

Regmi Research (Private) Ltd
Kathmandu; December 1, 1976

Regmi Research Series
Cumulative Index for 1976

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Regmi Research (Private) Ltd
Kathmandu: January 1, 1976

Regmi Research Series

Year 8, No. 1,

Edited By

Mahesh C. Regmi.

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Regmi Research (Private) Ltd.

Lazimpat, Kathmandu, Nepal.

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Bondage and Slavery

Bondage

Sections 25 and 26 of the Law on Traffic in Human Beings (Jiu Masne Bechne Ko) in the Muluki Ain were amended as follows on Jestha 30, 1985 (June 13, 1928) :-

25. No transaction involving the bondage of a man or a woman for a sum of more than sixty rupees each shall be regarded as valid in the future. In case a complaint is filed praying for the resumption of bondage concluded before or after the enforcement of this law, a maximum amount of sixty rupees for each bondsman shall be repaid to the creditor, irrespective of the actual amount of the loan, and the bond shall be cancelled.
26. Any person who takes up a man or a woman on bondage shall give an allowance (masikatta) of six rupees a year for each bondsman. He may give more if he so likes. When (the bondsman) changes his creditor, or repays the loan, only the net amount left after deducting such allowance shall be received.

Slavery .

Section 23 of the Law on Castes which may be Enslaved (Jiu Masiyeka Jatako) in the Muluki Ain was amended as follows on Jestha 10, 1980 (May 23, 1923) :-

23. The owner shall not seize any slave who has been cultivating lands (Kuriya) in the Naya Muluk, Morang, and Chitaur districts.

Some Questions on Nepali History

By

Mahesh C. Regmi.

The Kiratas

The history of Kathmandu Valley prior to the fifth century A.D. is obfuscated in a web of myth and legend. Recent geological studies have substantiated the legend¹ that Kathmandu Valley was originally a lake.² Genealogical writings called Vamsavalis, dating back to the fourteenth century A. D.,³ mention a number of royal dynasties which ruled Kathmandu Valley during the early centuries before and after the Christian era. However, no dependable historical evidence, lapidary or documentary, is available; hence there is little point in adding conjecture to legend.

Most scholars who have written on the beginnings of Nepali history have commenced their account with the so-called Kirata rulers. One author even has a section on "the pre-Kirata period". The sole "evidence" available to us regarding the so-called Kirata and pre-Kirata periods are the Vamsavalis. The oldest of these Vamsavalis was compiled approximately fourteen hundred years later. There is no evidence that any written literature existed in Nepal during the early years of the Christian era, or that any oral literature was transmitted from generation to generation. In these circumstances, the detailed lists of ⁵ Kirata Kings, and their regnal years, which Nepali historians

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1. Daniel Wright, History of Nepal, Reprint of 1877 ed. Kathmandu: Antiquated Publishers, 1972, pp. 77-78.
 2. Toni Hagen, Nepal: The Kingdom in the Himalayas. Berne: Kimmmerley and Frey, 1961, p. 53.
 3. Wright, op. cit., p. 5.
 4. D. R. Regmi, Ancient Nepal. Calcutta: Firma K.L. Mukhopadhyay, 1960, pp. 60-62.
 5. Regmi, op. cit., p. 63.

Contd...

are so fond of reproducing from the works of Kirkpatrick,⁶ Wright⁷ and others, or from the Gopalarajavamsavali, can be regarded as no more than a conglomeration of myth and legend of doubtful historical veracity. By the same methodology, one may as well start compiling a history of India on the basis of the Puranas. Several scholars have discovered enough holes in the historical accuracy of the Vamsavalis⁸ to permit us to depend upon these writings for any serious study of ancient Nepali history.

What can be proved through historical evidence is that a non-Sanskrit-speaking dynasty was ruling in Kathmandu Valley at least during the first or second century. The inscriptions of the subsequent period, which are invariably in the Sanskrit language, refer to a number of places, axes, government offices, etc. with non-Sanskritic names.⁹

This non-Sanskrit-speaking dynasty has been given the name of Kirata on the testimony of the Vamsavalis. Attempts have been made to show that the Kiratas were an ethnic community, of the same stock as the present-day Kiratas of the eastern hill region. However, ancient writings, inscriptions, and Vamsavalis using the term Kirata were all the products of people of an Indo-Aryan cultural background who came to Kathmandu Valley from the south. It is perhaps too much to expect these authors to have possessed an accurate knowledge of the ethnology of this region. They used the term Kirata to mean mountain-dwellers in general.¹⁰ If this hypothesis is not correct, should we say that there were only Kiratas in Kathmandu Valley and the peripheral areas during the early years of the Christian era?

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6. Colonel Kirkpatrick, An Account of the Kingdom of Nepal. Reprint of 1811 ed. New Delhi: Manjusri Publishing House, 1969, pp. 257-258.
 7. Wright, op. cit., pp. 109-110.
 8. Baburam Acharya, Shri 5 Badamaharajadhiraja Prithvi Narayan Shah. (The Great King Prithvi Narayan Shah). Kathmandu: His Majesty's Press Secretariat, 2024 (1967), Part I, pp. 40-42.
 9. Dhanavajra Bajracharya, "Licchavikalako Itihasama Kiratakalako Prabhava." (Impact of the Kirata Period on the Licchavi Period). Purnima, Year 5, No. 1, Baisakh-Ashadh 2025 (April-June, 1968), pp. 1-8.
 10. Regmi, op. cit., p. 23.

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Inaccuracy of ethnological terminology because of ignorance was not confined to ancient and medieval Nepal. In our own days, we use the term "Madise" to denote the inhabitants of the Tarai region, irrespective of their actual ethnic status. Similarly, the term Bhote is used to denote all communities of Tibetan stock. Another example is furnished by the use of the term Newar after 1768; the term, which originally denoted nationality, was thereafter used to denote a caste.¹¹

The Licchavis

The Kiratas are said to have been followed by the Licchavis. An attempt has been made to connect them with the Licchavis of Vaisali in India.¹² Manadeva and his successors were, no doubt, born of immigrants from India. The Indian influence, demonstrated by linguistic, iconographic and other evidence, cannot be explained otherwise. But the claim of Manadeva's family to belong to the Licchavi clan must be regarded with some skepticism. Manadeva, from whose reign Nepal's recorded history starts, himself made no such claim. In his Changu-narayan inscription of Samvat 386, he listed his forbears as Vrisadeva, Sankaradeva, and Dharmadeva, but did not use the term Licchavi for the dynasty.¹³ It was only forty-one years later, in 427 Samvat, that his daughter, Vijayavati, made the claim that Manadeva was born in the Licchavi dynasty.¹⁴ Obviously, the ruling dynasty of Kathmandu Valley had become sufficiently strong and illustrious during these four decades to be able to advance such a claim. This process culminated with Jayadeva II's inscription at Pasupati, in which he claims a twenty-three-generation pedigree, and direct kinship ties with the solar dynasty of India.¹⁵

11. Government of Nepal, "Newar Jatko Ain." (Law of the Newar Caste). Muluki Ain (Legal Code). Kathmandu: Gorkhapatra Press, 1955, pp. 75-82.

12. Hit Narayan Jha, The Licchavis (of Vaisali). Varanasi: The Chowkhamba Sanskrit Series Office, 1970, p. 126 ff.

13. Dhanavajra Bajracharya, Licchavi Kalaka Abhilekha. (Inscriptions of the Licchavi Period). Kathmandu: Institute of Nepal and Asian Studies, 2030 (1973). pp. 9-30.

14. Ibid, pp. 82-87.

15. Ibid, pp. 548-562.

Contd...

Each ruling dynasty in Nepal has tried to connect its lineage with one or other of the well-known royal dynasties of India. The Malla rulers styled themselves Suryavamsis. The attempt of King Ram Shah of Gorkha to obtain recognition of kinship ties from the Ranas of Udayapur may also be mentioned in this connection.¹⁶ Similarly, the Kunwars who seized power in Nepal in 1846 assumed the title of Rana and claimed consanguinity with the Ranas of Mewar in India.

The Modern Period

The modern period in Nepali history is generally regarded as having commenced with the establishment of the unified Kingdom of Nepal through the conquests of Prithvi Narayan Shah. D. R. Regmi's Modern Nepal thus deals with the period beginning 1750. As he explains:-¹⁷

Prithvinarayan Shah is the maker of modern Nepal and, therefore, we begin our history with his career of conquest. ... The history delineated (in Modern Nepal) could be called one of the early modern period. Here we no longer have to depend on inscriptions or like documents for sources. The chronicles tend to give more or less ascertained dates as the chronicler in all cases happens to write about events within his memory. As this period coincides with early British rule in India, we have also in many instances British Indian sources to verify any unascertained date figures. Other source materials are sanads, royal and official charters, letters and memorials and notes prepared by foreign visitors.

16. Yogi Naraharinath (ed.), Gorkha Vamshavali (Genealogy of the Gorkha Dynasty). Kashi: Aryavirasangh, 2021 (1964), pp. 27-28.

17. D. R. Regmi, Modern Nepal. Firma K.L. Mukhopadhyay, 1975 (2d. ed.). Introduction, pp. vi-vii.

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D. R. Regmi thus does not explain clearly the reasons for advancing the view that the modern period in Nepali history commenced at the middle of the eighteenth century. He indirectly implies that he considers this period modern because of the availability of copious and dependable historical materials, including the accounts of witnesses.

Baburam Acharya holds two views about the modern period in Nepali history. At one place, he writes that this period commenced in 1723.¹⁸ At another place, he puts forward the following view:¹⁹

The mediaeval period in Nepal continued until 1525, when the Mughal Empire was founded in India. The modern period commenced thereafter. The founding of the Mughal Empire in India, the splitting up of the Malla Kingdom into three parts in Nepal, and its subsequent reunification -- all these events took place during the modern period.

The practice of dividing historical periods into ancient, mediaeval, and modern appears to have started with the use of term "Middle Ages" to denote a distinct period in historical time separating the civilization of ancient Rome from the new civilized Europe which began with the Renaissance.²⁰ Although the term, as well as the concept symbolized by it, was considerably older in origin, the term appears to have been popularized by the German Protestant seventeenth-century annalist

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18. Baburam Acharya, Nepalko Samkshipta Vrittanta (A Concise Account of Nepal). Kathmandu: Pramod Shamsher and Nir Bikram "Pyasi." Chaitra 2022 (March 1966). "Prastavana" (Preface), p. 5.
19. Ibid, Chapter I: "Purva Vrittanta." (The Early Account), p. 2.
20. Geoffrey Barraclough, History in a Changing World. Oxford: Basil Blackwell, 1957, p. 54.

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Cellarius.²¹ Once the concept of mediaevalism was adopted, the subsequent period was naturally regarded as the modern period. In the words of J.J. Bagley,²² nineteenth century historians adopted the terms Middle Ages and Medieval because they found them convenient labels for those centuries which, in the western half of Europe, separated the Ancient World from the capitalist, technological, rationalist Europe of nation states, which they, if not the general public, called modern.

In the opinion of John B. Morrall,²³ the dichotomy between "medieval" and "modern" is no longer self-evidently valid, but "it is no use denying the presence of a certain sense of "otherness" felt by every modern historian when he considers the Middle Ages. ... What the twentieth-century historian of this medieval period has to try to do is to account for this 'otherness' without recourse to unsubstantiated theories of cataclysmic break." J.J. Bagley makes the same point when he says that the modern period in English history commenced not in 1485 but from the middle decades of the sixteenth century, when "the distinctive pattern of modern social life" started emerging.²⁴

Geoffrey Barraclough²⁵ has remarked; "It is, indeed, a major question whether we can devise any scheme of chronology which is applicable to every country or to every people at once." If the criterion for distinguishing between the mediaeval period and the modern period in history is the transition toward "a distinctive pattern of social life," it may be valid to put forward the view that the modern period in Nepali history commenced during the middle of the nineteenth century, when Rana rule emerged in Nepal.

21. John B. Morrall, The Medieval Imprint, Middlesex: Penguin Books Ltd, 1967, p. 13.

22. J.J. Bagley, Historical Interpretation: Sources of English Medieval History, 1066-1540. Middlesex: Penguin Books, 1965, p. 259.

23. Morrall, op. cit., pp. 28-29.

24. Bagley, op. cit., pp. 259-60.

25. Barraclough, op. cit., p. 61.

Evolution of Nepali Coins¹

By

Satya Mohan Joshi.

The coins of almost every country bear the influence of the religion, beliefs, politics, art, literature, etc. of its people or government. This is true of Nepali coins also. For example, we may refer to the Licchavi coins of the fifth century. These round coins do not bear any date, but they do contain the name of the reigning King, a symbol or emblem and the name of the god or goddess revered by the King. On one side, the coins of Manadeva contain the image of a lion, and the letters "Mānānka." The other side of the coin bears the effigy of a goddess² seated on a lotus, and the word "Bhogini." This indicates that kings at that time were the devout worshipper of the Goddess or Shakti, who rides on a lion. The term Bhogini refers to the Goddess (Mahalaxmi or Shakti).

Just as we identify a temple with a trident as one of Shiva, and a Chaitya with banners as a Buddhist shrine, in the same way we can determine the influence of any particular religion on coins on the basis of their shape and design.

The coins of Gunakāmadeva also contain the effigy of the Goddess, and the word "Gunānka" on one side, and the image of an elephant³ on the other. This indicates that King Gunākama-deva also worshipped the Goddess or Shakti.

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Another Licchavi coin bears the effigy of a god named "Vaishravana"⁴ on one side, and the image of a cow, along with its calf, with the caption "Kamadohi", (A study of this coin indicates that the King who minted it worshipped a god or goddess. "Vaishravana" refers to Kubera, the god of wealth, while the cow symbolizes either Laxmi, the Goddess of wealth, or the Earth.

The coins of Amsuvarma also mention "Shryamsuvarma", Maharajadhirajasya "Sryamso," "Kāmadohi," etc, and bear the images of a sacred jar, a calf, and a cow. This indicates that King Amsuvarma also worshipped the Goddess.

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On the other hand, Jisnugupta's coins bear the effigy of a bull on the one side, a vajra⁵ on the other. The bull is the vehicle of Siva, and a religious symbol, while vajra symbolizes the religion of Buddhists of the Mahayana, or Vajrayana cult. It thus appears that Jisnugupta had faith in both Shaivism and Buddhism.

The "Pasupati coins,"⁶ which bear later dates, clearly imply that these were circulated by a king who was a devout worshipper of Siva. Moreover, the other side of these coins bear the effigy either of a bull or of a trident. The bull⁷ is the vehicle of Siva, and the trident is his weapon. The coins thus seek to emphasize the importance of the Pasupata cult.

Thus the Licchavi coins generally contain brief or symbolic names⁸ of kings, the names and effigies of gods and goddesses, and the images of a jar, moon-shaped images,⁹ pictures of flowers, bulls, cows, elephants, etc. All the available Licchavi coins are made of copper, and are of uniform design and model.

Available Malla coins, however, are different from Licchavi coins in several respects. For one thing, almost all Malla coins which have so far been discovered are made of silver.¹⁰ Both Licchavi and Malla coins are round-shaped,¹¹ but their design and legend are different. Unlike Licchavi coins, Malla coins do not contain the effigies of gods and goddesses.¹² Only the image of the lion is found in some Malla coins. One particularly notices the influence of mystic objects on Malla coins. It is noteworthy that almost all Malla coins explicitly mention the name of the reigning king, as well as the date.¹³ Some Malla coins contain even Persian and Arabic letters.

The Mallas appear to have discarded the Licchavi practice of ritual worship in favor of mystic rites. This is obvious from the fact that the Malla coins mainly contain objects symbolizing mystic rites.

Malla coins have three other characteristics. (1) They contain effigies of sword (Khadga), thunderbolt (Vajra), trident (Trishula), etc. either as symbols of devotion to Shakti or to family (Kuladevata) or personal (Istadevata)

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deities.⁴ Mahendra Malla's coins bear the effigy of a Vajra on the one hand, and a trident on the other. This shows that Mahendra Malla had equal faith in Buddhism and Shaivism. The trident refers to Shaivism, while the Vajra symbolizes Buddhism, specially of the Vajrayana sect.¹⁵ The sword (Khadga) symbolizes both Shaivism and Buddhism. (2) Malla coins depict artifacts such as a vermilion-box, a lamp, Asthamangala materials, jars (Kalasha), etc. (3) They mention the titles of the kings, as well as of the names of their ancestors and their queens. This indicates that the Malla kings had sought to attract public notice toward the rulers and their families.¹⁶

The mystic (Tantrik) symbols depicted on Malla coins are of different types, each symbolizing a particular god or goddess, and underlining an esoteric meaning. The very word Tantra refers to esoteric symbols. The symbols are contained within triangular, quadrangular, hexagonal, and other shapes.¹⁷ The largest number of Tantrik symbols appear to have been developed during the rule of King Yoganarendra Malla of Lalitpur. The coins of the other Malla kings mention the names of their family deities (Taleju and Kumari),¹⁸ or gods (Karunamaya and Lokanatha), as well as the effigy of a sword (Khadga), with a covering. As indicated above, the coins of Mahendra Malla also contain the effigy of Vajra. But whatever the religion observed by the kings, the coins appear to be based on Tantrism.¹⁹

The coins of all the Shah kings, from Prithvi Narayan Shah to King Tribhuwan, appear to be uniform in both design and legend. These coins reflect to some extent the impact of the Malla coins. The Shah kings, however, used their own script²⁰ and their dates,²¹ and mentioned the name of their family god, that is, Gorakhanath,²² and Pashupatinath, as well as Bhawani, their family goddess. The coins contain the Guhyeshwari symbol (Tantra) on the obverse.²³ The reverse side remained the same as that of Malla coins.

The political change of 1951, which ushered in democracy, also brought about changes in the two hundred years old design and legend of Shah coins. The artists of the country were invited to submit designs for new Nepali coins. The artists who came out first according to the decision of the committee formed for this purpose were awarded prizes.²⁴

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First one rupee and Mohor coins bearing the effigy of King Tribhuwan²⁵ were minted. Copper coins depicting the rising sun and the Himalayas, paddy shoots, and five fingers, were also circulated, thus marking a break with the Tantric tradition. In this manner, religious traditions gave way to nationalist ideas. The new coins also reflected social life.

King Mahendra's coronation in 1956 brought about yet another change in Nepali coins. For the first time, the coins showed the Crown of Nepal.

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After 1951, a number of coins, omitting references to Pashupati, Gorakhnath and Bhawani, and containing only the words "Nepal Sarkar" (Government of Nepal) were minted. Those coins aroused people's confidence in and respect for their government.

The evolution of Nepali coins has thus won them a high place in the numismatic world. Nepal, an ancient and independent kingdom, has thus its own coinage system.

Footnotes

1. Satya Mohan Joshi, "Nepali Mudrako Kramik Vikas." (Evolution of Nepali Coins). In Nepali Rashtriya Mudra. (Nepali National Coins). Lalitpur: Jagadamba Prakashan, 2019 (1962), pp. 6-12.
2. After the Greek conquerors had consolidated their supremacy in India (200-150 B.C.), Indian coins began to bear the imprint of Greek art. The coins of Demitrius, a Greek ruler, bear the effigy of Artemis, a Greek goddess. The satraps who drove out the Shakas and the Kushan Kings, Kanishka and Huviska, also retained the effigies of Greek gods and goddesses in their coins. The Licchavi coins of Nepal appear to have gradually fallen under the influence of the Greek coins minted in India.

Pantalion and Agathecleus, who became kings of north-west India after Demitrius, used the Kharosthi and Brahmi scripts, as well as the image of the lion, in their coins.

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This means that these Greek rulers had featured Indian culture also in their coins. King Apollodotus, who succeeded these Greek kings, depicted in his coins the image of the bull (Nandi), the vehicle of Shiva.

3. The elephant pours holy water on the head of Goddess Laxmi through a Kalasa (jar), (Airawata). Airawata is also used as a vehicle by God Indra.
4. The term Vaisravana occurs in Swayambhu Purana, in Vedic prayers to be chanted in the evening, and in Kautilya's Arthasastra.
5. Some scholars have presumed that it is a trident (Trisula).
6. A coin with the word Pasupati in Kutila script.
7. The ritual of installing a sivalinga along with a bull is mentioned in Mahanirvana-Tantra. The influence of this Tantra is seen in this Pasupati coin.
8. Siva-Shakti appears to have been worshipped according to Tantric rites. His vehicle and weapon too were apparently worshipped according to the same rites.
9. Moon-shaped coins indicate that the King who brought it into circulation was a descendant of Chandravamsi kings. Similarly, sun-shaped coins indicate that these were circulated by kings claiming to be the descendants of Suryavamsi kings. However, this view does not apply to all such coins. Some coins bear effigies of both the moon and the sun. It is also possible that these effigies have been inscribed simply for decorative purposes.
10. In Hamro Sahitya, Part 6, Baburam Acharya writes, "During the reign of the Mughal emperors, copper coins weighing one tola, called paisa, were in circulation in northern India. Thick paisa coins were brought into circulation by the Malla kings of Nepal also. Both Mughal and Malla paisa coins were in circulation in Nepal, because they were of equal weight. In both countries, four paisa made one anna, and 16 annas or 64 paisa a rupee. The coins were exchanged accordingly. Only one letter in the name of the King was inscribed on such coins, but it was soon effaced. For this reason, the British government in India

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brought into circulation flat and round copper coins of a diameter of one inch each. Likewise, the Nepal government minted some thin paisa coins bearing the names of Rana Bahadur Shah or Girvana Yuddha Bikram Shah in Persian letters for the purpose of circulation in the Tarai."

The above account is confirmed by the fact that round copper coins have been discovered in large numbers, along with silver coins of the Malla rulers, at a Chaitya located near the Bir Hospital, and that copper coins with Persian characters are still being found in Kathmandu. Copper coins weighing one tola used to be minted at Gorakhpur in northern India. The Nepalis therefore called these coins Gorakhpuri paisa. The Malla kings of Kathmandu Valley, as well as the Shah kings of Gorkha, appear to have initially minted and circulated copper coins weighing one tolas each.

11. In addition to round coins, a thick silver Mohar coin with four corners, minted by Pratap Malla, have been discovered. Four-cornered Suki coins minted by Parthivendra Malla, and three-cornered Suki coins of Yoganarendra Malla have also been discovered.
12. Siddhinarasimha Malla and Tejanarasimha Malla may have inscribed the image of the lion on their coins to denote their surname, Simha, a Sanskrit term meaning a lion.
13. The reference here is to the Nepal era. The script is Newari.
14. i.e. Lokanatha, Talejumaju, Karunamaya, and Kumarimaju.
15. Vajra also symbolizes Vaisnavism, because on the foot of Vishnu are inscribed the Dhwaja, Vajra, Ankusha, etc. According to one account, Mahendra Malla was an adherent of Saivism. Vajra is also an weapon of Indra.
16. The titles assumed by them were Sangitarnava Paraga, Nepalendra, Nepaleshwara, Girindra, and Kavindra.
17. The symbols are called Kali Yantra (a triangle within a circle), Sri Yantra (a combination of several triangles, both big and small), Tara Yantra (a triangle within a lotus-shaped circle), Sodasi Yantra (a combination of two triangles).

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18. It was customary to inscribe "Sri Sri" before the name of the King, and Sri Sri Sri before that of gods or goddesses, in Malla coins. On the other hand, the Shah kings started the practice of inscribing Sri Sri Sri before their own names.
19. Tantras are of two categories: (1) Brahmana Tantras, and (2) Bauddha Tantras. Some Tantric manuscripts in the possession of the Bir Library are mentioned below:-
- Brahmana Tantras: Kalagnyana Tantra; Brahmayamala Tantra; Rudrayamala Tantra; Mahaguhya Tantra; Kriyakala Tantra, and Meru Tantra.
- Bauddha Tantras: Kalachakra Tantra; Heruka Tantra; Bajravali Tantra; Yogamvara Vidhi Tantra; Chanda-Maharoshana Tantra; Samvarodaya Tantra; Guhya Samaja Tantra; Yogini Jala Tantra; and Hayagriva Tantra.
20. The Shah rulers replaced the Newari script by Devanagari.
21. In place of the Nepal era, they used the Shaka and Vikrama eras.
22. In one of his coins, Prithvi Narayan Shah also inscribed the name of Lokanatha, who is really Matsyendranatha. However, the Malla kings, particularly those of Lalitpur, minted coins bearing the name of Lokanatha or Karunamaya in place of Matsyendranatha. There are scores of legends associated with Matsyendranatha, who is regarded as the initiator of Kaula Gnyana, and Gorakhanatha, initiator of Yoga Marg. Some legends describe the two gods as teacher and disciple, and some as brothers.

However, it is noteworthy that Matsyendranatha is worshipped by Buddhists as Avalokiteswara, and by Saivites as Siva. This Saivaite and Buddhist tradition of worshipping Matsyendranatha is still extant in Nepal. The King who initiated this tradition was probably Narendradeva, who ruled during the eighth or ninth century. He probably introduced the custom of telling the story of Matsyendranatha. The annual chariot festivals of Seto (white) Matsyendranatha and Rato (Red) Matsyendranatha are still held in Kathmandu and Lalitpur. Religious festivals involving Matsyendranatha are organized every year elsewhere also.

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Manuscripts entitled Mahakaula Gnyana Vinirnaya, Kamasavya Guhya, etc, written by Matsyendranatha (Machagnapada), are available at the Bir Library. These manuscripts are presumed to have been written during the ninth century. This may explain why coins minted after the ninth century mention the name of Lokanatha and Karunamaya. However, the only solid evidence is the coins of King Narasimha Malla of Patan. Anyway, the fact that the name of Gorakhanatha (Goraksanath) is inscribed on the coins of the Shah kings indicates that the Siddha or Natha sect exercised great influence in Nepal. Similarly, the mention of Sri Bhawani, and the inscription of a sword (Khadga) on these coins, indicate that the Shah kings had faith in Vama Marga or in Tantra also. On the other hand, Licchavi coins do not bear any trace of the influence of the Natha sect. This indicates that the Natha sect had entered Nepal after the Licchavis, i.e. during the medieval period.

23. The silver Dabal and Mohar coins contain 64 dots, each representing one Yogini. Thus the Shah coins also reflect the deep influence of Tantras.

In one of his coins, Pratap Simha has inscribed the name of Guhyeswari also.

24. The prizes were received by Kularatna Tuladhar, Sri Amar, Aishwarya Prasad Shrestha, and Kajibapu Shakya.
25. Before 1950, the Nepali people used to see the portrait of the King dressed in formal royal dress, including the Crown. In this coin, however, the King looks like an ordinary Nepali citizen. It thus sheds some light on the history of democracy and of the people's revolution in Nepal.

Nepali artists have given clear expression to their feelings and religious sentiments in coins. They inscribed the images of gods and goddesses, and of elephants, lions, bulls and cows, on Licchavi coins. During the Malla period, however, artists inscribed various tantric symbols on the contemporary coins. During the entire period of Shah rule, however, they made coins of uniform design only. But after the change of 1951, Nepali artists obtained an opportunity to give free play to their feelings in designing coins. In this manner, they were able to revolutionize Nepali coins. This coin not only shows the real face of the King of Nepal, who was virtually imprisoned in his palace during the autocratic Rana regime, but also sheds light on the dress and art of the Nepali people.

The Rana Elite

In the Vikrama year 1910 (1853 A.D.), members of the Rana family who occupied leading positions in the government, and their yearly emoluments, were as follows:-

1. Prime Minister Jang Bahadur Kunwar Rana	...	Rs 83,620
2. Commander-in-Chief General Bam Bahadur Kunwar Rana	...	Rs 32,613
3. General Krishna Bahadur Kunwar Rana	...	Rs 22,072
4. General Ranoddip Singh Kunwar Rana	...	Rs 22,410
5. General Jagat Shumshere Kunwar Rana	...	Rs 21,097
6. General Dhir Shumshere Kunwar Rana	...	Rs 21,853
7. General (Kapardar) Bhaktabir Kunwar Rana	...	Rs 19,001
8. Commanding Colonel Bakhat Jung Kunwar Rana	...	Rs 16,745
9. Colonel Jagat Jung Bahadur Kunwar Rana	...	Rs 16,712
10. Colonel Kedar Narsingh Kunwar Rana	...	Rs 9,054
11. Colonel Krishna Dhvaj Kunwar Rana	...	Rs 7,959
12. Colonel Khadga Bahadur Kunwar Rana	...	Rs 7,793
13. Colonel Prithvi Dhvaj Kunwar Rana	...	Rs 7,129
14. Colonel Bhim Jung Bahadur Kunwar Rana	...	Rs 8,567

Contd...

15. Colonel Jit Jung Bahadur Kunwar Rana	...	Rs 9,000
16. Captain Fatte Jung Bahadur Kunwar Rana	...	Rs 5,001
17. Captain Babar Jung Bahadur Kunwar Rana	...	Rs 5,001

In addition, the following members of the Rana family occupied the following positions in the army. Information on their remunerations is not available:-

1. Haribhakta Kunwar Rana, Captain, Rifel Paltan.
2. Bhairav Singh Kunwar Rana, Lieutenant, do.
3. Dip Bahadur Kunwar Rana, Captain, Leter Paltan.
4. Harsha Bahadur Kunwar Rana, Subedar, do.
5. Lalit Bam Kunwar Rana, Subedar, Rajdal.
6. Dip Bahadur Kunwar Rana, Captain, do.
7. Pratiman Kunwar Rana, Captain, do.
8. Tej Bahadur Kunwar Rana, Captain, Srinath.
9. Makaradhvaj Kunwar Rana, Captain, Bardwani.
10. Jayadrath Kunwar Rana, Jamadar, do.
11. Ganesh Dhvaj Kunwar Rana, Lieutenant, Shumshere Dal.
12. Sarup Kunwar Rana, Jamadar, do.
13. Surat Jung Kunwar Rana, Captain, Mahindra Dal.
14. Dharma Dhvaj Kunwar Rana, Jamadar, Kali Prasad.
15. Khadga Bir Kunwar Rana, Jamadar, do.
16. Toran Dhvaj Kunwar Rana, Captain, Sarbadhwaj.

Contd...

17. Kashiram Kunwar Rana, Subedar, Devidatta.
18. Khadgabir Kunwar Rana, Jamadar, Devidatta.
19. Makaradhvaj Kunwar Rana, Senior (Bada) Captain, Ganesh Dal.
20. Gambhir Kunwar Rana, Jamadar, do.
21. Jagbir Kunwar Rana, Subedar, Jagadal.
22. Kularaj Kunwar Rana, Subedar, do.

There was one Chautariya, Shumshere Jung Shah, whose remuneration amounted to Rs 7,125. Chautarni Bhadraxmi Devi, presumably his wife, received Rs 1,200. Other dignitaries and their ensoluments were as follows:-

1. Gururaj Pandit Dharmadhikar Vijaya Raj Panditju	...	Rs 4,500
2. Guru Nagendra Raj Panditju	...	Rs 4,000
3. Guru-Purohit Tirtha Raj Panditju	...	Rs 3,000
4. Kaji Delli Singh Basnyat	...	Rs 6,400
5. Kaji Hemadal Singh Thapa	...	Rs 6,400
6. Kaji Gambhir Singh Adhikari	...	Rs 6,400
7. Kaji Kulaman Singh Basnyat	...	Rs 6,400
8. Kaji Trivikram Singh Thapa	...	Rs 6,400
9. Kaji Umakanta Upadhyaya	...	Rs 6,400
10. Khajanchi, Shiva Prasad Arjyal	...	Rs 5,000
11. Sardar Kirtibir Karki (Mulukikhana)	...	Rs 3,600
12. Sardar Karna Singh Bogati (Itachapali)	...	Rs 3,600

Contd...

13. Sardar Chet Singh Basnyat	...	Rs 3,600
14. Sardar Kanak Singh Mahat (Captain, Barakh Paltan)	...	Rs 3,600
15. Sardar Shumshere Jung Thapa (envoy to China)	...	Rs 3,600

Prices of Essential Commodities, 1852 A.D.

(Prices stipulated under contract for supply to the royal household).

		<u>Rates per rupee</u>
<u>Masino</u> rice	...	22 <u>mana</u>
<u>Marsi</u> rice	...	30 "
<u>Tauli</u> rice	...	32 "
<u>Rahar</u> pulse	...	14 "
<u>Mas</u> pulse (husked)	...	20 "
<u>Mugi</u> pulse (do.)	...	12 "
Salt	...	10 "
Ghee	...	1 <u>dharni</u>
Turmeric powder	...	28 <u>mana</u>
Fine wheat flour	...	40 <u>mana</u> .

The Dharmadhikar

From King Girban,

To the four Dharmadhikar Brahmins.

We have been informed that you have been conducting expiation (Prayascitta) rituals and enforcing regulations relating to caste and commensal relations.

In future too, all four of you shall conduct rituals according to the scriptures in matters concerning caste and commensal relations, and grant expiation in deserving cases. You shall not grant expiation out of greed in other cases.

Send learned persons in consultation with each other to different areas to perform expiation rituals, and issue documents concerning such expiation under the signature of all of you.

Do not make decisions on question on which you need our approval.

Jestha Badi 1, 1864
(May 1807)

Regmi Research Collections, Vol. 20, p. 299.

(S.B. Maharjan).

Regmi Research (Private) Ltd
Kathmandu: February 1, 1976

Regmi Research Series

Year 8, No. 2,

Edited by

Mahesh C. Regmi.

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Lazimpat, Kathmandu, Nepal.

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Property Rights of Unmarried Daughters

- (1) The 1923 edition of the Muluki Ain contained the following law*:-

An unmarried daughter who is below thirty-five years of age shall be granted wedding expenses according to the law when her brothers obtain their share of the paternal property. If she remains unmarried and stays in her parents' home even after she has completed the age of thirty-five years, she shall obtain half of the share of the paternal property accruing to each brother according to the law.

The person who subdivides property in this manner may grant her either movable or immovable property as her share.

After obtaining her share of the paternal property (an unmarried daughter who has attained the age of thirty-five years) may live with any of her brothers (who have granted her share of the paternal property), or with their sons and grandsons, or live separately, as she likes. But she shall not live with any of her sisters or other female relatives.

In case she has obtained her share in the form of movable property, the person who is entitled to inherit her property according to the law shall meet the customary funeral and other expenses after her death out of the movable property left by her after meeting her living expenses, and appropriate the balance for himself.

In case she has been granted immovable landed property (as her share of the paternal property), she shall be entitled to appropriate only the rents accruing from such lands. She shall not sell, gift, donate, or otherwise alienate such immovable landed property without the consent of the person who is entitled to inherit it after her death. However, she may gift or donate one-tenth of the property even without such consent when she is about to die.

*Government of Nepal, "Amshabanda Ko." (Law on Subdivision of Property). In Muluki Ain (Legal Code), pt. 3, Kathmandu: Pashupati Press, 1980 (1923 A.D.). Section 20, p. 79.

In case (an unmarried daughter who has attained the age of thirty-five years) marries after obtaining her share of the paternal property, she may appropriate the same portion thereof as dowry as her other sisters, while the balance shall be appropriated by persons who are entitled to it according to the law. In case she contracts an irregular alliance with any man, she shall get nothing. If her brothers and nephews die without leaving any heir after she has obtained her share of the paternal property, she, and not any other person, shall inherit their property also, irrespective of whether she subsequently marries or contracts an irregular alliance with any man.

- (2) This law was amended as follows on Kartik 18, 1993 (November 4, 1936) :-

An unmarried daughter who is below thirty-five years of age shall be granted wedding expenses according to the law when her brothers obtain their share of the paternal property. If she remains unmarried and stays in her parents' home even after she has completed the age of thirty five years, she shall obtain half of the share of the paternal property accruing to each brother according to the law.

The person who subdivides property in this manner may grant her either movable or immovable property as her share.

After obtaining her share of the paternal property (an unmarried daughter who has attained the age of thirty-five years) may live with any of her brothers (who have granted her share of the paternal property), or with their sons and grandsons, or live separately, as she likes. But she shall not live with any of her sisters or other female relatives.

In case she has obtained her share in the form of movable property, the person who is entitled to inherit her property according to the law shall meet the customary funeral and other expenses after her death out of the movable property left by her after meeting her living expenses, and appropriate the balance for himself.

In case she has been granted her share in the form of immovable landed property, she may dispose of a maximum of ten percent of such property, if the income accruing therefrom is sufficient to meet her living expenses throughout the year,

Contd...

and if it is not so sufficient, she may dispose of any portion of such property of a value not exceeding five hundred rupees if she is below forty years, and the entire property if she is above forty years, even without the consent of the person entitled to inherit her property.

She shall not be entitled to sell, mortgage, donate, or gift (immovable) property in excess of the limit prescribed above without the consent of the person entitled to inherit it, and shall appropriate only the rents or income accruing from the property. But she shall not need the consent of such relative (Hakwala) for disposing of her own earnings in any manner she likes.

In case (an unmarried daughter who has attained the age of thirty-five years) marries after obtaining her share of the paternal property, she may appropriate the same portion thereof as dowry as her other sisters, while the balance shall be appropriated by persons who are entitled to it according to the law. In case she contracts an irregular alliance with any man, she shall get nothing. If her brothers and nephews die without leaving any heir after she has obtained her share of the paternal property, she, and not any other person, shall inherit their property also, irrespective of whether she subsequently marries or contracts an irregular alliance with any man. In case she contracts such an irregular alliance after disposing of such part of the property as she is entitled to, action shall be taken under Section 9 of the Law on Gifts and Donations.

- (3) The law was retained in the amended form in the 1935^x and 1952^{xx} editions of the Muluki Ain.

^x Government of Nepal, "Amshabanda Ko." (Law on Subdivision of Property). In Muluki Ain (Legal Code), pt. 3, Kathmandu: Gorkhapatra Press, 1992 (1935 A.D.). Section 35.

^{xx} Government of Nepal, "Amshabanda Ko." (Law on Subdivision of Property). In Muluki Ain (Legal Code), pt. 3, Kathmandu: Gorkhapatra Press, 2009 (1952 A.D.). Section 35, pp. 88-89.

Contd...

- (4) The law was again amended as follows on April 12, 1963:-^x

An unmarried daughter who has attained the age of thirty-five years is entitled to a share (of the paternal property) amounting to half of that due to a son. In case she marries or contracts an irregular alliance with any man after obtaining her share of the property, the marriage expenses prescribed by law shall be deducted from the share obtained by her, and the balance shall accrue to the person who is entitled thereto according to the law.

- (5) The law was amended for the third time as follows on December 19, 1975:-^{xx}

An unmarried daughter who has attained the age of thirty-five years is entitled to the same share (of the paternal property) as a son. In case she marries or contracts an irregular alliance with any man after obtaining her share of the property, the marriage expenses prescribed by law shall be deducted from the share obtained by her, and the balance shall accrue to the person who is entitled thereto according to the law.

^xHis Majesty's Government, "Amshabanda Ko." (Law on Subdivision of Property). In Muluki Ain (Legal Code). Nepal Gazette, Vol. 12, No. 44 (Extraordinary), Chaitra 30, 2019 (April 12, 1963). Section 16, p. 133.

^{xx}His Majesty's Government, "Muluki Ain (Chhathau Samshodhan) Adhyadesh, 2032." Legal Code (Sixth Amendment) Ordinance, 1975. Nepal Rajapatra (Nepal Gazette), Vol. 25, No. 43, (Extraordinary), Poush 4, 2032 (December 19, 1975), Section 5.

Judicial Authority of Jagirdars and Birtaowners¹

Persons who have been granted authority through a formal charter by the government to exercise judicial authority, Jagirdars, Birtaowners, and Amalis shall comply with the procedures prescribed by law or formal charters while hearing and disposing of suits involving the inhabitants of areas under their jurisdiction and making collections.

Jagirdars may hear such suits involving (the inhabitants) of lands and homesteads (Khuwa) assigned to them as they are permitted under Section 5 of this law; Birtaowners may do so with regard to (the inhabitants) of areas comprising the grant. No other person shall, in the absence of formal orders or authority, hear and dispose of disputes, or collect fines and other penalties, by appointing clerks and other employees at his own private residence. He may, however, hear and dispose of suits privately, without holding formal hearings or imposing fines and other penalties, (even in the absence of any formal order or authority).

Persons who have been appropriating the Serma tax shall dispose of suits on lands on which both the Serma and the Saune Fagu taxes are payable. Persons who have been appropriating the Saune Fagu tax shall dispose of suits on lands on which only the Saune Fagu tax, and not the Serma tax, is payable. If one person appropriates the Serma tax, and another the Saune Fagu tax, on the same land, the person who appropriates the Serma tax shall dispose of suits relating to such lands.

1. Government of Nepal, "Jagirdar Birtawarke Jhagada Herda Ko." (Judicial Authority of Jagirdars and Birtaowners). Muluki Ain (Legal Code), pt. 1, Kathmandu: Gorkhapatra Press, 2012 (1955 A.D.), pp. 151-157. The text is the same as in the 1935 edition [pt. I, Kathmandu: Gorkhapatra Press 1992 (1935 A.D.), pp. 131-137], except that the 1935 text does not contain Section 4A. The 1952 text is here compared with the 1923 text [Muluki Ain, pt. I, Kathmandu: Pashupati Press, 1980 (1927 A.D.), pp. 105-110]. The words underlined in section 1 do not occur in the 1923 edition of the Muluki Ain.

Contd...

4. Persons who have obtained judicial authority from the government through a formal charter may adjudicate in suits relating to the inhabitants of the areas under their jurisdiction personally, or Jagirdars, Birtaowners and Amalis may do so through persons who are literate and have knowledge of the law. If an illiterate person is found to have been employed to exercise judicial authority a fine ranging from one anna to twenty rupees shall be imposed, and the person so employed shall be dismissed.²

4.(a) Panchakhat means crimes for which punishment may take the following five forms: death, life imprisonment, shaving of the head, degradation to a lower caste status, and deprivation of caste.

5.³ Except when the government has granted judicial authority through a formal charter, landowners, Jagirdars, or Amalis who enjoy judicial authority shall not accept complaints and dispose of suits of the following categories, even though these suits relate to inhabitants of areas under their jurisdiction. Even if such disputes are filed with them, they shall direct the litigants to approach the court. In other cases also, landowners, Jagirdars, or Amalis may dispose of only those suits which do not involve claim of more than one hundred rupees, and on which fines not exceeding twenty-five rupees may be imposed.⁴ In respect to suits which involve higher claims or fines, they may make compromise where this is permitted under Section 229 of the Law on Judicial Procedure. While disposing of suits or effecting compromise in the manner mentioned above, hearing shall be conducted in the presence of two respectable persons as arbiters from each side, and

2. The 1923 text is as follows: Persons who have obtained judicial authority from the government through a formal charter may adjudicate in suits relating to the inhabitants of areas under their jurisdiction personally, or through persons who are literate and have knowledge of the law. If they are proved to have employed persons who cannot dispense justice, they shall be punished with a fine.

3. The 1923 text states that the provisions contained in this section were first enforced on Baisakh 1, 1972 (April 14, 1915).

4. The figures are fifty rupees and ten rupees respectively in the 1923 edition.

Contd...

the signatures of such arbiters shall be affixed on the judgment or the deed of compromise. Judgment shall be delivered according to law, or compromise effected, within forty-five days. If no judgment or compromise is made within this time-limit, or if an order is received for transferring the case following the complaint of any litigant under Section 7 of this law, the documents relating to the case filed at the Amal shall be handed over to the local court.

1. Cases in which the government is the plaintiff, other than those relating to felling of trees or hunting in prohibited forests, or hunting of birds and animals during prohibited seasons, or sale and purchase thereof,
2. Cases relating to adultery, the use of water (contaminated by the touch of impure castes), or caste and communal relations.
3. Cases which are punishable through imprisonment according to the law, irrespective of whether or not such punishment can be commuted to a fine.
4. Cases concerning the relatives of persons entitled to exercise judicial authority, as mentioned in Section 50 of the Law on Judicial Procedure.
5. Cases filed by (persons entitled to exercise judicial authority) against the amali, the dware, or the thekdar (revenue contractor).⁵
6. Even among cases which fall within the jurisdiction of Jagirdars and Birtaowners, amalis and dwares shall not withdraw the following cases if these have already been filed at a court. The court shall dispose of such cases:-
 1. Cases which are filed at the court in the first instance.

-
5. The schedule in the 1923 also includes the following:-
 - (1) Cases relating to theft and dacoity, (2) Ownership disputes in Raikar and Mafi lands, (3) Disputes relating to agricultural rents, and (4) cases involving claims of more than fifty rupees, or fines of more than ten rupees.

Contd...

