opponent of the English.<sup>7</sup> Referring to the treaty, he writes, "Jonathan Duncan, a representative of the English East India Company at Banaras, forwarded proposals for a 7-point commercial treaty to Nepal. The opposition camp was in a strong position within the palace, and the young King Rana Bahadur Shah too supported the proposal. Nepal therefore accepted it. But notwithstanding the conclusion of a treaty between Nepal and the Company Government, owing to intrigues within the palace, Bahadur Shah was secretly playing quite a different political game."<sup>8</sup>

Prof. Dhundiraj Bhandari has thus tried to show that Bahadur Shah was anti-English. But historical facts do not corroborate his view. In the first place, the friendship Bahadur Shah had cultivated with Capuchin and other Christian missionaries and the despatch of gifts to them show clearly that he was not anti-English. Kirkpatrick himself has acknowledged frankly that the king and all other nobles except Bahadur Shah were opposed to his presence in Nepal. Secondly, the decision of the English East India Company to despatch Abdul Kadar Khan to Nepal to ascertain the attitude of Nepal with regard to the enforcement of the trade treaty indicates that it had lost hopes of conducting trade with the Nepalis after the death of Bahadur Shah. In the course of discussions on this question at the meeting of the Board of Directors of the East India Company, the then Governor-General had stated, "In furthering our commercial cause, we cannot expect any help from the Nepali Wakil, Dinnath Upadhyaya, who, like any other foreign Wakil, is a pensioner of this government. ... And Bahadur Shah, the king's uncle who maintains a broader and more liberal outlook than any other person in the palace with respect to the benefits of this trade treaty, has resigned several months ago. There is now only one source of hope who could exert influence on the king of Nepal and he is Gajaraj Naser (Mishra), who has always helped in advancing our cause."<sup>9</sup> Between Gajaraj Mishra and Bahadur Shah there existed intimate friendship, which again shows that the latter was not an opponent but actually a supporter of the English.

7. Dhundiraj Bhandari - Nepal Ko Aitihāsik Vivechana, P. 199.

8. Ibid, P. 207.

9. D.C. Ganguly - Secret Documents, P. 134.

The influence of Bahadur Shah started declining following the outbreak of the Nepal-China war. Rana Bahadur Shah, who had by then attained majority decided to run the administration of the country directly. He did not like to remain a nominal king with his uncle as his guardian. Being of a revolutionary temperament, it was not unnatural for the youthful King Rana Bahadur Shah to remain under the care or protection of anybody. Moreover, the majority of the nobles had then turned against Bahadur Shah because of his pro-English policy. In fact, the hostile attitude of the nobles hastened the downfall of Bahadur Shah.

While a Regent, Bahadur Shah had not adhered to the spirit of the foreign policy enunciated by his own father, Prithvi Narayan Shah. In his "Divine Counsel", outlining the kind of foreign policy which he wanted Nepal to pursue, Prithvi Narayan Shah had explicitly said, "Maintain amicable relations with the Emperor of China. We should maintain relations also with the Emperor of the south. But he is very cunning. He is oppressing India." Prithvi Narayan Shah had expelled Christian missionaries from Nepal and advised Tibet also to do the same. Bahadur Shah had followed just the opposite policy. He had cultivated friendly relations with the Christian missionaries deported by his father, concluded a trade treaty with the English and invited an English mission to Nepal, thereby hoping to strengthen ties with the English. It was also during Bahadur Shah's regency that Nepal had to go to war twice with Tibet. His pro-English policy did not find favor with the nobility. In the light of this, as also of the desire of the youthful King Rana Bahadur Shah to run the affairs of the state directly, Bahadur Shah sought to maintain special relations with the English in order to keep his own position secure. Successive Mukhtiyars or Prime Ministers adopted a policy of cultivating friendship with the English whenever they faced a threat to their position. The Rana régime thus emerged as a result of the rise to power of Jung Bahadur who was able to lord it over both the king and the people for 105 years by relying on the British power in India.

That the pro-English policy of Bahadur Shah was generally opposed within the palace has been admitted by Col. Kirkpatrick, himself. In his report to Governor-General Lord Cornwallis on his mission to Nepal, Kirkpatrick had referred to the fact that Bahadur Shah's invitation to the English military mission and his establishment of relations with the English East India Company Government had been opposed by the majority of the Nepali nobles including Krishna Shah.<sup>10</sup> In his report, Col. Kirkpatrick had also stated that there was "a certain powerful party, which could not, by any means, be reconciled to the idea of my remaining even for a few months at Khatmandu" and that the king had not even taken interest in holding talks with him.<sup>10</sup>

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10. Kirkpatrick - Appendix II, op. cit. P. 359.

This proves clearly that Bahadur Shah had initiated the establishment of relations with the English East India Company Government on his own initiative and contrary to the wishes of the youthful king and the then high-ranking nobles. They perhaps considered it dangerous to maintain contacts with the English who were advancing with the dream of expanding their colonies throughout the world. At that time feelings of national unity were manifesting themselves in Nepal. Nor did the nobles deem it appropriate to enter into any trade agreement with the English who followed the policy of propagating their religion and engaging in trade in every country and then making a colony of it. They regarded it all the more dangerous to allow foreign soldiers to march over Nepal, even though as members of a military mission only. All this accounted for the opposition of the king and the nobles to the establishment of contacts with the English.