2. Cases which were filed at the amal in the first instance, but were later transferred to a court when complaints were made under Section 7 of this law.
3. Cases which were filed at the amal in the first instance, but which were handed over to a court for disposal by the amali or the dware even though no complaint had been made.
7. If a litigant submits a petition on a stamped form (lifa) or on ordinary paper to the local court on the expiry of forty-five days after the case was registered at the amal, but before the amal has disposed of such case, or even before the expiry of forty-five-days, praying that the case be transferred to the court, the latter shall accept the petition, withdraw the case from the amal, and dispose it of. If such petition is submitted to a court whose jurisdiction does not extend to that area, instructions shall be noted on the reverse side of the petition to approach the appropriate court, and the petition shall be returned to the petitioner. The appropriate court shall accept the petition, withdraw the case, and dispose it of. If it does not do so, a fine of five rupees shall be imposed on it.
8. Landowners, Jagirdars, amalis, and others who exercise judicial authority according to the law or on the basis of formal charters are not entitled to appropriate income collected in cases which are disposed of by a court, even though these cases relate to areas under their jurisdiction, and they are entitled to dispose of such cases according to the law. Such income shall accrue to the government.⁶
9. In cases which concern two areas, landowners, amalis, and dwares of both sides shall hold court jointly and dispose of such cases. The fines and other amounts collected from tenants shall accrue to the appropriate side. Even though any case may not concern two areas, if the amali or dware of any side has disposed of any cases with the knowledge and consent of the other side, he shall hand over

6. According to the 1923 text, the provisions of Section 8 were first enforced on Baisakh 1, 1972 (April 14, 1915).

five-sixths of the fines imposed on the tenants of the other side to the amali or dware of the area to which the tenants who have paid the fines belong, retaining one-sixth for himself. In case (the amali or dware of any side) has disposed of any such case without the knowledge of the other side, he shall not be permitted to retain one-sixth of the fines in this manner, but shall hand over the entire amount of fines collected from tenants belonging to the other side.

10. In case any person who is discovered to have committed a crime punishable through fines or imprisonment, and has made a confession accordingly, escapes to another area, action shall be taken in the area from where he has escaped, and the amali who had obtained his confession shall appropriate fines collected in the case according to the law, not the amali who succeeds him, or the amali of the area where the criminal has escaped.

If the criminal has escaped to another area after his crime was discovered, but before a confession had been obtained from him, the amali of the area where he has escaped shall not (be entitled to appropriate the fines collected in the case) even if he has obtained a confession (from the criminal). (Such income) shall accrue to the amali who had discovered the crime, of the area where the crime was committed and from where the criminal had escaped.

If the criminal has escaped to another area before his crime was discovered, and the crime is discovered in the area where he has thus escaped, (fines collected in the case) shall accrue to the amali of the area where the crime was discovered. Inasmuch as the criminal had escaped before his crime was discovered, the amali of the area where he was living previously shall not be entitled to claim that (the criminal) was a tenant living in the area under his jurisdiction, and that the crime too had been committed in that area.

11. In case persons who are employed on the basis of a written agreement providing that (their salary) shall be adjusted against loans obtained by them⁷ commit any offense or crime

7. The 1923 text mentions "bondsmen or bondswomen."

at the place of their employment, income collected in the case shall be appropriated by the amali or dware of the area where such place is located, not by the amali of the area where the parents of the person who is employed in the manner mentioned above are living.

12. Fines and other judicial income collected on lands where both the Serma tax and the Saune Fagu tax are payable shall be appropriated by the person who appropriates the Serma tax. Such income, if collected on lands where only the Saune Fagu tax, and not the Serma tax, is payable, shall be appropriated by the person who appropriates the Saune Fagu tax. If one person appropriates the Serma tax, and another person the Saune Fagu tax, on the same land, such income shall accrue to the person who appropriates the Serma tax.
13. Even after their dismissal, a Jagirdar may collect rents on his Khuwa lands, and Thekdars and Dwares arrears of taxes actually due to them, at any time, and the ryots too shall pay such rents and other payments. They shall collect payments due on account of fines and penalties, other than arrears of taxes, while they still occupy their posts. They shall not be permitted to collect such payments after they are dismissed. Such payments shall then be remitted.
14. If punishment is inflicted in the form of imprisonment while Jagirdars and Birtaowners dispose of any case, (the person who is so convicted), and if claims or damages due to the government under Section 5 of this law are collected, the amount thereof, which belongs to the government, or the person from whom the amount is due, if such claims or damages are not recovered, shall be handed over to the nearest court in the prescribed manner. Birtaowners, Jagirdars, and amalis shall not confine such person in fetters themselves, or collect and appropriate amounts due to the government.⁸

8. The 1923 text of Section 14 reads as follows: If punishment is inflicted in the form of imprisonment while Jagirdars and Birtaowners dispose of any case, (the convicted person) shall be handed over to the nearest court in the prescribed manner. (Jagirdars and Birtaowners) shall not confine such persons in fetters themselves.

15. If a complaint is filed within the time-limit prescribed for appeals that any amali, dware, Birtaowner, or other person who has obtained authority through a formal charter from the government to dispose of suits and appeals has done so unjustly, the court shall accept a formal complaint as from the general public for disposal. If the judgment delivered by the amali, dware, etc. is confirmed, and the complainant loses his complaint, he shall be punished with an additional ten percent of the penalty or imprisonment awarded by the amali, dware, etc.
- 16.⁹ If any amali, dware, Birtaowner, or other person who has obtained authority through a formal charter to dispose of suits and appeals is proved to have done so unjustly, action shall be taken according to the charter, if any, or else the amount of fines and other penalties imposed shall be refunded to the litigant, and (the amali, dware, etc.) punished with a fine amounting to ten percent thereof.
17. If any person hears any suit which does not relate to the area under his jurisdiction, or, even if it relates to such area, if he is not permitted by the law to hear such suit, he shall be punished with a fine of twenty rupees. The chief persons who participate in the hearing where the suit is heard shall each be punished with a fine of five rupees. Other persons shall not be deemed to have committed any offense. Fines shall be collected in the same amount as he has imposed fines, fees, etc. If such fines, fees, etc. have already been collected, the amount thereof shall be refunded to the person who had paid them, irrespective of whether or not such imposition was proper. In case a sentence of imprisonment had been pronounced, a fine shall be collected (from the amali, dware, etc.) at the rate of five rupees for each month of imprisonment.
18. Adjudication of a suit which is beyond one's jurisdiction, or which one is not permitted to adjudicate according to the law, shall not be held valid. Such suit shall be heard and disposed of by a court.

9. The 1923 text does not contain this section.

Contd...

19. A fee of one rupee shall be collected from the winning party.
20. Birtaowners, Jagirdars and Thekdars shall entertain complaints in suits which they are permitted by law to hear within the time-limit prescribed by law, or else within one year. The court shall hear suits relating to crimes which are punishable through royal order, as well as those mentioned in the Law on Traffic in Human Beings, whenever these are filed.
21. A person who makes allegations which he cannot prove shall receive half of the punishment due to the person against whom he had made the allegations.
22. A fee of ten percent shall be collected on all amounts for which a decree of recovery is issued. The five-percent fee shall not be collected in suits where penalties are imposed.

From the Marsyangdi to the Kali, 1785-86

During the period from 1782 to 1785 A.D., the Gorkhalis conquered the western hill regions from the Marsyangdi to the Kali-Gandaki in a series of brilliant military campaigns. The districts that were thus added to the new Kingdom of Nepal included Kaski, Lamjung, Tanahu, and Syangja.

Kaji Damodar Pande, who was later to become the first Prime Minister of Nepal, was given administrative and military control of the newly conquered areas in June 1786, with his headquarters in Kaski. The other civil and military officers deputed to the Marsyangdi-Kali region in 1786 included Kaji Krishna Shah, Kaji Jiva Shah, Kaji Shiva Narayan Khatri, Sardar Partha Bhandari, Sardar Ambar Simha Rana, Sardar Prabal Rana, and Sardar Golaiyan Khawas.¹

Inasmuch as the conquest of the Marsyangdi-Kali region was only a prelude to the fulfillment of Gorkhali ambitions farther westward, Damodar Pande was instructed to enlist the help of the other principalities in that region who were allies of Gorkha at the time, Palpa, Bhirkot, Sataun, Musikot and Rising. However, these allies were not overly dependable. Hence Damodar Pande was instructed to send reports to Kathmandu "if they break their word." Because of communication difficulties, Kathmandu realized that it would not always be possible to maintain close control over Damodar Pande's authority. It therefore empowered him "to take immediate action in consultation with local civil and military officials if delay in obtaining permission is likely to cause any harm to the country."²

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1. "Order to Kaji Srikrishna Shah and others regarding Jagir Land Assignments to Ranajung Company." Jetha Sudi 5, 1843 (May 1786). Regmi Research Collections, Vol. 25, p. 109.
 2. "Regulations in the Name of Damodar Pande." Ashadh Badi 6, 1843 (June 1786). Ibid, pp. 127-28.

Contd...

One final instruction that Damodar Pande received as chief administrative and military officer in the Marsyangdi-Kali region in June 1786 reveals the practices that Gorkha usually followed in newly-conquered territories: "All property looted from the palaces of the (vanquished) kings and the houses of members of the nobility shall be transmitted to the royal palace (in Kathmandu). Property looted from the ordinary people shall be handed over to the irregular (dhakre) troops."³ To some extent, this instruction explains how the Gorkhali campaign of military conquest in the western hill region gathered momentum. Property plundered in this manner included not only valuables, but even "cows, oxen and buffaloes."⁴ Many people escaped along with the vanquished rajas. Their houses were confiscated, and reallocated to other persons. Many residents of Lamjung town suffered this fate in May 1786.⁵

As the campaign proceeded, the mere prospect of the plunder, seems to have struck terror in the minds of Gorkha's adversaries, thereby making the conquest of their territories only a question of troops marching in. According to the contemporary accounts, when the Gorkhali troops led by Kalu Pande occupied Dullu in November 1789, the entire population of that area had fled, leaving a solitary Brahman in the village of Lamji.⁶

One of the important tasks faced by the victor in conquered areas is the enlistment of the support of the local nobility. The Gorkhalis were by no means inexperienced in this task during the 1780s. The vanquished rajas received such consideration if they had accepted the suzerainty of the Gorkhalis. Bhakta Sen of Musikot seems to have been one of the rajas who did so. Consequently, local administrators in the Marsyangdi-Bheri region were ordered in May 1786 to provide him, as well as his relatives and followers, with lands and houses.⁷

3. Ibid, Section 7, p. 128.

4. "Order Regarding Property of Bhim Shah of Kaski." Aswin Badi 5, 1842 (September 1785). Ibid, p. 1.

5. "Confiscation of Houses of Self-Exiled Persons in Lamjung Town." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 73.

6. Yogi Naraharinath, Itihas Prakash (Light on History). II, bk. 3, p. 385.

7. "Order regarding Land Grants to Bhakta Sen of Musikot." Regmi Research Collections, Vol. 25, p. 109.

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In all the newly-conquered territories, lands were assigned for the supply of provisions for the royal kitchen in Kathmandu. These lands were traditionally known as Sera. Particulars of Sera lands assigned in May 1786 were as follows:-⁸

<u>Location</u>	<u>Area</u> (In Khets)
1. Kaski:	
Kudahar ...	15
Phewa ...	3
Bhalam ...	3
2. Arghau ...	6
3. Nuwakot ...	6
4. Dhor ...	5
5. Satmuhane ...	4
6. Baguwa ...	2
7. Garhun ...	6
8. Paiyun ...	4

Total - 54 khets or 5,400 muris.

This is by no means a complete list of lands assigned as Sera after the conquest of the Marsyangdi-Kali region during 1785-86. There were Sera lands in Lamjung and other areas also.

8. "Order regarding Sera Lands in the Marsyangdi-Kali Region." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 71.

Contd....

These lands were placed under the charge of managers known as Chitaidars. In April 1786, Rangela Khawas was appointed Chitaidar of Sera lands in Lamjung.⁹ The lands were cultivated through the unpaid labor of the inhabitants of villages assigned for that impose.¹⁰

In addition to the produce from Sera lands, the royal palace also appropriated income from levies called Walak. Such levies were usually collected twice a year in the form of goats, ghee, oil, money, etc. Immediately after the conquest, however, only goats were supplied as Walak from the Marsyangdi-Kali region. In March 1786, therefore, orders were issued to collect a levy of one-fourth of a rupee on each plot of rice land as Walak.¹¹

In addition to Walak levies, commercial taxes, such as transit and market duties on commercial goods, including wool and salt presumably imported from Tibet, and taxes on dyers and printers of cloth, were also collected in the hill regions of Nepal during the eighteenth century. In March 1786, Shiva Bhansari was given authority to collect these taxes and duties,¹² in the newly-conquered districts of the Marsyangdi-Kali region.

Land was, of course, the most important source of revenue in this region. But large areas of agricultural lands had been granted to individuals as Birta on a tax-free basis. The displaced rajas of the Marsyangdi-Kali region had also been following the practice of mortgaging agricultural lands to their subjects on payment of money. These mortgaged lands were known as Bandha. These lands too were tax-free like Birta. After the conquest, the Gorkhalis took a series of measures to collect revenue from both Birta and Bandha lands.

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9. "Appointment of Rangela Khawas as Chitaidar of Sera Lands in Lamjung," Baisakh Badi 8, 1843 (April 1786). Ibid, p. 69.
 10. "Order regarding cultivation of Sera Lands in Lamjung," Baisakh Badi 8, 1843 (April 1786). Ibid, p. 67.
 11. "Order regarding Collection of Walak Levies in the Marsyangdi-Kali Region," Chaitra Sudi 4, 1842 (March 1786). Ibid, p. 73.
 12. "Appointment of Shiva Bhansari for Collection of Commercial Taxes in Tanahu, Kaski, and other Areas." Falgun Sudi 10, 1842 (March 1786).

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A new tax, known as Kusahi-Bisahi, was, therefore, imposed on Birta lands in this region after the conquest. Birtaowners were apparently permitted to retain their lands on payment of this tax.¹³ On Baisakh Badi 8, 1843 (April 1786), an order was issued in the name of local administrators in the Marsyangdi-Kali region to collect the Kusahi-Bisahi tax at the rate of fourteen rupees for every twenty muris of rice lands. The order also prescribed the following conversion rates if gold, silver, etc. were offered in payment of arrears of the Kusahi-Bisahi and other taxes:-¹⁴

Copper	...	Rs 3 per dharni.
Gold	...	Rs 10 per tola.
Silver	...	R. 1 per twelve masas.
Laskari rupees	...	14 annas each.

Bisamuri was another obligation that was imposed on Birtaowners after the conquest of the Marsyangdi-Kali region. The obligation was to supply one muri of rice for every twenty muris of rice-land owned as Birta to the army at current prices. In Ashadh 1843 (June 1786), for instance, Birtaowners of different categories in Kaski were ordered to supply rice in this manner to troops stationed in Pokhara.¹⁵ Similar arrangements were made for troops stationed in Gulmi also.¹⁶

13. For an abstract translation of regulations concerning the collection of the Kusahi-Bisahi tax, promulgated on Shrawan Badi 30, 1844 (July 1787), see Regmi Research Series, Year 4, No. 9, September 1, 1972, pp. 174-75.

14. "Order regarding Collection of Tax Arrears in the Marsyangdi-Kali Region." Baisakh Badi 8, 1843 (April 1786). Regmi Research Collections, Vol. 25, p. 71.

15. "Order regarding Supply of Rice to Troops in Pokhara." Ashadh Sudi 8, 1843 (June 1786), Ibid, p. 159.

16. "Orders regarding Supply of Rice from Nuwakot and other Areas to Gulmi." Ashadh Sudi 8, 1843 (June 1786). Ibid, p. 158.

In Chaitra 1842 (April 1786), Baikuntha Padhya was appointed as chief revenue collector and magistrate in Tanahu. All Sera lands in the districts were also placed under his charge. He was given 23 khets (or 2,300 muris) of rice lands as his emoluments, in addition to the proceeds of homestead and other taxes collected from the inhabitants of six villages¹⁸ in the district.¹⁷ He was also granted a salary of Rs 120.¹⁸ Baikuntha Padhya was specially instructed to discover lands which were being cultivated without paying taxes. The inhabitants of Tanahu were ordered to submit particulars of all such lands. They were warned that they would be punished in the same manner as the inhabitants of Lamjung if they did not obey this order.¹⁹ However, no information is available about the punishment that the inhabitants of Lamjung suffered at the hands of the Gorkhalis for their failure to submit particulars of lands that they cultivated without paying taxes.

Baikuntha Padhya was also ordered not to make any disbursements from revenues collected in Tanahu on the orders of local authorities.²⁰ Orders for such disbursement were sent directly from Kathmandu.²¹ Baikuntha Padhya was, in fact, instructed to keep these revenues safely in his custody, so that these might be used in the war effort.²²

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17. "Appointment of Baikuntha Padhya as Chief Revenue Collector Tanahu." Chaitra Sudi 13, 1842 (April 1786). Ibid, p. 55.
 18. "Order regarding payment of salary to Baikuntha Padhya." Chaitra Sudi 13, 1842 (April 1786). Ibid, p. 56.
 19. "Order to Inhabitants of Tanahu regarding particulars of Taxable Lands." Chaitra Sudi 13, 1842 (April 1786). Ibid, p. 57.
 20. "Order to Baikuntha Padhya regarding Disbursement of Kusahi-Bisahi Revenue and Judicial Fines." Chaitra Sudi 13, 1842 (April 1786). Ibid, p. 57.
 21. Cf. "Order regarding payment of salary to Jasya Bhardar from Kusahi-Bisahi Revenues of Tanahu." 1843. Ibid, p. 79.
 22. "Order to Baikuntha Padhya regarding Safety of Kusahi-Bisahi Revenues in Tanahu." Ashadh Badi 6, 1843 (June 1786). Ibid, p. 126.

Contd...

Anirudra Padhya was similarly appointed as revenue collector in other areas in the Marsyangdi-Kali region in April 1786. Anirudra Padhya's jurisdiction extended to Lamjung, Kaski, Nuwakot, Garhunkot, Dhor, and Paiyun. Twenty-two peons and clerks were appointed to assist him.²³ The Brahmans of Garhunkot were ordered to pay the Kusahi-Bisahi tax to Anirudra Padhya at the rate of Rs 13 per twenty muris of land.²⁴

Anirudra Padhya was joint Dware of Tanchok in Kaski district along with one Sarup.²⁵ He was assigned six khets in Lamjung as his Jagir, in addition to a cash salary of Rs 120.²⁶ Like Baikuntha Padhya, he was ordered to keep safely the revenues collected by him, so that these might be available for purposes of war.²⁷ Dharmananda Upadhya was later appointed to assist him in scrutinizing accounts of revenue in the Marsyangdi-Kali region.²⁸

There is evidence that records of revenue collections soon became so confused that steps had to be taken for audit. Such steps were taken in Lamjung,²⁹ Kaski, Nuwakot, Dhor, Garhunkot, and Paiyun.³⁰ Apparently, Baikuntha Padhya and Anirudra Padhya were alleged to have collected unauthorized payments from the inhabitants of the Marsyangdi-Kali region. On Shrawan Sudi 8, 1843 (July 1786), Ranasur Pande was deputed to that region to scrutinize accounts of all revenue collections there, including wrongful and unjust exactions.³¹

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23. "Appointment of Pyadas and Bahidars under Anirudra Padhya." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 70.
24. "Order regarding payment of Kusahi-Bisahi Tax in Garhunkot." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 70.
25. "Appointment of Sarup as joint Dware in Tanchok." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 71.
26. "Order regarding Emoluments of Anirudra Padhya." Baisakh Badi 8, 1843 (April 1786). Ibid, p. 70.
27. "Order to Anirudra Padhya regarding safety of Revenues." Ashadh Badi 6, 1843 (June 1786). Ibid, p. 126.
28. "Appointment of Dharmananda Upadhya for Scrutiny of Accounts." 1843 (1786). Ibid, p. 78.
29. "Order regarding Audit of Accounts of Revenue Collections in Lamjung." 1843. Ibid, p. 78.
30. "Order regarding Audit of Accounts of Revenue Collections in Kaski, Nuwakot, and other Areas." 1843. Ibid, pp. 78-79.
31. "Appointment of Ranasur Pande to Audit Accounts of Revenue Collections in the Marsyangdi-Kali Region." Shrawan Sudi 8, 1843 (July 1786). Ibid, p. 190.

Contd...

The following order was issued on Jestha Sudi 5, 1843 (May 1786) in the name of Nandeshwar Padhya:-32

After we conquered Lamjung, all the property, loans, etc. of the soldiers of Lamjung were confiscated through Damodar Pande, and accounts thereof were duly approved. However, these soldiers claim that these loans are still due to them. As previously certified by the Bhardars, we hereby grant clearance of the following amounts. No person shall make any claim in this regard in the future:-

<u>Name</u>	<u>Principal</u>	<u>Interest</u>
1. Manya Khatri	Rs 270	Rs 45
2. Laxmi Khatri	Rs 126	14 muris of paddy, worth Rs 2½
3. Ambar Simha Khadka	Rs 87	R Rs 22
4. Vamsha Raj Baniya and Bhaktya Baniya	Rs 120	Rs 36
5. Vamsha Raj Baniya	Rs 13	Rs 1½
6. Bhaktya Baniya	Rs 20	Rs 2
7. Rano Simha Thapa	Rs 15	-
8. Tulya Nau and Hasta Nau	Rs 100	Rs 50

32. "Order to Nandikeshwar Padhya regarding Claims of Soldiers of Lamjung." Shrawan Sudi 8, 1843 (July 1786). Ibid, pp. 111-112.

(S.B. Maharjan).

Regmi Research (Private) Ltd
Kathmandu: March 1, 1976

Regmi Research Series

Year 8, No. 3,

Edited by

Mahesh C. Regmi.

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

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Minting in Nepal¹

By

Satya Mohan Joshi.

It is difficult to determine when and where the use of coins started in Nepal. A study of the history of Nepali coins inevitably takes us to the Gandaki civilization, that is to say, the civilization and culture that existed in ancient times in the Sapta-Gandaki region. The pillar inscriptions of Emperor Ashoka, who had paid a pilgrimage within Nepal in 273-232 B.C., confirms not only the fact that Lumbini, situated in the Palhi-Majhkhand region, is the birth-place of the Buddha, but also the fact that the Chaitya of Kanakamuni Buddha, the Buddha of the pre-Gautama Buddha period, found at Niglihawa in Khajahani-Sheoraj, was renovated for the second time by Emperor Ashoka. The stone-inscriptions of Ashoka, and the ruins of Tilaurakot in Khajahani-Sheoraj, also indicate that the Chaityas were probably named after Kanakamuni Buddha. But this is only a matter of conjecture. There is, however, a great possibility of coins older than the pre-700 B.C. period being found in future in the Tilaurakot area. Some copper coins minted before the beginning of the Christian era are displayed at the Nepal Museum.² Particles of gold are found in the waters of the Krishna Gandaki,³ one of the tributaries of the Sapta-Gandaki river, and gold is still extracted there by breaking Shaligrama stones.

In Kathmandu Valley, however, only Licchavi coins dating back to the fifth century have been discovered. One or two coins of Kadphises, a Kushan ruler of the first century, have been found in Kathmandu Valley.

A gold plate inscription, containing the word "Vidya" in the Kutila script, has been found in Khopasi (East No. 1). This indicates that gold and silver coins were minted during the Licchavi period according to the Karshapana system. Under that system, sheets of gold and silver were cut into pieces, each of which was inscribed with letters or symbols. Since these coins were made largely by hand, the services of many artisans were needed to bring them into circulation.

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A study of copper coins of the Licchavi period create the impression that these too were made by hand. But the fact that these coins contains letters and symbols on both sides, and were generally of uniform design and description, indicates that the artisans of the Licchavi period knew the technique of minting coins with dies. It is possible that there were several dies and designs for minting coins. The designs of these coins were first prepared with wax. Clay dies were then made and baked. Later the alloy was poured into the die. This method appears to have been better than the Karshapana method. The system of minting coins with dies was followed until the early Shah period. It is possible that the craftsmen of Nepal gradually improved their skills and finally made small tools which were helpful in minting coins. Had this not been the case, it would have been difficult for Nepal to mint coins for Tibet during the period from the sixteenth to the eighteenth centuries. Baked clay dies of the Malla period have been discovered. Further research is necessary on this subject.

After conquering Kathmandu Valley in 888 Nepal era, Prithvinarayan Shah sought to improve the method of minting coins. He withdrew all old and worn out coins. In addition, he sought to improve the standard of coins meant for circulation in Tibet. There is no evidence of any important innovation with regard to minting during this period.

Ranoddip Singh, who was Prime Minister during the reign of Prithvi Bir Bikram Shah, brought about a major change in the method of minting coins. He abolished the 16-ganda unit (which was in use in India) and replaced it with the decimal system. In addition, he discontinued the practice of minting coins with dies and introduced the system of minting coins through machinery. This system is known as "Pani-Dhiki," because the machinery was operated with water. The gold, silver and copper coins minted through this process are quite attractive. One such minting machine was operated with water from the Nakhu river in Lalitpur, where the Nakhu jail is located at present.

However, not many coins could be minted through water-operated machinery. This was one main reason for the limited circulation of Nepali coins at that time. That is why Anglo-Indian coins circulating in the far-western hill districts,

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as well as in the Tarai. Water-operated minting machines were operated for minting coins in Dhankuta and Palpa also, but not for long..The Nepalis operated a mint at Srinagar (Garhwal) also.⁴

In 1989 Vikrama that is, during the reign of King Tribhuvan, the then Prime Minister, Bhim Shamsheer, introduced improvements in the process of minting coins, although these improvements had actually been decided upon by Prime Minister Chandra Shamsheer. Under the new minting system, two big machines operated with coal and electricity were imported from abroad. The standard of coins manufactured by these modern machines was comparable to that of foreign coins. For the first time lines were inscribed on the edge of coins. Thanks to these machines, there was a considerable increase in the number of coins minted. Their daily output was 12,000 coins. The mint where the machinery were installed was known as Dharahara Takgar. This mint, which is still called by that name, is located near Dharahara and Sundhara in Kathmandu.⁵ Approximately 60,000 coins are daily minted there. A mint has now been opened also at the Sundarijal Arsenal to produce copper coins. The machinery installed at these mints are automatic and operated by power.

In order to standardize the quality of coins, a new department, known as the Assay Department, was established at the Central Mint in 1947.

Before 1950, the Central Mint was used as the personal property of the Rana rulers. Prime Ministers Bhim Shamsheer and Juddha Shamsheer, used to supply silver for minting coins on their own account. They even permitted their favorites to do so.

After 1951, the Central Mint came under the full control of His Majesty. All coins minted there since then bear the national emblems.

Footnotes

1. Satya Mohan Joshi, "Mudra Banaune Pranali." (Methods of Minting Coins). in Nepali Rastriya Mudra (National Coins of Nepal). Lalitpur: Jagadamba Prakashan, 2019 (1962 A.D.), pp. 13-18.

Contd...

2. These coins are so worn-out that it has not yet been possible to make a comparative study of their design and content. However, on the basis of the images discovered in the Lumbini-Kapilavastu area along with those coins, it is possible to estimate that they were minted in circa 300 B.C.
3. Another name of the Gandaki river is Swarnavaha, that is "gold-bearing."
4. Mahapandit Rahul Sankrityayan, Garhwal in Himalaya Parichaya (An Introduction to the Himalayan Region), Vol. 1, p. 64.
5. (a) Several villages in the hill region are named Taksar, or mint. This indicates that coins were minted at these places during the rule of the Baisi and Chaubisi kings.
 (b) Prime Minister Jang Bahadur was so pleased with the services of his two courtiers, Vijaya Raj Guraju and Laxmi Das Munshi, that he permitted them to use the plumes of birds of paradise! However, Laxmi Das Munshi declined the offer on the ground that its dignity would be lowered if private individuals were permitted to wear it. Jang Bahadur conferred on him the title of "Taksari Mir Munshi," with authority to mint coins for the Kingdom of Nepal. Laxmi Das then installed a mint at his own house at Marutol in Kathmandu. Copper was obtained from mines in East No. 2 district. The Mir Munshi minted copper coins of small denominations (such as Phuka-Dam and Chun-Dam), one side of which contained the words "Sri Nepal," and the other "Laxmi" after his own name.

The important place occupied by the mint in the export-import trade of Nepal at the time is indicated by a royal order issued by King Surendra in favor of Mir Munshi Laxmi Das. It is reproduced below:

From King Surendra Bikram Shah,

To Taksari Mir Munshi Laxmi Das.

You have reported us through Jang Bahadur Kunwar Rana, Prime Minister and Commander-in-Chief, that the imposition of excise duty on musk imported from Tibet at the rate of

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two tolas and one masa per seer has encouraged smuggling of that commodity, and that traders will be encouraged to import musk openly and there will be an increase in customs revenue if the rate is lowered. Accordingly, with effect from Baisakh Badi 1, 1906 Vikrama, we have reduced the rate of customs duty on musk imported by traders from Tibet to one tola and one masa per seer. You are directed to affix the seal of the mint on each musk pod on which customs duty is collected. If any trader is found to have bought or sold any musk pod not bearing this seal, it shall be confiscated and handed over to His Majesty's Government. Any one who does not abide by this order shall be liable to heavy penalties, Chaitra 30, 1905 (April 11, 1949).

Birta Grant to Kaji Dalabhanjan Pande

From King Rajendra,

A plot of Pakho land at Gnyaneshwar, previously measured as one ropani and now found to be one ropani and two annas, which had been granted as Birta to the temple of Jayabagishwari Devi and assigned as the Khangi of Bhim Narayan Achar, has been included in the Birta grant made to Kaji Dalabhanjan Pande. The Guthiyar has agreed to accept rice lands in exchange. Accordingly, we hereby grant a plot of one ropani and two annas of rice-land as Birta (in exchange for the acquired land). This land is bounded in the east by the main road, in the south by the Suna Birta lands of Bala Pande and Chukuti Salmi, in the west by the Suna Birta lands of subjects (Praja), and in the north by the Suna Birta lands of Shankar Sim Salmi.

Chaitra 12, 1890

(March 25, 1834)

Regmi Research Collections, Vol. 29, pp. 13-14.

Birta Lands of Prime Minister Mathbar Singh Thapa^x

<u>Particulars</u>	<u>Area</u>	<u>Estimated Income</u> Rs/annas
1. Residential site at Ganabahal in Kathmandu, granted as Birta on Shrawan Sudi 8, 1882	194.25 muris	Rs 194-4
2. Rice fields at Lubhu in Patan, granted as Birta on Shrawan Sudi 8, 1882	261.25 muris	Rs 440-13
3. Rice-fields at Madi in Palpa, granted for endowment as Guthi for the Sri Bhagawati temple on Kartik Badi 3, 1891	200 muris	Rs 50
4. Transit duty on salt brought to Palpa for sale, at the rate of one <u>muthi</u> per load, granted as Guthi for the Sri Bhimeshwar temple on Falgun Badi 4, 1900		Rs 62-8
5. Bartung village in Palpa, granted for endowment as Guthi for the Sri Ambar Narayan temple on Falgun Badi 4, 1900		Rs 50
6. Waste lands adjoining Prime Minister Mathbar Singh Thapa's gardens, granted as Birta on Baisakh Badi 7, 1901	41 muris	Rs 4

^xRegmi Research Collections: Miscellaneous.

Contd...

7. Cultivated lands at Aurahi in the Parganna of Koradi in the district of Mahottari, granted as Birta on Shrawan Badi 3, 1901	200 bighas	Rs 1,113-1 $\frac{1}{4}$
8. Rice-fields in Bhadgaun, granted as Birta on Shrawan Badi 3, 1901	680 muris	Rs 967-5
9. Villages of Sampalati, Thulopalati, Kipchya, Jharlang, Sindhu, Tabe and Aginchok, granted as Birta on Shrawan Badi 3, 1901		Rs 4,062-12 $\frac{1}{2}$

The breakdown is as follows:-

(i) Sanupalati	...	Rs 112-6
(ii) Thulopalati	...	Rs 76-10
(iii) Kipchya	...	Rs 99-4
(iv) Jharlang	...	Rs 1,996-2 $\frac{1}{2}$
(v) Sindhu	...	Rs 602-15
(vi) Tabe	...	Rs 656-5 $\frac{1}{2}$
(vii) Aginchok	...	Rs 508-13 $\frac{1}{2}$

10. Rice-fields granted for endowment as Guthi for the Sri Bhimamukteshwar temple on Shrawan Sudi 3, 1901	1,300 muris	Rs 1,300
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The breakdown is as follows:-

(i) Kathmandu	...	200 muris	Rs 200
(ii) Kirtipur	...	88 muris	Rs 88

Contd...

(iii) Godavari-Khola	...	1,012 muris	Rs 1,012
11. Lands in Mahottari, granted as Birta on Poush Sudi 5, 1901		6,501 bighas	Rs 26,004
12. The following <u>thums</u> , granted as Birta on Poush Sudi 5, 1901:			
(a) Chaurasi	...		Rs 4,281
(b) Palanchok	...		Rs 1,619
(c) Other adjoining villages	...		Rs 599
The breakdown of (c) is as follows:-			
(i) Jarayatar	...		Rs 22-8
(ii) Majhiphedi	...		Rs 103-14
(iii) Dharapani	...		Rs 13-8
(iv) Ampghat	...		Rs 38
(v) Khahare	...		Rs 13
(vi) Sikarpu	...		Rs 30
(vii) Chisapani-Bigtī	...		Rs 166-12
(viii) Salambu-Dabhara	...		Rs 71-2
(ix) Darkap	...		Rs 75
(x) Kalinjor	...		Rs 24
(xi) Tinghare	...		Rs 5-8
(xii) Pacharghat	...		Rs 36-8

13. Lands in Saptari and Bara districts granted as Birta on Falgun Badi 6, 1901	9,001 bighas	Rs 36,004
14. Lands in Rautahat, Bara district, granted as Birta on Falgun Sudi 1, 1901	9,644 bighas	Rs 38,576
15. Sikarbesi village, granted as Birta on Chaitra Sudi 10, 1901	-	Rs 35
16. Lands granted as Birta for use as orchard on Chaitra Sudi 10, 1901	121.5 muris	Rs 1,121-8

The breakdown is as follows:-

(i) Tokhal orchard	26 muris	Rs 26
(ii) Sunthan orchard	68 muris	Rs 68
(iii) Waste lands in Sunthan	27.5 muris	Rs 27-8
17. Lands granted for endowment as Guthi	1,000 muris	Rs 1,000

The breakdown is as follows:-

(i) Kirtipur	875.76 muris	Rs 875-12
(ii) Chobhar	55 muris	Rs 55
(iii) Patan	69.2 muris	Rs 69-4

Some Old Taxes of Jhapa District^x

By

Swayambhu Lal Shrestha.

Prithvi Narayan Shah, who founded the modern Kingdom of Nepal, extended his eastern frontiers to Changthapu in the hill region and the Kankai river in the Tarai. He also conquered Ilam from the King of Sikkim. In 1831 Vikrama, (1774 A.D.), when Prithvi Narayan Shah died, Jhapa comprised areas only between the Ratuwa and Kankai rivers. The territory between the Kankai and Tista rivers remained under Sikkim. Later, his successors were able to extend the frontier to the Tista river. The 1815 Sugauli Treaty signed between Nepal and the English fixed the Mechi river as Nepal's eastern boundary. Jhapa then became a part of Morang district.

Land settlements were conducted in Jhapa in 1945 (1888 A.D.) 1960 (1903 A.D.) and 1970 (1913 A.D.). Lands were divided into the four categories of Abal, Doyam, Sim and Chahar. Four levies, Sair, Sahati, Tejarath and Hattisar, were incorporated into the land tax. Land tax assessment rates were fixed at Rs 6, Rs 5, Rs 4 and Rs 3 for the above-mentioned four grades respectively.

Prices of all agricultural commodities, including paddy and mustard, started declining after 1986 (1929 A.D.). They reached the following levels:-

<u>Commodity</u>	<u>Price</u> (per maund)
Paddy	Re 1
Mustard	Rs 2 to Rs 3
Tobacco	Rs 4 to Rs 6
Jute	Rs 2 to Rs 3

^x Swayambhu Lal Shrestha, "Jhapa Jilla Ma Lageka Kehi Purana Rakam Haru." (Some Old Taxes of Jhapa District, Mechi Sandesh: Published by the Bhadrapur Town Panchayat from Bhadrapur, Jhapa District. No date (October, 1968).

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At these prices, the produce was hardly sufficient to meet land-tax obligations. Arrears, therefore, accumulated every year. Loans were obtained from the Tejarath office to complete payments due until 1988 (1931 A.D.). Arrears of land tax again fell due for the years 1989 (1932 A.D.) and 1990 (1933 A.D.). Many ryots and Jimidars fled to India, because they were unable to meet their land-tax obligations.

As a result of the earthquake of Magh 2, 1990 (January 15, 1934), and drought and hailstorms in 1991 (1934 A.D.), large areas of rice-fields were damaged. People were unable to pay their land taxes or the loans they had obtained from the Tejarath office.

103 ryots of Kanchanbari then submitted a petition to Prime Minister Juddha Shamsheer to reduce land-tax-assessment rates until the prices of agricultural commodities revived. They also prayed that arrears be made payable in four annual installments.

During the time of Prime Minister Chandra Shamsheer, it was decided to collect a tax called Chari at the rate of eight annas on each buffalo grazed in the Charkosh forests. This new levy caused considerable hardship to the people, particularly because the Charkosh forests in Jhapa district are almost non-existent. A Commission deputed by the government to study the matter, consisting of Colonel Ganga Bahadur, found that the breadth of the Charkosh forests varied from 1.5 to 3 Kosh in Jhapa. The Commission, in its report, included cultivated lands in the boundaries of the Charkosh forests; hence the Chari tax was not abolished.

The ryots of Kanchanbari therefore complained to Prime Minister Juddha Shamsheer that the land tax, along with the Chari tax, constituted a heavy burden on them. They pointed out that they did not maintain cattle farms in the Charkosh forests and prayed that the Chari tax, which had not been levied in any other district, should be abolished.

Contracts were issued by the government for the collection and disposal of hides and skins, bones and horns. Such contracts were previously operated by Muslims. They maintained godowns in villages, and employed workers of the Mochi (leather-worker) caste to skin dead cattle. These Mochis resorted to various malpractices, such as poisoning cattle. The matter was referred

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to the government, which issued orders prohibiting Mochis from entering into villages. Mochis were permitted to skin dead cattle only after the owners reported that their cattle had died.

This created another problem. People had to watch their cattle all through the night if they died in the evening, and continue to do so until Mochis became available. In case they failed to maintain such watch, and dogs and jackals damaged the skin as a result, the contractors extorted compensation on the basis of prices prevalent in Calcutta.

Then, suddenly, the sale of hides and skins came to a stop. Muslims no longer offered to take up these contracts in spite of such facilities. Thereafter, local persons started taking up these contracts. They collected a levy at the rate of two pies in, every rupee of the land tax.^{xx}

^xA rupee was worth sixteen annas or 192

Some Amendments in the Law on Judicial Authority of Jagirdars and Birtaowners

The February 1976 issue of the Regmi Research Series contained a comparative study of the Law on Judicial Authority of Jagirdars and Birtaowners in the 1923, 1935 and 1952 editions of the Muluki Ain. With the exception of Section 4A, the text contained in the 1935 edition is identical with the amended and consolidated text published on Ashadh 24, 1990 (July 8, 1933).

Earlier, the following sections had been amended as follows:-

Section 19: In cases heard by Birtaowners, Jagirdars, and Thekdars (contractors) according to the law, the time-limit as prescribed in such law shall be observed. In case no time-limit has been prescribed, complaints shall be heard if filed within one year, and action thereon shall be taken according to the law. In cases involving punishment through royal order (Lal Mohar) and those mentioned in Sections 17, 21 and 23 of the Law on Traffic in Human Beings, complaints shall be heard by the appropriate office irrespective of when they are filed.

This amendment came into force on Marga 22, 1982 (December 8, 1925).

Section 22: In case appeals are filed against the judgments pronounced by persons who have been empowered through a formal charter to hear complaints and appeals, other than Amalis, Dwares and Birtaowners, and in case such judgments are reversed, the person who has pronounced such a bad judgment shall be punished under Section 15 of this law.

This amendment came into force on Baisakh 21, 1983 (May 4, 1926).

Administrative Decentralization Measures of Prime
Minister Chandra Shamsheer

Jung Bahadur Rana, who founded the rule of the Rana family in Nepal, had established a system of administration in which even routine matters were directly handled by the Prime Minister. In the words of Captain Orfeur Cavanagh:¹

The minute supervision exercised by General Jung Bahadur over the management of all departments of the State is most extraordinary and deserving of the greatest commendation, for the amount of labor thereby entailed upon him must be immense. I believe, I am fully justified in saying that not a rupee is expended from the Public Treasury, nor a merchant permitted to pass the forts at Makwanpore or Seesa Gurhee without his knowledge and sanction. All appointments, civil or military, are conferred by the Minister, and all complaints regarding the conduct of Public Officials are brought to his notice and invariably meet with the utmost attention.

Pudma Jung Bahadur Rana, Jung Bahadur's son and biographer has similarly written:²

Jung Bahadur's official life was far from being a bed of roses. He had duties that kept him constantly at work almost at all hours of the day, and at all seasons of the year, for even during his tours and travels he was perpetually tormented with references from headquarters of points that could not be decided without his guidance. He had become the indispensable pivot of the whole administration, the mainspring of the entire machinery of government, the keystone to the complete fabric of the State, the affairs of which had become bound-up with his activities so closely that not one item of important business could go on without his direction.

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1. Captain Orfeur Cavanagh, Rough Notes on the State of Nepal, Its Government, Army, and Resources. Calcutta: Military Orphan Press, 1851, pp. 51-52.
 2. Pudma Jung Bahadur Rana, Life of Jung Bahadur. Kathmandu: Ratna Pustak Bhandar, 1974 (Reprint), p. 272-73.

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Pudma Jung adds:³

For the Maharaja's work was not confined only to initiative in legislation, as is the case with that of the Prime Minister of Great Britain, it was not only limited to control and superintendence, not only to sanctioning and signing, but it also comprehended all those minute details of execution and accomplishment which fall to the lot of the hoary patriarch of a huge family.

Prime Minister Chandra Shamsheer (1901-29) initiated measures during 1907-08 to put an end to such undue centralization of administrative responsibilities. On Chaitra 9, 1964 (March 22, 1908) he promulgated regulations comprising a total of 179 sections which delegated specified powers to the appropriate government offices; the Muluki Adda, the Military Section (Jangi Adda) of the Muluki Bandobast Office, and the Mukhtiyar (Commander-in-Chief). The regulations also specified the matters in which the Prime Minister's sanction was necessary. These measures came into force on Ashadh 32, 1965 (July 16, 1908).

The preamble to the regulations is as follows:

Whereas it has been the practice to take action on matters which government offices are required to perform according to laws, regulations and orders, as well as on matters which arise from time to time in which no provision has been made in laws and regulations, only after submitting reports and obtaining sanction,

And whereas a few days' delay is inevitable in preparing and despatching reports and obtaining sanction,

And whereas the practice of submitting reports also in matters which government offices are themselves empowered to perform under current laws, regulations and orders has resulted in the absence of initiative in exercising available powers and also led to an increase in the volume of work and delay,

3. Ibid, p. 275.

Contd...

Now therefore, we hereby promulgate the following regulations in order to ensure that work is done smoothly and without any delay.

The preamble concludes with instructions to all government offices to dispose of administrative work according to these regulations. It prescribed a fine of one rupee in each case if necessary sanction under these regulations was not made by the appropriate office within fifteen days.

The first 122 sections of the regulations are captioned: "Matters in which action was previously taken after submitting reports and obtaining sanction, but on which the chief of the appropriate government office has now been empowered to take action without submitting reports." These include the following:-

2. Appeals against judgments pronounced by Amini and Adalat (courts) are heard by the appropriate appellate court. It is not necessary that the Kumarichok Office too should scrutinize whether or not such judgments are correct. Amini and Adalat (courts) and police stations (Thana) in Kathmandu Valley, the Tarai, and the hills dispose of at least 20,000 or 25,000 cases in a year. It is not possible for the Kumarichok Office to scrutinize each one of these cases again. The fear is always there that the case will be scrutinized by the appellate court in the event an appeal is filed. In the future, therefore, the Kumarichok Office need not scrutinize the judgments pronounced and penalties awarded by Amini and Adalat (courts) while auditing the accounts of their receipts and expenditure. The Kumarichok Office shall only ascertain whether or not the fines and penalties mentioned in judgments have been realized, and grant clearance accordingly.

8. In cases where the Kampani rupee has been converted into the Mohar rupee, or vice versa, while maintaining accounts of income and expenditure, the prescribed exchange-rate shall be used as the basis of such conversion. In case no exchange-rate has been prescribed, conversion shall be made at the rate of thirty gandas (that is, 120 paisa) for each Kampani rupee, and twenty-five gandas (that is, 100 paisa) for each Mohar rupee.

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26. While paying wages to laborers employed in construction works, it is sufficient to obtain a receipt of payment made through the team-leader, without indicating the name of each individual laborer, within the limit of the amount that has been sanctioned. Reports need not be submitted in such matters. The audit office itself may grant clearance.
35. The Mukhtiyar's sanction is necessary for registering transfers of Jimidars and Patuwaris in the Tarai, as well as for appointments to these posts in newly-created moujas. The appropriate office itself may take necessary action according to the law for filling up vacancies and registering transfers in the names of the father, brothers and sons.
36. In case an application is received for appointment in the vacant post of Jimmawal (in the hill region), and in case the local people agree to the appointment of the applicant when their wishes are ascertained according to the law, the appropriate office itself may issue a letter of appointment. No report need be submitted.
60. In case an application is received for permission to reclaim waste, riverine or virgin lands without adversely affecting the easement rights of other people, and in case such reclamation does not require the clearing of forests, the appropriate office itself shall conduct necessary inquiries. It may grant permission for reclamation in case the lands are suitable for reclamation and their reclamation does not adversely affect the easement rights of other people. No report need be submitted.
111. In case the appropriate office, while inspecting construction works undertaken after due approval, finds that funds have been misappropriated, it shall impose a fine equal to the amount that has been misappropriated. In addition, it shall sentence (the guilty person) to

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imprisonment for one year if the amount that has been misappropriated is not more than five hundred rupees, and an additional two years for each additional one thousand rupees thereafter. The appropriate office itself may take such action without submitting any report. In case it finds that expenditure has been incurred according to the estimated cost, but that the construction is more or less than what had been designed, it shall refer the matter to the Mukhtiyar.

Sections 123 to 135 deal with matters in which the Muluki Adda was empowered to take action. The contents of some of these sections are as follows:-

123. Registration of Kush Birta and other tax free Birta lands without fines after the expiry of the prescribed time limit in case the Prime Minister's order has been received for the remission of such fines.
124. Subdivision of Bekh-Birta holdings in case an application to this effect is filed by the coparceners.
125. Remission of arrears of payment due to the government in case such arrears cannot be recovered in full from the property of the concerned person and he is accordingly sentenced to imprisonment.
126. Issuance of fresh Lal Mohars or other orders on the basis of copies available in official records in case an order is received to that effect on applications claiming that such Lal Mohar or other orders have been lost.
127. Assignment of lands as Jagir replacing the cash salary paid to any Jagirdar in case an order is received to that effect, and in case the income from such lands does not exceed the amount of the cash salary.

Contd...

134. Registration of the names of employees of the Gudigaun Revenue (Mal) Office, the Rampur Revenue Office, the Sakraun Revenue Office, and the Pokhara Collection (Tahasil) Office in the sanctioned number and subject to the appropriate orders and regulations.

Sections 136 and 137 deal with matters on which the Jangi Adda (Military Department) of the Muluki Bandobast (Civil Department) was empowered to take action:

136. Maintenance of records of pensions paid in different districts.
137. Scrutiny of requests for additional staff in any government office.

The Mukhtiyar was granted authority to issue sanction in respect to matters contained in Sections 138-162. A few examples are given below:-

138. Debitting of expenditure incurred in excess of the sanctioned amount but for reasonable purposes on days not provided for in the appropriate orders and regulations.
139. Remission of arrears due to the government from persons who have absconded, subject to appropriate action as and when he was arrested.
143. Increase in the number of lepers maintained at government-operated leper-houses.
153. Sanction of interest-free loans to any person on the order of the Prime Minister.
155. Action on reports that military personnel stationed in the districts have not been able to collect rents on the Jagir lands assigned to them.
156. Permission to dig tanks.
157. Remission of land taxes because of the failure of crops; annual reports of such remission to be submitted to the Prime Minister.

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Sections 163-179 deal with matters in which the Prime Minister assumed authority to take action himself. These include the following (abstracts only):-

163. In case the Bakyauta Tahasil Office in any district has collected rents on the lands assigned to any Government employee as Jagir, the official who is responsible for such double assessment shall be punished with a fine of fifty rupees. The Jagirdar shall be reimbursed in cash from the central treasury.
164. Similar action shall be taken in case taxes have been collected twice from the same landholder (Mohi) because of such double assessment.
165. In case any person has submitted any petition to the Prime Minister, and in case the Prime Minister has given orders that inquiries be made on the petition and the matter referred to him, action shall be taken accordingly.
171. In case lands granted by the government to any person are found to be short or in excess of the sanctioned area, the matter shall be referred to the Prime Minister.
177. A report of goods procured by (His Majesty) from abroad, which have not been examined by the customs office and on which customs duties have not been collected, shall be submitted to the Prime Minister, and action shall be taken as directed.

The concluding part of the regulations reads as follows:-

In case the provisions of these regulations are not complied with, and, as a result, losses are caused to the government, or hardships to the people, or in case it is found that there has been delay and slackness in work, the officer or employee who does so shall be punished according to the nature of his offense.

(S.B. Maharjan).

Regmi Research (Private) Ltd
Kathmandu: April 1, 1976

Regmi Research Series

Year 8, No. 4,

Edited by

Mahesh C. Regmi.

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

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The Thakulla Caste

According to Section 29 of the Law on Disciplinary Matters (Adalko), contained in the Muluki Ain,^x as amended on Marga 22, 1982 (December 8, 1925), persons of the following categories belonged to the Thakulla caste:-

- (1) Children born to a woman in Jumla who has been guilty of illicit sexual intercourse in her parents' home with a member of any caste water touched by whom can be taken by higher-caste people from her marriage to a man who is acquainted with her guilt.
- (2) Children born to women of the following categories who have been taken up as wives by members of the Rajput caste:-
 - (a) Unmarried women or widows of the Rajput caste who have been guilty of illicit sexual intercourse with a member of a lower caste, water touched by whom can be taken by higher-caste people.
 - (b) Widows of any Dasnam or other sect, and of any liquor-drinking (matwali) caste, and
 - (c) Brahman women who are guilty of illicit sexual intercourse.

^xGovernment of Nepal, "Adalko" (On Disciplinary Matters). Ain (Legal Code). Kathmandu: Pashupat Chhapakhana, 1980 (1923 A.D.), pt. 5, p. 8.

Income and Expenditure of the Guthi Corporation^x

The income of the Guthi Corporation for the fiscal year 1974-75 had been estimated at Rs 14.5 million. But the actual income was Rs 10.5 million only. Receipts from Guthi lands were 59 percent less than the estimate, and the estimate regarding the increase in receipts from shops and stalls leased by the Corporation proved totally false. Income from lands directly cultivated by the Corporation was also thirteen percent less than the estimate. It had been expected that a loan of Rs 1 million would be obtained from the Agricultural Development Bank. But the actual amount received from that bank was Rs 130,000 only. Likewise, only a sum of Rs 62,000 was received as a grant from His Majesty's Government, against the original estimate of Rs 1.8 million. A loan of Rs 1.7 million was, however, made available under the guarantee of His Majesty's Government. Thus the actual receipts have been thirty one percent less than the original estimate. The revised estimate of income includes the twenty-five percent of arrears of Guthi rents and other outstanding amounts. The reason for the fall in the income of the Corporation is difficulties in collection.

Actual expenditure during 1974-75 amounted to Rs 9,073,965 against the original estimate of Rs 14,598,286. While expenditure on stationary, advertisements, newspapers, commissions, and audit, has been slightly above the original estimate, the expenditure on religious functions, financial grants, collection of land revenues, construction and renovation, salaries and allowances, non-recurring functions, and furniture has fallen far short of the estimate. Only 62 percent of the estimate was actually spent, thereby absorbing 90 percent of the revised estimate of revenue.

^x"Guthi Samsthanaka Prashasaka Shri Ramachandra Poudel Bata Prastuta Guthi Samsthanako 032/033 Ko Ayavyaya Vivarana (Bajet)." (Particulars of the income and expenditure of the Guthi Corporation, presented by Rama Chandra Poudel, Administrator of the Corporation). Shrawan-Aswin 2032 (July-September 1975), pp. 25-40 (Relevant extracts only).

Under the Guthi Act, the Guthi Corporation has been empowered to cultivate a maximum of 1500 bighas of land itself. However, income from lands cultivated by the Corporation this year has been less than estimated. The Corporation had estimated the yield at fifteen maunds per bigha, but the actual yield was twelve maunds. Considering the total expenditure involved in direct cultivation, there was practically no net profit from the new venture. This is due to the problems faced in making preliminary arrangements for starting cultivation and taking over lands from tenants, which made it difficult to begin sowing operations in time. However, now that lands have been taken over by the Corporation, the performance is expected to prove profitable in the coming years. Of the 1500 bighas of lands which the Corporation is empowered to cultivate itself, 92 bighas are in dispute, 118 bighas are waste or covered by streams and the proceeds from 750 bighas of land have to be utilized solely for financing the religious functions of different temples. Income from only 540 bighas are therefore shown below.

The breakdown of the estimated revenue according to the 1974-75 budget is as follows:-

<u>Receipts</u>	<u>Original Estimate</u>	<u>Revised Estimate</u>
Guthi revenues	Rs 7,017,631	Rs 4,063,823
in cash	Rs 3,941,497	Rs 2,707,404
in kind	18,373 maunds 33,446 muris	92,278 maunds 8,949 muris
Contracts	Rs 85,931	Rs 113,048
Rents on buildings and stalls	Rs 57,169	Nil
Royalties	Rs 103,304	Rs 42,043
Interest	Rs 196,300	Rs 179,991
Agricultural farms	Rs 959,669	Rs 416,984
Cash balance of 1974-75	Rs 3,149,282	Rs 3,149,282

Contd...

Revenues collected through Revenue Department	Rs 229,000	Rs 200,000
Loan from the Agricultural Development Bank	Rs 1,000,000	Rs 130,000
Loan from the National Commercial Bank for renovation of temples	x	Rs 1,700,000
Grants from His Majesty's Government	Rs 1,800,000	Rs 62,000
	<hr/>	<hr/>
	Rs 14,598,286	Rs 10,057,171

The estimates of expenditure during 1974-75 are as follows:

	<u>Original Estimate</u>	<u>Revised Estimate</u>
Religious functions	Rs 2,969,123	Rs 2,499,035
in cash	Rs 2,083,415	Rs 1,452,285
in kind	7828 muris 8443 maunds	5870 muris 9195 maunds
Remunerations of Guthi functionaries	Rs 709,758	Rs 835,625
in cash	Rs 197,928	Rs 383,725
in kind	Rs 511,830	Rs 451,900
	6074 muris 1412 maunds	3951 muris 1136 maunds
Financial assistance	Rs 101,900	Rs 90,962
Revenue Collection	Rs 80,823	Rs 23,323
Commissions to Jimidars and Patuwaris	Rs 216,829	Rs 149,224

Contd...

Repair and renovation of temples, chariots, rest-houses and road side shelters	Rs 4,802,872	Rs 2,969,732
Contingencies	Rs 445,100	Rs 159,768
Refundments	Rs 805,000	Rs 216,682
Fare and freight charges	Rs 107,528	Rs 80,697
Purchase of consumable goods	Rs 185,416	Rs 155,795
Purchase of durable goods	Rs 1,051,050	Rs 148,511
Transport	Rs 115,000	Rs 39,973
Salaries, and contributions to Provident Fund	Rs 2,688,302	Rs 1,443,530
Allowances	Rs 29,716	Rs 19,556
Daily and travelling allowances	Rs 84,400	Rs 61,238
Stationery, printing and postage	Rs 104,119	Rs 117,334
Newspapers	Rs 20,260	Rs 21,260
Furniture	Rs 81,100	Rs 41,990
Total -	Rs 14,598,286	Rs 9,073,465

The estimates of income and expenditure for 1975-76 are as follows:-

Contd...

<u>Receipts</u>		<u>Expenditure</u>	
Land revenue	Rs 7,903,352	General expen- diture	Rs 3,401,788
in cash	Rs 3,986,250	in cash	Rs 2,357,748
in kind	Rs 3,917,102	in kind	Rs 1,044,040
	32,300 maunds		6,715 muris
	14,985 muris		7,050 maunds
Contracts	Rs 121,612	Emoluments of Guthi fun- ctionaries	Rs 882,991
Rents	Rs 63,621	in cash	Rs 352,956
Royalties	Rs 108,412	in kind	Rs 530,035
Interest	Rs 277,548		4608 maunds
Agricultural farm (at 20 maunds per bigha)	Rs 675,000		4383 maunds
Revenue collected through the Revenue Department	Rs 129,000	Financial grants	Rs 140,800
Financial grants from the Ministry of Education	Rs 50,000	Revenue col- lection	Rs 106,023
Miscellaneous	Rs 345,839	Commissions to Jimidars and Patuwaris	Rs 248,496
Cash and kind balances of 1974-75	Rs 992,119	Repair and renovation	Rs 1,718,680
4294 muris at Rs 100 per muri	Rs 429,400	Contingencies	Rs 512,660
9800 maunds at Rs 50 per maund	Rs 490,000	Refundments	Rs 2,506,000
Recovery of arrears	Rs 3,950,000	Fares and freight charges	Rs 134,676
		Purchase of consum- able goods	Rs 197,066
Total -	Rs 14,616,503		

Contd...

Purchase of durable goods (including tractors)	Rs	721,700
Transport (including fuel for tractors)	Rs	233,000
Salaries and contributions to Provident Fund	Rs	3,443,403
Allowances	Rs	37,120
Daily and travelling allowances	Rs	188,450
Stationery, printing	Rs	136,950
Newspapers	Rs	26,700
Furniture	Rs	80,000
		Total - Rs 14,616,503

The Guthi Corporation's deposits and investments as of July 15, 1976 are as follows:-

Development Bonds	Rs	1,089,124
Fixed deposits	Rs	1,142,666.90
Shares in Nepal Bank Ltd	Rs	22,400
Promissory notes and bonds of the Reserve Bank of India in Calcutta, Indian	Rs	1,147,830
or Nepali	Rs	1,595,483.72
Investments by the Kathmandu Guthi Tahasil	Rs	1,132,996.62
		(This includes Indian Rs 709,908)

Contd...

Investments by the Palpa Revenue Office	Rs 69,810.30
Arrears (according to the audit report)	Rs 42,871,474
Total -	Rs 47,923,995.54

The Guthi Corporation has decided to increase the minimum monthly wage of Guthi functionaries to Rs 30, and make available to its regular staff the same facilities as are obtained by employees of other corporations. The minimum monthly expenditure on religious functions at temples and monasteries will be raised to Rs 30. The facility of subsidized rice will be made available to non-gazetted employees of the Guthi Corporation also. Rewards will be granted to employees of HMG who help to collect Guthi revenues. Waste lands belonging to the Guthi Corporation will be reclaimed, as far as possible, through tenants and registered in their names. Residential plots will be auctioned. How and stalls on Guthi lands will be registered in the name of the occupants provided they agree to pay a reasonable amount as offering to the appropriate deities. More houses and shops will be constructed on Guthi lands and rented to the public. Obsolete ornaments and utensils scattered in different temples and monasteries will be stored in the Central Guthi Treasury. A campaign will be started to recover arrears, and a reward amounting to two percent of the collections will be given to those who recover the same.

Records of Guthi lands and other property will be kept up-to-date. If any religious-minded person desires to endow any movable or immovable property for the performance of any specific function at renowned temples, arrangements will be made to manage the same in the name of the appropriate deity. The rate of Hundi (dole) will be increased from Rs 15 to Rs 30 a month and the annual allowance, which currently amounts to Indian Rs 25, will be increased to Indian Rs 30.

These decisions will entail an additional expenditure of Rs 1,539,112.

Audit of accounts of the past ten years has been started. This year, the Corporation implemented a total of eighty six renovation projects, thus establishing a record. For the first time, it admitted twenty-six Brahmans to the vedic school for vedic studies. For the first time, it also started direct cultivation of its lands.

The Pashupati Bhandar Tahabil, the Jayabageshwari Tahabil, and the Pashupati Amalkot Kachahari are, as usual, responsible for maintaining their own accounts.

Industrial Development in Nepal

1936-57

By

Mahesh C. Regmi

(First published in mimeographed form in 1957 under the title "Industrial Potential of Nepal").

Chapter 1

INTRODUCTION

Much of the economics of Nepal can be understood if a few preliminary observations are made with regard to the physical divisions of the country. Extending from the highest point in the world in the Himalayas to a few hundred feet above sea level in the Tarai, Nepal presents a bewildering variety of vegetation, climate, and topography, seldom found in other countries in the world. This has played a large part in determining the economic activities and characteristics of the people.

To the South of the Himalayas, the Mahabharata mountains, running from the Mechi river, the eastern boundary, to the Mahakali river, the western, cut the country into two natural divisions.

North of the Mahabharata mountains, the country is hilly, interspersed with broad fertile valleys. Population is dense, and the generally poor nature of the soil, and the arduous methods of cultivation in the terraced hills, have resulted in much pressure on the land, and little surplus production. The people are generally hardy, and the Gorkha soldiers of world wide renown come from this region. The topographical characteristics of this region have naturally made transport and communications a vexatious problem, and this, together with the easy availability of various raw materials, has made the valley of Kathmandu and the hilly regions of Nepal the home of cottage industries.

Conditions are just the opposite in the southern part of the country. The land is a plain, irrigated by numerous rivers, and the soil is fairly fertile. Agriculture is, comparatively, a less arduous job. With the exception of a few centres of

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commerce, the region is, for the most part, of new settlement, and even at present, it is sparsely populated. The people are less hardy and industrious, with their vitality sapped by malaria and the generally unhealthy nature of the climate; while proximity to India, and the relative ease with which the manufactured necessities of life can be procured, have hardly been conducive to the existence of a flourishing handicraft industry. All this has made this region produce a large surplus of raw materials, agricultural and forest products, like foodgrains, oilseeds, jute, tobacco, timber, sabai grass, and so on, most of which are exported to India.

It is little wonder then, that, even at the present time, small scale and cottage industries are for the most part concentrated in the valley of Kathmandu and the hills, while the medium scale industries that have been set up in recent times, have mainly clustered round Birganj and Biratnagar in the Terai.

Biratnagar has been the center for most of the important organized industries that have been established in the country. The first industry that was established there was the Biratnagar Jute Mills Ltd, and the choice was to a considerable extent influenced by the fact that Morang is the chief center for the production of raw jute in Nepal. Railway transport for exporting the manufactured goods and importing machinery and building materials, coal, oil, and other stores has constituted no problem, as Jogbani, a few hundred yards away on the Indian frontier, is an important railhead. The proximity of the mills to what is now Pakistan has made it possible to procure skilled weavers from there, and even now the skilled workers of the mills, who come from beyond the frontier for the most part, are recruited without any difficulty.

If the location of the Biratnagar Jute Mills Ltd was determined primarily by the easy availability of raw jute in Morang, the same facility certainly did not exist in the case of the other industries set up subsequently in this region, notably the Morang Cotton Mills Ltd and the Morang Sugar Mills Ltd. Their establishment was largely due to the momentum contributed by the success of the Biratnagar Jute Mills Ltd, which is indicated by the fact that the same group of financiers promoted all these ventures. The advantages enjoyed by this region however ensured that the requirements of raw cotton and sugarcane could easily be obtained from India. Moreover, the nearness of the Indian markets has made it possible for the products of these industries to be consumed both in Nepal and in India.

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Similarly, the fact that Biratnagar is one of the major centers of timber export in the country has contributed to the creation of other industries like the manufacture of plywood, bobbins and matches, the products of which are easily exportable to India, while the local market, extending up to Dharan and the hills of Dhankuta also, is sufficiently large in the case of matches. A portion of the matches manufactured in Biratnagar also goes to the Kathmandu market though transported through India.

Even in the case of industries the products of which are intended to be absorbed for the most part, in the valley of Kathmandu and the surrounding hills, the Tarai appears to be the more suitable location. The starting of the cigarette and match manufacturing industries in Birganj has been prompted not only by the fact that raw materials like timber and tobacco are plentiful in this region, but also because from Birganj these industries can cater to both markets, the valley of Kathmandu and the surrounding hills, as well as the Tarai districts.

The position of the Tarai region as the major source of production of foodgrains, oilseeds and pulses has led to the existence of a number of rice and oil mills along the Indian border. Such mills as exist in the hills are invariably small and for the most part driven by water power, and are meant to meet only the requirements of a village. In the Tarai, however, there exist a number of mills designed to cater to the export trade, though the larger number consists of relatively small units consuming less than 100 maunds of paddy per day. The total milling and crushing capacity of such mills is hopelessly inadequate, as demonstrated by the huge amounts of foodgrains and oilseeds which are exported to India in their raw state. Proper development of this industry has been impeded by a number of factors. This aspect of the situation will however be taken up in due course.

Vast as the hydro-electric potentialities of Nepal have been estimated to be, their exploitation so far has been meager. The bulk of industry at present is sustained by coal and liquid fuels. At least in the case of coal, the problem of transport to the valley of Kathmandu would be a considerable problem. Supplies of coal to the Government Mint at Kathmandu has always been difficult and irregular in view of the congestion of goods traffic through the ropeway. There is an understandable tendency therefore for the coal and oil using industries to choose their location in the Tarai. For example, the Nepal Ceramics and

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Glass Factory Ltd, which was set up in 1942, and has since gone into liquidation, found Birganj on the Indian border the most suitable location for the factory, even though the Kaolin and other raw materials required for the manufacture of glass and ceramics were obtained for the most part from Panchmana, to the West of the Valley of Kathmandu. Regular transport service along the newly-constructed Tribhuvan Raj Path should however be expected to mitigate part of these disadvantages in the near future.

The proper development of power and transport facilities, therefore, should be expected to transform places like the valley of Kathmandu and Pokhara, which constitute big centers of trade and consumption for industrial products, into important locations for the new industries to be established in the country. Regular service along the Tribhuvan Raj Path, the opening of the Tikabhairav - Hetaunda road, together with other transport facilities, as well as the completion of the Trishuli Project, which is designed to generate 9,000 kilowatts of electricity initially by 1961, for supply to central and western Nepal, should therefore be expected to accelerate the industrial development of this region to a considerable extent. Export industries like jute, rice or timber will however, naturally enough, continue to find the various facilities provided by the Tarai region more congenial to their development.

Throughout the ebb and flow of the tide of organized industry in Nepal originating in the years subsequent to 1936, one idea has remained firmly embedded in the minds of the people, and that is the desirability of industrialization. To be sure, at least in recent years, the prevalent outlook has been one of frustration, as people viewed with dismay the crumbling away of the numerous ventures set up under the Rana regime, and the apparent inability of the government to tackle the situation and do something bold, imaginative and constructive, but this has appeared to be more a reflection on the policy and administration of the newly formed governments in the interim period, than a loss of faith on the benefits of industrialization itself.

To very few sectors of the population has the idea occurred that industrialization means change - change from the slow tempo of a predominantly agricultural life to a way of life which has been universally associated with drab materialism,

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speed, and social conflict. The educated and politically articulate section of the people, industrialization symbolises their hopes and aspirations for the attainment of a materially better mode of life. Political parties have advocated the development of industries as a palliative measure for diminishing the level of unemployment, which is chronic in a backward country like Nepal, and for reducing the pressure on land. As the Manifesto of the Nepali Congress Party puts it, "Without industrialization Nepal cannot take its place among the modern civilized countries of the world." (Nepal Congress Party: Manifesto adopted at the sixth National Convention of the Nepali Congress, January 1956. pp. 16). To the Nepal Communist Party, it has appeared that, "in order to make the national economy firm and independent, the development of the national industry is vitally necessary alongside of revolutionary land reforms." (Nepal Communist Party: Political Resolution adopted at the Second All Nepal Party Conference, November 22, 1955). Above all, the new generation views industrialization as a means which will enable the people of Nepal to rise up to the level of other advanced countries and do away with the status of the average Nepali as a hewer of wood and drawer of water for other peoples further ahead on the road to progress. Increasing contacts with countries of the western world as well as the example of the determination with which the neighboring country of India is pushing forward with its five year plans for national development have further intensified this attitude.

It is a fact that in Nepal the introduction of mechanized methods of production has nowhere been regarded as a potential source of increased unemployment. Even in the sphere of agriculture the introduction of tractors and other agricultural machinery has been generally welcomed. To some extent this attitude may be based on the existing shortage of agricultural labor, especially in the Tarai areas, as well as on the fact that a class of labor wholly dependent upon industry for its subsistence is virtually non-existent in Nepal, inasmuch as agriculture invariably looms large in the background. The conclusion however appears to have considerable justification that any concerted attempts at industrializing the country will meet with little organized opposition from any quarter.

The Muluki Sawal

The March 1976 issue of the Regmi Research Series (pp. 54-60) contained excerpts from the Administrative Decentralization Regulations promulgated by Prime Minister Chandra Shamsher on Chaitra 9, 1964 (March 22, 1908). These regulations were known as "Kitapi Sawal."

On Magh 3, 1974 (January 16, 1918), the Kitapi Sawal was repealed, and new regulations relating to administrative procedure were promulgated. These regulations were known as "Muluki Sawal." The Muluki Sawal originally contained 107 sections without any sub-captions.

A revised edition of the Muluki Sawal was published on Margashirsha 1, 1993 (November 16, 1936). The new regulations were classified under different headings as follows:-

1. Sanad Report Nikasa Dine Bareko. (Procedure regarding issuance of orders and decision on administrative reports).
2. Bharna Saruwa Badhuwa Bareko (Procedure regarding appointments, transfers and promotions).
3. Hajir Bida Bareko (Attendance and leave of government employees).
4. Bale Talab Bare Ko (Jagir assignments and salaries).
5. Rakam Bandobasta Bareko (Revenue collection and contracts).
6. Desh Deshwabar Bata Mal Manis Jhikaune Bareko (Procurement of men and materials from foreign countries).
7. Jagga Jamin Bare Ko (On matters relating to land).
8. Rukh Katne Bare Ko (On cutting trees).
9. Banaune Bareko (Public works regulations).
10. Guthi Bareko (On Guthi administration).
11. Bahi Bajhne Bareko (Audit procedure).
12. Sresta Appeal Bare Ko (Procedure for disposal of complaints against government employees).

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13. Danda Jaribana Asul Garne Bareko (Procedure for collection of fines and penalties).
14. Futkar Bareko (Miscellaneous).

A consolidated edition of the Muluki Ain, incorporating additions and amendments made until 1951, was published in 1953.

The Muluki Sawal was repealed by the Repeal and Amendment Act promulgated by His Majesty's Government on March 23, 1966.

Bibliography

1. Government of Nepal, Kitapi Sawal. Kathmandu: Press not mentioned. Kartik 17, 1965 (November 3, 1908). 42 pp. (The regulations were known as "Kitapi Sawal," but the text itself owes not bear this caption).
2. Government of Nepal, Muluki Sawal. Kathmandu: Gorkhapatra Press, 1978 (1921). 152 pp. Text of 1917 Muluki Sawal with amendments made until Jestha 24, 1978 (June 7, 1921).
3. Government of Nepal, Muluki Sawal. Kathmandu: Gorkhapatra Press, Marga 1, 1973 (November 16, 1936). No consecutive pagination. Several regulations in the volume are even not paginated.
4. Government of Nepal, Muluki sawal. Kathmandu: Gorkhapatra Press, 2010 (1953). 313 pp.
5. Ministry of Law and Justice, "Khareji ra Samshodhan Ain, 2022." (Repeal and Amendment Act, 1966). Nepal Gazette, Vol. 15, No. 36 (Extraordinary), Chaitra 10, 2022 (March 23, 1966).

Miscellaneous Documents of Magh 1887 VikramaCheckpoint in Pyutar

(Magh Badi 12, 1887) (44/181).

The following royal order had been issued in the name of the Mijhars and common people (Kuriya) of Pyutar:-

Maintain a checkpoint (Chauki) on the Thingan route and keep watch there throughout the day and the night. Do not permit traffic on that route, which has been closed. Do not use that route yourself. Do not reclaim hillside (Khoriya) lands, and do not clear forests. Plant thorny bushes and trees on that route, and make it impassable. Capture those persons who travel through that route surreptitiously, seize their goods, and bring them to the palace. In case in forfeit. Do not let new people settle in that area. Do not let rice-fielder remain uncultivated. Maintain the checkpoint on that route caretully.

The Mijhars complained that officials who visited that area to inspect checkpoints exacted unpaid labor services (Jhara), goats and other provisions from them. This order was then issued prohibiting such exactions.

Revenue Collection in Chharka

Magh Badi 12, 1887 (44/182).

The Raja of Mustang, Jyambal Dhandul, was granted a contract (thick) for the collection of revenue in the Chharka-Lagukhola area for one year, Baisakh Badi 1 to Chaitra Sudi 15, 1888 Vikrama. Under the contract, the Raja was required to pay a sum of Rs 3,501 to the government. He was permitted to collect and appropriate the proceeds of all taxes, fines, etc. in that area except royal palace levies (raja-anka), buried treasure (kalyan-dhan) and fines collected from persons guilty of Panchakhat crime.

The contract had previously been granted to Gungyal Bishta for a sum of Rs 4,401.

The Raja of Mustang was required to pay the amount stipulated in the contract in a single installment at the Tosakhana office in Kathmandu on the first day of the month of Magh (Maghe-Sankranti). The concluding part of the order is as follows:-

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Collect the customary taxes and levies (rakam-kalam). In case you unjustly collect higher taxes and levies, and thus oppress the people, and in case we receive any complaint against you, you shall be liable to punishment. With due assurance, promote reclamation and settlement and make the village populous.

Purchase of Shawls and Brocade

Magh Badi 12, 1887 (44/183).

Royal order to Subba Kulananda Jha to make a disbursement of Patna Rs 8,361-9 in favor of Commander-Colonel Ranabir Singh Thapa from land, customs, and timber revenues collected under contract in the Rampur, Pihar, and Mahisoth Pargannas of Saptari district as the cost of shawls and brocade procured by the Tosakhana Office.

Thekbandi Arrangements in Pyuthan

Magh Badi 12, 1887 (44/183-86).

Royal order in the name of the following mukhiyas of the following villages in Pyuthan district, which had been assigned to the local munitions factory:-

<u>Village</u>	<u>Mukhiya</u>
Tighrapatal	Mahendra Rokaya
Rapchu	Dhanya Rana
Tallobasa	Khadgadhar Shahi
Pandedanda	Kedar Pande

The order is as follows:-

"The former mukhiya of Pandedanda, Juddhe-bir Thapa, could not work in harmony with the local people. As a result, people started leaving the village. Kedar Pande has, therefore, been appointed as mukhiya under the traditional arrangements.

Contd...

"On the basis of settlements made in the year 1882 Vikrama, you are hereby required to make payment of a sum Rs 22-6 each year with effect from Baisakh Badi 1, 1882, as thekbandi, in which no remission shall be allowed for any reason- Payment shall be made in installments as stipulated below to the Pyuthan munitions factory.

"(In consideration of this payment), you may appropriate income from levies which are the customary perquisites of the amali, as well as the Serma and Saunefagu levies (Wajbi) and from judicial fines (danda-kunda, chak-chakui) and escheats (maryo-apatali). However, levies due to the royal palace (raja-anka), buried treasure (kalyan-dhan), expiation fees (dharmadhikar), fees due to members of religious sects (Mahanta-mandali), penalties collected from persons guilty of murder and cow-slaughter, proceeds from the sale of ivory and rhinoceros hides, taxes collected from hunters, leather-workers, and persons who take the flesh of dead cattle (chhalahi), fees collected from village headmen (mijhari), and from amalis at the time of their appointment, payments made in kind on festivals and ceremonial occasions (walak-pat) and arrears (rahata-bahata), shall be collected in addition.

"The ryots shall not make any payment in excess of the amount stipulated under the thekbandi, nor shall the amali make any such excess collection. In case he does so, or dismisses village mukhiyas, report the matter to us. The amali shall not make any additional demand if the number of households in the village increases, nor shall the ryots demand any remission if the number goes down.

"In case income from judicial fines, escheats (asmani) etc. is in excess of the amount stipulated under the thekbandi, the excess amount shall be adjusted against revenue (wajbi) due from the Serma and Saunefagu taxes in such a manner that each household obtains an equal remission. In the event of a shortfall, the balance shall be met by all households equally.

"Do not let rice-fields which have been included in the tax-assessment register remain uncultivated. Any person who reclaims unregistered lands shall appropriate both the landlord's share and the cultivator's share of the produce for a period of three years. From the fourth year, the landlord's share shall be paid through the amali in addition to the revenue stipulated from lands already included in the tax-assessment register. Promote reclamation and settlement, and make the village populous.

Contd...

Tighrapatal Village

Number of households	...	Rs 23
Serma tax	...	Rs 4
Saunefagu tax	...	Rs 2-10
Total amount of Wajbi revenue	...	Rs 6-10
Asmani	...	<u>Rs 4-12</u>
Total payment	...	Rs 11-6

Rapchu Village

Number of households	...	5
Serma tax	...	R 1-4
Saunefagu tax	...	R 0-10
Total amount of Wajbi Revenue	...	R 1-14
Asmani		x
Total payment	...	R 1-14

Tallobasa Village

Number of households	...	3
Serma tax	...	R 1-6
Saunefagu tax	...	R 0-4
Total amount of Wajbi revenue	...	R 1-10.
Asmani	...	<u>x</u>
Total payment	...	R 1-10.

Contd...

Pandedanda Village

Number of households	...	7
Serma tax	...	Rs 4-2
Saunefagu tax	...	<u>Rs .0.14</u>
Total amount of Wajbi revenue..		Rs 5
Asmani	...	<u>Rs 2-8</u>
Total payment	...	Rs 7-8

Installments

Baisakh	...	Rs 11-4
Magh	...	Rs 11-2

Prime Minister Mathbar Singh Thapa^x

The March 1976 issue of the Regmi Research Series contained a list of Birta lands granted to Mathbar Singh Thapa on different dates between 1882 and 1901 Vikrama (1835 and 1844 A.D.).

Mathbar Singh Thapa had also been granted some villages as Marwat-Birta in the Listi area of the eastern hills. These villages were confiscated in 1894 Vikrama (1837 A.D.), the year when his uncle, Bhimsen Thapa, was dismissed from the Prime Ministership. However, the villages were restored in Magh 1895 (January 1839). They fetched him an income of Rs 2058/7 a year.

^x"Restoration of Marwat Birta of Mathbar Singh Thapa," Magh Badi 9, 1895 (January 1839). Regmi Research Collections, Vol. 26, p. 2.

Regmi Research (Private) Ltd
Kathmandu: May 1, 1976

Regmi Research Series

Year 8, No. 5,

Edited by

Mahesh C. Regmi.

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Regmi Research (Private) Ltd.

Lazimpat, Kathmandu, Nepal.

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The Muluki Ain

The first legal code of Nepal, called the Ain, was promulgated in 1910 Vikrama (1854 A.D.). A list of the different editions of that code is given below.

1. Government of Nepal, Ain. Kathmandu: Manoranjan Press. Parts I and II (248 pp. and 200 pp.) were printed in 1927 Vikrama, and Parts III and IV (232 pp. and 426 pp.), with addenda (132 pp.) in 1928 Vikrama. This was the first printed edition, although the Ain had actually been promulgated on Poush Sudi 7, 1910.
2. His Majesty's Government, Sri 5 Surendra Bikram Shahdevaka Shasanakalama Baneko Muluki Ain. (Legal Code enacted during the reign of King Surendra Bikram Shah). Kathmandu: Ministry of Law and Justice, 2022 Vikrama, 712 pp. This edition incorporates amendments and additions made until 1922-23 Vikrama.
3. Government of Nepal, Ain. 1943 Vikrama. This edition does not appear to have been printed.
4. Government of Nepal, Ain. Kathmandu: Biradev Prakash Press, 1945 Vikrama. Five parts, 101 pp, 82 pp, 148 pp, 98 pp, and 145 pp.
5. New editions were published again in 1967 and 1975 Vikrama, but no particulars are available.
6. Government of Nepal, Ain. Kathmandu: Pashupat Press, 1980 Vikrama. Part I (186 pp.), Part II (7 pp.), Part III (158 pp.), Part IV (89 pp.), and Part V (140 pp.).
7. Government of Nepal, Ain. Naksal (Kathmandu): Bhagavati Press, 1984 Vikrama. Five parts. Part II contains 88 pages. Particulars about the other parts are not available.
8. Government of Nepal, Ain. Kathmandu: Gorkhapatra Press, 1987 Vikrama. Part I (197 pp.), Part II (88 pp.), Part III (164 pp.), Part IV (88 pp.), and Part V (138 pp.).
9. Government of Nepal, Ain. Kathmandu: Gorkhapatra Press, 1992 Vikrama. Part I (242 pp.), Part II (110 pp.), Part III (205 pp.), Part IV (116 pp.), and Part V (157 pp.).

Contd...

10. Government of Nepal, Muluki Ain. Kathmandu: Gorkhapatra Press. Part I (2012: 280 pp.), Part II (2012: 101 pp.), Part III (2009: 173 pp.), Part IV (2012: 124 pp), and Part V (2012: 112 pp.).
11. Ministry of Law and Justice, "Muluki Ain." Nepal Gazette, Vol. 12, No. 44, Chaitra 30, 2019 (April 12, 1963). Between 1854 and 1951, individual laws contained in the Muluki Ain were amended from time to time. The amendments were incorporated in the next consolidated edition, usually without mentioning the date of amendment. However, many of the amendments are available separately in printed form.

The 1963 edition of the Muluki Ain has been amended six times so far. The references are as follows:-

- (1) First amendment. Nepal Gazette, Vol. 14, No. 15 (Extraordinary), Aswin 17, 2021 (October 2, 1964).
- (2) Second Amendment. Nepal Gazette, Vol. 17, No. 27 (Extraordinary), Aswin 11, 2025 (October 25, 1968).
- (4) Fourth Amendment. Nepal Gazette, Vol. 20, No. 18A (Extraordinary), Bhadra 10, 2027 (August 26, 1970).
- (5) Fifth amendment. Nepal Gazette, Vol. 24, No. 28 (Extraordinary), Aswin 20, 2031 (October 6, 1974).
- (6) Sixth amendment. Nepal Gazette, Vol. 25, No. 43 (Extraordinary), Poush 4, 2032 (December 19, 1975).

The reprint published by the Ministry of Law and Justice of His Majesty's Government in 2022 Vikrama (1965 A.D.), which incorporates amendments and additions made until 1922-23 Vikrama (1865-66), contains the following titles:-

1. Datta Guthi (Guthi endowments).
2. Jagga Jaminko (On Land).
3. Mohi Talsingko (Tenants and Landlords).
4. Bali Natirnya Mohiko (Tenants who default in the payment of rents).
5. Bali Bikriko (Sale of rents).

Contd...

6. Rairakamko (On revenue matters).
7. 22 Sal Aghiko (on revenue matters for the period before 1922 Vikrama).
8. Rakam Bandobast Ko (Revenue Collection and government contracts).
9. Minaha Mojraiko (Remissions).
10. Baki Natirnya (Default in payment of arrears).
11. Jhara Khetala (Forced labor and wages).
12. Darda Darmaha (Payment of cash salaries).
13. Jagirdara Bahali Barkhasi (Appointment and dismissal of government servants).
14. Bali Ganji Sahu Tiraunya (Recovery of Creditors' dues from rents).
15. Sahu Riniko (Creditors and barrowers).
16. Sahu Tirna Ko (Repayment of loans).
17. Daijo Pewale Sahu Tirnako (Repayment of loans from the property of a woman gifted to her by her parents or by her husband).
18. Sahu Asami Ko (Creditors and debtors).
19. Dhito Samaunya Ko (Creditors' claim to Collateral property).
20. Dhito Lekhaundako (Pledge of property as collateral).
21. Damasahi Ko (Insolvency).
22. Amsabanda Babu Chhorako (Subdivision of property between father and sons).
23. Amsabandako (Subdivision of property).
24. Lognya Swasniko (Conjugal relations).

Contd...

25. Bidhuwa Amshadhanko (property rights of widows).
25. Bakas Phirta Garayako Bandhanko (Division of gifted property which is returned).
27. Daijo Pewa (property gifted to a woman by her parents or husband).
28. Aputaliko (Escheat property).
29. Dharmaputrako. (Adoption).
30. Chalanko (Currency, weights and measures).
31. Ilam Roji Ko (Professions and occupations).
32. Rukh Katnya (Cutting of trees).
33. Kagaj Janchko (Official documents).
34. Kirtya Kagaj (Forged documents).
35. Adalati Ko (Judicial Procedure).
36. Kaidi Jhikaunyako (Summoning of prisoners).
37. Kayalnama Lekhaunyako (Recording of Confessions).
38. Jamani Garnya Ko (Surety).
39. Dabahako (Suppression of information relating to crime).
40. Kaidi Bhagaunya Ko (Abetment of escape of prisoners).
41. Pyadalai Hul Garnya (Assault of peons).
42. Murhda Damal Gardako (On Deprivation of caste status and life imprisonment).
43. Sarbaswa Gardako (Confiscation of property).
44. Dastur Linda Ko (Collection of fees).
45. Adalatka Phiryadi Ko (Complaints before a court).

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46. Adalat ra Amaliko Jhagara (Dispute between Government Courts and local functionaries).
47. Myadi Ko (Limitations).
48. Dafe Adalatko Phiryadiko (Punishment of judges who pronounce incomplete judgments).
49. Niya Halaunyako (Trial by ordeal).
50. Danda Kaid Garnako (Fines and imprisonment).
51. Sato Kaid Baschhu Bhanyako (Imprisonment by proxy).
52. Dafe Danda Kaid (Punishment to officials guilty of misappropriation of funds).
53. Sidha Dinya Sadak Khodaunya (Employment of convicts in road-building and supply of rations).
54. Ilaj Garnyako (On medical practice).
55. Sithejujh Ko (Clashes during the Sitthi festival).
56. Kutpit Jui Jakham (Assault and Physical injury).
57. Gali Garagarko (On the exchange of abuse).
58. Kutpit Ko (On rioting).
59. Babuchhorako Kutpit (Physical clashes between father and son).
60. Nal Harak (On the forced feeding of human excrement, semen, etc.).
61. Padnyako (On farting).
62. Thuknya Ko (On spitting).
63. Katchhu Bhani Hateyar Jhiknya (Drawing of weapons with intention of killing).
64. Jyanmara Ko (Murder).
65. Bhavitavyama Jyanmarnyako (Manslaughter).
66. Govadh Garnya (Cow slaughter).

Contd...

67. Khursani Ko (Throwing Chilli powder in eyes, mouth, genitals, etc.).
68. Choriko (Burglary).
69. Nasodharot (Trusts and deposits).
70. Harayako Paunya (Finding of lost property).
71. Chaupaya Paunya (Finding of lost animals).
72. Sawari Ko (Traffic regulations).
73. Ago Lagaunyako (Arson).
74. Boksaroko (Witchcraft and sorcery).
75. Juwako (Gambling).
76. Gharbanaunyako (Construction of houses).
77. Sola Thapnya (Laying of snares and traps).
78. Kalyan Dhanko (Treasure troves).
79. Galli Sapha (Cleaning of lanes and streets).
80. Badha Kamara Bhagaunyako (Abetment to slaves and bondsmen to escape).
81. Kamara Kamari Bechanyako (Sale of slaves).
82. Jiumasne Bechnyako (Enslavement and traffic in human beings).
83. Balakh ra Ama Chhutyai Bechanya (Sale of mother and babies to separate persons).
84. Swasni Bechanyako (Sale of wives).
85. Birami Chakar Nikalnyako (Dismissal of sick servants).
86. Masinya Jiu Amalile Linyako (Amali's right over persons who are to be enslaved).
87. Madapan Achhuti (Liquor-drinking and untouchability).

Contd...