As a result of the opposition of both King Rana Bahadur Singh and the nobles, the English military mission that had been sent to assess the state of the Nepal-China war was forced to return on the 24th day of its arrival in Kathmandu. By that time war had come to an end as a result of the truce arranged on the banks of the Betrawati river. Since the war had ended, there was nothing left to be studied by the English military mission. Under these circumstances, the mission could not have prolonged its stay in Nepal. The trade treaty signed with the English East India Company Government had automatically become inoperative by that time owing to the opposition of the king and the nobles. Even then, Bahadur Shah had assured Col. Kirkpatrick of all steps on his part to create conditions "favorable to the renewal of personal intercourse which had been commenced."<sup>11</sup>

Since then discord set in between King Rana Bahadur Shah and Regent Bahadur Shah. Having become aware of Bahadur Shah's ambition to entrench his position with the backing of a foreign power, and having himself come of age, Rana Bahadur Shah probably did not consider it desirable to let Bahadur Shah continue assuming the reins of administration. Accordingly, in Baisakh 1852 (April 1794), Rana Bahadur Shah dismissed his uncle, Regent Bahadur Shah, and directly assumed control of the affairs of state.

After being diverted to power in this manner, Bahadur Shah sent a personal message to the Chinese Amba in Lhasa to be forwarded to the Chinese Emperor. In the message, Bahadur Shah wrote, "My nephew has taken over the reins of administration. I am now engaged in religious functions at temple. The Chinese Amba at Lhasa informed the king of Nepal of the contents of Bahadur Shah's letter. In his message, the Chinese Amba advised the king of Nepal to seek reconciliation with Bahadur Shah. He stated, "The Chinese Emperor has solicitude for both you and your uncle."

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11. Kirkpatrick, op. cit. Appendix II, P. 368.

The Chinese Amba's message proves that King Rana Bahadur Shah had not imprisoned Bahadur Shah immediately on his assumption of the reins of administration, as claimed by some historians.<sup>12</sup> Bahadur Shah had later sent a second message to the Chinese Amba at Lhasa expressing his desire to visit China in order to have an audience with the Chinese Emperor. He had sought to go to China as one method of escaping from Nepal, probably because of the strict curbs imposed by the Nepal government on his movements after being notified of his first message to the Chinese Amba. The Chinese Amba, however did not agree to allow Bahadur Shah to visit China without the approval of the Nepal government. He did not regard it as proper that Bahadur Shah should have written to him secretly. At the same time, the Chinese Amba requested the king of Nepal for his opinion on the desirability of Bahadur Shah's visit to China.

Lest the personal message secretly sent by Bahadur Shah to the Chinese Amba with the idea of acquainting the Chinese Emperor of the discord between him and the king should create an unfavorable impression in the Chinese Emperor's mind with regard to Rana Bahadur Shah, the latter in Baisakh 1854 (April 1797), sent a mission to China under the leadership of Kaji Sarvajit Pande, who dealt with affairs concerning China and Tibet. A royal message mentioning the crimes committed by Bahadur Shah was also sent through the mission to the Chinese Emperor. In Ashadh 1854 (June 1797). Bahadur Shah passed away. Hamilton,<sup>13</sup> a contemporary of Bahadur Shah, has written that while some persons held that he had been murdered, others were of the view that he had died a natural death.

In addition to the expansion of the kingdom, the wars with China and Tibet, and the treaty and relations with the English East India Company Government as referred to above, reform in the administration was a notable feature of the period of Bahadur Shah's regency. In order to facilitate the smooth conduct of the day-to-day affairs of the administration, he amended laws and relations and enforced new ones. Land surveys first commenced in Nepal during his regency. Bahadur Shah deputed seven officials including Ram Das Pant and Narayan Arjyal to the eastern hill areas of Nepal to survey and measure land. An order issued by him in this connection specified the limits within which they were required to function in the course of their work. The rules contained in the order cannot be called defective, since the survey and measurement of lands had been undertaken for the first time in the country.

#### Stiches From Nepal

12. (a) Oldfield, Nepal, Vol. 1, P. 284.

(b) Landon, Nepal, Vol. 1, P. 70.

13. Hamilton, op. cit. P. 250.

Bahadur Shah also initiated steps to grant tenancy rights for peasants. Through a royal decree issued on Shravan 9, 1849 (July 25, 1792), he guaranteed the security of tenancy rights of the peasants of Kirtipur. The decree prohibited the indiscriminate eviction of peasants of that area as long as they paid their rents. The text of the decree is as follows:-

To the inhabitants of Kirtipur. You shall not be evicted from your Seba Birta and Adhiya lands by soldiers (landlords) as long as you continue paying rents as usual. In case you default in the payment of rents or disobey your landlords, the lands being cultivated by you shall be confiscated. (But) lands shall not be confiscated in case rents have been paid. You shall faithfully appropriate your share of the produce and the soldiers theirs, according to the customary practice."

Bahadur Shah also undertook military reforms. He had, at the close of his regency, procured a foreign expert to impart training to the army along modern lines and run the ordnance factory smoothly. He conferred the title of "Sardar" on the expert. The royal letter conferring this title was written in the old Hindi. The royal order with regard to the leave to be granted on different occasions to the mechanics working under the supervision of this expert was also written in a mixture of Hindi and Nepali.

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