88. Fakirsita Mudinya (Investiture by mendicants).
89. Dharmadhikarko (Expiation by the Dharmadhikar).
90. Bhatma Barneko (Involvement in commensal relations).
91. Janai Dinyako (Investiture with the sacred thread).
92. Balakhko Taksir (Juvenile delinquency).
93. Garib Kangal (On poor and indigent persons).
94. Sati Janyako (On Sati).
95. Murda Uthaunyako (On carrying dead bodies to the place of cremation).
96. Maryabhani Sunaunya (Information about death).
97. Asauch Barneko (Mourning).
98. Dhogbhetko (Ritual obeisance and gifts).
99. Bihabariko (Marriage).
100. Kanyachori Biha Garnya (Abduction and marriage).
101. Kanya Dohoro Dinya (Betrothal of a girl to two persons).
102. Rogilai Kanya Dinna Bhannya (Refusal to give a girl in marriage to a diseased person).
103. Magyaki Kanya Biha Gardina Bhannya (Refusal to marry a girl whose hand has been sought).
104. Jatko Rit Bhaya Pachhi Biha Nahundai Aghi Bigranya (Girls who commit fornication before marriage after they are betrothed to another person according to the ceremonies of their caste).
105. Biha Nahundai Bigranya (Girls who are guilty of fornication before marriage).
106. Ashaya Karani (circumstantial evidence of adultery).

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107. Karnika Ashayale Hatpat Garya Bhanyako (Physical molestation with the intention of committing rape).
108. Meri Swasni ho Maile Karani Garnyan Bhanyako (Sexual intercourse by a man with a woman whom he claims to be his wife).
109. Karanika Ashasayale Dhuknya (Waiting in concealment with the intention of committing rape).
110. Ghur Khapi Sutnya (Sleeping together in close physical contact).
111. Mukh Patitko (Confession of adultery).
112. Karaniko Asayale Hatpat Garyako Jahir Garnya (Supply of information regarding physical molestation with the intention of committing rape).
113. Upadhyayako Hadnata (Incest among Upadhyaya Brahmans).
114. Rajput ko Hadnata (Incest among Rajputs).
115. Jaisi Bahunko (On Jaisi Brahmans).
116. Tagadhari Chhetriya Jatko (On the sacred-thread wearing Chhetri caste).
117. Namasinya matuwaliko (Liquor-drinking castes which cannot be enslaved).
118. Masinya matuwaliko (Liquor-drinking castes which can be enslaved).
119. Chhito Halnu Naparnya (Castes physical contact with whom need not be purified through the sprinkling of water).
120. Chhito Halnu Parnya (Castes physical contact with whom must be purified through the sprinkling of water).
121. Rajkhat lagnya hadnata bahek aru saneha ma Karani Garnyaki Ain (Law relating to incest with relatives other than those prohibited by law).

Contd...

122. Hadnataka besya bhayaka ko Karani garnya tagadhariko (Sacred-thread-wearing persons who commit sexual intercourse with prostitutes who are related to them by blood).
123. Ai, namasinyako (do. in the case of castes which cannot be enslaved).
124. Ai, masinyako (do. in the case of castes which can be enslaved).
125. Ai, pani nachalnyako (do, in the case of castes water touched by whom cannot be taken by high-caste people).
126. Gosuwara Ko (Miscellaneous provisions relating to illicit sexual relations).
127. Besya Swasni Ko Garbha (Issue of a wife who is a prostitute).
128. Jhagariya Swasni Ko Karani Garnya (sexual relations with female litigants).
129. Kamara Swasni rakhanya (Law on keeping a slave-girl as a wife).
130. Gupti Besyako Karni Garnya (Sexual intercourse with a woman engaged in clandestine prostitution).
131. Polaha (Supply of information relating to illicit sexual relations).
132. Jabarjastiko (11 Varsha muniko) (Rape of girls who are below eleven years of age).
133. Jabardastiko (11 Varsha mathiko) (Rape of girls who are above eleven years of age).
134. Jariko (Elopement with married women).
135. Pardesh Janyakako Jari garnya (Elopement with a woman whose husband has gone abroad).
136. Phalanasita bigrya bhanyako (Confession of illicit sexual relations with a specified person).

Contd...

137. Tesro Pari Karani garnyako (Sexual relations with a woman who has had such relations with two other persons).
138. Chautho dekhi umbho pari rakhyakako jari garnya (Elopement with a woman who is living as the wife of a person after committing illicit sexual intercourse with four or more other persons).
139. Masinya Jatko Jari Garnya (Elopement with a married woman belonging to a caste which can be enslaved).
140. Swasnika mukhle matra bhani jar katnyako (Law relating to a person who kills his wife's lover only on the basis of his wife's confession).
141. Jariko phutkar (Miscellaneous provisions relating to elopement with married woman).
142. Asa randiko karani garnya (Sexual relations with grass widows).
143. Jatak marako (Infanticide).
144. Pachuke garnya (Divorce).
145. Misakhat ko (Illicit sexual relations among Newars).
146. Ghati badi jat ko Upadhyayako (Law relating to Upadhyays Brahmins who have sexual relations with women of higher or lower caste).
147. Ghati badi jat ma karani garnya Rajputko (Law relating to Rajputs who commit illicit sexual intercourse with women of higher or lower caste).
148. Aijanma karani garnya Jaisi jat ko (do., Jaisis).
149. Ghati badi jatma karani garnya parbatya Tagadhariko (do., sacred-thread wearing people in the hill regions).
150. Ghati badi jatma karani garnya Deobhaju Gairhako (do., Deobhajus and others).
151. Ai karani garnya Dasnam Gairha ko (do., members of religious orders).

Contd...

152. Ai karani garnya namasinyako (do., castes which cannot be enslaved).
153. Ai karani garnya masinyako (do., castes which can be enslaved).
154. Ai ma Karani Garnya Chhito halnu Naparnya Jatko (do., castes physical contact with whom need not be purified through the sprinkling of water).
155. Ghati badi Chhito halnu parnya (do., castes physical contact with whom must be purified through the sprinkling of water.)
156. Pani nachalnya jatko karani garnyako (Sexual intercourse with untouchable persons).
157. Ghati jatma milchhu bhani janyako (voluntary degradation to a lower caste).
158. Kulu Ko (Law on illicit sexual relations among Kulus).
159. Chhito halnu Naparnya (Sexual relations with persons physical contact with whom need not be purified through the sprinkling of water).
160. Pani nachalnya Ghatibadi Jatko (Sexual relations among persons of different levels among untouchable castes).
161. Kamarako (On slavery).
162. Bandhako (On bondage).
163. Pashukaraniko (on sodomy).

In 1963, all laws contained in the Muluki Ain that were based on caste considerations were repealed. The following is a full list of laws contained in the current edition:-

1. Adalati Bandobastko (Judicial Procedure).
2. Danda Sajayako (Penalties).
3. Kagaj Janchko (Official Documents).
4. Jamani Garneko (Surety).

Contd...

5. Kalyandhanko (Treasure Troves).
6. Jyala Majuriko (Wages).
7. Garib Kangalko (Poverty and Indigency).
8. Chaupaya harauneko ra Pauneko (Loss and discovery of Animals)
9. Guthiko (Guthi).
10. Jagga Abad Garneko (Land Reclamation).
11. Jagga Pajaniko (Land Evictions).
12. Jagga Michneko (Encroachment on Land).
13. Ghar Banauneko (Construction of Houses).
14. Logne Swasniko (Conjugal Relations).
15. Amshabandako (Subdivision of Property).
16. Stri Amshadhanko (Inheritance Rights of Women).
17. Dharma Putrako (Adoption).
18. Aputaliko (Escheat Property).
19. Lenden byabaharko (Monetary Transactions).
20. Naso Dharautko (Trusts and Deposits).
21. Dan Bakasko (Gifts and Donations).
22. Damasahiko (Insolvency).
23. Registrationko (Registration).
24. Banki Na Tirneko (Default of Arrears).
25. Kirte Kagajko (Forged Documents)
26. Lutpitko (Loot and Assault).
27. Thagiko (Cheating).
28. Choriko (Theft).

Contd...

29. Ago Lagauneko (Arson).
30. Khota Chalauneko (Counterfeit Coins, Weights and Measures).
31. Chaupayako (Animals).
32. Berit Sanga Thundako (Irregular Detention).
33. Kutpitko (Rioting).
34. Jyan Sambandhiko (Murder).
35. Jiumasne Bechneko (Traffic in Human Beings).
36. Ilaj Garneko (Medical Practice).
37. Ashaya Karaniko (Intention to Commit Adultery).
38. Jabarjasti Karaniko (Rape).
39. Hadnata ma Karani Garneko (Incest).
40. Pashu Karaniko (Sodomy).
41. Bihabariko (Marriage).
42. Jariko (Elopement).
43. Adalko (Disciplinary Matters).

The 1923 edition of the Ain also contains a law captioned "Tosakhana Mulukikhanako." (Government of Nepal, Ain. Naksal (Kathmandu): Bhagawati Press, 1984 (1927 A.D.). Part II, 31-34 pp.). This law defines the functions of the central treasury (Muluki Khana) and the central disbursement office (Tosakhana) under the direct control of the Minister-Commander-in-Chief and the over-all supervision of the Rana Prime Minister.

Industrial Development in Nepal
1936-57

By

Mahesh C. Regmi

(First published in mimeographed form in 1957 under
the title "Industrial Potential of Nepal")

Chapter 2

Historical Background

Though Nepal is a country with a backward agricultural economy, yet a primitive type of industrial activity appears to have been in existence for a long period. Cut off from the rest of the world for many centuries for all practical purposes, Nepal was content to fulfill her requirements of manufactured goods for the most part with the products of the various cottage industries and handicrafts that were the chief feature of almost every Nepali home north of the Mahabharata mountains, especially in the valley of Kathmandu.

There is evidence to show that cotton was spun into yarn and cotton yarn woven into cloth from very early times. Raw cotton was grown indigenously, and the products, though rough and coarse, very well satisfied the needs of the common man, while some quantities were also exported to Tibet. Merchants from Kashmir had set up factories in Kathmandu and most of the products were meant for export. (Francis Hamilton: An Account of the Kingdom of Nepal, p. 212). There existed a thriving mineral industry, and the revenue from copper mines was as high as Rs 3 or 4 lakhs per annum. The quality of the copper extracted was so good that a substantial quantity was exported to India, and Nepali copper fetched a higher price in the markets of Calcutta than did European copper. (Kirkpatrick: An Account of the Kingdom of Nepal, pp.). Brass utensils were also exported to the south and the export of metal balls and utensils to Tibet was a flourishing business. Even the iron utilized in the manufacture of the simple agricultural implements and household utensils was of local extraction. Other industries for which Nepal was well known were paper-making and wood-work.

Contd...

Imports from the south were in the main restricted to finer varieties of cloth for the use of the richer classes, articles of luxury, spices, and so on, both for local consumption and for export to Tibet. In general, imports from outside were discouraged, and towards the latter part of the eighteenth century we find Prithvi Narayan Shah counselling prohibition of the entry of foreign merchants north of the fort of PARSÄ in the western Tarai, as well as a ban on the use of foreign cloths. Local craftsmen were especially encouraged to go outside and learn new crafts and techniques. (Prithvi Narayan Shah - Dibya Upadesh, pp. 18-19).

Even the state requirements of arms and ammunition were met wholly by local industry, and arsenals were set up in Kathmandu under the management of Europeans, and a number of workers there came from India. (Wright: History of Nepal, p. 49). Even percussion caps were manufactured in the arsenals of Kathmandu with machinery imported from England. (Ibid, pp.). Before the advent of the Rana regime, during the administration of Bhimsen Thapa, the military stores and arsenals, which were kept in a constant state of activity, could furnish arms and accoutrements for 45,000 men. (Oldfield: Sketches from Nepal, Vol. I, pp. 307). As late as 1876, rifles were made after the Enfield model by hand, and, "in the valley near Kathmandu there are arsenals and magazines with ordinance, 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 ...". (Sir Richard Temple: Journals kept in Hyderabad, Kashmir, Sikkim and Nepal, Vol. II, p. 256).

This primitive type of industrial activity was aided to a considerable extent, firstly by the fact that the needs of the average Nepali could be well satisfied with local products, and secondly, because Kathmandu was at that time the main trade route to Tibet.

Soon however, the position changed. Western habits of life had been introduced among the young men of the nobility even during the days of Bhimsen Thapa. The end of the Nepal war with the English was followed by an increased commerce with the plains. According to Oldfield, this especially affected the importation of English and European articles to the exclusion of those from China and Tibet. It is recorded that Bhimsen

Contd...

Thapa and the other chiefs of Nepal showed a growing inclination for British luxuries and customs. (Oldfield: Sketches from Nepal, Vol. II, p. 303). With the visit of Jang Bahadur to London in 1850, the process gathered considerable momentum (Bala Chandra Sharma: Outlines of Nepali History, pp. 427-28) and this led an English writer during the regime of Candra Shamsher to remark that, "the presence of these European luxuries and ornamental furniture has introduced an appearance at least of elegance and comfort into the interior of the houses of the Gorkha Sardars, which was never dreamt of, even by royalty, at the time when Niwar dynasty was on the throne. (Landon: Nepal, Vol. pp. 107).

Another blow to local industry was dealt when as a consequence of the settlement of the 1904-5 war between the British in India and Tibet, the direct Chumbi Valley route between Tibet and India was opened, and this greatly diminished the volume of trade that had hitherto ebbed and flowed along the Kirong and Kuti roads through Nepal. The part played by Nepal in the war thus led to her own injury, and local industry suffered much.

Meanwhile, changes in the technique of fighting had dealt the deathblow to the manufacture of arms and ammunition inside the country. The process was started by Chandra Shamsher when in 1892 he brought 8,000 Martini Henry rifles and a few mountain guns from India. Soon afterwards the use of imported arms and ammunition became a regular feature consequent to the re-organization of the Nepali army on modern lines, and the local manufactures virtually came to an end.

In 1923, a treaty was concluded with the British in India, which permitted imports of goods into Nepal from oversea countries free of all duties at Indian ports. The Government of Nepal adopted a policy of unrestricted imports of foreign manufactured goods, the most notable example being the import of cheap cotton cloth from Japan. The small, primitive and unorganized crafts and industries of the country were but ill suited to bear the brunt of the competition from the highly efficient foreign industry, geared to mass production of consumption goods, and local industry underwent a severe collapse. The effects of this policy are manifest up to the present day.

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It was in this way that the cottage industries and handicrafts of Nepal came close to extinction. This traditional ancillary form of side employment being extirpated, pressure on the land increased, and all this provided the impetus for the emergence of a static economy which is the source of most of the problems that are proving a headache to the governments of the post-Rana period.

The general attitude of the government at this period was unfavourable to local industry. Every kind of original and inventive genius was frowned upon, and when some young Nepali engineers constructed models of steam-engines and machine guns, it has been recorded that one was banished from the kingdom, while another had to undergo rigorous imprisonment for seven years. (Bala Chandra Sharma: Outlines of Nepali History, p. 355).

In 1930, during the regime of Bhim Shamsher, Tulsi Mehar, a young follower of Mahatma Gandhi, was arrested and thrown into prison for his work of propagating hand spinning and weaving on Gandhian lines. (Ibid, p. 357). Subsequently, however, probably for political reasons, he was not only discharged but also provided with funds by the Government to carry on with his work. Another sympathetic gesture towards hand spinning of cotton was demonstrated by the government, when it abolished the import duties on raw cotton. (Ibid, p. 358).

But a real change, which meant a fundamental breakaway from the old policy of apathy, took place only in 1934, after Juddha Shamsher became Prime Minister, when the government created the Banijya Bardhak Samstha, or Organization for the development of Commerce. Renamed two years later as the Udyog Parishad, or the Development Board, the new agency was intended to take active and positive measures for the resuscitation of the old crafts and industries of the country, the encouragement of new ones, the collection of economic statistics, and so on. With the enactment of Company legislation in the same year, followed by the establishment of the Nepal Bank Limited, as well as of a number of Joint Stock enterprises in Biratnagar, it was evident that the country was on the threshold of a revival of industrial activity, with the government providing the basic initiative.

Land Allotment in Khurkot

Subedar Bajavarna Thapa and other tenants (mohi) were allotted 210 muris of rice lands assigned as Jagir to the Sri-nath Kampu in Khurkot, Sindhuli district, on Magh Badi 13, 1887 (January 1831). Particulars of the allotments were as follows:-

<u>Name of tenant</u>	<u>Area of rice field (in muris)</u>	<u>Kut rent (paddy in muris)</u>	<u>Levy on winter crops (annas)</u>	<u>Ghiukhani (annas)</u>
Subedar Bajavarna Thapa	20	10 muris 15 pathis	8	8
	20	do.	8	8
	20	13 muris and 5 pathis	8	8
	20	10 muris and 15 pathis	8	8
	20	do.	8	8
Biru Padhya and Indrabir	20	13 muris and 5 pathis	8	8
	60	35 muris	24	24
	10	6 muris	2	2
	20	10 muris and 15 pathis	4	4

The total payment on 210 muris of rice-lands thus amounted to 121 muris and 5 pathis of paddy, Rs 4 and 10 annas from the levy on winter crops, and the same amount from the Ghiukhane levy.

The tenants were also directed: "Make other customary payments, including Chardam-Theki, also to the landlords (talsing). Provide them with loans if so asked. These Kut allotments are hereby made in your favor, and the previous allotments are cancelled."

Source: Regmi Research Collections, vol. 44, pp. 187-88.

Jagir Lands of Prime Minister Mathbar Singh
Thapa and his Sons

Mathbar Singh Thapa was appointed "Mukhtiyar Minister, Commander-in-Chief and General" by King Rajendra on Aswin Badi 7, 1901 (September 1844). His Jagir emoluments amounted to Rs 12,401.¹ The amount included Rs 10,120/2 from Khuwa villages and the balance from 9,122/10 muris of rice land.¹

On Shrawan Sudi 4, 1901 (July 1844), Rana Abal Singh Thapa and Ranjor Singh Thapa, sons of Mathbar Singh Thapa, were appointed Colonel and Captain respectively in the Shrinath Kampu. Rana Abal Singh Thapa's emoluments consisted of 11,632 muris of rice lands and Rs 3,500 from Khuwa villages. Because the required area of rice lands was not available for assignment, only 9,027 muris were actually assigned; the balance was met through a cash allocation of Rs 648 per year.² Ranjor Singh Thapa was granted 3,500 muris of rice lands and Rs 2,500 in cash from Khuwa villages.³

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1. "Appointment of Mathbar Singh Thapa as Mukhtiyar Minister, Commander-in-Chief and General." Aswin Badi 7, 1901. (September 1844). Regmi Research Collection, Vol. 26, p. 23.
 2. "Appointment of Rana Abal Singh Thapa as Colonel," Shrawan Sudi 4, 1901 (July 1844). Ibid, p. 25.
 3. "Appointment of Ranjor Singh Thapa as Captain," Shrawan Sudi 4, 1901 (July 1844). Ibid, p. 25.

Budget Allocations for Hospitals

Before 1974 Vikrama (1917 A.D.) funds for the purchase of utensils, clothes, bedding, etc. for hospitals in different parts of the country were sanctioned on an ad hoc basis. In that year, the following allocations were made for the following hospitals on a regular basis every other year.

A sum of Rs 266 each in Indian currency was sanctioned for hospitals in Jhapa, Biratnagar, Hanumannagar, Mahottari, Sarlahi, Rautahat, Birganj, Palhi, Khajehani, and Nepalganj. This amount included Rs 64 for utensils, Rs 47 for clothes and tailoring charges, and Rs 155 for bedding, portorage, etc.

A sum of Rs 118 each in Nepali currency was sanctioned for hospitals in Dhankuta and Palpa. This included Rs 24 each for utensils and clothes, and Rs 70 for bedding, etc.

Similarly, Rs 200 was sanctioned for the Bhimphedi hospital, and Rs 266 for the Bhadgaun hospital.^x

^xGovernment of Nepal, Muluki Sawal. Kathmandu: Gorkhapatra Press, 1978 Vikrama (1921 A.D.). pp. 31-34.

Regmi Research (Private) Ltd
Kathmandu: June 1, 1976

Regmi Research Series

Year 8, No. 6,

Edited by

Mahesh C. Regmi.

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal

Compiled by Regmi Research (Private) Ltd. for private
study and research Not meant for public sale or display.

Industrial Development in Nepal
1936-57

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Mahesh C. Regmi.

(First published in mimeographed form in 1957 under
the title "Industrial Potential of Nepal")

Chapter 3

Joint Stock Industry, 1936-50

The period between 1936 and 1942 may be regarded as the first phase of the new industrial development. The first industry to be set up under the Nepal Companies Act of 1936 was the Biratnagar Jute Mills Limited at Biratnagar, which was due in the main to Indian enterprise and management. Starting with a modest capital of Rs 16 lakhs and 150 looms, the new venture soon made significant progress which greatly encouraged other ventures. Though a few ventures formed with entirely Nepali capital failed to start, yet this period saw the success of the Juddha Match Factory Limited at Birganj, under Nepali enterprise and management. This factory was soon able to accumulate sufficient profits with its initial capital of Rs 50,000 to set up a branch factory at Biratnagar. Another industry to be set up during this period was the Morang Hydro Electric Company Limited at Biratnagar. The establishment of a soap factory, a furniture shop, and a company manufacturing Ayurvedic medicines with indigenous herbs and drugs at Kathmandu in Nepali currency meant that local capital and enterprise also were contributing to the new industrial awakening.

So far the pattern of development had been more or less sober, with due emphasis being laid on spheres for which the resources of the country were specially suited. After 1942 however the position changed slightly. Scarcity of consumer goods, especially cotton textile goods, consequent to the wartime conditions prevailing then led to the establishment of two cotton mills, one each at Birganj and Biratnagar. The Birganj Cotton Mills Limited was set up with local capital,

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while the Morang Cotton Mills Limited was the result of joint Nepali and Indian resources under Indian management. Other industries that were set up between 1942 and 1944 were a factory manufacturing hand made Nepali paper at Kathmandu, a ceramics and glass factory at Birganj, and a chemical factory at Biratnagar.

The third phase of the development of industries in Nepal after 1936 starts in 1945. By that year the high and regular profits paid by some of the earlier ventures, notably the Biratnagar Jute Mills Ltd and the Juddha Match Factory Ltd, led to a great enthusiasm among the public for the shares of industrial Joint Stock Companies. Moreover, after the end of the war in 1945, supplies of machinery from oversea sources were expected to be more readily available. The result was an unprecedented growth in the flotation of Joint Stock enterprises between 1945 and 1949. In the year 1946-47 alone, 20 companies, covering multifarious branches of industrial activity, were set up, with a total authorised capital of Rs 45,525,000, or more than that of all the other years so far.

Along with this, steps were taken by the older companies to add new machinery and expand their capacity. The Biratnagar Jute Mills Ltd launched on an ambitious project designed to instal an additional number of 200 looms; and the Morang Cotton Mills Ltd purchased a steam plant for generating electricity worth nearly Rs 1 million. Prospects everywhere appeared good.

By the 1948-49, however, a number of developments took place which made people doubtful whether mere investments in Joint Stock Companies would be profitable. Some of the ventures which had been incepted so optimistically simply would not commence business, either because they had not been able to sell any shares, or because the management was sitting inactive with the insufficient funds it had been able to collect, while a few had discontinued operation. In Birganj the Birganj Cotton Mills Ltd and the Nepal Ceramics and Glass Factory Ltd closed down after a short period of operation mainly because of the shortage of funds and high costs of production. The Himal Miners Syndicate Ltd at Kathmandu and the Nepal Chemical Industries at Biratnagar also closed down. The more ambitious projects like the Ramjanaki Textiles Ltd at Butaul, the Pashupati Textiles Ltd at Nepalganj, and the Nepal Textiles Ltd at Janakpur, each incorporated with an authorized capital of Rs 1 crore, failed to make any headway because the response to their share flotations was not at all satisfactory. More serious was the

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case of the Raghupati Jute Mills Ltd at Biratnagar, which had actually managed to collect Rs 32 lakhs of share capital, including Rs 12 lakhs from the Government. After a year or so of commencement, when the factory had been practically constructed and part of the machinery already installed, the shareholders as well as the Government discovered that the managing agent had never invested his quota of the share capital. There was a loud hue and cry, and an extraordinary general meeting of the shareholders decided to dismiss him from the management of the company, but not before they found out that their money was subject to the unscrupulous manipulations of the first adventurer that came along, who was able to persuade the government to let him start a joint stock industry. All this resulted in a low volume of joint stock industrial activity, and the year 1949-50 saw therefore the flotation of only two companies.

The government at least realized that something must be done. The main defect in the situation was attributed to loopholes in the company law, and accordingly a revised and enlarged edition of the Companies Act of 1936 was drafted. But before the new Act could be put into force, the Rana regime came to an end and the interim government was set up in February 1951.

It will be instructive in this connexion to attempt to analyse the causes that led to such circumstances in the sphere of joint stock industry. To a certain extent the importance attached by the government to company legislation was correct, as the Companies Act of 1936 did provide loopholes. Largely based on the Indian Companies Act of 1931, it contained no provisions for the regulation of the activities of managing agents and directors, the unscrupulous manipulations of whom had contributed so much to the existing conditions.

Beyond this, however, it should be borne in mind that the apparent industrial development that had taken place especially during the third phase as indicated above, was largely speculative in character, based on the scarcity of consumption goods and inflationary conditions which themselves were the results of similar conditions prevailing in India. Accordingly, this development had very little to do with the basic industrial potentialities of the country, and indeed, no attempts appear to have been made to study them at all. It was no wonder then that, as soon as the special circumstances due to the war came to an end, the whole edifice suffered. This point is more clearly understood from the fact that the motive factors leading to the

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formation of Joint Stock Companies both in India and in Nepal during the war and immediate post-war years appear to have had a common origin. For example, company registrations in India and in Nepal during the period 1944-50, were as follows:-

Table 1

Company Registrations in India and in Nepal
1944-50

<u>India</u>		<u>Nepal</u>	
<u>Year</u>	<u>No.</u>	<u>Year</u>	<u>No.</u>
1944	1412	1944-45	4
1945	2292	1945-46	x
1946	4656	1946-47	20
1947	3072	1947-48	8
1948	3156	1948-49	4
1949	2652	1949-50	2
1950	2004		

(Figures for India obtained from the Calcutta Stock Exchange Year Book, 1954, pp. 29).

Making allowance for the fact that in Nepal the joint stock system of business enterprise was of comparatively recent growth, the above figures show that during this period the pattern of company registration in both countries was more or less similar, while the peak year in both countries for company registration was 1946. The conclusion appears therefore justified that the expansion of joint stock enterprise in Nepal during this period was more a projection of similar motive factors and conditions prevailing in India than the result trends operating inside the country itself.

Another defect that made it difficult for the newly established concerns to consolidate their position was the lag in the development of correlated institutions concomitantly with the development of joint stock enterprise in the country. The

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sole Commercial Bank in Nepal, the Nepal Bank Ltd., proved, and is still proving, unable to provide the credit necessary for the new industries. The result was that such concerns as could arrange to have their needs met by borrowing on their personal security from private sources were faced with low rates of profitability on the share capital accumulated, while those that could not do so had no alternative but to run on marginal basis, if at all. Even now the difficulty of obtaining short period loans at cheap rates of interest constitutes one of the most serious obstacles in the way of proper development of existing industries.

Mostly as a result of the speculative tendencies that prevailed at that time, it appears to have been considered that investment in the shares of joint stock enterprises would be profitable of itself. Nobody appears to have ever attended to the technical and economic factors while launching on any new industry, with the result that most of the new investment was wasteful, unintelligent and misdirected. Naturally therefore, most of the newly incepted companies that ever saw the light of day were forced to go into liquidation, or are faced with tremendous obstacles which make it doubtful whether they will ever be able to commence business.

To a considerable extent the situation was due to the lack of managerial ability on the part of the promoters of the new industrial ventures. The largely speculative character of the whole phase of expansion was responsible for most of the promoters being completely ignorant of the techniques of industrial management. It is a fact that people from diverse walks of life became managing agents and directors of industrial concerns - even priests, government servants, Rana sycophants, army Captains and generals; school teachers, and so on. The general collapse suffered by joint stock enterprise in Nepal in recent years could therefore in all probability hardly have been otherwise.

Landownership in Nepal

By

Mahesh C. Regmi.

Published by the University of California Press from Berkeley, Los Angeles and London under the sponsorship of the Center for South and Southeast Asia Study of the University of California at Berkeley, 252 pp.

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Foreword by Leo E. Rose:

"This study of the land-tenure system in Nepal in a historical context ... is the product of a decade or more of work in the copious but chaotic record resources on the subject matter ... Shri Regmi has used this mass of documentation from many different sources to derive general conclusions and to present a coherent history of the evolution of land-tenure policies, in realistic rather than formalistic terms. He then offers conjectures about the best strategies for development in the crucial agrarian system in contemporary Nepal. By doing so, he provides a model for similar studies not only in Nepal but also in other Third World countries in which the need to comprehend existing institutional structures before attempting to reform or abolish them is recognized increasingly, and in which the assumption that an institution is incidental to current development needs if it is "traditional" is no longer accepted dogma. Discovering the past may be an academic enterprise; but using the past for innovational purposes is the most relevant scholarship. The latter is what Shri Regmi has accomplished in this definitive study which is, in my view, the most important volume yet published on Nepal."

On Disciplinary Matters^x

(Abstract translation)

1. All castes and communities in the Kingdom of Gorkha shall be free to perform their customary religious functions, other than cow slaughter or any other act prohibited by the law. Nobody shall show hatred for such functions. Any person engaging in actions calculated to offend the religious feelings of others, or disturb the existing system, shall be deemed to have committed an offense.
2. Grains crushed or husked by or stored in the house of a person belonging to an untouchable community, or uncooked fish or meat, tobacco, rose-water or any fragrant object, spices, fruit etc not soaked in water touched or kept in the house of such a person, shall not be regarded as impure. Earthen utensils touched by such person shall be regarded as pure if they do not contain any water touched by him. Wooden or glass utensils, if touched by such person, shall be regarded as pure after these have been cleaned, washed and dried. But utensils made of China clay shall be considered impure if touched and contaminated by such person.
3. If Brahmans belonging to the Purbiya Upadhyaya and Paka Kumai Upadhyaya groups eat together in the same kitchen, or in case persons belonging to these Brahman groups establish matrimonial relations, neither shall be required to undergo expiation or be deemed to have committed any offense. There is evidence that cases relating to such commensal and matrimonial relations have been regarded as valid under current law, and that persons belonging to these two Brahman groups who have entered into a matrimonial relationship, and the children born from them and their relatives, have actually been maintaining commensal

^xGovernment of Nepal, "Adalko" (On Disciplinary matters), Muluki Ain (Legal Code). Kathmandu: Gorkhapatra Press, 2012 (1955 A.D.), pt. 5, pp. 1-22.

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relations with equal caste status. Accordingly, Brahmans belonging to the Purbiya Upadhyaya and Kumai Upadhyaya groups shall be free to take meals touched by each other and establish matrimonial relations. In case any person belonging to either Brahman group is expelled therefrom on the ground of such relationship, punishment shall be inflicted on the person who orders such expulsion, and the matrimonial relations shall be held valid.

4. In case any Brahman belonging to the Purbiya Upadhyaya or to the Purano Kumai Upadhyaya group willfully consumes onion, garlic, mushrooms, tomato, ducks, or duck's eggs, he shall be deemed to have committed an impure act, and shall be punished accordingly. But in case he undergoes expiation, food touched by him shall be accepted. In case any commensal member refuses to take food touched by him even after such expiation, a fine shall be imposed on him and he shall be compelled to eat the food touched by the latter. Punishment shall be inflicted also on the person who willfully takes food touched by the person who has consumed such foodstuffs, but has not undergone expiation, and such person shall be deemed to have undergone expiation once he has been so punished.
5. Sacred-thread-wearing castes, including Brahmans may consume vegetables or any other foodstuff cooked or roasted in an earthen or metal pot not containing water, irrespective of whether or not salt is added, by a person of lower caste whose touch does not contaminate water. Foodstuffs shall not be taken if cooked in water. Consumption of foodstuffs cooked in water by persons of lower caste as mentioned above shall be deemed to be an impure act, and the guilty person shall be punished with a fine and granted expiation.
6. Sacred-thread-wearing castes including Upadhyayas, shall leave the kitchen if it is defiled by any bird or animal. An impure act shall be deemed to have been committed if food cooked in such kitchen is taken. A person taking such food shall be deemed to have undergone expiation or restored to his caste after payment of a fine. He may eat at the kitchen touched by a sparrow or a pigeon, if he has been customarily doing so. But persons willfully eating at a kitchen defiled by a dog, hen or pig shall not be entitled to expiation. Expiation shall, however, be granted if he has done so out of ignorance.

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7. No person belonging to any sacred-thread-wearing caste, shall be fined and required to undergo expiation in case he eats in the night rice or any other foodstuff cooked in the morning, or at day-break, or takes rice irrespective of whether or not the cook is still in the kitchen, provided it has not been touched by any person belonging to a caste food touched by him cannot be eaten, or in case he eats rice cooked in milk brought from the cowshed, or such preparation left overnight, provided it has not been touched by a person food touched by whom cannot be eaten, or is cooked by a person belonging to a caste equivalent in status to his own, or if he takes such foodstuffs while wearing clothes of any material other than leather. Such person shall be considered as belonging to his usual caste. In case any such act is committed by a Upadhyaya Brahman, he shall be deemed to have committed an impure act. If the person committing such act is a learned man, he shall undergo expiation through pilgrimage. But in case such Brahman is ignorant and uneducated, he shall not be required to undergo expiation in order to be restored to his caste, and he shall be allowed to take his meal together with his caste members.
8. When the daughter born to any person from a properly-married wife belonging to a caste equivalent in status to his own caste, is married, he may wash her feet and drink the water. But he shall not do so in the case of a daughter born from the wife belonging to a caste with whom he cannot take rice together. In such cases, he may only wash the hands of the daughter and drink the water. Any person belonging to castes other than Upadhyaya Brahman may wash the feet of a daughter born from a girl or widow with whom he has contracted an irregular alliance, and drink the water with which her feet are washed, provided that such wife belongs to a caste equivalent in status to his own. A person shall be deemed to have committed an impure act as well as a cognizable offense if he washes the feet of and drinks such water from any person water touched by whom cannot be taken. He shall be deemed to have undergone expiation once punishment has been inflicted on him.
9. In case any person belonging to castes other than Upadhyaya Brahman compels others to wash his feet and drink the water and applies tika on them, posing himself as a Upadhyaya Brahman, he shall be deemed to have committed an offense.

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10. In case any person smokes tobacco in a narghile already used by a person belonging to an inferior caste out of ignorance, he shall be restored to his caste after making him visit a place of pilgrimage. In case he does so willfully, he shall also be punished and granted expiation. He shall be granted expiation even if he has smoked tobacco in a narghile used by persons belonging to an untouchable caste out of ignorance.
11. No person shall consume fermented radish, fermented and dried vegetables, or fermented bamboo shoots touched by, and grains, fruits, etc. cut, threshed, crushed, fried or roasted by persons belonging to an untouchable caste. Nor shall he sleep inside the house of a person belonging to an untouchable caste, or sleep together outside. Persons belonging to higher and untouchable castes shall not draw water from the same well. Persons belonging to higher castes shall not, as far as possible, eat foodstuffs cooked in ghee or oil touched by a person belonging to an untouchable caste. Utensils touched by persons belonging to an untouchable caste shall not be taken into the house until these are dry. Otherwise, persons doing so shall be deemed to have committed an impure act.
12. Even if any person belonging to an untouchable caste has touched, extracted and tasted honey from a beehive located outside the house, persons belonging to higher castes may extract honey from the same beehive and eat it. Persons belonging to an untouchable caste and those to a higher caste may climb the same tree and eat its fruits, provided they do so sitting on separate branches. Fruits thrown by persons belonging to an untouchable caste from the tree may be picked up and eaten (by persons of higher caste status).
13. Moist grains or other articles brought to a water-mill by untouchable caste for the purpose of crushing may be crushed. The water-mill shall become pure after it is washed thereafter. As water flows under the mill, any such person may sit on the water-mill and take food without touching the grains (brought for crushing).

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14. In case any member of a higher caste crosses a bridge, goes abroad a boat, or walks over a wooden ford, together with an untouchable person, without actually touching the latter, no impurity shall be acquired. In case any member of a higher caste deliberately touches a person contamination through contact with whom must be purified by sprinkling water, he must purify himself by having water sprinkled on his body. In case he eats food without having water sprinkled on his body, he shall be deemed to have committed an impure act. Persons contact with whom requires purification by sprinkling water shall walk without touching persons belonging to higher castes, and if they do so, he shall be deemed to have committed an offense. Even if such persons touch anyone belonging to higher castes inadvertently, they shall be deemed to have committed an offense if they do not make an admission to this effect.
- 14A. Persons belonging to a higher caste and those water touched by whom cannot be taken shall not live in the same house by setting up a partition or wall. In case they do so, or in case any person allows them to occupy a house in this manner, they shall be deemed to have committed an offense.
15. Persons belonging to untouchable castes shall not offer tika to those belonging to higher castes, and vice versa. No person belonging to a higher caste shall accept any gift offered by any person water touched by whom cannot be taken through a ritual ceremony involving the use of water. But he may accept a gift if offered. In case he accepts a gift offered by any person (belonging to a lower caste) through a ritual ceremony involving the use of water, such gift shall be confiscated, and the person making such offer shall be fined with an amount equivalent to the value of the gift.

(To Be Continued)

King Prithvi Narayan Shah

By

Baburam Acharya

Baburam Acharya, Shri 5 Badamaharajadhiraja Prithvi Narayan Shah (The Great King Prithvi Narayan Shah), Kathmandu His Majesty's Press Secretariat, Royal Palace. 4 pts, 843 pp. 2024-26 (1967-67 A.D.).

Chapter I
Genealogy of the Royal Dynasty of Gorkha
(Circa 1501 to 1723)*

(All dates given in this book are in the western calendar).

The valley of the Bagmati river, elongated west to east, is situated in the middle of the Himalayan range. From ancient times, it has been the focal point of Nepal. The town of Kantipur, which is situated in this valley, accommodates the capital of the modern Kingdom of Nepal. It was King Prithvi Narayan Shah, who was born in the royal palace of Gorkha, which lies at a distance of ninety-one kilometers from Kantipur, who thus made this town his capital. The only information that is available about his genealogy is that he was born in the fifteenth generation after Jain Khan.¹ Micha Khan was born in the third generation after Jaina Khan, Drabya Shah² in the sixty, Rana Shah in the eighth, and Narabhupala Shah in the fourteenth.

The village of Lasardha is situated on the hill of Baidha on the banks of the Kali-gandaki river opposite Ridighat. Jaina Khan appears to have settled there first on a temporary basis. In 1501A.D., he started a settlement at Khilung on the banks of the Andhi-Khola river to the north of Lasardha and founded the principality of Bhirkot.³ Jaina Khan had one son, Surya Khan. The latter had two sons, Khancha Khan and Micha Khan. By the time of Surya Khan, two more principalities had been founded in that area: Satahun and Garahun. Khancha Khan occupied these principalities and gave them away to his two sons. Micha Khan occupied another principality, built a palace there, and called it Nuwakot. One

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of the descendants of Khancha Khan partitioned Bhirkot and created the new principality of Dhor. Thus the Khan family occupied five principalities in the region inhabited by Magars. Except Dhor, all the other principalities were situated in the valley of the Andhi Khola river.⁴

The region across the Madi river to the north of Satahu was inhabited by Gurungs. The principality of Parbat had been established west of the Kali river. The Raja of Parbat, Dimba Malla, had already occupied that region. Bichitra Khan, another son of Micha Khan, occupied the Gurung area of Kaski and founded another principality. There is a small settlement inhabited by Duras on the upper reaches of the Marsyangdi river east of Kaski. This place is called Duradanda. The Duras of Duradanda saw the growing prosperity of the areas ruled by Thakuri Kings. They therefore set up Yashobrahma, son of Raja Bichitra Khan of Kaski, as their King and thus laid the foundation of the new principality of Lamjung. Lamjung was inhabited mostly by Gurungs, and they too accepted Yashobrahma as their King. Nararaja, who succeeded Bichitra Khan on the throne of Kaski, assumed the title of Sahi and renounced that of Khan. Accordingly, Yashobrahma, King of Lamjung, was also called Sahi. Rudra Sen, King of Palpa, had occupied the Magar regions to the south of Lamjung. The Gurungs of Lamjung, therefore, strengthened their principality with Yashobrahma Shah as their King.⁵

Prince Narahari Shah, the eldest son of Yashobrahma Shah, stayed with his father. Yashobrahma Shah sent his other son, Drabya Shah, to settle and occupy the area to the east of the Marsyangdi and Chepe rivers. Drabya Shah first turned his attention to the Magar region from the Marsyangdi river to the east up to the Gandi (Budhigandaki) river, as otherwise he apprehended that it would be occupied by Palpa. There had been a settlement on a hill in this region during the Licchavi period. The settlement had subsequently disappeared. A few centuries later, mendicants of the Natha Sect had installed an idol of their deity along with an inscription in stone. Drabya Shah chose that place to construct a royal palace for his new principality. There were rice-fields to the south as well as the north of that hill, while in the west there was the valley of the Daraundi river. Drabya Shah, therefore, founded a new settlement at that place. At that time, population was increasing in the regions west of the Kali river and people were migrating toward the east. Drabya Shah allotted homesites to Narayana Das Aryal of Isma, Sarveshwar Khanal of Argha, and Ganesha Pande and Bhagiratha Pantha of Kumaun, where they constructed stone

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dwelling with thatched roofs. The idol of the Natha deity was recognized as of Gorakhanatha, and the new settlement was given the name of Gorkha. Later, Keshava Bohra of Salyan and Gangarama Rana (Magar) also shifted their residence to Gorkha.

Within a period of fifteen or twenty years, Brahman and Chhetri settlements were founded in the area south of Gorkha. All the basic requisites for the establishment of the new principality were thus fulfilled. One or two years before Yashobrahma Shah died, Drabya Shah obtained his permission to establish the new principality of Gorkha, with the Chepe river as its boundary. He organized a group of Bhardars, and was crowned King in 1559⁶. The Bhardars included Narayana Das Arjyal as the Rajguru (royal preceptor), Sarveshwar Khanal as royal priest, Ganesh Pande as minister or Kaji, Bhagiratha Pantha as Sardar or general, Keshava Bohra as chief of the Lands Department, and Gangaram Rana as chief of the Judicial Department. It appears that these appointments were originally intended to be hereditary. Inasmuch as this arrangement proved impracticable, Brahmans, Chhetris and Magars of other classes also were appointed Bhardars. Even then, the six clans (thar), Arjyal, Khanal, Pande, Pantha, Bohra and Rana, continued to be respected till the reign of King Rana Bahadur Shah.⁷ It was not a new thing for Drabya Shah to found a new principality in Gorkha, because five of his ancestors had also done so. After the principality of Gorkha was founded, a growing number of Brahmans, Chhetris, and Puhunis immigrated there from the western regions. During the rule of Drabya (Shah (1559-70) and his son, Purna Shah (1570-1705), Brahman, Chhetri, and Puhuni settlements were established up to the Gandi river in the east and to the Magar region between the Marsyangdi and Gandi rivers in the south, thereby increasing the population of Gorkha to a considerable extent. Warpak situated in the Himalayas to the north of Gorkha, was inhabited by Gurungs. These Gurungs were the intermediaries through whom salt imported from Tibet was exchanged for rice. The principality of Gorkha obtained its supplies of salt from these Gurungs.⁸

Purna Shah was succeeded by the eldest son of his senior queen, Kshetra Shah. However, Kshetra Shah died seven months after ascending the throne (1605-06).⁹ He was succeeded by his half-brother, Rama Shah (1606-36).

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There appears to have been a difference of only about eighteen months in the age of these two brothers. Rama Shah was probably twenty years of age when he was crowned King.¹⁰ He appears to have been a very wise, brave, and outstanding ruler. By the time he was born, the sons and grandsons of Narayana Das Arjyal had become great scholars. Consequently, Rama Shah was able to acquire a good education in the Sanskrit language while yet an adolescent.¹¹ Raja Malla, King of Parbat, refused to give his daughter in marriage to Rama Shah because he did not consider the latter's status high enough, but gave his sister's daughter instead.¹² Rama Shah was greatly impressed by the progress that the principality of Parbat had attained. Narayana Malla, father of Raja Malla, had abdicated the throne, and was performing a religious ceremony in Galkot. It is possible that Rama Shah was invited to attend that ceremony.¹³ There he met Nanda Mishra of Varanasi, who greatly impressed him by his scholarship. Rama Shah then invited Nanda Mishra to Gorkha and installed him as Rajguru.¹⁴ It is also possible that Rama Shah visited Varanasi along with Nanda Mishra on pilgrimage. He utilized the opportunity to study social and political conditions there. During his thirty-year rule, Rama Shah made efforts to build up Gorkha, a small principality, as a powerful state.

During the time of Drabya Shah and Purna Shah, Emperor Akbar had established the strong and peaceful Mughal empire in northern India (1556-1605). This had inspired the Malla Kings of Kantipur and Bhaktapur also to achieve progress. Sadashiva Simha, the immoral King of Kantipur, was ousted by his illegitimate brother, Shiva Sinha (1578-1621). In the course of these disturbances, the powerful Mahapatra of Lalitpur, Purandara Simha, declared himself independent. However, Shiva Sinha reoccupied Lalitpur, and sent his son, Harihara Sinha, to rule that principality in his name.¹⁵ (c. 1600). Queen Gange, the widow of King Bishwa Malla of Bhaktapur, was ably handling the administration of that principality along with her sons. (1560-1613). Rudra Sen, the first King of the principality of Palpa (c. 1513-40), unable to extend his dominions toward the region west of the Kali-Gandaki river, started occupying territories on both banks of that east-flowing river. His son, Mukunda Sen I (c. 1540-75), extended his dominions in the Magar region situated between the Kali and Marsyangdi rivers, and invited Brahmans, Chhetris, and Pahunis to settle there. He also possessed territories in the plains of Butaul. Mukunda Sen I then crossed the Gandaki river at Nawalpur, encouraged settlement in the valley of Makwanpur, and occupied the area from

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the Bariya river to the Kamala river. His five sons partitioned his dominions among themselves after his death. One of them, Bhringi son, obtained the Magar region of Tanahu West of Gorkha. Another son of Mukunda Sen I, Lohanga Sen (C. 1575-1610), took possession of the territories from the Bariya river to the Kamala river, as well as from Parsa to Mahottari. Lohanga Sen intervened in the conflict between the Koch King of Bijayapur and his Limbu minister, and thus occupied Bijayapur. His dominions then encompassed the Kirat region from the Dudhkosi river to Ilam, as well as the plains of Saptari and Morang. Meanwhile, the five small principalities of the Andhikhoḷa area, including Bhirkot, and the slightly bigger ones of Kaski, Lamjung, and Gorkha, were not making much progress.

By the time Rama Shah ascended the throne, population was growing in the region between Lamjung and Gorkha. The Chepe river, north of the confluence between that river and the Marsyangdi, was, therefore, recognized as the boundary. Rama Shah married the daughter of Hambir Sen, son of Bhringi Sen, as his second wife,¹⁶ and recognized the Marsyangdi river as the boundary between Tanahu and Gorkha. He then constructed a fort at Siranchok, to the west of the capital of Gorkha, in order to defend that boundary. It is possible that the King of Lamjung constructed a fort at Raginas across the chepe river in retaliation.

One century before Rama Shah ascended the throne, Rudra Sen had introduced the art of sculpture and inscription on stone in Palpa.¹⁷ It is possible that the Malla King of Parbat had also done so in his capital. The art had been introduced by the Malla Kings of Nepal more than twelve centuries previously, In Gorkha, however, the ancient idol of "Natha", which was regarded as Gorakhanatha, was the only one in existence. Rama Shah, therefore, installed the stone idol of Muralidharanarayana and an inscription near a tank in the valley south of the capital of Gorkha (1614). The area was allotted for temples, and Rama Shah built another temple there during the last year of his life. He seems to have borrowed the art of sculpture and inscription on stone not from Kathmandu Valley but from northern India.¹⁸

The Thakuri Kings who founded new principalities only looked after affairs of state; Brahmans propagated the Hindu religion among Magars and Gurungs. The Magars were converted easily into Hinduism, because they had not adopted the Buddhist faith. However, the Gurungs, who inhabited

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the northern parts of Gorkha, had adopted the Tibetan form of Buddhism from the Lamas of Tibet. Only Gurungs lived in Kaski and Lamjung. They wove rugs and blankets and also cultivated the land. The Gurungs of Warpak were reluctant to accept the domination of the king of Gorkha, because they regarded him as the King of Magars. It was only through their cooperation that salt from Tibet could be exchanged for rice. The Himalayan range situated to the north of the capital of Gorkha is known as Lorke, and the peak as Lorke-Bhanjyang where salt was exchanged for rice. The Gurungs of warpak, situated to the north near the capital of Gorkha, were engaged in the salt trade. They followed the Tibetan form of Buddhism, hence they had religious relations with Tibet. This was the reason why the salt trade was their monopoly. They were reluctant to maintain even trade relations with the Magars of Gorkha. Rama Shah constructed a new route to Lorke along the banks of the Gandi river east of the capital of Gorkha. He extended his dominions to the village of Ruhi across Lorke-Bhanjyang, and thus facilitated the barter trade in salt.¹⁹ Rama Shah then determined the Chepe river, a tributary of the Marsyangdi, as Gorkha's western boundary with Lamjung. The source of the Chepe river was not very far off; hence it is possible that the boundary was not fixed in the Himalayan area above. The Marsyangdi river remained the boundary with Tanahu.

After thus strengthening his position in the west and the South, Rama Shah created new Brahman, Chhetri, and Puhuni settlements in the Magar region up to the Trishul-Gandaki east of the Gandi river. He first constructed a fort at Salyan on the left banks of the Gandi river and installed an idol of Goddess Bhagawati there. He also erected a pillar there and inscribed verses in the Sanskrit language as well as a prose passage in the contemporary Khas dialect of Gorkha.²²

Rama Shah founded Brahman, Chhetri, and Puhuni settlements also in the Magar region of the lower reaches of the Gandi and Trishul-Gandaki rivers up to Devighat. He constructed a fort at Dhading between the Marsyangdi and Trishuli rivers. The fort at Salyan helped Rama Shah to intrude into Nuwakot, which belonged to the principality of Kantipur, as well as to check any invasion from that source. Similarly, the Dhading fort helped him to intrude into the Lamidanda area, which belonged to the principality of Lalitpur, and to check any invasion from that source. It was not difficult to promote

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settlement in Dhading, inasmuch as that was a Magar region. For the same reason, the region east of Salyan up to Samari-Bhanjyang could be settled easily. However, the Syarpas, who inhabited the area east of Samari-Bhanjyang and east of the main route leading to the modern Trishuli Bazaar owed allegiance to the King of Kantipur. Consequently, the district of Dhading at that time extended only up to Phirkyap, South of the Samari-khola river which emerges at Samari-Bhanjyang and joins the Trishuli river. Even then, Rama Shah was able to control the main route leading from Salyantar, situated east of the Gandaki and west of Samari-Bhanjyang, to the Himalayan ranges to the north through the Thaple-Himal.

During the reign of King Mahendra Malla of Kantipur (1560-74), the territories of Lalitpur from Pharping to Lamidanda were under the occupation of Kantipur. Mahendra Malla had allowed the movement of cloth from his principality to Gorkha, Tanahu, and other areas in the hill region. The laws enacted by Rama Shah show that the growing affluence of his principality had prompted him to procure art and architecture from the Malla principalities.²³

However, the artists and architects of the Malla principalities had no desire to harm their own interests by transmitting their skills to others. It was, therefore, proving difficult to cultivate cotton and teach the Magars how to weave cotton into cloth. At that time, Laxminara Simha Malla had succeeded to the throne after the death of his grand father, Shiva Simha. Laxminara Simha Malla's brother, Siddhinara Simha, had formally made Lalitpur a separate principality in 1621. At that time, salt used to be imported through Kutti, near the source of the Sunkosi river, as well as through Kerung, near the source of the Trishuli river. The inhabitants of Lalitpur were allowed a proportionate share in the barter trade or purchase of that commodity. After Lalitpur became a separate principality, it faced the danger that Kantipur might block this trade. Accordingly, the mother as well as the ministers of Siddhinara Simha Malla signed a commercial treaty with Rama Shah which provided that salt could be procured from Gorkha through Lamindanda, if necessary. After the treaty was signed, the King of Lalitpur sent an elephant as a gift to Rama Shah. This was the first time that an elephant had reached Gorkha. Under that treaty, Rama Shah permitted the inhabitants of Lalitpur to settle at Pokharithok and trade there. Many artisans from Lalitpur migrated to Gorkha and started manufacturing cloth. The Magars of Gorkha also learnt that art, sarkis, or leather

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workers, of the Puhuni Community who had settled in Gorkha during the time of Drabya Shah as well as subsequently produced leather goods, while Kamis worked in mines and manufactured metal utensils. Gorkha became more affluent when Newar metal workers settled there.²⁴

The Magars of Gorkha started making progress from the time of Rama Shah. It was during this period that a Magar hermit named Lakhan Thapa made Manakamana a place of pilgrimage. It is true that Gangarama Rana had become head of the Judicial Department during the reign of Drabya Shah. But during Rama Shah's reign Magars began to occupy high-level posts. They were also recruited in the army like Khas-Chhetris. The Gorkhali army was thus based on this Khas-Magar combination.

Khasas and Magars gradually became strong and civilized not only in Rama Shah's Gorkha but also in Tanahu. As a result, one or two years before Rama Shah's death, King Tula Sen of Tanahu crossed the Marsyangdi river with his army and invaded Gorkha, but was repulsed.²⁵

Gorkha was not included in the list of the Chaubisi principalities. The administrative system that Rama Shah introduced in Gorkha continued till the reign of Narabhupala Shah. In the principality of Jumla, the Chautara functioned under the King as his advisor. Rama Shah started the practice of appointing his brother to that post. He also appointed a minister (Kaji) and a general (Sardar). In addition, Rama Shah laid down a tradition according to which members of different families were appointed as treasurer (Khajanchi), steward of the royal household (Kapardar), and Kharidar by rotation.²⁶ Troops recruited on a temporary basis were given some training at the forts of Siranchok, Salyan, and Dhading. The weapons used by them included bows and arrows, khukuris, and swords.²⁷

(To be continued).

Regmi Research (Private) Ltd
Kathmandu: July 1, 1976

Regmi Research Series

Year 8, No. 7,

Edited by

Mahesh C. Regmi.

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal.

Compiled by Regmi Research (Private) Ltd. for private
study and research. Not meant for public sale or display.

Industrial Development in Nepal
1936-57

By

Mahesh C. Regmi.

(First published in mimeographed form in 1957 under the title "Industrial Potential of Nepal").

Chapter 4

Cottage Industry, 1939-50

The establishment of the Nepali Kapada ra Gharelu Ilam Prachar Adda (office for the propagation of Nepali cloth and cottage industries) in the year 1939 coincided with the commencement of the Second World War. This new department was primarily intended to provide handlooms and other tools and implements to workers in cottage industry on sale or installment basis; to advance loans for new ventures; and to set up a sales emporium which should facilitate the speedy and profitable disposal of products manufactured by cottage industry workers. In the initial stage these activities were restricted to the sphere of handloom. The introduction of the flying shuttle at this time into the country must be regarded as a highly significant act.

To a large measure the new policy proved successful. No doubt, a big part of this success can be attributed to the scarcity and high prices of cotton goods during the Second World War, but the hearty and enthusiastic welcome accorded to the activities of the government in connexion with the encouragement of cottage industries in the country amply demonstrated that the traditional spirit of craft industry was not extinct.

Encouraged by the initial success, the government established training centres for handloom weaving and beekeeping. With a view to enabling large sections of the working classes to derive advantage, production centers were opened in Kathmandu and various other places in the hills as well as in the terai for issuing raw cotton and yarn to workers who worked in their homes and received wages on piece basis. A questionnaire circulated late in 1941 in the districts showed a general demand for the establishment of cottage industry centers, and a Training Center was opened in Kathmandu for training instructors for the district centers.

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Things continued in this way up to 1947, when training facilities were extended to accommodate retired soldiers, as well as convicts in jails of Kathmandu. An institute meant exclusively for the training of girls was set up at Manahara, to the east of Kathmandu. About 30 centers were opened around Kathmandu for training and production. Students were sent for training in cottage industries, mainly wool, hosiery, sericulture, leather, pottery, handloom weaving and paper to important centers in India like Kashmir, Bombay, Panipat, Ludhiana, Bangalore, Bhagalpur, Shantiniketan, Wardha and Madhubani. As all this increased activity necessitated a larger expenditure, the annual budget grant was raised from Rs 1 lakh to Rs 3 lakhs.

With the intention of raising the production of handspun yarn, cultivation of cotton was taken up in 1000 ropanis of land each at Lamidanda and Devitar in East No. 1. The Devitar farm contained a sericulture section also. (Government of Nepal, Department of Cottage Industries, Cottage Industries Bulletin (Monthly) Year II, No. 21, January 1948, pp. 3). A new Sales Emporium was also opened at Juddha Road in Kathmandu for the sale of finer varieties of cotton and woolen textiles.

On the eve of the formation of the interim government, the Department had become a large, unwieldy organization, with the major portion of the budget allocation expended in staff salaries. A large percentage of the staff consisted of employees who had been appointed on a temporary basis because the Rana Director-General was not empowered to make permanent appointments without the sanction of the Prime Minister. The peculiar system, under which all expenditure within the budget grant was done by the Director General at his discretion, while the accounts were audited by a Board presided over by himself, inevitably broke down with the change in the administration. Dislocation of the functions of the Department was a natural outcome of the new financial practices and regulations which followed in the wake of the switch over to new administrative techniques, and a large number of centers came to a standstill. The report on the first budget after the inception of the new regime stressed the need for a thorough reorganization of the Department, (Government of Nepal; Nepal Gazette, Vol. I, No. XXXII, Part II, March 1952, pp. 56), but though a few desultory steps were taken towards this end, the unsettled situation hardly proved conducive to any concerted and systematic action on the part of the Government. Before taking up the question of cottage industry in the post-Rana period, however, it may be worth while to attempt to analyze the defects in the old policy adopted during the Rana period for the development of cottage industries and handicrafts in the country.

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Much of the initial success of the government policy, as in the sphere of joint stock enterprise, appears to have been the result of the peculiar circumstances consequent to the outbreak of war. As soon as conditions resumed normally, cracks appeared in the structure.

There is evidence to show that the early stages of government policy were considerably influenced by Gandhian ideas and Indian experiences thereon. The emphasis placed in India on handspinning and handweaving in cotton accordingly brought its influence to bear on the pattern of development of cottage industries in Nepal, and therefore, at least in the initial period, steps taken by the government concentrated on the development of this particular line of cottage industry, and even the agency created to handle the new branch of activity reflected this tendency in its name. What the government seems to have failed to visualise was that though handloom weaving was a traditional Nepali industry, yet in the present circumstances, when a long period of uninterrupted imports of foreign textiles had practically put an end to indigenous cultivation of cotton, the attachment of such importance to handspinning and weaving was unrealistic and not at all conducive to the broadening of the basis for the structure of the new developmental activity.

The fact that the government chose to take up handloom weaving as the main sphere of its activity is suggestive inasmuch as it shows that the underlying desire was more to further a secondary source of supply for scarce cotton cloth than to bring about the sound industrial development of the country in keeping with the existence of natural advantages like the availability of raw materials. The health of the industry naturally depended upon sufficient imports of cotton yarn from India, and when uncertainty about the regularity of this supply led the government to concentrate more on handspun local yarn and to attempt to grow raw cotton indigeneously the result was negative. It is interesting to note that instead of an industry being developed because of the local availability of raw materials, it was the other way round. Raw materials were cultivated to prop up an artificially developed industry.

In a number of cases there is reason to suspect that the indiscriminate establishment of training-cum-production centers all over the country was welcomed by the local people less because it provided a means for the encouragement of cottage

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industries than for the reason that it opened up new avenues for employment in government service. A description of the development of cottage industries during this period seems bound to be restricted to an account of the expansion of the activities of the Department of Cottage Industries.

In a large measure these activities betray a lack of comprehensive understanding of the actual possibilities of cottage industry in the country, leading to an absence of all round coordinated plans. Ignorance of the economic characteristics of the different regions, as well as neglect of the technical aspects of problems in the majority of cases, led sometimes to fantastic results, as when handloom cloth made from handspun yarn in a production center in one Tarai district had to be brought for sale to the Sales Emporium at Kathmandu, while the incidental expenses had swelled the price to more than Rs 3 per yard.

Other defects were perhaps inherent in the overcentralised and exclusive character of the autocratic regime of the period. More stress was laid on security than on economic soundness of the scheme when issuing loans to cottage industry workers with the result that a little less than 50 percent of the loans still remains uncollected. Handlooms were issued on installment basis only on the security of a government officer. Nor did the absence of a definite government policy and the large amount of discretion that the Director General enjoyed help to mend matters. Subsequent attempts at reorganization revealed the source of many of the complicated problems connected with personnel to the personal whims and idiosyncrasis of the man at the helm of affairs of the department.

King Prithvi Narayan Shah

By

Baburam Acharya

Baburam Acharya, Shri 5 Badamaharajadhiraja Prithvi Narayan Shah (The Great King Prithvi Narayan Shah), Kathmandu His Majesty's Press Secretariat, Royal Palace. 4 pts, 843 pp. 2024-26 (1967-69 A.D.).

Chapter I
(Continued)

Rama Shah also laid the foundation of a legal system. The units of weights and measures introduced by him are still followed: muthi, manu, pathi, and muri for grains, and lal, masa, tola, ser, and dharni for metals.²⁸ In norther India, interest was usually charged at two percent every month.²⁹ However, Ram Shah fixed the rate at ten percent on cash loans and twenty percent on loans in kind. He also decreed that on accumulated loans interest should be collected only up to the principal amount on cash loans and twice the principal amount on loans in kind. These arrangements were better than those followed in other principalities; hence Gorkha's peasants, craftsmen, and traders enjoyed more facilities. But there is no evidence that these arrangements continued after Rama Shah.³⁰ Rama Shaha had great love for Sanskrit literature and regularly studied religious and other works in that language. Accordingly, the Brahmans of Gorkha appear to have acquired considerable scholarship during his thirty-year rule.³¹ King Rama Shah died at the age of fifty one after making Gorkha prosperous in this manner.³²

Rama Shah's successors were Dambar Shah (1636-42), Krishna Shah (1642-58), and Rudra Shah (1658-69). Dambar Shah was a weak ruler. During the last days of Rama Shah, Laxminara Simha Malla was King of Kantipur. Taking advantage of Laxminara Simha's weak character, his son, Pratapa Malla, had assumed full control of the administration. King Siddhinara Simha

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Malla of Lalitpur built the famous Krishna temple. King Dambar Shah of Gorkha was invited to attend the consecration ceremony. He therefore proceeded to Lalitpur through Lamidanda on an elephant along with his retinue. It was at that time that Pratap Malla occupied some forts belonging to Lalitpur, raided Dambar Shah's camp, and confiscated his elephant³³ (1637). Four years later, Pratap Malla (1641-74) dethroned his father and declared himself King.³⁴ Because intranquillity was prevailing in Tibet, Pratap Malla was able to occupy Kerung.³⁵ Four years later, the rule of the first emperor of the Ching dynasty, Hang Tai Shi, was established in China, and the rule of the Dalai Lama was established in Tibet. Pratap Malla's relative and Bhardar, Bhima Malla, made the principality of Kantipur an entrepot for trade between Tibet on the one hand and Bihar and Bengal on the other. As a result, the King, as well as the traders and artisans of Kantipur, became rich. But Pratap Malla could not establish friendly relations with Gorkha³⁶.

No important event took place during the reign of Krishna Shah and Rudra Shah³⁷ Aurangzeb (1658-1707) became Emperor in India in the same year when Rudra Shah had become King.³⁷ He abandoned the traditional policy of Hindu-Muslim amity, which had been introduced by Akbar. War broke out everywhere as a result. This gave rise to fear among the principalities of the Himalayan region.

After Rudra Shah, his son, Prithvipati Shah, became King of Gorkha (1669-1716). He appointed his brother, Madhukara Shah, as Chautara. In the meantime, a civil war broke out in the royal family of Vijayapur. Raghava Sen was King of Vijayapur when Rama Shah was King of Gorkha, and Harihara Sen became King after Raghava Sen's death. The Mughals under Aurangzeb defeated Harihara Sen in 1664, and took away with them some elephants and money as tribute.³⁸ During the old age of Harihara Sen, his son from his youngest queen, Mahakumara Shubha sen, had become regent in Makwanpur.

Chhatrapati Sen, son of Harihara Sen from his eldest wife, and his three brothers agitated in favor of partitioning the principality. Harihara Sen, therefore, designated Vidhata Indra Sen, son of Chhatrapati Sen, as his heir, and partitioned his principality into two, with the Koshi river as the boundary between the two parts. (c.1670-72). Harihara Sen and Vidhata

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Indra Sen remained in Vijayapur, their capital. Shubha Sen founded the new principality of Makwanpur, with Makwanpur as his capital. He declared himself King after the death of his father.³⁹

Pratap Malla must have tried to mediate in the internal dispute in the Vijayapur royal family, because the four sons of Harihara Sen were his relatives. However, it does not seem that he took part in any fighting. The King of Lalitpur, Sri. Srinivasa Malla (who was the son of Siddhinarasimha Malla) had taken part in the war along with King Prithvipati Shah of Gorkha, King Digvijaya Sen of Tanahu, and King Jagat Prakasha Malla, of Bhaktapur. He had thus helped Shubha Sen to establish his rule in Makwanpur.⁴⁰

Shrinivasa Malla ruled in Lalitpur during the last period of Pratap Malla's rule in Kantipur, and friendship between Gorkha and Lalitpur had continued. After the death of Pratap Malla, who was opposed to the Gorkhalis, Shrinivasa Malla established Nripendra Malla as King of Kantipur (1674-1680), the real heir, and step-brother of Mahiptendra, whom Pratap Malla had illegally declared his heir. Prithvipati Shah established friendship with Nripendra Malla by exchanging turbans on the occasion of the Vijaya Dashami festival in 1678 in the presence the nobility of Lalitpur and Bhaktapur at Mahanchowk in the royal palace of Kantipur.⁴¹

During the period of tranquillity, Prithvipati Shah erected his statue in front of a temple which he constructed at Pokhari-trok below the Gorkha palace (1680).⁴² After the death of King Nripendra Malla of Kantipur, his step brother, Parthivendra Malla, became King. 1680-1687).⁴³

The prestige of the King of Lalitpur, Shrinivasa Malla, was at its height in 1682, thanks to the efforts of his minister, Chautara Bhagiratha Bhaiya. The customs outpost of Makwanpur in Sindhuli-Madi, which was situated on the route to India from Kathmandu Valley, used to levy taxes on goods exchanged between Kathmandu Valley and India.⁴⁴ It was necessary to remove that outpost. There were also large numbers of elephants in the forest of Makwanpur, and the Malla Kings, as well as the Kings of such hill principalities as Gorkha and Lamjung, were keenly interested in elephants. Shrinivas Malla, in consultation with Bhagiratha Bhaiya,⁴⁵ assembled the King Keharinarayana Shah of Lamjung, King Prithvipati

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Shaha of Gorkha, King Jitamitra Malla of Bhaktapur and King Parthivendra Malla of Kantipur at a conference in Lalitpur. They then proceeded to attack Makwanpur along with their troops and ministers in the beginning of November 1682. The chief minister of Kantipur, Chautrara Devidasa, also accompanied the invaders.

The Chautara of Lalitpur Bhagiratha Bhaiya, the Chautara of Bhaktapur, Deekhiya, and the minister of Kantipur, Vamshidhara, remained in their respective capitals, because their kings had left for the war. The troops of the King of Tanahu, Digvijaya Sen, repulsed the aggression when the King of Makwanpur, Shubha Sen, asked for his help.⁴⁶ Shrinivasa Malla was forced to return via Pharping, along with the minister of Makwanpur, Jagasimha Baniya, who had been captured in the war at the middle of February 1683. Shrinivasa Malla then organized a confederation of the Kings of Lalitpur, Bhaktapur, Kantipur, Gorkha, Lamjung, Palpa, Bhirkot, Rising, and Ghiring in order to contain the power of Shubha Sen and Digvijaya Sen. He released Jagasimha Baniya in order to lessen tension with Makwanpur. The Kings of Gorkha had never joined any bloc previously. Prithvipati Shah had done so for the first time.⁴⁷

The King of Kantipur, Parthivendra Malla, and the King of Bhaktapur, Jitamitra Malla, as well as the son of Shrinivasa Malla, Yoga Narendra Malla, were not happy with the growing influence of Bhogiratha Bhaiya. Hence Shrinivasa Malla crowned Yoga Narendra Malla, as King at the function to which he had invited the Kings of Kantipur and Bhaktapur (1685-1706).⁴⁸ Shrinivasa Malla then began to live outside the capital as a recluse. The prince of Kantipur, Mahiptendra Malla, who had been deprived of his right as heir to the throne, had fled detention by Laxmi Narayana Joshi in that year, and had taken refuge with Yoga Narendra Malla. Yoga Narendra Malla did not hand him over to Parthivendra Malla when the latter demanded his extradition, and this resulted in a feud between the two kings. (1685).⁴⁹

Regulations for Chowkidars in Tarai
Districts

In 1989 Vikrama (1932 A.D.), Prime Minister Bhim Shumshere promulgated regulations defining the functions and conditions of service of Chowkidars or watchmen in each village of the Tarai region. These regulations are available in printed form. A summary is given below:-

1. Chowkidars shall try to prevent crime as far as possible. In case a crime is committed in their presence, they shall apprehend the criminal with the help of Chowkidars of other villages, as well as of the local Jimidar and Jethraiyyat, if necessary, and hand him over to the police station. If it is not possible to apprehend criminals in this manner, Chowkidars shall report the crime to the nearest police station.

The crimes regarding which Chowkidars shall take action under this section include murder, burglary, dacoity, rape, poisoning, arson, rioting, Kidnapping of children, counterfeiting of coins, cow slaughter, and highway robbery.

2. Chowkidars shall check minor riots and disturbances in the village. They need not arrest anyone in such cases. In case weapons are used, and loss of life occurs or is apprehended, the concerned persons shall be apprehended under Section 1 and handed over to the police station.
3. Cases of suicide shall be reported immediately to the nearest police station. Chowkidars shall also arrest criminals under warrants issued by government offices.
4. Chowkidars shall keep track of strangers who visit the village. If these persons appear to be of bad character, they shall send reports to the Jimidar and the police station.
5. Chowkidars shall ascertain how people who are under surveillance in the village are employed, and whether or not they stay at home in the night. No action need be taken if such people present themselves at (the prescribed government office) regularly and stay at home. In case they do not do so, but indulge in criminal activities, Chowkidars shall report the matter immediately.

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6. Chowkidars shall report the following immediately to the police station: deaths resulting from fire accidents, outbreak of epidemic diseases, poisoning of cattle, etc. Doubtful articles shall be sequestered, and the matter reported immediately to the police station.
7. Chowkidars shall patrol the village regularly at night, and report to the Jimidars and other villagers if any burglary or dacoity is apprehended.
8. Jimidars shall direct Patuwaris to maintain records of births and deaths in the village. The Chowkidar shall transmit their records to the police station.
9. Criminals who have escaped from jail shall be apprehended and handed over to the police station.
10. Necessary assistance shall be given to check crime or apprehend criminals in other villages. Similar assistance may be sought, if necessary.
11. Chowkidars shall wear the official uniform (a blue turban, coat, a leather belt, and a spear) while traveling anywhere on official duty.
12. In case the local jimidar refuses help in checking crime or apprehending criminals, assistance may be obtained from others. Chowkidars shall then report the names of such defaulting jimidars to the police station and the district headquarters office.
13. Timber smugglers shall be apprehended and handed over to the Amini office through the police station and the district headquarters office. Chowkidars shall be granted a commission from the sale proceeds of the timber seized by them from smugglers.
14. Jimidars and other influential persons in the village shall be apprehended in case they commit any crime as mentioned above and handed over to the police station. Assistance may be sought for this purpose from the police station if necessary.
15. With effect from the year 1986 Vikrama (1929 A.D.), materials for the Chowkidar's turban and coat shall be provided by the government every year, and a leather belt every ten years. The Chowkidar shall himself procure a dhoti and a spear. In birta villages, these materials shall be provided by the birtaowner.

16. Chowkidars shall be paid a remuneration of Rs 1½ each month through the Jimidar, in addition to the customary payments from cultivated lands in the village. These payments shall be made through birtaowners in birta villages.
17. The jimidar may use the Chowkidar's services for official business as well as for guarding remittances to the revenue office, but not for the jimidar's personal court,
18. officials of the police station or the district headquarters office shall check whether or not the Chowkidar is performing his duties regularly. If not, the Chowkidar may be fined with four annas for the first offense, eight annas for the second, and twelve annas for the third. He may be dismissed for any subsequent dereliction of duty.
19. The Chowkidar shall be punished according to the law and regulation, or else at the discretion of the appropriate authority, in case he commits any irregularity and harasses the local people.
20. The district headquarters office shall maintain records of cases in which Chowkidars have been able to apprehend criminals, and refer such cases to the center. The services of such Chowkidars will be duly appreciated.

Corrigendum

Regmi Research Series, Year 8, No. 5, May 1, 1976, p. 82. The dates when the 1963 Legal Code was amended are as follows:-

First amendment	-	October 2, 1964
Second amendment	-	September 27, 1967
Third amendment	-	October 25, 1968
Fourth amendment	-	August 26, 1970
Fifth amendment	-	October 6, 1974
Sixth amendment	-	December 19, 1976

Order Regarding Revenue Collection
in Olangchung-Gola

Baisakh 29, 1964.

Gowa Lande Bhote, who had been granted a contract for the collection of revenue at Olangchung-Gola, submitted the following petition:-

"Taxes and levies due from the inhabitants of five villages in the Olangchung-Gola area had been remitted in consideration of the obligations imposed on them to construct tracks and roads, maintain 500 yaks, and provide one laborer from each household. In view of this remission, the value of the contract for the collection of revenue at Olangchung-Gola had been reduced by Rs 2,000. The inhabitants of these five villages had stipulated that in case the contractor did not agree to these arrangements, they would themselves undertake liability for the payment of the amount of the contract.

"Subsequently, the contractor, Bajahang, was unable to fulfill his contract and therefore relinquished it. The inhabitants of these five villages then stipulated that they would complete the arrears of payment within two years. Because we are illiterate, we failed to understand that the former contractor had stipulated full payment within three years. At current market prices, the value of the commodities due was calculated at Rs 26,037 and four annas.

"Because salt obtained from the plains is dear in the hills, whereas foodgrains are dear in the Darjeeling area, foodgrains from the hills are exported to the Moglan (India). However, the food on the Tamor river at Phembu has been washed away and trade has come to a stop. We have therefore paid Rs 12,460 and eight annas as the first installment. We now pray that we be allowed to make payment for commodities at the usual rate in three annual installments as follows:-

Jestha	1964	-	Rs 8,500.
Jestha	1965	-	Rs 8,500.
Final installment		-	Rs 9,037 and 4 annas.

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When this petition was referred to (the Prime Minister), he ordered that the time-limit be extended by one year. It was subsequently extended by two more years for the purpose of collection, and rice was converted into cash at thirteen manas per Indian rupee.

Copper Mining in Lamjung

Baisakh 31, 1964.

Sen Bahadur Gurung had obtained a contract for operating a copper-mine at Archale in Lamjung district for a three-year period beginning Aswin 10, 1961. The amount of payment he had stipulated was Rs 1,301 yearly. The total payment due for the three-year period was thus Rs 3,903.

Sen Bahadur Gurung was unable to pay the amount in full. Arrears amounting to Rs 1,908.65 accumulated. Action was therefore, initiated to recover the amount from Sen Bahadur Gurung and his sureties.

Meanwhile, no other person offered to take up the contract. Consequently, the government was left with no alternative but to operate the mine through salaried employees under the Amanat system.

The order directed the Rakam Bandobast Adda to (1) appoint necessary employees to operate the mine in such a manner that the salary bill did not exceed ten percent of the total income, because Section 7 of regulations promulgated for the Rakam Bandibast Adda prescribed this ceiling for operating expenses under the Amanat system in those cases in which the total income did not exceed Rs 5,000, (2) obtain a statement from Sen Bahadur Gurung of the villages and households assigned to the mine, as well as the taxes and levies customarily collected from them, countersigned by the local dware, thari, mukhiya, and jimmawal.

Order Regarding Collection of Chaudhari Levy in Dapcha

Magh 10, 1966.

In Dapcha (East No. 1 district) a levy known as the Chaudhari Rakam was collected on Newar households at the rate of ten annas each.

The rate had been prescribed through a court decision in 1908-09. A contract for the collection of this levy in fourteen villages of Dapcha was granted to Balabhadra Padhya. He appointed Ram Nath Shrestha as his agent to collect the levy.

Ram Nath Shrestha complained that he had been prevented from collecting the Chaudhari Rakam by the East No. 1 Mal Office as well as by the person who had obtained a contract for the collection of taxes in villages assigned as jagir to General Babar Shumsher Jung Rana Bahadur.

The complaint finally reached the Muluki Adda through the Pahad Bandobast (Report Phant). It made the following decision, which was approved by the Prime Minister, Chandra Shumshere:

"The Chaudhari Rakam in these fourteen villages has been assigned as jagir; the contractor can have no claim on revenue from this source."

(source: Regmi Research Collections (Miscellaneous)).

The Population of Patan

Source: Regmi Research Collections (Miscellaneous).

In 1911 Vikrama, (1854 A.D.) Patan and its sub urban areas had a total population of 29,964, including 15,502 men and 14,462 women. The population of the town itself was 28,714, including 14,809 men and 13,845 women. The entire suburban area between the Nakhu and Bagmati rivers had a population of 1,250 only, including 633 men and 617 women.

The number of houses was as follows:-

	<u>Tile</u>	<u>Thatch</u>	<u>Total</u>
Town	4,797	840	5,637
Suburban areas	44	189	233
	<hr/>	<hr/>	<hr/>
	4,841	1,029	5,870

The Number of shops selling different goods was as follows:-

Cloth	-	42	Kashmiris	-	7
Cotton	-	32	Bangles	-	2
Groceries	-	184	Milk	-	4
Sweetmeats	-	9	Curd	-	17
Metalware	-	6	Goats	-	1
Tobacco	-	5	Liquor	-	37
Caps and bags	-	7	Caps and bags	-	7
Betel	-	3	Brokers (Faubanjar)	-	36
			Soap	-	5

In addition, there were forty-two establishments run by Banias and seven by Kashmiris as well as thirty six brokers' houses.

On Disciplinary Matters^x

(Abstract Translation)

(Continued from the June 1976 issue of the Regmi
Research Series)

16. Officers and employees of offices or courts throughout the Kingdom who are responsible for dispensing justice shall refrain from accepting or acquiring any house or land in any manner in their own name, or in the name of any of their relations or servants, any involved in a dispute relating to such property after the case is disposed of and while they remain posted in the concerned district. They shall not accept or acquire property in this manner even after they have been transferred to another district or dismissed, unless two years have elapsed after they have ceased to work in the concerned district.

In case any such officer or employee is found to have accepted or acquired property in contravention of this provision, the transaction shall be invalidated and action shall be taken as follows. Acceptance or acquisition of such property after the expiry of two years (from the date of transfer or dismissal) shall be valid.

1. In case the property involved in the transaction is Birta or otherwise tax-free, it shall be confiscated, converted into Raikar, and duly allotted to any person willing to cultivate it subject to the payment of taxes or rents according to the law. If the transaction has involved the payment of money, it shall be forfeited.
2. In case the land accepted or acquired in this manner is Raikar, Raj Guthi, etc the amount involved in the transaction shall be forfeited, the land shall be confiscated, and disposed of according to the law.

^xGovernment of Nepal, "Adalko" (On Disciplinary Matters). Muluki Ain (Legal Code). Kathmandu: Gorkhapatra Press, 2012 (1955 A.D.), Pt.5, pp.1-22).

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3. In case (the officer or employee) has not acquired title to the property, but has only taken it up on mortgage, the original owner's title thereto shall be retained, and the property need not be confiscated. The loan shall be recovered from the debtor, and then forfeited. In case the debtor fails or refuses to repay the loan within six months after he is ordered to do so by the appropriate officc the land shall be auctioned, the loan shall be realized from the proceeds of the auction and then forfeited, and the balance shall be refunded to the land-owner. The land shall then be registered in the name of the person who purchases it at the auction.
4. Because the amount involved in the transaction will be confiscated in consideration of the controvention of the law, no further punishment need be inflicted.
17. In case any civil or military officer or employee attends any formal ceremony or any other function without wearing the outfit appropriate to his rank or status, so that he cannot be identified, no order or command issued by such person shall be obeyed. In case such officer or employee inflicts or seek to inflict punishment on any person on the ground of disobedience, he shall be punished at the discretion of the Prime Minister. In case any person shows disrespect to him while he is going to attend to any function without wearing the outfit appropriate to his rank, no complaint filed by him to this effect in the capacity of a person of status shall be entertained. His complaint shall be accepted as if he is an ordinary citizen.
18. No government servant shall be permitted to dispose of cases relating to Birta, Jagir or Khuwa lands other than those belonging to him, nor shall he be allowed to function as Amali on Birta, Jagir or Khuwa lands belonging to others. Persons who are already functioning as Amali on lands belonging to others shall not be given government service unless they cease to function in that capacity. In case any person becomes an Amali on Birta, J or Khuwa lands belonging to others or obtains a position in the government without ceasing to function as Amali, his government post or his position as Amali, whichever was obtained later, shall be terminated.

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and in addition he shall be fined with twenty rupees. But in the case of government servants functioning as Amalis or Amalis functioning as Jagirdars prior to the enforcement of this law, their government post or position as Amali need not be terminated until the expiry of the stipulated period.

19. In case the inhabitants of any village come to the center with the complaint that the Talukdar or any other person is harassing them, or that the services of such person are not acceptable to them, the center shall investigate into such complaint. In case the complaint is found to be correct, the matter shall be represented to the Prime Minister. Such person, as well as his wife and sons living in an undivided family, shall be evicted from the area, and their lands shall be registered in the name of a relative living in the undivided family. In case persons who have been so evicted are found to have been permitted to resume the land, the entire undivided family shall be evicted, and the house and garden shall be confiscated. A report shall be submitted to the center before evicting any person in this manner.
20. No person (belonging to a higher caste) shall smoke tobacco through a narghile touched by a person water touched by whom requires purification through the sprinkling of holy water. No person (belonging to a higher caste) shall smoke through a narghile in the company of a person of inferior caste, irrespective of whether the narghile belongs to him, or whether he has or has not poured water thereinto himself. Nor shall he take betel and nut in the company of such person. Otherwise, he shall be deemed to have committed an impure act.
21. Jimidari holdings, and Raikar lands in the Tarai, and in the hill regions which have been sold, gifted, donated or otherwise alienated by the subjects of our country to aliens before Poush 27, 1978 Vikrama, Poush 10, 1982 and Magh 1, 1987 respectively, shall be confirmed as valid. Transactions in lands (of all these three categories) effected after Magh 1, 1987, shall be approved subject to the following conditions. If such transactions have been effected without approval, action shall be taken according to the following provisions:-

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- (1) In case the subjects of any foreign country come for settlement in Nepal and reclaim and cultivate lands as ryots of the Nepal government, they shall be permitted to do so, and the lands thus reclaimed and cultivated by them shall be registered in their names. Persons arranging of lands may also allot lands to such aliens. Ryots reclaiming lands in this manner shall be entitled to register other lands also in their own names five years after such reclamation. But they shall not be entitled to apply for or be granted the position of Jimidars or Talukdars by virtue of possession of lands in this manner. Officers appointing such aliens as Jimidar or Talukdar shall be deemed to have committed an offense.
- (2) In case any foreigner applies for permission to open a shop in the area where the government has opened a state-operated market, the local Bada Hakim may allot a maximum of two bighas of land to him subject to the payment of Bahal Bitauri levy as provided for in regulations relating to the market. In case the land required by such applicant belongs to another person, the applicant shall be allowed to purchase such land up to a ceiling of two bighas. Foreigners acquiring lands in the market area may sell the same to persons indicated in the different clauses of this section, or to Nepali / In case they do not find any one from among such persons willing to purchase their land, and have, therefore, to sell the same to aliens, they shall notify the government accordingly, and act as directed. /nationals.
- (3) Even aliens who, on completion of one year after their stay in our borders, submit an application for permanent residence as subjects of the Nepal government, and obtain permission to do so, shall be entitled to purchase Birta or Raikar lands, houses, shops, and Jimidari or Talukdari holdings, and sell the same, subject to Clause (2) above.
- (4) Children born to aliens after they have settled down in the territories of the Nepal government shall be deemed to be subjects of the Nepal government. After Falgun 1, 1993, such children shall not be entitled to transact in Jimidari holdings, houses, shops, or Birta lands within Nepal territory until they have attained the

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age of sixteen years. They shall be permitted to purchase, sell, accept or gift such property after they have attained the age of sixteen years. They shall be allowed to sell or otherwise alienate such property only to persons mentioned in the different clauses of this section, and to other subjects of the Nepal government. In no circumstances shall they alienate such property in favor of residents of a foreign country.

- (5) The purchase or acceptance as donation or gift of Raikar or Birta lands, Jimidari or Talukdar holdings, or houses or shops by children born to subjects of Nepal while they are staying abroad, other than those who have been banished, shall be valid, provided such children have settled in Nepal.
- (6) In case any person who has acquired lands or Jimidari holdings in accordance with the preceding clauses, or who has acquired lands or shops prior to the promulgation of this law, die without any heir, and in case any of his coparceners living abroad who are aliens claim inheritance rights to such property, they shall be entitled to have ownership thereof transferred to them and possess the same subject to the payment of taxes and levies, provided that they shall settle in Nepal as subjects of the Nepal government in accordance with the provisions of the preceding clauses. They shall not be allowed to possess the lands while living abroad. But they shall have the right to sell the inherited property to persons indicated in the preceding clauses and to Nepali subjects, and to remit the proceeds in cash to their country. Any coparcener claiming inheritance rights to the property of the deceased shall be permitted to have his claim cleared only if he submits an application within three months from the date of issue of a notice by the concerned office, or of affixature of a notice at the residence of the deceased. Such property shall be regarded as escheat under the law relating to inheritance if no claim is put forward within three months.

(To be continued)

Regmi Research (Private) Ltd
Kathmandu; August 1, 1976

Regmi Research Series

Year 8, No. 8,

Edited by

Mahesh C. Regmi.

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal

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Industrial Development in Nepal
1936-57

By

Mahesh C. Regmi

(First published in mimeographed form in 1957 under the title "Industrial Potential of Nepal").

Chapter 5
Recent Developments

The interim Government was compelled forthwith to face formidable problems in the sphere of industry as a legacy left by the previous government. Moreover, the strikes in the Biratnagar mills connected with the political disturbances which had helped the new government to come into power, had created new problems.

The first action of the new Government in the sphere of joint stock industry was to convene an Industrial Conference at Kathmandu, in which the Minister for Industries and Commerce, Ganesh Man Singh, outlined a program for the establishment of an Industrial Finance Corporation, together with other measures designed to help industry. No concrete results however emerged from the conference. It was about this time that the new Companies Act drafted by the previous government was put into operation.

Attempts in the sphere of cottage industries during the early days of the interim government to effect a thorough reorganization of the Department of Cottage Industries proved abortive mainly because of the failure of the authorities to agree on the fundamentals of a new policy. Though the Government recognized that "owing to the hilly feature of our country, the cottage industries will have a very important place in our economy", (Government of Nepal, Department of Publicity: "One year of democracy", May 1952, quoted in Y.P. Pant; Planning for Prosperity, pp. 72), yet very little was done beyond the expression

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of pious hopes and intentions. Similarly, on April 1954, the Prime Minister, Matrika Prasad Koirala, announced a 40 point program of development, which also included the development of village industries and the establishment of industries for increased employment, (K.P. Srivastava: Nepal Ki Kahani, pp. 200-201), but this was all what the country ever heard in the matter.

Meanwhile a significant change in the situation took place in 1953 when the Ford Foundation came forward with a grant of \$100,000 for the development of cottage industries in Nepal. A survey of small and cottage industries in the valley of Kathmandu was taken up conjointly with the Government of Nepal, and the Department of Cottage Industries emerged under the new appellation of Tribhuvan Rural Development Department. Recently however, it has been again organized as a separate entity.

The most important measure adopted by the Government in recent years has been the framing of the Draft Five Year Plan for the national development. This attempt at planning does not however seem to have been the first one. Just before the out break of the Second World War, the Rana Prime Minister, Juddha Shumshere, had announced a 20-year plan, (Y.P. Pant: Planning for Prosperity, pp. 15) which presumably was dropped because of the exigencies of the war situation. On October 31, 1949, Mohan Shumshere set up a National Planning Committee which was entrusted with the task of preparing a 15-year plan for the economic development of the country (Ibid, pp, 15-16). With the formation of the Interim Government, however, the National Planning Committee, which never appears to have been taken seriously, became defunct.

On October 9, 1955 King Mahendra issued a Royal proclamation regarding the necessity of a Five Year Plan for Nepal for attaining national self-sufficiency and establishing a welfare state. The Draft Outline of the plan was published, followed by the publication of the synopsis of the Draft Five Year Plan on September 21, 1956. "The Draft Five Year Plan for Nepal aims to present in outline a practical program for economic and social development upon which all elements of the population can unite with confidence and enthusiasm." (Government of Nepal, Ministry of Planning)

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and Development, Draft Five Year Plan, A synopsis, pp. 1). In the sphere of industries, the general objectives, "will include a revival and expansion of cottage industries selected on the basis of their quality and capacity to survive; encouragement to private savings and investment in productive enterprises, and of foreign capital under appropriate safeguards, assistance to existing industries requiring help when there is a basis for reasonable confidence in the future soundness of the enterprises; intensification of surveys and research essential to wise planning; fostering technological training, technological advances in production, and a discriminating use of foreign technical aid; a broadening of the channels of communication and understanding between Government and Industry; study and recommendations on needed legislation; and the maintenance of close working relations among all departments of the Government concerned directly or indirectly with problems relating to industrial development." (Ibid, pp. 55). However, "Specific objectives and targets will be set only after surveys and research provide the data essential for making such determinations in regard to specific industrial plants." (Ibid, pp. 55).

The Draft Plan also envisages the division of the industrial sphere into two sectors, public and private. The problem will however be approached from a practical rather than a theoretical or doctrinaire standpoint. "Our aim is a mixed economy, with government ownership and operation where this is clearly needed in the public interest, or where private capital is unable to launch an urgently needed and sound enterprise But it is not proposed that Government shall undertake, with its already heavily taxed personnel and financial resources, the burdens of investment and management when private interest, which should carry a substantial share of new investments, are able to do the job as well or better. In such cases, the policy of the Government will be to encourage private initiative in developing a diversified pattern of industrial production - by assuring opportunity for a profitable return upon investment, by providing information and guidance when feasible, and by exercising only such regulatory authority as may be needed to protect the

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interest of the community as a whole. At the same time, it is proposed that the Government shall take steps to improve the "climate" for investment through such measures as tax revisions and currency stabilization." (Ibid, pp. 7-8).

Tentatively, priority consideration will be given to industries for the production of cement, forest, products, sugar, textiles, cigarettes, iron. (Ibid, pp. 55).

In the sphere of cottage industries, the plan envisages the creation of training-cum-production centres in different parts of the country, at least one each year, to develop and improve designs, quality production, and skills. There is provision for small loans to be made to trainees to start their own operations on an individual or cooperative basis, and sale of tools and machines on instalment payment terms. Help will also be provided to them in procuring raw materials economically and marketing their finished products. (Ibid, pp. 55-56).

Other measures for the encouragement of the industrial development of the country mentioned in the Draft Plan are the establishment of an Industrial Research Bureau, the main purpose of which will be to collect and analyse information and then pass it on to Government and to private firms for necessary action; the training of technical and other personnel; the establishment of a Government sponsored financing corporation for the making of industrial grants or loans in suitable amounts, and with safeguards until they can become wholly self-supporting; the framing of conditions for the participation of foreign capital in the development of the country, and the appointment of a Royal Commission to frame revisions in the Company Act and to develop suitable modern labor legislation. (Ibid, pp. 56/57).

In accordance with these objectives, a Cottage Handicraft Sales Emporium has been recently set up with a capital of Rs 10 lakhs, out of which the Government is to subscribe half. The objects are the introduction of new designs, the popularisation of local products in foreign markets, the provision of raw materials, tools and short-term loans to workers, the sale of private manufactured products as well as those manufactured in the training cum production centers of the Department of Cottage Industries, the registration of workers against wastage, to industries requiring some transitional financial assistance

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organizations, and the dissemination of industrial information. This Emporium will come under a Cottage, Rural and Small Scale Industries Training and Development Committee set up under the Development Committees Act. In addition, capital for development is to consist of RS 5 lakhs, out of which government contribution will be one-fifth. A further amount of RS 2 lakhs has been provided by the Government for training. (Nepal Gazette, Volume VI, No. XVI, Part IV, August 1956 and No. XXX, Part IV, November 1956).

The Department of Cottage Industries has made considerable expansion with financial and technical aid furnished by the Ford Foundation. The activities of the Department are in the main concentrated in training, production, marketing of cottage industry products, loans, and survey and research. The main unit of the Department at Tripureshwar in Kathmandu has arrangements for training and production in carpentry, cane and bamboo weaving, woollen spinning and weaving, cotton spinning and weaving, pottery, sericulture, leather, dyeing and printing, manufacture of curio goods, carpet-making, paper-making, hosiery and block-making. There are at present about 400 trainees in the Department. A sales Emporium has been set up at Bhotahiti in Kathmandu. Loans are issued half in cash and half in materials to workers in cottage industry. In addition, there is an Artisan Aid Fund out of which machines, raw materials, and other requisites are supplied to trained people to enable them to work at home. German and Japanese technicians are also being obtained under the Ford Foundation Program.

The Survey and Research Section has deputed survey teams to Pokhara, Dadeldhura, Kailali, Baglung, West No. 1, Dhankuta, Namche Bazaar, Dolakha, Ramechhap, Rumjatar, Chautara, and the Rapti Valley to report on the existing industries, types of raw materials available, and the possibility of establishing training cum production centers and sales emporia. Of special importance is the fact that specialists working in the department have designed the Mahendra Charkha, which can be used to spin yarn straight from unreeled cotton, as well as an automatic handloom.

Branches of the Department have been set up at Jumla and other places.

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It is reported that recently Rs 55,000 has been sanctioned by the Government to train cottage industry workers in wood, iron, textiles, and other industries. The trained workers will be deputed to set up training-cum-production centers in the districts. (Gorkhapatra, May 31, 1957). Necessary expenses are being met by the Ford Foundation for the establishment of four Cottage Industries Training Centers in the country.

Rs 80,000 has been sanctioned by the Government for training the orphans in the different orphanages in the valley in cottage industries. Arrangements have been made to train 30 students from the districts and 5 from the valley in the cotton and woollen spinning and weaving industries, carpentry, leather, dyeing and printing, hosiery and so on as instructors for the establishment of district centers. (Gorkhapatra, July 5, 1957).

Aid from foreign Governments in the development of industry in Nepal has been an important feature in recent years. Of special interest is the aid received from the United States and the establishment of the Nepal-American Industrial Cooperative Service. Aid has also been received from China, and it is reported that she will help Nepal in establishing cement and paper industries. A technical delegation from India visited Nepal in April 1957, to advise the Government on this matter. The Government is understood to be taking steps to start saw mills, cement, iron, sugar, match, and paper industries. Licenses have already been issued to two bone-meal crushing factories at Kathmandu and Ghiraiya. (Weekly "Lokvarta", May 21, 1957).

King Frithvi Narayan Shah

By

Baburam Acharya

Chapter I
(Continued)

With the objective of isolating Yoga Narendra Malla, King Parthivendra Malla invited King Jitmitra Malla of Bhaktapur and King Frithvipati Shah of Gorkha to Kantipur with due honor and concluded an alliance with them⁵⁰ (January 1686). He thus sowed the seeds of discord with the King of Lalitpur.

Parthivendra Malla was poisoned by his queen and Laxmi Narayan Joshi in 1687. During the disturbances that ensued, many innocent Bhardars and their wives and infant children, as well as many Khas officers, were killed. Bhupalendra Malla, son of wicked queen, was then crowned King (1687-1700). Laxmi Narayan Joshi was able to control King Jitmitra Malla of Bhaktapur until his assassination in 1690. Frithvipati Shah was thus isolated.

While Frithvipati Shah was thus isolated, Keharinarayana Shah, King of Lamjung, despatched his troops to occupy Liglig, which Lamjung had long been coveting. Liglig was situated on Gorkha's side of the border with Lamjung. Gorkha's troops were no weaker than the invading Lamjung forces. Frithvipati Shah sent troops under the command of his own son, Ranashardul Shah, and forced the Lamjung troops to retreat from Liglig (c. 1693).

The daughter of Keharinarayana Shah was married to Kamarajadatta Sen, a son of King Digvijaya Sen of Tanahu. Digvijaya Sen's two sisters were married to Birabhadra Shah, heir to Frithvipati Shah. It was, therefore, natural to expect that Digvijaya Sen would bring about a reconciliation between Lamjung and Gorkha. But actually, the quarrel between the two States appears to have given rise to a rift within the Gorkha palace itself.

Frithvipati Shah had twelve sons from six wives. Ranashardul Shah was the ablest of these sons. He was, therefore, the favorite of both his father and his brothers. This made Birabhadra Shah, heir to Frithvipati

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Shah, jealous of Ranashardul Shah. Noting that his elder brother was needlessly feeling jealous of him, Ranashardul Shah became unhappy and later committed suicide.

This incident led to ill will even between Frithvipati Shah and Birabhadra Shah. Birabhadra Shah then developed a sense of repentance. In the meantime, his friend, Bhupatindra Malla, had become King of Bhaktapur. Birabhadra Shah went to Bhaktapur to have peace of mind. He lived there for some time as a guest of his friend. However, the bad climate of Bhaktapur did not prove congenial to Birabhadra Shah, who had grown up in the healthy climate of Gorkha. He became seriously ill, and rushed back to Gorkha. He died at Arughat on the banks of the Gandi⁵¹ (c. 1697).

Before leaving for Bhaktapur, Birabhadra Shah had sent his two wives to their parents home. Mallikavati, the second wife, was pregnant at the time. She gave birth to Narabhupala Shah shortly after the death of Birabhadra Shah. When the news of Narabhupala Shah's birth reached Gorkha, Frithvipati Shah began preparations to bring back his daughter-in-law along with the infant prince. However, Digvijaya Sen, her brother, was not willing to send away his nephew who had been born in his palace. In the meantime, that is, immediately after the death of Birabhadra Shah, a dispute over succession had ensued between Dalu Shah and Udyota Shah, the third and fourth sons respectively of Frithvipati Shah. Dalu Shah argued that being the third son he should be proclaimed heir to the throne after the death of both his elder brothers. On the other hand, Udyota Shah contended that Dalu Shah could not be heir to the throne under the prevailing law, because he was one-eyed and was thus handicapped. But on learning of the birth of Narabhupala Shah, they remained silent. One possible reason for Digvijaya Sen's reluctance to send Narabhupala Shah to Gorkha was the quarrel between these two brothers. Narabhupala Shah remained in the home of his maternal uncle for nine or ten years, that is, until his sacred thread investiture ceremony.⁵²

An unfortunate development took place in Makwanpur during the rule of King Frithvipati Shah. King Shubha Sen of that principality, unable to get able ministers, obtained

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the services of Parashurama Thapa and Pradyumna Upadhyaya from King Digvijaya Sen of Tanahu. But these persons proved faithless. They took part in a plot devised by the Mughal viceroy in Purnea, Isfundiyar Khan, to kidnap Shubha Sen and his nephew, Vidhata Indra Sen. In order to strengthen the alliance, Pradyumna Upadhyaya even offered his daughter in marriage to Parashurama Thapa. He remained five years in India, and was finally able to surround Shubha Sen near Janakpur. However, Shubha Sen escaped with the help of King Vidhata Indra Sen. At the time when the uncle and the nephew (that is, Shubha Sen and Vidhata Indra Sen) were celebrating the occasion, Kalu Upadhyaya, a relative of Pradyumna Upadhyaya, captured both of them and handed them over to Isfundiyar Khan (September 1706). The two Kings were despatched to Delhi, and the Mughals occupied most of the Tarai territory in the south. Emperor Aurangzeb was then in southern India, and his son, Azam Shah, was acting as regent. He forcibly converted both Shubha Sen and Vidhata Indra Sen to Islam.⁵³ At that time, Bhaskara Malla, who succeeded Rhupalendra Malla as King of Kantipur, was still an infant. The King of Bhaktapur and Lalitpur were preparing for war. Prithvipati Shah was tired, while King Digvijaya Sen of Tanahu held territories in the Tarai as a zamindar under the Mughals. As such, Shubha Sen and Vidhata Indra Sen could get no help from the hill principalities.

Meanwhile, Vidhata Indra Sen's queen sent urgent letters to her Limbu courtiers for assistance.⁵⁴ The treacherous ministers of Shubha Sen had taken away two sons of Shubha Sen from Queen Amaravati, Mandhata Sen and Manikya Sen, and concealed them in the hills of Sindhuli.⁵⁵ Emperor Aurangzeb died in February 1707 on his way back to Delhi from southern India. A struggle for the throne ensued among his sons.⁵⁶ Isfundiyar Khan and other Mughal officers of Purnea and Darbhanga left for Delhi to join one side or the other. Azam Shah was killed, and his elder brother, Bahadur Shah, became emperor. The Mughal power thereupon began to decline⁵⁷, and the Mughal officers stationed in areas situated to the south of the Sen principalities withdrew. The ministers of Vijayapur and Makwanpur then installed Mandhata Sen and Manikya Sen as Kings of these two principalities respectively. Mandhata Sen later began to be known as Mahipati Sen.

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The boundaries of the two principalities were determined along the Kamala river in the Tarai and the Dudhkosi river in the hills.⁵⁸

King Bhupalendra Malla of Kantipur died in India while on pilgrimage. He was only twenty-one years old. His widow, Queen Bhuanalaxmi, then began to rule the Kingdom with her four years old son, Bhaskara Malla, on the throne (1701). King Bhupatindra Malla of Bhaktapur was an ambitious person. 175 years previously, King Surya Malla of Kantipur had occupied Sankhu and Changu from Bhaktapur, as well as Naldum-Gadhi. He had also occupied Sindhupalchok and brought the route leading to Kuti, gateway to Tibet, under his control. He had thus established a monopoly in the trade with Tibet. Seeing that the King of Kantipur was a minor, and the ruler a woman, Bhupatindra Malla, out of contempt for them, decided to capture the Sindhupalchok region. He concluded a treaty with King Yoganarendra Malla of Lalitpur under which the latter was obliged to pay a sum of forty thousand rupees to the Kings of Bhaktapur, Gorkha, Makwanpur, and Upadhya (sic) in case Yoganarendra Malla sought assistance from Kantipur without the concurrence of Bhupatindra Malla.⁵⁹ (c.1702). Eighteen months later, Bhupatindra Malla succeeded in concluding a treaty with King Bhaskara Malla of Kantipur. Under that treaty, King Bhaskara Malla was required to furnish a surety of thirty-six thousand rupees and 30 khets of land in Sindhupalchok. The amount was to be appropriated by Khasas, Magars, and Umraos, and the land by Prajapati Upadhya and Shukadeva Upadhya, in case of King Bhaskara Malla committing a breach of the alliance.⁶⁰ (c. 1703).

Bhupatindra Malla's act of concluding a separate treaty with the King of Kantipur, who had not joined any alliance with Lalitpur, Gorkha, etc clearly reflected his ambition to gobble up Sindhupalchok. Realizing this, Yoganarendra Malla repudiated the treaty. In order to punish Bhupatindra Malla, he planned to occupy Obhu, situated between Bhaktapur and the Changunarayan temple. The King of Kantipur had been claiming Obhu for years and Yoganarendra Malla intended to offer it to Kantipur. He sent his troops to Obhu via Deupatan and Gorkarna, and set up his camp at the Changunarayan Temple. Bhupatindra Malla, after making arrangements for the defence of Bhaktapur, stayed at Banepa, watching the movements of Yoganarendra Malla. It was at that time that Yoganarendra Malla died after smoking poisoned tobacco.

(October 28, 1705). That every night, his body was brought to Lalitpur and cremated at Shankhamul Ghat the following day. Thirty-three wives of Yoganarendra Malla became Sati⁶¹. The news astounded Prithvipati Shah.

Yoganarendra Malla had no son from any of his married wives. His sole surviving son, Mahindra Malla, was born of Rajeshwari, a Khas Chhetri concubine whom he had brought from Tanahu. At that time, the custom was not to let the mother of a surviving son become a Sati in the event of the death of her husband. That was the reason why Mahindra Malla's mother remained alive. However, Yoganarendra Malla had a 21-year old daughter named Yogamati, who now became all-powerful of the royal palace. Yogamati had an eight years old son named Loka Prakash Malla from her dolaji husband. Other married princesses also had sons from their dolaji husbands. Loka Prakash Malla was the nearest relative of Yoganarendra Malla. Since his father had changed his clan name (Gotra) and adopted that of his wife, Loka Prakash Malla was entitled to be the heir to Yoganarendra Malla. Hence on the third day of Yoganarendra Malla's death, the proposal was made at the palace for proclaiming Loka Prakash Malla as King. As a result, Mahindra Malla's mother could not propose the name of her son for accession to the throne. However, some people insisted that it was proper to enthrone Mahindra Malla, even though he was an illegitimate son of Yoganarendra Malla, instead of selecting the son of the daughter of the deceased King. So no decision could be arrived at on the question of succession. The following day, the Pramanas of Kantipur raided the Lalitpur Palace to seize Loka Prakash Malla and take him to Kathmandu. However, the youths of Lalitpur rallied to his support in response to Yogamati's appeal. Nearly one hundred among the raiders of Kathmandu were killed in the course of the clashes, while the others fled. Bhuvanalexmi, mother of King Bhaskara Malla of Kantipur, had gone to Lalitpur to attend the funeral ceremony of Yoganarendra Malla. She remained there to ensure the safety of Yogamati and Loka Prakash Malla. She was detained there by the ministers and Pramanas of Lalitpur. When King Bhupatindra Malla of Bhaktapur received this news the next day, he sent both of his queens, as well as a number of concubines and maid-servants to Lalitpur for protecting Loka Prakash Malla. Yogamati thereupon let Bhuvanalexmi leave Lalitpur. After these problems were solved, Loka Prakash

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Malla was crowned King of Lalitpur by King Bhupatindra Malla on the fifteenth day of Yoganarendra Malla's death⁶². However, Loka Prakasha Malla died eleven months later. Yogamati then made Indra Malla King, on the ground that Mahindra Malla was an illegitimate son. Indra Malla was the son of Yogamati's father's sister born of a dolaji husband. Indra Malla died in 1709, and was succeeded by Mahendra Malla⁶³ (1709-1714).

A Pande Brahman of Barkhola in Kumaun had gone to the palace of King Digvijaya Sen of Tanahu. His name was Laxman. He was well-known as a Siddha. He lived at the palace for some time, and later married a Brahman woman, who gave birth to a son named Gaureshwara. Laxman subsequently went abroad and never returned. The young Gaureshwara, who was highly intelligent and educated, occupied an influential position at the royal palace. Eventually, he became a preceptor to Kamarajadatta Sen, heir to the King of Tanahu thereby considerably strengthening his position. When Kamarajadatta Sen became King, Gaureshwara moved into the court and became his advisor as well.

In the meantime, Mallikavati, daughter-in-law of Prithvipati Shah, was staying in Tanahu with her son, Narabhupala Shah. She was finding it difficult to return to Gorkha, because she was not allowed by her parents to do so notwithstanding the fact that Prithvipati Shah, her father-in-law, had asked her to come back. Gaureshwara Pande, who took this as a good opportunity to strengthen the influence of his family, told Mallikavati: "If you obtain from King Prithvipati Shah authority to have your son initiated into the mantras, I can secure for you permission to go to Gorkha along with your son. This would be in your own interest, as well as in the interest of Gorkha, and of my own." Prithvipati Shah reluctantly agreed to this proposal on the request of Mallikavati, because he thereby expected to get back his grandson and heir. Mallikavati and Narabhupala Shah then returned to Gorkha along with Gokulavilasa Pande, the eldest son of Gaureshwara Pande. Prithvipati immediately summoned a Council of State and declared Narabhupala Shah his heir (c. 1707)⁶⁴. Dalu Shah and Udyota Shah who were notorious trouble-makers, were politely dismissed and granted lands and homesites in Dhading, east of the Ganda river.⁶⁵

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The sacred-thread-investiture ceremony of Narabhupala Shah was due to be observed in 1708. It had been decided that Gokulavilasa Pande should invest him with the Savitramantra. However, Gokulavilasa Pande later informed Mallikavati that he had invested Narabhupala Shah with the Diksha Mantra as well, notwithstanding the custom that this should be done only after marriage. Mallikavati pardoned this breach of tradition, but Prithvipati Shah did not. However, he did not inflict any punishment, inasmuch as Gokulavilasa Pande had become the preceptor of his grandson.⁶⁶ Mishra had come from Banaras on hearing about the sacred thread-investiture ceremony of Narabhupala Shah. He complained to Prithvipati Shah that he had not been allowed to invest Narabhupala Shah with any Mantra, because Gokulavilasa Pande had invested the Prince with both the Savitramantra and the diksha mantra. Prithvipati Shah explained that all this had happened because of the absence of Mishra himself. He satisfied Mishra with a Birta grant in Salang village of Dhading, and asked a member of his family to remain at the royal palace.⁶⁷ Prithvipati Shah then arranged for the marriage of Narabhupala Shah and began to rule his Kingdom happily.

The dispute over succession that followed the death of King Yoganarendra Malla of Lalitpur also involved the infant King of Kantipur, Bhaskara Malla, and his mother, Bhuwanalaxmi. However, the dispute came to an end within only fifteen days. Ioka Prakasha Malla then became King of Lalitpur. For nearly seven years, Bhuwanalaxmi ruled Kantipur, peacefully as regent for Bhaskara Malla with the help of her Brahman minister. She performed many religious acts and constructed a number of temples. The principality of Dolakha was under the suzerainty of Kantipur. It was governed by a chief belonging to the royal family. However, the last chief of Dolakha, Mahindra Simha, declared himself independent. He enjoyed the support of King Bhupatindra Malla of Bhaktapur. Because she needed a minister with a military background in order to control Dolakha, Bhuwanalaxmi appointed Vamshidhara Maske as Chautari. Jhagal Thakul was then a prominent person in Kantipur, with great capacity for organizing conspiracies. He was a descendant of one of the illegitimate sons of King Pratapa Malla, and was therefore called Thakul (Thakur). In less than two months, Jhagal Thakul was able to oust Vamshidhara Maske in less than two months. On September 7, 1713, he became Chautara, and received his badge of office

Contd. ...

from Bhaskara Malla himself, bypassing Bhuwanalaxmi, as well as from the Kings of Bhaktapur and Lalitpur. King Bhaskara Malla had then come of age. A son was born to him in early 1714, but died after ten weeks. During the rainy season of the same year, Jhagal Thakul obtained the help of Lalitpur in attacking Bhaktapur. The battle ended in a draw, but the two allies were able to get two elephants and some money as reparations from King Bhupatindra Malla.

Meanwhile, a fort in Sindhuli -Madi, which formed a part of the principality of Makwanpur, was occupied by an enemy. King Manika Sen of Makwanpur solicited military assistance from Kantipur to repel this aggression. Troops were sent from Kantipur under the command of Jhagal Thakul, and the fort was reoccupied. King Manika Sen rewarded Jhagal Thakul with an elephant and other presents. He also gifted an elephant to an Umrao. In return, King Bhaskara Malla presented King Manika Sen with gold bangles, a pair of pearls, and other gifts.

Jhagal Thakul secretly invited Mahindra Sinha of Dolakha and kept him in Kantipur with due honors. Jagajjaya Thakur of Kantipur was a friend of Jhagal Thakul. Jhagal Thakul planned to dethrone Bhaskara Malla, place Mahindra Simha on the throne, designate Jagajjaya Thakur as his heir, and merge Dolakha into Kantipur on Mahindra Simha's death. On January 21, 1715, King Mahindra Malla of Lalitpur died of smallpox. He had no successor, hence the Pramanas of Lalitpur visited Kantipur five days after his death and requested Bhaskara Malla to become king of Lalitpur. It was natural, in these circumstances, that Bhuwanalaxmi should agree to this proposal. But the same day Jhagal Thakul imprisoned both Bhaskara Malla and Bhuwanalaxmi. He then proclaimed Mahindra Simha as King of Kantipur with the condition that Jagajjaya Thakur should be designated as his heir.⁶⁸ (January 25, 1715). Jagajjaya then assumed the clan name of Malla. In Lalitpur, Princess Yogamati installed Riddhinarasinha Malla son of her nephew, as King.

A plague epidemic broke out in Kantipur in March 1716. It spread to Lalitpur in June, and to Bhaktapur in November. King Riddhinarasinha Malla of Lalitpur died in late June 1716. Yogamati then invited Mahindra Simha of Kantipur to become King of Lalitpur also, but with separate administrations. Mahindra Simha remained King of Lalitpur from 1717

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to 1722. The epidemic caused a huge loss of life in the densely-populated and dirty towns and villages of Kathmandu Valley, particularly in Bhaktapur town. It subsided after nearly two years and six months.⁷⁰ King Bhupatindra Malla of Bhaktapur died in April 1722, and was succeeded by his son, Ranajit Malla (1722-69). King Mahindra Simha of Kantipur and Lalitpur also died soon thereafter, and was succeeded by Jagajjaya Malla (1722-36) He merged Dolakha into Kantipur. Mahindra Sinha had become King of Kantipur after designating his son, Nilanarayan Malla, as heir to the throne of Dolakha. Once Jagajjaya Malla accompanied Mahindra Malla to Dolakha and sold some land there to a Brahman in the absence of Nilanarayana Malla⁷¹ (1721). On the death of Mahindra Malla, Jagajjaya Malla ousted Nilanarayana Malla on the ground that Dolakha had already come under the occupation of Kantipur. Ranajit Malla refused to endorse this action, so the seeds of discord had been sown. In Lalitpur, Yogmati installed Yogaprakash Malla, son of a royal princess by a dolaji husband, as King, and designated Vishnu Malla as his successor⁷². Yoga Prakash Malla reigned in Lalitpur from 1722 to 1729. King Ranajit Malla of Bhaktapur was invited to attend the coronation ceremony.

King Prithvipath Shah of Gorkha died in 1716, and was succeeded by Narabhupala Shah (1716-43). Because he had no brothers, he reconfirmed Jahanger Shah, son of Madhukara Shah, as Chautara. Because of the plague epidemic in Kathmandu Valley, intercourse had ceased between Gorkha and that region, and the people of Gorkha were engaged in their internal affairs. After Narabhupala Shah became King, Gokulavilasa Pande was designated as the Rajaguru, and his brother, Rajivalochana Pande, as Rajapandit.

During this period, Brahmans, Chhetris, and Magars from the western hill regions up to Kumaun settled on Pakho lands in Kathmandu Valley and spread their Khas language in that region. This language was being used also in stone and copper-plate inscriptions, as well as in their private affairs by Brahmans and Chhetris. The Malla governments had no alternative but to recognize that language. The Khas (Nepali) language was gradually assuming the form of a national language, thereby creating the foundation for the unification of Nepal.

On Disciplinary Matters

(Abstract Translation)

(Continued)

Jimidari or Talukdari holdings, Raikar or Birta lands, or shops within the territory of Nepal shall not be sold, donated or gifted to aliens; other than those mentioned above. Any sale, donation, or gift of such property to aliens shall be invalid, and be deemed as an offense. Such property shall accrue to the government.

(8) In case the sale of property to the subjects of a foreign country is invalidated, and such property consequently accrues to the government, the amount paid by the purchaser as the price of the property shall be recovered from the other property owned by the seller. The purchaser shall not be permitted to recover the shortfall, if any, nor to recover the value of gifts or donations.

(9) Birta lands which accrue to the government according to the preceding clauses shall be converted into Raikar. Such lands shall be registered in the name of other subjects who acquire title thereto, on the condition that they appropriate the income on payment of the customary taxes and levies. In case Jimidari, or Talukdari holdings on Raikar land, or Birta lands cultivated or owned as Jivayat, or included in Jimidari holdings operated personally by the Birta owner is involved in unlawful transactions, these shall be auctioned and sold to the highest bidder on payment of a royalty, which shall be credited to the government treasury. Such lands shall then be registered along with the Jimidari and Talukdari holdings in the name of the bidder,

(10) In case any land is liable to accrue to the government by reason of invalidation of any transaction therein, the seller shall be sentenced to imprisonment for a term not exceeding six months if he has already refunded the price, and to one year if he has not refunded the price in full, or is under no obligation to do so.

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(11) In case it becomes necessary to grant lands and houses for any reason to the rulers or subjects of any foreign country, other than those mentioned in the preceding clauses, they shall be paid money in lieu thereof. But in case any foreign subject performs any meritorious service to the Nepal Government, and if the Prime Minister so decides, he may be granted lands and houses.

(12) The chief of government office shall be held liable if any employee thereof recognizes as valid any transaction which is invalid. The chief of such office shall impose a fine ranging from twenty-rupees to two hundred rupees at his discretion on such employee.

22. Raikar or Birta lands or houses, shops, etc, shall not be mortgaged as security in favor of aliens other than those who are entitled to enforce their title under Section 21 of this law after Aswin 1, 1989 Vikrama (September 16, 1932) and Jimidari or Talukdari holdings after poush 27, 1978 Vikrama (January 10, 1923). Otherwise, the sum paid by the mortgagee shall be written off, a fine equivalent to that sum shall be imposed on the mortgagor, and the deed shall be cancelled. In the case of Jimidari or Talukdari holdings, lands, houses, or shops mortgaged before Aswin 1, 1989 Vikrama, the mortgagor shall reimburse the amount of the loan and resume such property within a period of five years from Aswin 1, 1939 Vikrama. In case the (mortgaged) Jimidari, Talukdari holdings, lands, houses, etc, are not resumed within that period, these shall be auctioned by the concerned office, the mortgagee shall be repaid the loan from the proceeds of the auction. The balance, if any, shall be refunded to the mortgagor. In case the proceeds of the action are not sufficient for the repayment of the sum to the mortgagee, he shall not be entitled to detain the mortgagor merely on the ground of non-recovery of the full amount of the loan, inasmuch as he had advanced the loan with trust in the mortgagor.

Miscellaneous Documents of Magh 1887 VikramaMusicians for Navadurga Temple in Bhadgaun

(Magh Badi 12, 1887 (44/186-87)).

Royal order in the name of thirteen households belonging to the Kushli community employed in playing on musical instruments at the Navadurga in Bhadgaun town: "Our father (i.e. King Girban) had appointed you to play on musical instruments at the Navadurga temple in Bhadgaun town. He had decreed that the appointment was to remain valid so long as you provided the stipulated services in the customary manner. In consideration of these services, you had been granted exemption from forced-labor (Jhare, Begar) obligations, and also permitted to beg alms from the 1,070 households inhabiting Bhadgaun town. We hereby reconfirm these terms, and assign fifty-three ropanis of vacant lands, which have not been granted as Birta, Jagir, or Guthi, or set aside as pasture, in addition. With due assurance, play on musical instruments in the customary manner every day, beg alms from the local households, and provide the stipulated services regularly."

Monopoly Contract in Wax

(Magh Badi 12, 1887 (44/187-88))

Rajbir was granted a monopoly contract for the procurement of wax from all over the Kingdom for a one-year period beginning Kartik Badi 1, 1887. He was under obligation to supply wax needed by the royal palace for use as candles and for other purposes. A sum of Rs 1,502 was previously payable to the government against the contract. Because the contractor incurred losses, the amount was now reduced by Rs 300 to Rs 1,202. Rajbir was required to pay this amount to the Tosakhana. He was ordered not to harass or oppress the people, thereby compelling them to submit complaints to the royal palace.

Jagir Land Allotment to Subedar Bajavarna Thapa

(Magh Badi 13, 1887 (44/188-89))

210 muris of rice lands at Khurkot (in Sindhuli), which had been assigned as Jagir to the Srinath Kampu, were allotted for cultivation to Subedar Bajavarna Thapa and other tenants.

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These lands fetched kut rents amounting to 121.25 muris of paddy, and Rs 4 and 10 annas each as levy on winter crops and Ghiukhane. The tenants were also required to pay the Chardam-Theki levy at customary rates, and provide loans to the Jagirdar-landlords whenever so asked. The previous Kut allotments on these lands were cancelled.

Timber Exports to India

(Magh Sudi 3, 1887 (44/190-91))

Subba Kulanand Jha had been granted a contract for the collection of customs duties, including duties on timber exports, in the Rampur, Pihar, and Mahisoth Pargannas of Saptari district. The value of the contract, which was valid for five years, amounted to Rs 10,501.

At that time, some British traders had been permitted to cut timber and export it to India. However, they discontinued these operations. The amount of the contract was, therefore, reduced by Rs 4,501.

Thekbandi Grant

(Magh Sudi 3, 1887 (44/191-92)).

Gajabal Thapa had long operated a thekbandi contract for the collection of homestead taxes in Iyamure village which had been assigned as Jagir to a Jamadar of the Srinath Kampu. Subsequently, the Jagirdar dismissed them, and appointed three other persons in succession. In 1887 Vikrama, he appointed Ranabir Khatri and Rambir Rai as dwares to discharge the function. Collections made through the dwares amounted to Rs 430 in that year. Gijabal Thapa and Phimsen Thapa then submitted a petition to the government, complaining that the dwares had violated the traditional customs and usages of the village, and praying that they be reinstated subject to the payment of Rs 430 every year. The government then reinstated them under a thekbandi arrangement for one year effective Baisakh Badi 1, 1888.

Land Allotment in Bhaimal

(Magh Sudi 4, 1887 (44/193)).

In Bhaimal, Kathmandu district, land had been granted under Chhap tenure to Subedar Nawal Singh and Subedar Abhiman Thapa. Subsequently, a part of these lands was

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converted into Raikar and granted as a homesite (Gharbari) to Shivabhakta Upadhyaya. He was required to pay Kut rent amounting to 51 muris, one pathi, and four manas of paddy to the Samarganj Company, in addition to Chardam-theiki and other levies.

Privileges of Gumba in Chhahara Village

(Magh Sudi 4, 1887 (44/193-94).)

A royal order had been issued defining the relationship between the inhabitants of Chhahara village and the Tashi Chheling Gumba. The Lamas of the gumba complained to the government that some villagers were acting in contravention of the provisions of that order. The order was, therefore, reconfirmed. (The document does not give any details about its provisions.)

Checkpoint in Ambas

Magh Sudi 4, 1887 (44/194-95).

Royal order to Bhuminanda Upadhyaya, Mukhiya of Matta in Salyan district: "Formerly, an order had been issued appointing five households inhabiting your birta lands to maintain checkpoints (Chauki) at Ambas and Naukham. You subsequently represented to us that it was difficult to maintain checkpoints at two places. You are, therefore, directed to settle ten families at Naukham, install pikes and other obstructions on the pass, and thus close the route. Settle twenty families near the Ambas pass, maintain a constant watch there; and close the route similarly. Do not let any person travel through these routes, and do not do so yourself. Arrest any person who travels through that route, seize his belongings, and send them to the palace. If he resists arrest, you may kill him by using weapons. The families who maintain watch at these checkpoints may use cultivated lands in those areas, but shall not clear additional forest lands. We hereby exempt them from other forced labor (Jhara, beth, Begar) obligations."

Regmi Research (Private) Ltd
Kathmandu: September 1, 1976

Regmi Research Series

Year 8, No. 9,

Edited by

Mahesh C. Regmi.

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal

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Industrial Development in Nepal
1936-57

By

Mahesh C. Regmi

(Continue)

Chapter 6

Industry and the State

Ever since 1936 industrial development has been the declared objective of the state. The creation of a Board for the development of industry was the first concrete symbol of the passing away of the long policy of apathy. The various industries that were set up subsequent to the enactment of company legislation bear testimony to the endeavour of the Government to promote the growth of industries within the country.

In the initial stage the attempts of the Government appear to have been limited to the grant of certain privileges which should prove attractive to local and foreign enterprise. No steps seem to have been taken for the creation of conditions conducive to the growth of industry in general. There was no clear cut declaration of the industrial policy of the government. This, together with the inherent defects of an autocratic regime, which was but ill-sighted to the free and unfettered development of initiative and free enterprise, led to a number of difficulties which may probably have accounted for the setback to industry that took place in subsequent years.

The importance of the measures adopted by the government at that time largely consisted in the fact that the new attitude meant a fundamental departure from the old policy.

In the main, the facilities afforded to the new industries, primarily designed to enable the particular industry for which charter was issued in the name of the Rana Prime Minister, to obtain cheap supplies of raw materials, stores, machinery, and so on, and to sell its products easily. Such indirect facilities may be briefly described as below:-

1. Fiscal Facilities: In the case of the Biratnagar Jute Mills Ltd., for instance, import duties on supplies of coal and oil were waived by the government. For an initial period of seven years, no import duties were to be charged on imports of building materials and machinery; and even after the expiry of that period, only a nominal duty of

1 percent was to be imposed. Further, in lieu of an annual royalty of Rs 15,000 the government agreed not to levy any export duties on the exports of the manufactured products of the mills.

In the case of the Cigarette Factory at Birgunj, a refund of 50 percent on the customs duty chargeable at the Kathmandu customs house was allowed. In the case of the match factories at Birgunj and Biratnagar, such duties were waived entirely.

2. Provision of Raw Materials: The Biratnagar Jute Mills Ltd and a number of other mills were provided with building timber at cheap rates by the government. The Birgunj match factory was allowed to purchase its requirements of wood at preferential rates, while permission was granted to the Himalayan Wollen Mills Ltd to exploit the fibre plants of certain forests free.

3. Transport Facilities: In the case of the Himalayan Wollen Mills Ltd as well as the Godavari Marble Depot Ltd a refund of 50 percent on ropeway and trolley charges was allowed, for the export of the products of these industries from Kathmandu.

4. Protection: In the case of the Morang Sugar Mills Ltd, it was declared that protection would be afforded if the products of the company could not be sold at competitive rates. No steps in this direction have since been taken, however.

5. Mining Facilities: With a view to encouraging a mining industry in the country, the government bestowed very favourable facilities to mining companies. In the case of the Nepal Mica Company Ltd, for instance, prospecting and mining licenses for a total of 694.53 square miles were granted on payment of a surface rent of only Rs 500 per annum, while it was also mentioned that reasonable royalties would be charged only in case of profits.

Much as these indirect measures proved welcome to the new industries, it can be noticed that they failed to create a salubrious climate for the growth of industrial enterprise in the country. All these measures were embodied in charters bearing the official Sword-Seal of the Rana Prime Minister, issued in favor of individual companies, and

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prospective industrialists were not in a position to take advantage of these measures. Not infrequently only Rana henchmen were able to benefit by the changed attitude of the government.

The only way in which the government came forward with direct measures of encouragement was the provision of capital in the form of shares or debentures purchased by the government, to a number of industrial concerns.

It was in the field of cottage industries that the government adopted more direct measures with a view to resuscitating and developing the old industries of the country. The Cottage Industries Department was set up in 1939 with a budget grant of Rs 1 lakh per annum, which could be considered a sizeable amount of expenditure in the Rana days. In later years the activities of the Department were considerably expanded to cover a large sphere of training, production, aid to workers in cottage industries in the form of cash loans, provision of raw materials and tools and implements, and so on. All these have been sufficiently described elsewhere to need further recounting here. A further measure taken for the development of cottage industry was the holding of industrial exhibitions. Such exhibitions were held in 1937, 1940 and 1944. On May 1956 also, an Industrial Exhibition was organized by the Cottage Industries Department during the coronation of King Mahendra.

The period 1950-55 might be regarded as a dark period for the industrial progress of the country. Probably owing to the fact that the new government had been incepted on rather shaky foundations to warrant any concerted and determined action on the industrial front, industry was in large measure left to shift for itself. Furthermore, many of the facilities bestowed during the previous regime were taken away either by arbitrary executive action, or on the basis of ad hoc policies necessitated by the exigencies of the financial situation. As for example, the charter of the Biratnagar Jute Mills Ltd had expressly prescribed the payment of an annual royalty of Rs 15000 in lieu of export duties on the manufactured goods of the mills. After the formation of the interim government, however, export duties were levied on the basis of the duties prevailing in India,

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nor was the payment of the annual royalty waived on that account. In many cases, the changed administrative procedure of the new set up required the observance of new formalities which obstructed the free utilization of the usual facilities enjoyed by various industries.

It has been since the announcement of the Draft Five Year Plan in 1955 that the Government has come forward with a coordinated program for the development of industry. The division of the industrial sphere into two sectors, public and private, together with the allocation of Rs 190 lakhs to the public sector alone, with an additional provision of Rs 50 lakhs for minerals and mining, together with substantial measures for industrial training and research, might be regarded as the beginning of new era of Government encouragement for the development of industry. The precise shape that these measures will take in the course of their implementation is of course what lies for the future to show.

Government Regulation of Industry

Most of the organized industry that exists in Nepal was created directly under the aegis of a benevolent Rana regime. At a time when the supervision of the Government penetrated every important aspect of national life, it was no wonder that the new sphere of organized industry should come under the direct control and supervision of the newly created government agency, the Development Board, which was presided over by the Director General. The Director-General, in addition to his capacities of chairman of the Nepal Bank Ltd. and of the foremost joint stock companies, was a prominent member of the ruling Rana family. Consequently there was rigid and detailed regulation of industry in all its ramifications by the government.

In all of the foreign managed concerns government representatives were appointed. Control and regulation on the regional Governmental level was ensured by the practice of nominating the Bada Hakim of the district as the Ex-officio Resident Director of the Company.

On the whole, all this meant that the regulation exercised by the Government over industry rested more on the Rana Director General of the Development Board than

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on any legal basis. The Companies Act of 1936 was the only law pertaining to joint stock industry, and as it was not very comprehensive, the Government could not claim adequate powers under it. The defects of such a system became apparent only with the fall of the Rana regime in 1951. The absence of adequate rules and regulations and the disappearance of the overall towering personality of the Rana Director-General gave rise to a vacuum which affected the control of the Government over the day-to-day administration of industry. Moreover, though so far every aspect of industry had been controlled by the Development Board, with the formation of the Interim Government and the creation of separate Ministries centralized control and regulation became out of the question.

On April 1951 a new Companies Act came into force. The set had been framed while the Rana regime was yet in power, and it contained a number of provisions intended to enable the Government to bring the administration of joint stock companies under its tight control.

To this day the Nepal Companies Act has remained the only legal weapon in the hands of the Government in the sphere of regulation of industry. The chief features of the act which are important in this connection are briefly summarized below.

1. With a view to eradicating the difficulties regarding the capital in the case of former companies, the new act requires that no companies can be registered unless the promoters have subscribed to at least 30 percent of the total authorized capital. Allotment of shares is not allowed unless 50 percent of the shares are sold out within a period of three months after the registration of the company. The managing agents are required to underwrite the issue of shares, failing which they are liable to pay back the entire amount of the shares subscribed with interest at the rate of 7 percent. The same penalty has been laid down in case they are not able to commence business within a definite time limit.

2. The companies Act places a good deal of power in the hands of the government to regulate the administration of joint stock companies. Managing agents and directors can

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be dismissed by the government in certain cases. Accounts have to be audited annually by Government licensed auditors, and the government can under certain circumstances direct inspection of the accounts and the affairs of the company.

3. Lastly, all secured loans and debentures have to be approved of by the government before they are issued. Managing agents are prohibited from diverting funds raised for one purpose to others under heavy penalty.

All these together mean substantial powers for the government, but for all practical purposes, they have been largely ineffective. The fact that the mills and factories running on a joint stock basis in the country actually are not more than eight or ten in number has placed the government in a very difficult position, as real drastic action against any offender might mean a temporary dislocation of the industry. Moreover, the absence of any effective machinery for collection of fines imposed under the companies act has been a real obstacle. It is a fact that fines imposed two or three years back have not yet been collected. It appears that the government is really powerless if the offender chooses not to pay the fine. And the fact that hardly any major industry has been set up under the new Companies Act of 1951 has made the attempts of the government for regulating the establishment of companies devoid of any significance.

In the early days the Government also attempted to regulate industrial labor. The charter authorizing the formation of the Biratnagar Jute Mills Ltd, for instance, says, "In these mills, all coolies, workers and staff personnel, except those required for technical work, should be subjects of Nepal as far as available. Even in the case of technical personnel, local people should be employed later on when they are trained. When employing foreigners in the mills, Indian or European, only those who are not engaged in politics or do not belong to the Christian religion, should be employed. Foreigners should be employed only if local people are not available."

But this provision has remained wholly inoperative. At present the majority of the workers are Indian, even amongst those unskilled, while the mills have remained a hotbed of political agitation ever since 1947.

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Most of the early industries required concrete assurances from the government that no similar other industry would be set up in the area concerned. This the government readily gave. In the case of the Juddha Match Factory Limited, the charter of incorporation granted a monopoly of the industry to the company for a period of five years. Similarly, in the case of the Himalayan Woollen Mills Ltd, the charter expressly declared that no permits would be issued for the establishment of other woollen mills in the valley of Kathmandu and the districts of East Nos. I and II for a period of ten years.

In the case of the rice mills other than those incorporated under limited liability, the rule was that no licences would be issued to mills to be set up within a radius of six miles around an existing one. The rule was an inconvenient one, as most of the mills were of small capacity, which could not absorb the raw material in that area, and accordingly it was amended soon after the formation of the Interim Government, in the latter part of the year 1951.

The advent of the Interim Government also saw the introduction of the licensing system for at least two industries, bidi-making and distillery. The Ranas had prohibited the local manufacture of bidis, as this affected the import of cigarettes, and hence affected customs revenue. The Interim Government permitted manufacture under licence, subject to certain restrictions designed in order to facilitate the collection of excise duties. In the same way, the contract system for liquor which prevailed under the Ranas was modified and a system for licensing manufacture of brandy and whisky was devised early in 1952. Licenses were issued only to large scale manufactures, and certain restrictions were imposed mainly to ensure easy collection of excise duties. Recently the licensing system has been extended to cover rice and oil mills as well.

Beyond this, the government has also regulated exports of the products of the organized industries, e.g. jute goods, sugar, molasses, and cotton textiles. No written rules exist with regard to such permission. This is issued at the discretion of the Government.

Adequate control and supervision over the industrial sphere so as to ensure a high standard of conduct on the part of managers of industry, and the maintenance of a

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proper system for the collection of revenue, thus appear to be the main features of government regulation of industry in Nepal. If the first objective had been attained during the days of the Rana regime, it has been conspicuous by its absence ever since the inception of the Interim Government. The anarchical conditions prevailing in most of the joint stock companies at present, and the apparent inability of the government to cope with the situation, have become quite clear. In one instance, a Government appointed Liquidator has absconded with about Rs 150,000 of company funds, and so far the government has been able to do nothing. In a number of cases managing agents and directors have been unable to complete the construction of factories and commence production, and the machinery and other materials already imported have probably deteriorated to a considerable extent, but beyond periodical inspections and directives the government has been silent over the matter.

Very often government regulation of industry has sunk down to the level of unwarranted interference in the working of industry. The most conspicuous example was the case of Shri Raghupati Jute Mills Ltd. In 1950, on the eve of the fall of the Rana regime, the managing agent was dismissed and replaced by a new one. Immediately after the formation of the Interim Government, the claims of the old managing agent were arbitrarily revived, and the new managing agency superseded by a Joint Board of Directors, consisting of representatives of the two managing agents, the government, and the local Bada Hakim, while the existence of the old Board of Directors was completely ignored. The resultant complications delayed the commencement of production in the mills by about two years, and they were solved only at the end of this period when the government bought off the new managing agency after incurring a loss of Rs 207,000.

In the case of the Birgunj Electric Supply Corporation Ltd at Birgunj, management was taken over by the Government in the middle of 1952 when the managing agents resigned, and the government realized the disadvantages of closing down an essential public utility concern. The company is still under government management as a provisional measure, despite the fact that the shareholders have expressed strong disapproval against continued operation in the facing of recurring losses.

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Even at present, conditions relating to the regulation of industry by the government leave much to be desired. The ruins of the old unsuccessful ventures form a welter of confusion which the government has entirely been unable to clear away. Even in the case of companies still on the register, administration of company law is perfunctory and ineffective. The Draft Five Year Plan, as has been mentioned already, hopes to mend matters by recommending the creation of a Royal Commission to frame revisions in the Companies Act.

Special Policies Affecting Foreign Enterprise

It has been the aim of Nepali law to keep the domestic economy reserved for the activities of the nationals of the country. Foreigners, that is to say, Indians, have been systematically prevented from engaging in the commerce and industry of the country. Where the interests of economic development necessitated the importation of extraneous enterprises the government has been, from early times, careful enough to attract merchants mainly as settlers in the country, and not as foreigners. Foreigners as such are not allowed even to own or acquire property, and during the Rana regime even their stay inside the frontiers was rigorously fettered by restrictions. In these circumstances, it is no wonder that, prior to 1936, foreign owned enterprises in Nepal were conspicuous by their absence.

It was only after 1936 that a number of joint stock enterprises were floated. Indian managing agents were allowed to purchase fixed percentages of the shares and debentures of these concerns and manage them. Attention therefore must be directed to such foreign managed enterprises, which have been the subject of a number of special policies adopted by the government.

Such foreign managed concerns have invariably been the results of agreements entered into between the Indian promoters and the government. These agreements would subsequently be sanctified by being incorporated in a charter bearing the official seal of the Rana Prime Minister.

In general, it appears to have been the policy of the government in the case of such foreign managed concerns to see to it that:-

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1. The foreign promoters invested sufficiently to take serious interest in the enterprise ;
2. Their executive powers should be so restricted, and the day-to-day management so supervised, that their personal interests should not be allowed to hold sway over the health and prosperity of the industry, as well as the interest of the Nepali shareholders;
3. Their powers to expend the funds of the company should be so restricted that no misfeasance or malfeasance of funds should be possible.

In the case of the Biratnagar Jute Mills Ltd, the managing agents were permitted to purchase 50 percent of the initial capital. In the case of later ventures like the Morang Sugar Mills Ltd and Shri Raghupati Jute Mills Ltd, the figure was reduced to 40 percent no doubt with a view to guaranteeing the majority vote to the Nepali shareholders.

This fixed percentage however did not mean that the managing agents were required to subscribe to the whole themselves. As a matter of fact, they were allowed to sell the shares and debentures within this limit to whomsoever they liked, or even to nominate somebody else as managing agent.

Notwithstanding the difference in the percentages of shares held by the two blocs of shareholders, Nepali and Indian, each bloc was required to have an equal number of directors.

To ensure detailed control and regulation of the management of such concerns, as well as to take care of the interests of the Nepali shareholders, a Nepali shareholders' Representative was appointed in each of the foreign-managed concerns. In practice these representatives were appointed by the government and came to be known as government Representatives. Though immediately after the formation of the Interim Government some of these government representatives were directed to be called shareholders' representatives under the control of the shareholders, yet recently the practice of appointing them as government

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Representatives has been resumed by the government. The duties of such government representatives have been generally to check and supervise the working of the company, and countersign all receipts and vouchers. (of. Shri Raghupati Jute Mills Ltd, Memorandum and Articles of Association Section 96, p.23).

Foreign managed concerns were also required to keep their funds in two accounts in the Nepal Bank Ltd. Account A contained all of the funds of the company and was operated jointly by the Resident Director and the managing agents. From out of this account, funds required for day-to-day transactions were taken out and kept in a separate account known as Account B, which could not exceed a certain maximum figure. All amounts in excess of this figure were immediately transferred to Account A. This practice ensured that the managing agents could not misuse the funds of the company. (of. Ibid, Section 88, p. 31).

(To be continued)

King Prithvi Narayan Shah

By

Baburam Charya

(Continued)

General Notes

This biography of King Prithvi Narayan Shah does not follow the traditional pattern; hence it is necessary to give notes at the end of each chapter. There will be a separate note on the tradition that King Prithvi Narayan Shah's ancestor was a Rajput of Chittor. In the present context, it appears necessary to describe some inaccurate Vamshavalis and other writings dealing with the period from Jain Khan, the founder of Gorkha's royal dynasty, to King Prithvi Narayan Shah.

1. The Raja-Vamshawali

King Rama Shah of Gorkha had the Raja-Vamshawali composed in Sanskrit verses by Chitravilas. In this work which consists of seven stanzas, the royal dynasty of Gorkha has been claimed to be related to the family of a Rawal who ruled at Chittor-garh in Mewar. These verses have been published in the first volume of Itihasa - Prakasha (pp. 572-73) Chitravilasa has given a list of eight imaginary persons from Jillaraja to Manmatharaya, descended from a Rajput who had left Chittor along with his son in search of a good place to settle.

2. The Goraksha-Vamshawali

The royal family of Gorkha is said to belong to the lunar dynasty, and the Rawal family of Chittor to the solar dynasty. Inasmuch as this discrepancy taxed the credibility of this claim among the common people, Chitravilasa's Vamshawali was expanded as the Goraksha - Vamshawali during or after the reign of Rama Shah by an anonymous author, possibly one Dharanidhara. (Itihasa - Prakasha, bk 2, pt. 3, pp. 573-75) - The Goraksha - Vamshawali consists of thirty one stanzas. It begins with King Yitabuma or Ajitabuma of the solar dynasty, and describes Barabuma as King of Jambir-Garh, and Raja Jilla

Contd. ...

Rai as his descendant in the sixth generation who made Chittor his capital. Chitravilasa had given the names of eight kings from Jillaraja to Manmatharaja; the Goraksha - Vamshawali gives a different name for one of these Kings. It adds, "Manmatha abdicated the throne in favor of his eldest son, and along with his queen and his youngest son, Jai Khan, began to live in Barhadarlam. Both he and his queen died a few years later. According to the last wishes of his mother, Jai Khan left for Lasargha and married there. He was then crowned as King by the people of Lasargha." The Raja - Vamshawali has listed Jain Khan instead of Jai Khan. His son, Surya Khan, had two sons, Khancha and Mincha. Surya Khan left Lasargha and made Khilung his capital. According to Chitravilasa, Micha Khan was the only son of Surya Khan, but the Goraksha - Vamshawali adds the name of Khancha as his brother, and also gives his name as Mincha, instead of Micha. Khancha left his old village and became King of Bhirkot, while his younger brother, Mincha, founded a new Kingdom in Nuwakot.

Dr Hamilton, who arrived in Kathmandu in early 1802, mentioned Khancha and Micha in his book about Nepal (p. 240). This shows that he had obtained a copy of this unreliable Vamshawali. Dr Hamilton had no knowledge of Sanskrit, and so had brought with him a Bengali assistant named Ramajai Batacharji (p.1). Ramajai asked the learned men of Kantipur, to explain what the terms Khancha and Mincha meant. They probably replied that these were Magar terms, and that the dynasty was called farmer. That is why Dr Hamilton wrote that the dynasty was not Parmer (sic), but that they were Magars when the ancestors of the Sens arrived in Palpa from Chittor.

King Trivrikrama Sen of Tanahu was a contemporary of King Prithvi Narayan Shah. A few years after the birth of his eldest son, Kamaridatta Sen, Trivvikrama Sen linked his dynasty to the Sisodiyas of Chittor, according to the Makwani Sen Vamshawali (State Library of Kathmandu, No 1-1140). Earlier too, the Sen Kings had linked their dynasty to the Sisodiyas or Gahlots of Chittor. Subsequently, the King of Palpa commissioned Bhawadatta Pandit to make a genealogy linking the Sen dynasty to the royal dynasty of Chittor.

Chitravilas had given the names of Micha's descendants as Vichitra Khan, Yashobrahma Shahi, Dravya Shai, Purna Shahi, and Rama Shahi. It is generally believed that Micha Khan was the first King of Nuwakot, Vichitra Khan of Kaski,

Contd. ...

Yashobrahma Sahi of Lamjung, and Dravya Sahi of Gorkha. But the unreliable Goraksharaja Vamshawali writes that Mitra Shah, son of Mincha, ruled in Kaksi, Vichitra in Lamjung (Lamjung), and his son Jasbum (Yashobrahma) in Gorkha.

3. The Gorakshadhisha - Champu

The Gorakshadhisha - Champu, a Sanskrit composition in prose and verse by an anonymous author (Itihasa - Prakasha, bk. 2, Pt. 3, PP 598-611) contains even more gross inaccuracies. It contains a detailed account of General Bhimsen Thapa, and ends with a reference to the birth of Crown Prince Surendra. It thus appears to have been written some time between 1829 and 1836. Among those who installed Dravya Shah as King of Gorkha were Rajguru Narayana Dasa Arjyal, Raj-Purohit Sarveshwara Khanal, Minister Ganesha Pande, Commander-in-Chief Bhagiratha Pantha, Keshwa Bohra, Chief of the lands Department and Judge Gangarama Rana. The author of the Gorakshadhisha - Champu has listed both Gangarama Rana and Ganesharama (Ganesha Pande) as priests, in that order. He has discribed Panta, Pande, Rana, Busal, and Khanal as the thor families. He has not included Bohra in the list, but has mentioned Busal. Kaji Shriharsha of King Prithvi Narayan Shah's time, and Kaji Ajambar of King Girbana Yuddha's time, described themselves as Panthas. Subsequently, the pantha Brahmans of Nepal and Kumaun began to call themselves "pantha" after the Morhatha Pantas of Varanasi. The Champu also describes Bhagaratha as Panta and puts his name on the top of the list. It makes no reference to Shriharsha Mishra, King Prithvi Narayan Shah's teacher, and mentions Gaurishwora Pande as the teacher of King Narabhupala Shah without any particular reason. Gaurishwara Pande was not the preceptor of King Narabhupala Shah. The position belonged to his son, Gokulavilasa Pande. All this shows that the author of the Champu belonged to the Pantha family and was related to the family of Gokulavilasa Pande on the mother's side. The Champu has made an attempt to authenticate the claim, initiated during the reign of King Rama Shah, to link the royal dynasty of Gorkha with that of Chittor. It has, therefore, expanded both the Raja-Vamshawali of Chitravilasa and the Goraksha-Raja Vamshawali and given a genealogy that commences with the rise of the Rana family in Chittor.

Contd. ...

A long time before the Gorakshadhisha - Champu was composed, myths were current in India that King Vikramaditya of Vijain started the Vikrama era in 58 B.C., and King Shalivahana the Shaka era in 70 A.D. The scholars of Nepal had full faith in these myths. The astrologers of Nepal used the Shaka era in their calculations. The author of the Gorakshadhisha - Champu has described Shalivahana as the founder of the Rana family of Chittor, and given the name of the first King of the lunar dynasty installed by him on the throne of Chittor as Rishiraja Bhattaraka Ranaji. The author has also given the imaginary names of thirteen of his descendants. He has mentioned that the fourteenth King of that dynasty, Ayuta Bamba Ranaji, was defeated by the Yavanas (Muslims), and has therefore dropped the title of Bhattaraka from the succeeding Kings up to Yashobamba, the seventeenth. The eighteenth King, Oudumbare, was granted the title of Rao by the Emperor. His grandson, Vira Vikramajit, was therefore, described as "Ranagi Rao."

Seven Kings succeeded Vira Vikramajit, from Jallaraja to Brahmanika according to the Vamshavali of Chitravilasa, Instead of Ajita and Brahmanika, the Gorakshadhisha - Champu mentions Ajilla and Brahma. It adds the names of five Kings in the line of Brahma, all bearing the title of "Ranaji Rao." The fifth King, Bhupati Ranaji Rao, had three sons: Udaya Bamba, Fatte Simha and Manmatha, and one daughter, Sandala. Emperor Akbar attacked Chittor for the sake of Sandala. In the battle that ensued, King Bhupati and his son, Fatte Simha, were killed. Sandala jumped into a cauldron of boiling oil and died. The Gorakshadhisha - Champu then claims that Udaya Bamba founded the city of Udaipur, while Manmatha went to Ujjain. He seems to be the Manmatharaja mentioned in the Vamshavali of Chitravilasa.

Manmatha had two sons, according to the Gorakshadhisha - Champu. The eldest son reigned in Ujjain. The other son, Bhupala Rana, went to Ridi along with his queen. He lived in Lasardha for some years, and then founded a new Kingdom at Khilung in Bhirkot in 1417. The Sanskrit scholars of that time used Shalivahana's Shaka era, hence this seems to be the Shaka year, corresponding to 1495 A.D. How could there be thirty-four Kings from Rishiraja Bhattaraka Ranaji Rao, who had been installed as King by Shalivahana, and Bhupala?

Contd. ...

How could Manmatha, a contemporary of Akbar, who had become Emperor in 1556, become the father of Bhupala? The author of the Gorakshadhisha - Champu best knows the answers to these questions.

The Gorakshadhisha - Champu also states that Bhupala had two sons: Khancha and Mincha, and that Khancha ruled over Dhor, Garhaun, Sataun, and Bhirkot, while Mincha became King of Nuwakot. The name of Mincha's son has been given as Jayanta Khan, the Jain Khan of Chitravilasa's Vamshawali.

Jayanta Khan's descendants were Surya Khan, Micha Khan, Vichitra Khan, Jagadeva Khan, and Kulamandana. The Emperor of Jagadeva Khan, and Kulamandana. The Emperor of Delhi conferred the title of Shah on Kulamandana, and installed him as King of Kashi, according to the Gorakshadhisha - Champu.

The Gorakshadhisha - Champu then states: "Kulamandana Shah had seven sons. The second son, Kalu Shah, was killed by the Shudras of Lamjung. The prominent people of Lamjung then installed Kulamandana Shah's youngest son, Yashabama, as their King with his consent. Narahari Shah, the eldest son of Yashobrama, succeeded to the throne of Lamjung. The youngest son, Dravya Shah, killed the Khadka King of Gorkha with the support of some local people at the royal palace on Bhadra Krishna Ashtami, 1481 Vikrama. Dravya Shah then became King of Gorkha." However, all this is mere imagination.

The Gorakshadhisha - Champu continues: "Dravya Shah reigned for eleven years, and his son, Purvandara Shah, for thirty-five years. His eldest son, Kshetra Shah, reigned for seven months only. He was succeeded by his brother, Rama Shah, who reigned for twenty-seven years. Rama Shah's successors and the duration of their reign were as follows: Dambar Shah (9 years), Krishna Shah (16 years), Rudra Shah (11 years), and Prithvipati Shah (41 years).

"Crown prince Birabhadra Shah died while his father, King Prithvipati Shah, was yet alive. His wife was three months pregnant at the time of his death. Birabhadra Shah had told this secretly to his youngest brother, Chandrarupa Shah. When Narabhupala Shah was born, Chandrarupa Shah brought him from his maternal grandfather's house in Tanahu and handed him over to Prithvipati Shah. Prithvipati Shah then proclaimed Narabhupala Shah as heir to the throne.

Contd. ...

"Narabhupala Shah had installed Gaurishwara Pandit of Kumaun as his preceptor. Gaurishwara advised Narabhupala Shah to propitiate Goddess Bhagavati for twenty-four years, so that his son might conquer new territories. Narabhupala Shah died after a reign of twenty-six years and eight months. He was succeeded by his son, Prithvi Narayan Shah, who was then twelve years of age. Prithvi Narayan Shah conquered Nuwakot after repeated attempts during a period of three years.

4. Biography and Vamshawali Compiled by Sherman Singh and Buddhiman Singh

The Gorkha-Vamshawali (State Library in Kathmandu, Catalog, Pt. 2, No. 307) contains only the biography of Dravya Shah. It is written on paper made in the plains with ink made from catechu with a reed (nigalo) pen in slanting characters. The language is Nepali (Khas-Kura). It thus appears to have been written in about 1897 Vikrama, corresponding to 1840 A.D. A translation of this biography into Urdu, using the Nagari Script, and biographies of the Kings of Gorkha from Purandara Shah to Narabhupala Shah, are available in the form of Nepali hand-made paper rolls in the Hodgson Collections at the India Office Library in London. These biographies thus appear to have been compiled on the orders of King Rajendra at the request of the then British Resident in Kathmandu, B.H. Hodgson. Inasmuch as they also mention the names of the Mughal Emperors of Delhi who were contemporaneous with the Kings of Gorkha from Purandara Shah to Narabhupala Shah, King Rajendra appears to have commissioned a man who was well-acquainted with the lives of the Mughal Emperors. I believe that these biographies were compiled by Kharidar Sherman Singh, the oldest son of the famous Gorkhali Kharidar Gunavanta, during the rule of General Bhimsen Thapa. These biographies are based on the Gorakshadhisha - Champu composed by an anonymous Panta, but also contain many other fanciful accounts. Ninety five percent of these accounts seems to be the product of a crazy mind.

According to Kharidar Sherman Singh, King Yashobrahma Shah of Lamjung was the father of Dravya Shah. He omitted as unnecessary the names of forty-one Kings mentioned by the Panta in his Gorakshadhisha-Champu, from Rishiraja Bhattaraka Ranaji Rao, the so-called first King of Chittor, to Kalu Shah, the first King of Lamjung.

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I have in my possession one copy of the Vamshavali compiled by the brother of Sherman Singh. I had obtained this copy from the original in the possession of Badakaji Marichiman Singh. The Vamshawali consists of 290 folios. The following sentence occurs in the first folio." This vamshawali was composed after many years of effort by Gorkhali Knaridar Buddhiman Singh of Manjyeshwari Tol in Kathmandu. It was completed at noon on the day of the Gaijatra festival on Tuesday, Bhadra Badi, 1, 1935 Samvat. Let great and wise men fill up whatever is left incomplete here." (Buddhiman Singh appears to have been a Naib Subba when he retired because of old age).

There are similar Vamshawalis at the State Library in Kathmandu as well as at the National Library in the Singha Darbar. The Department of Archeology of His Majesty's Government has used these two texts to compile the Bhasha Vamshawali, the first part of which was published in 2020 Vikrama and comprises one-fifth of the original Vamshawali. In the second half of his Vamshawali, Buddhiman Singh has used the Gorakhadhisha-Champu of the Panta as the basis, but made a few amendments and extensive additions. He has started his account with Rishiraja Phattaraka Ranaji Rao and placed Dravya Shah in the forty-fourth generation. His account of Dravya Shah and his successors is different from that of his brother, Sherman Singh, and also much shorter. The Panta had written that Prithvi Narayan Shah was twelve years old when he ascended the throne. Sherman Singh has not mentioned the dates of Prithvi Narayan Shah's birth and marriage, but has stated that he had been married to two wives while yet Crown Prince. However, Buddhiman Singh has stated that Prithvi Narayan Shah was born in the Shaka year 1654 (1732-33 A.D.), and crowned King in 1664 Shaka (1742-43 A.D.). He thus says that Prithvi Narayan Shah became King and married two wives before he was twelve years old. Such mistakes and discrepancies abound in the works of these two brothers.

(To be continued).

On Disciplinary Matters
(Abstract translation)

(Continued)

23. The following regulations regarding opium shall be applicable to the hill region, including Kathmandu Valley:-

(1) No person shall possess, conduct transactions in or consume opium without obtaining a permit from the local police station or district headquarters or government office. In case any person contravenes the regulations or possesses or consumes opium in excess of the quantity prescribed in the permit, he shall be punished, and the commodity shall be confiscated.

(2) Medical practitioners and traders dealing in medicines may obtain a maximum of one dharni of opium for the purpose of preparing medicines after obtaining a permit from the police station or district headquarters or government office.

(3) Medical practitioners shall utilize the opium obtained by them under permit strictly for medical purposes. They may also supply the required dose of opium to patients for administration as medicine or issue a prescription advising them to obtain the prescribed quantity from trader. Opium shall not be obtained, offered, or supplied for non-medical purposes.

(4) Traders who have obtained permits may sell opium only to medical practitioners against prescriptions or to the bearer thereof, in the prescribed quantity. Opium shall not be sold to any other person.

(5) Persons who are required to use opium as medicine may get it from medical practitioners or from licensed traders, against prescriptions issued by a medical practitioner. No other person shall obtain opium.

(6) persons who are deemed to be qualified to obtain permits under the law after inquiries made by the chief of the court in areas not having police offices or district headquarters offices shall be granted permits containing the seal of the office head on the basis of

Contd. ...

an order issued under the appropriate law. In case any person is found to have acted in contravention of the law in this regard, he shall be detained and punished according to this law. No other office or local body shall punish such person, and the guilty shall be handed over to the appropriate office.

(7) No person shall smoke opium in any manner inside Kathmandu Valley, nor shall he visit a den of opium addicts. In case any person who does so is apprehended by the police, he shall be sentenced to imprisonment for twelve years if he has smoked opium, and in case he willfully visits a den of opium addicts, he shall be banished to the Tarai.

(8) Any person who possesses opium, or supplies the same to others without obtaining a permit, or in case he keeps opium in his possession in excess of the quantity prescribed in the permit, or in case any medical practitioner supplies or directs the supply of opium to unauthorized persons, he shall be fined with five hundred rupees, and the unauthorized person accepting or consuming the opium shall be imprisoned for three months.

(To be continued)

Regmi Research (Private) Ltd
Kathmandu: October 1, 1976

Regmi Research Series

Year 8, No. 10.

Edited by

Mahesch C. Regmi.

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal

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King Prithvi Narayan Shah

By

Baburam Acharya

(Continued)

5. New Vamshawalis

In 2020 Vikrama (1963), the Department of Archeology of His Majesty's Government published a 48-page biography of King Prithvi Narayan Shah. The author's name and address, and the date when he wrote the biography, have not been indicated. In fact, the biography itself gives no date for any event, and is full of inaccuracies. The author seems to have read the biographies of Dravya Shah and Narabhupala Shah written by Kharidar Sherman Singh. Sherman Singh wrote a biography of King Pratapa Simha Shah, rather than of King Prithvi Narayan Shah, because he did not have the courage to do so. The author of King Prithvi Narayan Shah's biography wrote it in circa 1743 A.D. (sic). He seems to be a Brahman belonging to the anti-Thapa group. The editor's note does not state where the original manuscript was found, but it seems to have been a part of the Vamshawali procured by the National Library from the library of the late Guniraj Hemaraj Panditju. It has been given the title of "Sri 5 Badamaharaja Prithvi-narayana Shahko Jivani." (Biography of the Great King Prithvi Narayan Shah).

The library of the late field Marshal Keshar Shumshere contained a large Vamshawali which combined the accounts of the Vamshawali of Kharidar Buddhiman Singh and the biography of King Prithvi Narayan Shah and carried the story until the death of Rajguru Lokaraj Panditju. It was on the basis of this combined account that Surya Bikram Gnyawali wrote his "Prithvi Narayan Shahko (Jivanacharitra." (Biography of Prithvi Narayan Shah) in 1992 Vikrama. The Vamshawali mentioned above is full of gross inaccuracies. It has utilized the catalog of the Bir Library (Nepal State Library) compiled by Pandit Hara Prasad Shastri, which was published in 1905 by the Asiatic Society of Bengal. Although the Vamshawali contains an account of events until 1949 Vikrama, it thus seems to have been written only thirteen years later. It was written on thick English paper

Contd. ...

with an attractive cover in the excellent calligraphy of Mukhiya Pushpalal Maske, a resident of Asan Tol in Kantipur. It has a number of blank pages also. Pushpalal Maske was a clerk at the Jangi Bandobast (Army office) from 1971 to 1976 Vikrama. The Vamshawali thus appears to have been compiled during these years. It also contains the horoscope of King Prithvi Narayan Shah, which was reproduced 161 years after Pushpalal's death by Surya Bikrama Gnyawali in his biography of the King. It has now been ascertained that Pushpalal had obtained a copy of the horoscope from the Jaisi Kotha office. Inasmuch as I do not have a copy of this Vamshawali with me, and it contains more inaccuracies than the Vamshawali of Kharidar Buddhiman Singh, I have not considered it appropriate to refer to it.

6. Dr Daniel Wright's History of Nepal

Dr Daniel Wright was Surgeon Major at the British Residency in Kathmandu from 1863 to 1876. He had Mir Munshi Shew Shunkar Singh of the Residency and Pandit Gunand translate a Vamshawali into English. He edited the translation himself and published it under the title "History of Nepal" from Cambridge in 1877. Pandit Gunanand appears to have been a Rajopadhyaya of Lalitpur. The Vamshawali was therefore probably compiled by a Buddhist of Lalitpur.

The Vamshawali covers the period until the birth of Prince Surendra in 1829. The original of the manuscript was in the possession of Prof. Cowell of the Cambridge University and two copies at the British University and the Cambridge University, according to Wright. The second edition was published from Calcutta in 1958. It is in abridged form, and contains a number of printing errors. History is not the same thing as a Vamshawali; there is a vast difference between the two. The Vamshawali used by Wright itself was a new one, and contained inaccuracies. Wright gave the name of history to the translation of such an inaccurate Vamshawali. The book, in fact, appears to have been published with the motive of ridiculing the people of Nepal and showing to the British people how inaccurate the history of the people of Nepal was. This evaluation is not affected by the fact that the second edition is in abridged form and contains printing errors.

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Lalit Jung Sijapati had once loaned me the first half of a Vamshawali written in Nepali on handmade paper with a reed (deunigali) pen and catechu ink in slanted characters. Lalit Jung Sijapati's great grandfather, Subedar Lal Singh Khatri, was a supporter of Jung Bahadur Kunwar during the Kot massacre of 1846. His grandfather, Kaji Jagatsher Khatri, was leader of the delegation which visited China in 1866. Lalit Jung Sijapati took back the Vamshawali from me after twelve or thirteen years. That Vamshawali had no divisions of words, paragraphs, or chapters. It began with a benefiction in Sanskrit verse. Wright's History of Nepal appears to be a literal translation of Sijapati's Vamshawali; but without this Sanskrit verse. However, the Rajopadhyaya appears to have given wrong translations of several Nepali words. The main language spoken in the Kingdom of Nepal until the reign of King Surendra was known as Parbate. Accordingly, Wright has used this term to denote the (Nepali) language.

A careful study of Sijapati's Vamshawali revealed a large number of inaccuracies. British writers have wrongly maintained that Nepal formed a part of Ashoka's empire. Vincent Arthur Smith has given the name of modern Lalitpur town as Lalitapatana or Manjupatana in his map of India during the period of Ashoka. Shiva Prasad Gupta has committed the same mistake in his version of the map of India at that time which is on display at the Bharatmata temple in Varanasi. Gupta has thus ignored the views of the great historian and archeologists, Rama Krishna Bhandarkar and Rakhel Das Bannerji. The name Lalitapatana (or Lalitpur) occurs in Nepali manuscripts written after the tenth century only. The term Manjupattana occurs only in the Swayambhu - Purana, which was composed during the second half of the seventeenth century or the first half of the eighteenth century, as well as in this inaccurate Vamshawali. Even a mere enumeration of the inaccuracies contained in that Vamshawali about historical events in Nepal would take much more space than Wright's History of Nepal. A student of history will lose his mind if he starts with this book.

The author of the Vamshawali has reproduced the genealogy of the royal dynasty of Chittor, starting from Rishiraja Bhattaraka Ranaji Rao, which Kharidar Buddhiman Singh had

Contd. ...

compiled on the basis of the panta's Gorakshadhisha - Champu, albeit with several alterations. The Vamshawali has combined the account of King Prithvi Narayan Shah with that of the Malla Kings, and also given the following additional stories:-

1. Prithvi Narayan Shah ascended the throne when he was twelve years of age. His first invasion of Nuwakot was unsuccessful. He succeeded only the second time. Subsequently, he conquered all the Kingdoms of Nepal.
2. At that time, Nawab Kasim Ali Khan of Murshidabad, who had been defeated by the British, was living as a refugee in Nepal. As a mark of gratitude to the Malla Kings, he sent 60,000 troops through the Makwanpur route. These troops were slaughtered by the 400 troops despatched by Prithvi Narayan Shah.
3. 5,000 nagas who had come to help the Malla Kings met with the same fate at the hands of Prithvi Narayan Shah's troops in Panauti.

If Buddhiman Singh's Vamshawali is useless in our study of the life of King Prithvi Narayan Shah, what can we expect from Wright's History of Nepal ?

(To be continued)

Industrial Development in Nepal

By

Mahesh C. Regmi

(Continued)

Chapter 7Structure and Ownership of Industry

In keeping with the primitive stage of development of industry in Nepal, the individual entrepreneur system is still an important part of the industrial organization. Lack of cooperative facilities has made it the sole system of organization so far as cottage industries and handicrafts are concerned, and the setback suffered by joint stock enterprise in this country have contributed to the retention of the proprietary firm over a large part of the small scale industry existing in the country. In spite of a number of facilities in connection with the payment of royalties that have been afforded to joint stock rice and oil mills, the number of private-owned mills is still preponderant over the joint stock mills. Moreover, the lack of publicity, the absence of any obligations and statutory requirements, and the ability of the proprietor to handle things as he pleases without being fettered by irritating restrictions, have all enabled this form of business organization to be preferred by the average Nepali entrepreneur.

To be sure, in some part of this section of industrial enterprise, partnerships are also an important form of organization. The individualist temperament of the average Nepali entrepreneur however has not been conducive to the popularity of the partnership system, and the absence of any legal provisions regulating the relationship between partners has been a major source of friction.

The Companies Act of 1951 permitted the formation of private limited companies for the first time in Nepal. The main features of such companies are:-

1. Promoters are not allowed to offer shares and debentures for public subscription.
2. The number of shareholders is limited to fifty.

Contd. ...

In addition, many of the restrictions which are imposed on public limited companies are not applicable to such private limited companies. Consequently, they are free to borrow, to appoint directors, managing agents and auditors, and to carry on the activities of the companies, as they like. Nor are they required to have their accounts audited by public auditors as in the case of public limited companies. All this has tended to make this form of business organization popular. A number of rice and oil mills, a match factory, and some commercial concerns have been registered on this basis since 1951. The following table will illustrate the growth of private limited companies in recent years:-

Table II

Growth of Private Limited Companies

<u>Year</u>	<u>No. of Companies registered</u>
1951-52	13
1952-53	X
1953-54	X
1954-55	6
1955-56	4

The Nepal Companies Act of 1936 permitted the formation of public limited companies for the first time in Nepal. The excellent business conditions of the war and immediate post-war years led to a spectacular growth of this form of business organization. Companies were formed by the score, and covered various spheres of economic activity, agricultural, commercial, and industrial. The following table will illustrate the growth of public x limited companies since 1936.

Contd. ...

Table IIIGrowth of Public Limited Companies Since 1936

<u>Year</u>	<u>No.</u>	<u>Authorized Capital</u>	
		<u>Indian Rs</u>	<u>Nepali Rs</u>
1936-37	2	5,300,000	-
1937-38	2	800,000	-
1938-39	4	500,000	-
1939-40	2	1,600,000	-
1940-41	1	10,000	-
1941-42	3	-	200,000
1942-43	5	4,400,000	475,000
1943-44	2	1,150,000	665,000
1944-45	4	300,000	-
1945-46	-	-	-
1946-47	20	45,525,000	-
1947-48	3	6,050,000	-
1948-49	4	11,600,000	-
1949-50	2	-	550,000
1950-51	3	7,250,000	-
1951-52	1	300,000	-
1952-53	3	2,200,000	-
1953-54	-	-	-
1954-55	-	-	-
1955-56	2		

Contd. ...

In the words of the Draft Five Year Plan, "Successful operation of some of the earlier enterprises was followed by a period of opportunistic expansion, during which many ill-considered ventures were launched without proper preparation, financing, management and knowledge of industrial processes and marketing potentialities." (Draft Five Year Plan, p, 54). Much of this development, as has been explained already, was the result of the boom conditions that prevailed in India and elsewhere during the war and post war years and the collapse that followed was inevitable. But this has at the same time tended to make the public limited company a suspicious character in the eyes of the average Nepali investor and entrepreneur.

The gravity of the situation can be realized from the fact that out of the total number of 68 companies (excluding private limited companies) registered since 1936, 24 were dissolved because they were not able to sell any shares; 13 are in liquidation, voluntary or official; 14 or 15 are still in operation but on a marginal basis; while only 4 or 5 are running profitably. The total paid-up capital of companies in liquidation (including paid-up debentures) is Rs 515,845 in Nepali currency, and Rs 2,383,629 in Indian currency.

It can be easily realized that all this has not contributed to the popularity of this type of business organization in the country. With a view to eradicating the existing malaise in the field of joint stock enterprise, the Nepal companies act was substantially remodelled and the revised and enlarged act was put in force early in 1951. Experience of the previous years and the spectacle of the old ventures dying by the score, coupled with the general unstable political conditions that have characterised the post-Rana period have however stood in the way of the successful regeneration of joint stock enterprise in Nepal. The Draft Plan, as has been mentioned already, has envisaged the appointment of a Royal Commission to frame revisions in the existing law.

There is evidence to show that in general the spirit of the institution has not been grasped either by the shareholders or by the management. The law requires a general meeting of the shareholders to be held at least once a year, but more often than not this has been observed very perfunctorily. Quorum requirements have been fixed unusually high at 50 percent of the total number of shareholders, and the voting

Contd. ...

procedure too is unusual - one vote is allotted for every five shares or less, with a maximum voting strength of 20 for every individual shareholder. In many cases this has resulted in deadlock owing to the lack of quorum for years on end. This has necessitated interference from the Government.

Even though the Nepal Companies Act of 1936 made no mention of managing agents or directors, this form of management has been the rule in the majority of the companies. Inadequate supervision by directors, the general apathy of the shareholders, and the absence of any rules designed to regulate the activities of managing agents and directors all this more often than not led to incompetent management and adoption of practices not at all conducive to the interests of the shareholders, or to industry in general. So far, the new restrictions on the activities of managing agents and directors imposed by the new act of 1951 have led to little change in the situation.

The Companies Act provides for a Board of Directors to supervise the management of joint stock companies. It has however been observed that the Board of Directors, though equipped with wide powers, has performed its functions very perfunctorily. Meetings are rare, three or four times a year, and very few Directors have shown themselves willing to utilize the opportunity to make themselves obnoxious to the managing agent or director by pointing out his acts of omission and commission. The provisions of the new Companies Act, which holds the director of a company responsible even for acts done without his knowledge, and the recent Anti-Corruption laws, which forbid a government servant from holding the post of director or managing agent or director of a company; have in the main been responsible for deterring capable and intelligent people from such work. Under the companies Act the Government is empowered to appoint one or more directors in any public limited company, according to the importance of the industry and the size of the government investment, but so far this power has been restricted to the appointment of District Bada Hakims as Resident Directors, and also of Government Representatives as Directors.

Contd. ...

On the whole, it appears safe to conclude that the joint stock form of industrial enterprise has suffered a set-back in Nepal from which much time will be needed, as well as the solution of the present difficulties suffered by existing industries, together with a few examples of successful operation under the aegis of the Government. Moreover, in view of the fact that in the past the Rana families and their clique were responsible for a large percentage of the total share subscriptions, fresh joint stock ventures may find public reaction to their flotations very discouraging. This view is supported by the fact that when in 1952 a running press, one of the most important printing presses of Kathmandu, was converted into a public limited company, it had to be dissolved because the response to the issue of its shares was not adequate.

(To be continued)

Mallapuri

By

Shyamakrishna Bhurtel

("Mallapuri Vijaya - Ek Vivechana" (The Conquest of Mallapuri: A Discussion). Gorkhapatra, Shrawan 30, 2033 (August 14, 1976).

The reign of King Manadeva I is important in the history of Nepal from two viewpoints. In the first place, it is from that time that systematic materials are available for a study of Nepali history. Secondly, this period was characterized by territorial expansion and administrative stability.

Manadeva ascended the throne when his father, Dharmadeva, died in Circa A.D. 464. Soon thereafter the feudatory chiefs of the east rebelled. Manadeva suppressed the rebellion. Accompanied by his maternal uncle and his army, Manadeva then launched an expedition against the Mallas of the west. The expedition was successful. According to the Changunarayan inscription, Manadeva thus defeated the Mallas of the region across the Gandaki river and brought about stability in his kingdom.

When the center is weak, provincial rulers and feudatory chiefs make an attempt to become independent. The condition of the Gupta Empire in India had become very weak after the death of Kumaragupta because of external aggression and internal conflict. In Nepal too, feudatory chiefs rebelled when King Dharmadeva died and his son, Manadeva, ascended the throne.

Manadeva summoned the Mallas of the trans-Gandaki region to accept his suzerainty, but they refused to do so. He then attacked them with all the strength at his disposal, and succeeded in vanquishing them. The question is, were the Mallas feudatory chiefs under the suzerainty of the Licchavi Kings? There is no evidence to prove that the Mallas were independent and sovereign Kings in the modern sense of the term. They had probably been granted local autonomy. The Changunarayan inscription clearly shows that they held the same status as the feudatory chiefs of the eastern region. According to that inscription, Manadeva exclaimed: "If they do not come when I summon them, I will suppress them through the valor of my arms."

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No independent King will ever use such language against another King of the same status.

Nor does the inscription state, while referring to Manadeva's expedition against the Mallas of the western region, that he conquered a new Kingdom. It only mentions Manadeva's attempt to suppress rebellious feudatories. Had Manadeva conquered a new Kingdom, would he not say so in his inscription with the customary exaggeration? This makes it clear that Manadeva had only suppressed rebellious feudatories, not conquered a new Kingdom.

Moreover, Manadeva was not the founder of the Great Licchavi Kingdom. The Changunarayan inscription states that his father, Dharmadeva, acquired new territories through his merit. This shows that the Licchavi Kingdom was already big before Manadeva ascended the throne.

Where was Mallapuri, that Manadeva succeeded in vanquishing, located? The question has raised much controversy. Some historians believe that Mallapuri was located in modern Gorakhpur. In the opinion of others, however, it was located in the hill region beyond the Gandaki river of modern Nepal. The latter view appears to be more tenable.

The Changunarayan inscription describes the Gandaki as a turbulent and meandering river. This is possible only in a mountainous region. In other words, Mallapuri could have been located in the hill region, not in the plains region of Gorakhpur.

It would not be reasonable to believe that the Mallas were ruling in Gorakhpur even during the Licchavi period. Pali writings state that they were ruling in Kushinagar (modern Gorakhpur) at the time of the Buddha. It is probably on this ground that the view has been put forward that Mallapuri was located in Gorakhpur.

Nevertheless, this view only betrays an ignorance of political conditions in India at that time. The Mallas were ruling in Kushinagar (Gorakhpur) at the time when the Buddha was still alive. Manadeva ascended the throne nearly one thousand years after the Buddha's death. It is not reasonable to believe that Malla rule in Gorakhpur had lasted such a long period. This was manifestly impossible in the political conditions that prevailed at that time. Even the Maurya, Kushan, and Gupta empires did not last that long. How then can we believe that Malla rule in Gorakhpur lasted more than one thousand years?

Contd. ...

India witnessed political turmoil after the Buddha's death. The Maurya, Kushan, and Gupta emperors vanquished the petty Kingdoms of northern India and established a strong central rule. This is proved by the Prayag inscription of Samudragupta (A.D. 320-80). It is doubtful whether the Mallas were able to survive the Guptas' imperial domination. It appears reasonable to believe that they were incorporated into the Gupta Empire. The Empire became somewhat weak after the death of Kumaragupta, but Skandagupta was able to restore stability for some time. The Kahabam inscription of Skandagupta (517 Vikrama) shows that the Mallas of Gorakhpur had been subjugated by the Guptas.

Manadeva was King from 520 to 562 Vikrama. He was a contemporary of Shandagupta, who was definitely a more powerful King. Even if Mallapuri was located in Gorakhpur, was it possible for Manadeva to attack a Gupta imperial possession? Nor is there any claim that Manadeva had vanquished an independent Kingdom. There is no evidence to prove that he did so in Gorakhpur. He only suppressed a rebellious feudatory chief.

The accounts of contemporary travellers do not show that Nepal's territorial possessions were extensive at that time. Had Nepal been a big Kingdom, capable of confronting the Gupta Empire, travellers who could mention Amshuvarma would surely not have ignored Manadeva. The claim of Jivitagupta, that he conquered territories extending from the Himalayas to the ocean, is similar to the exaggerated account that Punya Malla has given of his exploits.

A careful study of the Changunarayan inscription would show that Mallapuri was located beyond the modern Gandaki river, possibly in Gulmi. Contemporary writings show that powerful kings were ruling in that region even after the death of Manadeva. According to the Rajatarangini, King Aramudi of the Gandaki region defeated and imprisoned Jayapida, King of Kashmir.

It is possible that after the emergence of the Maurya and Gupta Empires, the Mallas of Kushinagar, like the Licchavis of Vaisali, shifted to the Gandaki region. There have been many such cases of emigration in history. There were Mallas in that region even long afterwards. Manuscripts which have been discovered recently shed light on the importance of the Gandaki region. Moreover, a large number of the Mananka and other Licchavi coins have been discovered there. In any case, deeper research is essential about the Gandaki region.

On-Disciplinary Matters

(Abstract Translation)

(Continued)

24. With effect from Falgun 1, 1990 (February 11, 1934) no person shall sell or offer to boys aged below sixteen years and girls aged below fourteen years cigarettes, ganja, and bidis, or purchase these from them. Otherwise, punishment shall be inflicted as follows:

(1) Persons selling cigarettes, or making free offer of ganja or bidis to boys or girls below the prescribed age shall be fined with an amount ranging from one rupee to five rupees for the first offense, from five to ten rupees for the second offense, and from ten to fifty rupees for each successive offense, at the discretion of the chief of the concerned office. In case any boy aged below sixteen years sells cigarettes, ganja or bidis, he shall be kept in simple imprisonment for two hours, and then reprimanded and let off with a warning.

(2) In case any boy or girl below the prescribed age takes or is about to take cigarettes, ganja or bidis, these shall be confiscated and thrown away. If they do so within the premises of a school, factory, or government office they shall be arrested and kept in confinement for four hours if they belong to the 12-16 age group, and for two hours if they are below 12 years, at the discretion of the chief of the concerned government office. In case they have done so elsewhere, they shall be so arrested and punished by the local police office, where where is one, or else by the Amini or district headquarters office (Gaunda Goshwara), and then handed over to their guardian, if any, after admonition and warning. In case a girl aged below fourteen years takes cigarettes, ganja or bidis, she shall be fined with an amount ranging from four paisa to fifty paisa at the discretion of the chief of the concerned office. She shall not be imprisoned even if she defaults in the payment of the fine. The fine shall be recovered from the guardian of the girl.

Contd. ...

(3) In case any government servant wearing a gold badge of office sees any person smoking cigarettes, bidis, or ganja at any place, or in the street in which the police are not patrolling, he shall seize and throw away the cigarettes, bidis or ganja. If a girl aged above twelve but less than fourteen years is seen smoking a cigarette, bidis, or ganja, the government servant shall not touch her, but shall only admonish her and direct her to throw away the same

(To be continued)

New Cash Crops in the Tarai Region

By

Mahesh C. Regmi

During the early nineteenth century, indigo had been an important cash crop in the Tarai region. Trade in this commodity was apparently so lucrative that the government assumed a monopoly. Indigo was exported to India, from where it was reexported to England and other countries of Europe. By 1860, however, the indigo industry in India had grown to almost the maximum of its capacity. It remained stationary until the closing years of the nineteenth century, when it received a death-blow through the discovery of aniline dyes. Consequently, demand for indigo from Nepal declined. It is significant that we do not find indigo in the list of commodities that were covered by state trading and monopolies during the period after 1860.

To some extent, indigo's place in the list of the Tarai region's export products was taken by jute. The development of the jute industry in Bengal during the 1850's led to the growing cultivation of jute as a cash crop in the districts of Morang and Jhapa. The apparent success with which jute cultivation spread in the eastern Tarai districts led the government of Nepal in 1895 to try to introduce this crop also in the far-western Tarai. The experiment, however, proved a failure, apparently because of unsuitable soil and climatic conditions, and the government's insistence on immediate returns.

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During the early 1860s, the Rana government made efforts to develop sugarcane farming in the eastern Tarai region. High quality seeds procured from India, and credit facilities, were made available to farmers who desired to cultivate this crop.

Tea cultivation was another field in which India's markets proved important for Nepal. The foundations of India's tea industry were laid during the late 1850s and Nepal does not appear to have lagged far behind. In 1863, tea gardens were started in Ilam and Suktim in the far-eastern hill region. Tea cultivation was started subsequently also in Udayapur. The production of these gardens was exported to Calcutta and other commercial centers in India. In 1871, Commanding-General Dhir Shumsher, a brother of Prime Minister Jung Bahadur, was granted waste lands throughout the eastern hill region, from the Dudhkosi to the Mechi, for the cultivation of tea. This may be regarded as evidence of the success of the tea plantations that had been started earlier.

Contd.

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Establishment of Tejarath Offices

Abstract of a notification published by the Government of Nepal in the Gorkhapatra on Falgun 5, 1987 Vikrama (February 16, 1931).

1. In the districts of the Tarai region, ryots and jimidars have to pay discount and interest at exorbitant rates for money borrowed by them from moneylenders. They are also required to sell paddy at very low prices against the principal and interest due from them.
2. It has, therefore, been decided to establish Tejarath offices in the districts of Parsa, Bara, Rautahat, Sarlahi, Mahottari, Siraha, Hanumannagar, Biratnagar, Jhapa, Banke, and Bardiya to supply loans to the public. These offices will charge interest at ten percent only per year, and will not demand any additional discount or other payment.
3. Persons who had acquired lands and Jimidari holdings in any manner during the time when it was not necessary to register such transactions are hereby directed to have their titles registered at the appropriate Tejarath Office within thirty five days. No complaint will be entertained if they do not do so, and their lands and

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Jimidari holdings are used as collateral by other persons to obtain loans from the Tejarath Office.

The establishment of these offices had first been reported in the Gorkhapatra on Poush 22, 1987 (January 6, 1931). According to that report, rates of interest charged by moneylenders in the districts of the Tarai ranged between 25 percent yearly.

The government of Nepal promulgated regulations on Marga 22, 1985 (December 7, 1928) for Tejarath Offices. These regulations were revised on Magh 28, 1987 (February 10, 1931) and Bhadra 28, 2002 (September 13, 1945) (Regmi Research Collections, Vol. 59, pp. ; -55, 61-13, and 204-345). Separate regulations were promulgated for the Bardiya Tejarath Office on Poush 25, 1987 (January 9, 1931).

Tejarath Offices were subsequently opened in the districts of Kailali and Kanchanpur also. Regulations for these offices were accordingly promulgated on Jestha 18, 1989 (June 10, 1932) (Regmi Research Collections, Vol. 60, pp. 68-363). However, the local revenue officials reported that there were limited prospects for Tejarath operations in these districts, because agricultural lands there were not transferable and so could not be pledged as security for loans supplied by Tejarath offices. The decision to establish such offices in Kailali and Kanchanpur districts was, therefore, rescinded. (Regmi Research Collections, Vol. 60, pp. 470-492.

Until Jestha 6, 1994 (May 19, 1937), Tejarath Offices used to supply loans with gold and silver also as collateral. An order was issued on that date directing Tejarath offices to discontinue that function, which would be performed by the newly-established Nepal Bank Ltd in the future. (Regmi Research Collections, Vol. 59, pp. 170-76).

Mukhiyas and Jimmawals in the Bheri
Mahakali Region

Exceprts from regulations promulgated in the name of Colonel Krishna Dhwaj Kunwar Rana on Kartik Sudi 4, 1911 (October 1854)^x

1. Dafdaris and jimmawals had been abolished in 1908 and mukhiyas had been appointed in each village. Jimmawals shall now be restored, on condition that they agreed not to oppress the people, extort unlawful payments, or exact unpaid labor. Both Mukhiyas and Jimmawals shall be paid remuneration at 2½ percent each of the total collections.
2. Asmani tax shall be imposed on each individual holding. Justice shall be dispensed by the Adalat. A part of the income from judicial fines shall be transmitted to the government. One-fourth of the balance shall be paid to the mukhiya, and three-fourths shall be adjusted against the amount of revenue stipulated from each village. The surplus amount, if any, shall be apportioned among the local households.

On Falgun Badi 12, 1914 (February 1858) these regulations were amended as follows.^{xx}

1. Jimmawals shall be abolished in the Bheri-Mahakali region.
2. 2½ percent of the revenue collected in each village shall be paid to the mukhiya as his emoluments.

^x Regmi Research Collections, Vol. 62, pp. 720-736.

^{xx} Ibid, Vol. 66, pp. 246-247.

Regmi Research (Private) Ltd
Kathmandu; November 1, 1976

Regmi Research Series

Year 8, No. 11,

Edited by

Mahesh C. Regmi

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Famine in Nepal

During 1863-64, Kathmandu Valley and several areas in the hill regions were ravaged by a famine.

In the course of attempts to meet the disaster, the Rana government sent the following order to Lt. Colonel Himmat Bahadur Shah, Chief administrator of Bara district, on Marga Badi 13, 1921 (December 1864):

This year, the paddy crop in Nepal has been damaged by drought. Lest people should suffer hardships because of the scarcity of food, it has been decided to procure 45,000 maunds of rice, both raw and parboiled, from Bara district at the price of five maunds per rupee. If farmers refuse to supply rice at this price, no action need be taken against them, but they shall not be allowed to export it to India.

Supplies thus procured were to be transported to Hitaura and delivered to Major Captain Maharudra Khatri Chhetri by mid-February. Transport charges were payable in addition at current rates. The order recalled that 1,000 muris of rice had previously been transported from Bara to Hitaura on payment of transport charges at the rate of one rupee for twelve pathis."

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1. "Order to Lt. Colonel Himmat Bahadur Shah Regarding Food Procurement in Bara District Marga Badi 13, 1921 (November 1864). Regmi Research Collections, Vol. 33, pp. 671-74.

Contd. . . .

There is evidence that famine conditions persisted in Kathmandu Valley and the hill regions for a long time. On Aswin Badi 3, 1923 (September 1866), officers of the Narain Dal Company stationed in Sindhuli, and of the Gorakh Bux Company in Udayapur, and border guards in Upaderdang-Gadhi, received the following instructions from Kathmandu.²

Traders export rice and other foodgrains from the hill regions to the plains, with the result that food has become very costly here. In future, let no trader export foodgrains in this manner. Confiscate all supplies that may be smuggled.

Six days later, the ban was relaxed to permit porters and mail-carriers of the government of Nepal, the British government, and Sahu Darmanarain to take their food along with them.³

During 1865-66, the famine spread to the eastern Tarai region as well.

On Jestha Badi 30, 1923 (May 1866), the following regulations were promulgated in the names of Subba Laxman Das in Saptari, Captain Kirti Bahadur Singh Rajbhandari in Sarlahi, Major-Captain Vjir Singh in Mahottari, Major-captain Katak Bahadur Basnyat Chhetri in Parsa, and Colonel Surya Pratap Shah in Bara and Rautahat.⁴

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2. Separate orders to Military officers and border guards in Sindhuli, Udayapur, and Upardang-Gadhi regarding a ban on food exports. Aswin Badi 3, 1923 (September 1866) Ibid, Vol. 63, pp. 222-23.
 3. "Order regarding Relaxation of Ban on Food Exports" Aswin Badi 9, 1923 (September 1866). Ibid, Vol. 63, p. 259.
 4. "Regulations regarding famine relief in the eastern Tarai districts." Jestha Badi 30, 1923 (May 1866). Ibid, Vol. 57, pp. 627-39.

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We have received reports from local administrators and revenue-collection functionaries that there has been a large-scale failure of crops because of drought, and that the ryots are suffering from famine. We, therefore, hereby promulgate the following regulations so that minors and other helpless people may not die of starvation, and that ryots may not abandon their lands because they have no seeds.

1. Withdraw necessary funds from the land taxes collected in the district, and purchase foodgrains locally as well as from areas adjoining the district. Prepare statements of the quantities purchased and the prices. These statements must be counter-signed by a representative of the local revenue office (Mal Kachahari), Chaudharis, and other respectable people.
2. Construct a godown to store the foodgrains thus procured at, a cost not exceeding twenty five rupees. The godown shall be under the charge of an official of the Mal Kachahari, while the local Patuwari and Kanugoye shall maintain accounts and records.
3. Supply food throughout the month of Kartik (ending November 16) to children below sixteen years of age and old people above fifty-five years of age, who have nobody to look after them and cannot support themselves. Submit particulars of such distribution attested by a local official and the local chaudhari.
4. Supply seeds on loan to needy ryots and submit statements as mentioned above. Chaudharis shall obtain bonds signed by Jimidars in the area under their jurisdiction undertaking liability for the full repayment of such loans. Chaudharis themselves shall undertake similar liability for the entire Parganna under their jurisdiction.

On Shrawan Badi 11, 1923 (July 1866), the government sanctioned a sum of Indian Rs 100,000 for the supply of seeds to peasants in the famine-affected areas of the eastern Tarai

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region. The following regulations were promulgated in this connection in the name of Chief Colonel Dilli Singh Basnyat Chhetri:-⁵

Local funds shall be utilized as far as possible for the supply of seeds. If such funds prove inadequate, sanction the necessary amount from the above mentioned sum of Indian Rs 100,000 against a bond executed by the chief administrator of the concerned district.

If this amount of Indian Rs 100,000 too proves inadequate, obtain loans from local Jimidars and other prominent people for a period of five months, and stipulate interest at five percent yearly. These loans will be repaid by the government by the month of poush or Magh (January-February).

On Shrawan Badi 10, 1923 (July 1866), the following order was sent to jimidars and other prominent people in the districts of the Tarai region:⁶

In case funds are required to supply seeds to peasants in different districts, Chief Colonel Dilli Singh Basnyat Chhetri will ask you for loans. Supply loans if so asked. These loans will be repaid by the government along with interest in four or five months.

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5. "Regulations in the Name of Chief Colonel Dilli Singh Basnyat Chhetri." Shrawan Badi 11, 1923 (July 1866). Ibid, Vol. 63, pp. 47-51.
 6. "Order to Jimidars and others in the Tarai districts Regarding Supply of Loans for the Purchase of seeds." Shrawan Badi 10, 1923 (July 1866). Ibid, Vol. 63, pp. 52-53.

Contd. ...

On Marga Badi 15, 1923 (December 1866), separate regulations were issued in the names of local administrators and revenue-collection functionaries in the districts of Mahottari, Rautahat, Sarlahi, Bara, Parsa, Morang, and Saptari. An abstract translation of these regulations is given below:-⁷

"During the famine of 1922 Vikrama (1865-66), many people died of starvation, and ryots suffered great hardships because they lacked seeds for sowing their fields. Orders were issued to supply food to the ryots until the month of Kartik (October-November). Notwithstanding these orders, many people died of starvation.

"It has been felt that in case food godowns are maintained at different places, food and seeds can be supplied to needy ryots. We, therefore, hereby promulgate the following regulations:-

1. One-fourth of the total land-tax revenue due for the year 1923 Vikrama (1866-67), collected in the first installment, shall be supplied on loan without charging any interest to the chaudharis of each Parganna.
2. Chaudharis, on their part, shall supply this amount on an interest free basis to the Jimidars in the area under their jurisdiction.
3. With this amount, Jimirdars shall purchase paddy from the ryots at prices current during the month of Mangsir (November-December).
4. Jimidars shall arrange for the construction of godowns in each mouja through the labor of the local ryots, and store the paddy at these godowns. Ryots shall be under obligation to provide labor for the construction of

7. Regulations Regarding Food Procurement and Supply in the Eastern Tarai Districts, Marga Badi 15, 1923 (December 1866). Ibid, Vol. 13, pp 327-45.

Contd. ...

godowns in this manner because the food stored therein is meant for their use. Fines shall be imposed if ryots are employed (without wages) for purposes other than the construction of godowns.

5. Fines shall be imposed on Jimidars according to the law in case they do not procure paddy from ryots from the threshing-ground immediately after the crop is harvested.
6. Fines shall be imposed on ryots according to the law in case they do not supply paddy in this manner against the first installment of land tax due from them, and instead, sell their paddy elsewhere.
7. Two thirds of the royalty (salami) payable by the heads of monasteries to the government every year shall be paid in the form of paddy.
8. The Patuwari of each mouja shall prepare a statement regarding the quantities and prices of paddy procured in the area, have the statement countersigned by the jimidar and ryots, and forward a copy thereof to the appropriate Chaudhari. He shall prepare similar statements regarding the quantities and prices of paddy subsequently sold on the orders of the government. The original loan-bond shall then be cancelled.
9. The Chaudhari of each Parganna shall similarly forward statements for the entire parganna to the local administration. The original loan-bond signed by him shall then be cancelled.
10. The local administration shall forward similar statements for the entire districts to the government.
11. The local administration shall recommend to the government the sale of paddy to ryots for food as well as for seed during the monsoon season, if so necessary. He shall also recommend the sale price on the basis of the procurement price and the current market price after allowing for losses due to storage and administrative expenses at the rate of Rs $3\frac{1}{2}$ for each Rs $103\frac{1}{2}$ worth of paddy. He shall then arrange for the sale of paddy at the price sanctioned by the government through local Jimidars.

Contd. ...

12. The local administration shall then collect the sale proceeds through Chaudharis, transmit them to the central treasury, and submit statements accordingly.
13. In case the sale proceeds are misappropriated, the shortfall shall be realized from the assets of the guilty person.

Meanwhile, members of the royal family and the Rana family, and high-ranking officials started a fund-raising campaign in Kathmandu for the relief of the victims of the famine. The collections were apportioned among different districts as follows;⁸

		<u>Rs</u>		<u>Annas</u>
Bara	-	Rs 427	-	11
Parsa	-	Rs 427	-	11
Mahottari	-	Rs 1,710	-	12
Sarlahi	-	Rs 2,620	-	7
Rautahat	-	Rs 427	-	11
<hr/>				
Rs 5,614				4

The following regulations were promulgated on Aswin Badi 8, 1923 (September 1866) to regulate the use of these funds for the famine-relief operations:-

1. Purchase gram and salt at prices current in the area in quantities sufficient for distribution to needy ryots at the rate of half a mana of gram and a pinch of salt each. The total cost of the supplies distributed shall not exceed Rs 48 worth of gram and Rs 2 worth of salt every day.

8. "Arrangements for free distribution of gram and salt to famine-stricken people in the eastern Tarai districts." Aswin Badi 8, 1923 (September 1866). Ibid, Vol. 63, pp. 251-58.

Contd. ...

2. Issue a general proclamation in the district about these arrangements.
3. Submit regular statements about the quantities of gram and salt so distributed on each day in the district.

During 1864-65, famine conditions appear to have prevailed in the far-western Tarai region also. On Marga Sudi 2, 1921 (December 1864), the following order was sent from Kathmandu to Subba Padmanabha Joshi.⁹

You have reported through Colonel Siddhiman Singh Rajbhandari that this year, the ryots of the Naya Muluk (far-western Tarai) region have suffered great hardships, and are even dying of starvation, because of drought. We have, therefore, sent an order to Colonel Siddhiman Singh to supply food-grains collected as rents for the year 1921 (1864-65 AD) in Dang, Deukhuri, and Sunsari, for feeding the ryots of the Naya Muluk region, and to impose a ban on exports to India. He will have these supplies delivered at Sidhaniyaghat on the Rapti river. Make payment for these supplies at prices current in that area, and arrange for godowns for their storage. Sell the foodgrains to Jimidars and Pradhans after adding transport charges to the cost. Obtain a stipulation from them to repay the total amount in three installments, not to let any ryot die of starvation, and to bear the fiscal liability caused by any such deaths. No interest shall be charged on such loans.

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9. "Order regarding food supply in the Naya Muluk region." Marga Sudi 2, 1921 (December 1864) Ibid, Vol. 33, pp. 697-699.

Industrial Development in Nepal

By

Mahesh C. Regmi

(Continued)

Chapter 8Existing Industries
Joint Stock IndustriesThe Jute Industry

The jute industry in Nepal is by far the most important one, in view of the fact that this is the oldest organized industry in the country, which employs the largest volume of labor, yields the largest amount of revenue to the government, makes the greatest contribution to the export trade, and comprises the largest amount of capital invested in any single industry.

The Biratnagar Jute Mills Ltd was set up in 1936 with 156 looms and a capital of Rs 8 lakhs in ordinary shares and a corresponding amount in debentures, out of which the managing agent Radha K rishna Chamaria of Calcutta, was permitted to subscribe half. The industry received a tremendous fillip owing to the huge demand for jute goods which occurred during the war years, and an uninterrupted period of prosperity up to 1951 was the result. The following table of profits earned and dividends issued by the company shows the continuous prosperity of the industry up to that year

Table 9

Profits and Dividends in the Biratnagar Jute Mills Ltd.

1938-1951

<u>Year</u>	<u>Profits</u>	<u>Dividend Percentage</u>
1938	Rs 4,840	x
1939	Rs 181,720	x

Contd. ...

1940	Rs	8,340	x
1941	Rs	456,880	30
1942	Rs	765,255	42
1943	Rs	1,770,970	111
1944	Rs	379,415	21
1945	Rs	371,780	20
1946	Rs	308,075	15
1947	Rs	328,610	12½
1948	Rs	306,065	10
1949	Rs	818,515	20
1950	Rs	695,585	20
1951	Rs	680,585	15
1952	Rs	4,033,760	(losses)
1953	Rs	603,655	(losses)
1954	Rs	67,475	x
1955	Rs	394,165	x
1956	Rs	30,915	x

Major labor disputes during the political disturbances 1950 and the subsequent unsettled conditions dealt the first blow to the mills. The management complained that the workers resorted to a slow-down strike which reduced production considerably. This was followed by a slump in the prices of jute and jute goods in 1952. Nevertheless, an ambitious program of expansion, which had been commenced in 1947, was carried out, and the capital raised, in various stages, up to RS 52 lakhs. In addition to the 31½ percent of dividends listed above, bonus shares issued out of the reserve funds totalled 175 percent.

Contd. ...

Another strike followed in August 1953, which turned into a lock-out when the managing agents, who were running short of working capital, closed the mills. Production was resumed only after Rs 8 lakha was borrowed from the Nepal Bank Ltd.

Ever since, the condition of the mills has been extremely precarious. The major difficulty is scarcity of working capital, which has compelled the mills to purchase raw jute on uneconomic terms. Inability to maintain adequate stocks has led to frequent stoppages. In a number of cases, the company has been unable to meet its financial obligations, and there have been defaults in the payment of interest on debentures, and the settlement of bills. A writ of mandamus issued by the High Court on behalf of a creditor directing the Government to send the company into liquidation was set aside only after the King ordered review as a special case.

According to the accounts for the year ending July 31, 1956, the total value of the block assets appears at Rs 750,950,535. Total losses up to that date amounted to Rs 409,951,044. The reserves stand at Rs 26,654.

At present the company has got 7308 spindles, and 358 looms, of which 200 are gunny and 158 hessian. The average daily production at present is about 39 tons, and 6,000 maunds are consumed weekly. The total number of workers employed is 2,261, out of which about ten percent are unskilled.

The second jute mill in Nepal, Raghupati Jute Mills Ltd, was started in 1946. Even during the initial stage, there were repeated changes of management, and this naturally affected smooth operation considerably. In 1950, the Government was obliged to dismiss the old managing agent, and appoint a new one. The circumstances which led to inordinate delay in the commencement of production have already been recounted elsewhere.

In 1953 production commenced under the management of a Director-in-charge appointed by the Government. In 1956 a new Director-in-charge was appointed for one year, and at present, though this period is over, no new arrangements appear to have been finalized. This constant instability of management has been out and out the main factor detrimental to the smooth functioning of the mills.

Contd. ...

In view of the capital invested in the mills, which comes to more than Rs 46 lakhs, including Rs 26 lakhs invested by the Government, capacity is very low. Average daily production is about 6 tons at present on 63 looms, but the new machinery imported from Scotland which has already been installed and started running recently, is expected to keep all the 100 looms in the mills busy. So far, economic working does not appear to have been possible, Accounts for the nine-month period ending October 31, 1956 show a small profit of Rs 35,736 without making any allowance for depreciation.

The development of the jute industry has given considerable momentum to the establishment of other industries in Biratnagar. It has thus contributed much to the economic development of that region. More than anything else, the jute industry constitutes an example of how the indigenous raw materials can be manufactured into goods suitable for consumption in the export markets and points out the possibility of the development of similar other industries, as distinguished from consumption goods industries, which will obviously find the export markets not so responsive to their prices or their qualities. At present the jute industry is, as it were, the barometer of the industrial health of the country.

The Cotton Textile Industry

The cotton textile industry was started in Nepal during the later war years when supplies of yarn and cotton cloth had become scarce and expensive. The Morang Cotton Mills Ltd was set up at Biratnagar in 1942 with 100 looms for the manufacture of grey unbleached cloth and yarn up to 40 counts, with an authorized capital of Rs 40 lakhs, out of which Rs 2,885,195 has been paid up. In addition, there were paid up debentures amounting to Rs 976,000. Initial profits at a time when prices even in India were generally high were followed by recurring losses due mainly to high costs of production consequent to the uneconomic scale of manufacture, as prices gradually returned to normality. The following figures of dividends paid by the company since 1945 are revealing:-

Contd. ...

Table 10
Dividends Paid by the Morang Cotton
Mills Ltd

<u>Year</u>	<u>Dividend</u> <u>Percentage</u>
1945	12) ((Interim) 10)
1946	25
1947	12½
1948	10
1949	losses
1950	losses
1951	5

Subsequent years witnessed further losses, and by 1956 they totalled nearly Rs 9 lakhs.

A program of expansion, involving the addition of 62 looms, could not be satisfactorily completed owing to the shortage of funds; and difficulties connected with shortage of working capital and transport made the maintenance of adequate stocks of raw cotton, imported mainly from North Western India, a big problem. This necessitated frequent stoppages. After a stoppage extending well over a year for lack of working capital to keep the mills running, production has been recently resumed under a new managing agent. An expansion program has been already commenced, and it is expected that printed and dyed, as well as bleached, cloth, will soon be under production.

Considerable quantities out of its production are exported by the mills to the outlying areas of India. Workers employed number about 500.

Contd. ...

A second venture started simulatenously with the Morang Cotton Mills Ltd., the Birgunj Cotton Mills Ltd at Birgunj, had to be wound up after a short period of operation, mainly owing to uneconomic scale of manufacture and inefficient management. The liquidation proceedings are not yet complete, and it is apprehended that the machinery has sunk down to scrap value.

The Sugar Industry

Another industry that was set up in Biratnagar under the management of the Chamarias was the Morang Sugar Mills Ltd. The new venture was due to the fact that sugar was scarce and was a controlled commodity in Kathmandu. In spite of relatively high costs of production, which were responsible for losses in the initial stage, progress appears to have been slow but steady. This will be clear from the following figures:-

Table 11
Production in the Morang Sugar Mills Ltd

	<u>1953 - 54</u>	<u>1954 - 55</u>	<u>1955 - 56</u>
Sugarcane crushed (maunds)	236,814	403,915	712,760
Sugar Production (maunds)	22,577	34,771	61,245
Cost of Production per maund	Rs 3,821	Rs 31,146	Rs 28,105
Sugar grown in farm (maunds)	63,856	92,430	159,864

This improved working has led to profits in recent years, as well be clear from the following tables:

Contd. ...

Table 12
Profits in the Morang Sugar Mills Ltd

<u>Year</u>	<u>Amount</u>
1952-53	Rs 53,127 (losses)
1953-54	Rs 78,864 (losses)
1954-55	Rs 172,749
1955-56	Rs 214,169

The result so far has been that previous losses have been covered, and a small dividend of 6 percent has also been declared this year.

60 percent of the total requirements of cane is imported from the neighboring areas of India. Attempts to encourage cultivation of sugarcane among local farmers have so far not led to satisfactory results. Nearly 45 percent of the sugar manufactured is exported to India. During the working season the number of workers employed is about 423.

The Match Industry

Availability of suitable wood led to the establishment of the Match Industry in Nepal. The Juddha Match Factory Ltd was started in 1942 in Birgunj, with Nepali capital and management. The new industry was granted a monopoly of the industry for a period of five years, and fiscal facilities afforded by the Government enabled the company to make rapid progress. A branch factory was soon set up in Biratnagar with bonus shares capitalised out of the reserve funds. Both factories have throughout maintained a tradition of high dividends, seldom below 10 percent. The original share capital of Rs 50,000 has been now increased to Rs 100,000 for each of two units. The success of this purely Nepali venture has been source of inspiration to the flotation of a number of other companies. Competition from Indian factories, especially in the Tarai districts, has been strong. The quality of the products leaves much to be desired.

Contd. ...

Profits for the current year in the Birgunj factory amount to Rs 162,802, and to Rs 238,462 in the Biratnagar factory.

Abundance of semal wood in pokhara in Western Nepal and the difficulties of procuring matches from outside have recently led to the establishment of another match factory in that region. The new venture, organized as a private limited company, has not yet commenced production.

Another factory which was set up in 1946, the Western Nepal Match Factory Ltd in Western Nepal, has so far not commenced production, because of the lack of capital, which has left most essential construction work uncompleted. So far, Rs 634,722 has already been invested in the undertaking. It is reported that the machinery is still lying unpacked in the factory. Repeated approaches before the government for a loan of Rs 2 lakhs have uptill now proved unsuccessful, while matters have been complicated by litigation between the managing agent and a section of the shareholders.

The Cigarette Industry

In 1947 a small cigarette factory in Birgunj was converted into a joint stock company called the Nepal Cigarette Factory Ltd. Subsequent additions were made to the existing capacity of the factory, but owing largely to the shortage of working capital, and also owing to inefficient management, satisfactory running has not been possible. Some amount of raw tobacco is imported and blended with local materials, but the products have invariably been of low grade. Altogether the factory supplies less than 5 percent of the total consumption of cigarettes in the country. There have been substantial losses, amounting so far to Rs 272,720, even after adjusting profits of Rs 64,710.08 for the three-year period ending October, 1954. The total paid up capital of the company is Rs 797,895. Frequently the company has been unable to make timely payments even of the interest on the Rs 1.5 lakhs worth of debentures purchased by the Government.

Contd. ...

Rice and Oil Mills

A number of rice and oil mills have been set up in the Tarai regions, but most of them are small units consuming less than 100 maunds per day. Exports of dehusked rice are for the most part handled by bigger units organized on joint stocks lines.

Owing mainly to lack of credit facilities, local mills have been unable to maintain adequate stocks of raw materials during the season and operate at full capacity. Full scale smuggling across the borders and virtual control of the internal markets by foreign merchants have been additional unfavorable factors. As a result, most of the production of paddy and oilseeds is exported to India in the crude state.

During the Rana regime a number of facilities mainly concerned with payment of royalty, were afforded to rice and oil mills organized on joint stock basis. Despite this, most of the rice and oil mills that have been registered are privately owned, and with a view to expediting issue of permits, the Government has recently introduced a licensing system, and has also revised the rate of royalties payable. (Nepal Gazette. Volume 7, No. XXIV, part IV, 27 February, 1957).

In the hills of Nepal rice and flour mills are run by water power. Capacity is just sufficient to meet the needs of the local population. Some oil is pressed with human or animal power in the hills as well as in the valley of Kathmandu. Important centers of such oil production is Khokana in the valley, and Banepa in East No. 1. In Banepa there are 16 mills crushing about 16 muris of seeds per day. Owing to the scarcity of oilseeds and crude methods of production, costs are high, and much cheaper oil is imported into Kathmandu from Bihar and Uttar Pradesh in India.

Mining Industries

The Mica Company Ltd was formed in Kathmandu in 1949 to exploit the mica mines in East No. 1 and West No. 1. So far however working has been quite unsatisfactory. The main problem appears to be lack of capital, as the total paid up capital of the company is Rs 53,160 only. This has prevented the company from adopting more efficient methods of extraction.

Contd. ...

The Godavari Marble Depot Ltd was set up in 1947 to exploit the marble quarries in Godavari in the valley of Kathmandu, Work has however been inefficient, as well as wasteful. The main problems appear to be inefficient management and scarcity of capital. This is also indicated by the fact that no accounts have ever been submitted to the government according to the Nepal Companies Act ever since the incorporation of the company.

The Himal Miners Syndicate Ltd., which was set up in 1945 to exploit copper and zinc mines in a large area within the country, stopped after a short period of working. The main reasons appear to have been inefficient management and inadequate capital. At present the company has been sent into official liquidation, but the assets of the company as well as the accounts are reported to be in a great state of neglect and disorder. The capital invested in the undertaking amounts to Rs 366,195 in Nepali currency.

Plywood and Bobbin Factory

The Nepal Plywood and Bobbin Factory Ltd was set up in Biratnagar in 1943 with a capital of Rs 36,991 in paid up shares and Rs 440,000 in debentures. It was forced to stop production after a short period of working because of inadequate working capital, and also because, as the management claimed, the government has issued, due to a clerical mistake, sanction for the wrong type of timber. It is reported that recently the error has been corrected, and a loan of Rs 2 lakhs also is being granted to the company, and so production will be resumed soon. Not much of the bobbins is however expected to be consumed locally, as the Biratnagar Jute Mills Ltd has a small bobbin manufacturing unit of its own.

(To be continued)

King Prithvi Narayan Shah

By

Baburam Acharya

(Continued)

Notes to Chapter 1

1. Chitravilasa has not given the date when Jain Khan settled Khilung. The Panta has not mentioned Jain Khan at all. According to him, Khilung was settled, and the principality of Phirkot was founded, by Bhupala Rana in 1417 Jhaka (1495). It will be foolish to give credence to the Panta's imagination, instead of believing what was written during the time of Rama Shah. Jain Khan was not known as "Khan" in the beginning. After he became the chief of a principality, he appears to have assumed the title of Khan like the emperors of Delhi, with a meaning similar to that of the Sanskrit term Thakkura.

At the time when Jain Khan crossed Ridi-Ghat and reached Lasardha, nine of the Chaubisi principalities west of the Kali-Gandaki river had already been founded. Before Abhaya Malla, King of Sinja, died in 1300 Shaka (1378 A.D.), Surkhet, as well as the Tarai territory from Tulsipur to Nawalpur; had probably become detached from that Kingdom. The Himalayan region from Badrinath to Muktinath, the Tibetan region around the Manasarovar lake, and the hill region from Dumrakot and Bajrung (Bajhang, Bajura, and Thalahara) to Salyana had probably met with the same fate. Malai Bamma (Malaya Varma) (1378-1400), King (Rawal or Raula) of Dullu, had vanquished the chiefs of the region from Dumrakot and Bajrung to Salyana and incorporated their territories into his Kingdom. After his death, his sons quarrelled among themselves, and some of the chiefs (Rawal) became independent King. Naga Malla, a relative of the Katyuri King, founded the independent Kingdom of Doti.

Contd. ...

During this turmoil, some of the brave chiefs in the region from Kumaun to Salyana crossed the Sakhiko-Iekh mountain and, in about a century (c. 1400-1500) founded the principalities of Pyuthana, Parbat, Isma, Musikot, Dhurkot, Gulmi, Argha, Khanchi, and Palpa.

The principality of Palpa was founded last by Rudra Sen (c. 1513-40). His ancestors appear to have come not from the west but from the South. The Makwani-Sen-Vamshwali (State Library, No. 1/1104) contains several fanciful stories about the Sen dynasty. It describes Dharmapala as the founder of this dynasty, and Aneka Simha as his son, and also gives their titles (Rupanarayanatyadi ...). However, there is no evidence that Dharmapala and Aneka Simha actually existed. Two brothers mentioned in that Vamshawali, Khan Sen and Lam Sen, that is, Kshema Sen and Rama Sen, appear to have been the real founders of the Sen dynasty of Palpa. Nothing is known about their ancestors. The colophon of a manuscript in the possession of the state Library in Kathmandu (No. 1/1001), which was written in 1459 A.D., refers to Mada Simha as King of Gorakshapur. The Colophon of a manuscript of Ameraksha in the possession of the same library (No. 1/1330), which was written in 1454 A.D. (1511 Vikrama) refers to King Madana Simha, with his capital in Champakaranyanagara. This shows that Madan Simha, a Bhuinher Brahman, was ruling in the districts of Champaram and Gorakhpur during the middle of the fifteenth century. The titles assumed by the Sen Kings of Palpa resemble those used by him. It thus appears that Khan Sen (c. 1465-90) founded a principality in the Tarai region of Butaul with the support of this Bhuinher King. There is an account of a war between Ghandra Sen (c. 1490 - 1513), son of Khan Sen, and Dhura Chandra, the second King of Pyuthana, for the territory of Butaul. (Bharat-Bhraman, Kashi. 1901, pt. 2, p. 14). Dhura Sen seems to have occupied Syuraj district as a result of this war.

(To be continued)

Regmi Research (Private) Ltd
Kathmandu; December 1, 1976

Regmi Research Series

Year 8, No. 12,

Edited by

Mahesh C. Regmi

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Regmi Research (Private) Ltd

Lazimpat, Kathmandu, Nepal.

Compiled by Regmi Research (Private) Ltd for private study
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Industrial Development in Nepal

By.

Mahesh C. Regmi

(Continued)

Chapter 9Other IndustriesHand Spinning and Weaving

Handloom weaving is the traditional spare time occupation of the Newar peasants in the valley of Kathmandu, as well as in the hills around. In spite of the fact that the flying shuttle was introduced by the government after the establishment of the cottage industries department, most workers still use antiquated implements, and it is not an uncommon sight in the streets of the valley to see women and girls weaving in home-made looms. In comparison, hand spinning is not widespread, and much yarn is imported from India. This is due to the fact that imports of foreign cloth and yarn have, throughout the decades practically killed indigenous cultivation of cotton.

In Kathmandu there are two big handloom factories where finer varieties of yarn are used. Kirtipur, Bhadgaon, Banepa and Patan are other important centres of production in the valley.

The activities of the Charkha Pracharak Mahaguthi, as well as the Gandhi Samarak Nidhi, organizations devoted to the propagation of handloom weaving and handspinning also, on Gandhian lines, are worth noting in this connexion. These organizations have opened different centers in the valley also. Raw cotton is issued to workers as well as yarn, for work at home.

Woolen Spinning and Weaving

The Sherpas, Tamangs, and Gurungs inhabiting the hilly districts take to woolen spinning and weaving as a subsidiary occupation. Rugs, carpets, mufflers, wrappers and blankets are woven and brought for sale in the markets.

Contd. ...

of Kathmandu. Silgadi, Terhathum and Wallenohung, as well as Listi in East No. 1, are well-known centers for the woolen industry. Difficulties in procuring wool from Tibet as well as less local production have in recent times affected the industry.

The Metal Industry

Nepal has been a traditional center for the manufacture of metal goods and cutlery. Recently, however, there has set a decline in the industry, owing mainly to competition from foreign products, including cheap aluminium wares, and use of antiquated designs and techniques. At present brass sheets and iron scrap are imported and manufactured into household utensils and agricultural implements. The main centers of production are Patan in the valley, Palpa, Tansen and Bhojpur. Birgunj is well known for its iron cooking pots, and the famous Nepali Khukuris are chiefly manufactured in centers like Pyuthan, Bhojpur and Ilam.

Paper Making

Nepali paper is famous for its keeping qualities. This is one of the old industries of the country, and in the past, big quantities were also exported to Tibet. At present its use is mainly restricted to packing, and legal and religious documents. Ever after the inception of the Interim Government, its use in Government offices has gone down drastically.

Existence of suitable vegetation has for the most part confined this industry to the hill districts 8-10,000 feet above sea level. The methods of production are wasteful, and the destruction of forests for materials and fuel wood constitutes a major problem.

Bidi-making

During the Rana regime, the manufacture of Bidis, or tobacco wrapped up in certain types of leaves, was prohibited because it affected the revenue from the imports of cigarettes. Manufacture has been permitted under license after the formation of the Interim Government. There are about 100 producing units so far, mainly confined to the Tarai

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districts. Imports of tobacco and leaves have been permitted for an initial period of two years, after which local materials are expected to be utilized. Foreign workers were allowed to be employed only for a period of six months, after which local workers were expected to take over. (Nepal Gazette, Volume V, No. XIX, Part IV, January 16, 1955). So far, however, the industry does not appear to have become well-established.

The Dairy Industry

In the mid-hill region of Nepal buffaloes are kept for their ghee which provides additional income to the villagers. In the higher Himalayan regions, yaks are important for their ghee which is brought for sale to the towns. Much ghee is exported to India, especially from the Western regions. In the valley of Kathmandu, the village of Thecho, and Bhadgaon, are well-known for their curd and other milk preparations.

In Lamtang in the district of East No. 1 a cheese factory has been set up with joint Swiss and New Zealand aid. Production in 1955 was 1000 lbs., which rose to 2500 lbs. in 1956. The target for the next year is 3500 lbs. Another New Zealand project is a milk center at Kathmandu, the foundation stone of which was laid by King Mahendra in March, 1957. This collecting and distributing center is expected to handle 3000 lbs of milk daily. Another milk distributing center is in existence in Banepa also. The newly set up diary farm at Dusal is also reported to be progressing well.

The Distillery Industry

Prior to the formation of the Interim Government, distillation of liquor was under contract. In 1952, however, the contract system was slightly modified and licences issued for the establishment of brandy and whisky distilleries. (Nepal Gazette, Vol. I, Section xxxII, Part III, March 19, 1952). Though it was initially contemplated to issue licenses only to large scale manufacturers, this end has not been realized. There are at present four or five licensed manufacturers, chiefly at Kathmandu. Methods of production however are understood to be crude, and the quality also far from desirable.

Contd. . . .

Saw Mills

Even though much lumber is exported every year to India, the development of the sawing industry has not been satisfactory. One reason for this fact might be that almost all the lumber thus exported are handled by foreign contractors who prefer to export the material without being processed.

Under the Rapti Valley Project, saw mill was started in Hetaura eight months ago with a sawing capacity of 300 cubic feet per day. Next year this factory is expected to be transferred to Bharatpur, and a new one with a capacity five times higher than the present one, constructed Hetauda. (Gorkhapatra, May 31, 1957).

The Nepal Wood Works Ltd started at Kathmandu in 1944 with a paid up share capital of Rs 162,000 and debentures worth Rs 25,000, has been practically stopped for about one year. The factory is also equipped with sawing and seasoning facilities, but lack of sufficient power, high costs of local material, transport difficulties involved in importing timber through the ropeway, and scarcity of capital have hampered the proper working of the factory.

Tourism

With the end of the Rana regime, liberalisation of travel regulations have paved the way for the development of tourism as an industry. With its wonderful scenic beauty of unique variety, its historical attractions, and, above all, the atmosphere of mysterious isolation which surrounded it until recently, Nepal promises to be an important tourist center. Lack of adequate hotel accommodation, publicity and other travel facilities have, however, stood in the way of satisfactory progress of this industry. At present however, the industry has been witnessing a slow but steady growth, and every year the number of Indian and western visitors appears to be constantly on the increase. The formation of a Government sponsored Tourist Corporation is reported to be in the offing.

From time immemorial Nepal has been famous for the variety of its cottage industries and handicrafts. Other industries which are to be found, especially throughout the hills and the valley of Kathmandu, are gur-making, basket-weaving, leather, pottery, and so on.

(To be continued)

King Prithvi Narayan Shah

By

Raburam Acharya

Notes to Chapter 1

(Continued)

The Chaubisi principalities were founded through cordiality, rather than by force of arms. Three examples may be cited. The name of the person who founded the principality of Pyuthan is not known. Two Rajabandhaki land grants made by the last King, Matichandra, are available. They are dated 1778 A.D. (1835 Vikrama) and 1780 A.D. (1702 Shake). In both these documents, the King bears the title of "Chand", while his brothers are called "Shah". (Aitihāsik Patra-Sangraha published by the Nepal Samskritik Parishad, pt. 2, pp. 91,92). There are many Chand Thakuris in Baitadi at present, as well as large numbers of Bhatta Brahmans. Formerly, only a Thakuri King was known as Chand, while his brothers assumed the title of Simha. Lal Simha, uncle of Mahendra Chand, the last King of Kumaun, is well-known in the history of Nepal. After the collapse of the Chand dynasty, the Simhas of the royal family also began to call themselves chands; hence the large number of chands in Baitadi. In Pyuthan, the relatives of the Chand Kings renounced the title of Simha and assumed that of Shah. There are still many Bhatta Brahmans of the Kumaun group in Pyuthan today. They are the descendents of the priests of the Chand Kings. There are also autochthonous Magars, and two groups of Shertis: Chhetri or Rajput and Khawas or Matwali. There are no differences in the language and physiognomy. Both groups speak Nepali of the Aryan family. Those who have undergone the sacred-thread-investiture ceremony are called khas Chhetris, and others as Khawas. There are also people belonging to the Fuhuni community (who were formerly regarded as untouchable). They too speak the Nepali language.

There is a Magar village in Palpa known as Waldhyang. Khan Sen and Chandra Sen subjugated the Katheriya Tharus of Butaul. They also occupied the Tarai territories south of the Kumari forests, and built a fort in Butual proper.

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in the north. Rudra Sen crossed the Mahabharat mountains and built a fort at Madi in Palpa. He appears to have married his son, Mukunda Sen I, with the daughter of the Magar Chief of Waldhyang. Hamilton (p.171) has given the name of Balihang, and the Makwani-Sen-Vamshawali (pp. 3-4), instead of Waldhyang. Hamilton has wrongly stated that it was only in the eighteenth century that Palpa occupied the principalities of Gulmi, Argha, and Khanchi, as well as the hill and Tarai territories belonging to Waldhyang. The Makwani-Sen-Vamshawali has similarly erred in giving the name of Parkot to Waldhyang. During the reign of Mukunda Sen Brahmans and Rajput Chhetris (particularly Thapa, Rawal, Kunwar, Khatri, and Khadka) come from the western regions and settled in his dominions. They exploited the labor and skills of the Puhuni communities, and established a system similar to that of Pyuthan. Ananda Bam, a Thakuri belonging to Rugum, one of the Baisi principalities, established a new principality in Parbat, an area situated on the right banks of the Gandaki river which was inhabited mostly by Magars and Thakalis. Ananda Bam's successor was able to bring the principality of Mustang under his suzerainty. He extended his dominions also to the Gurung villages on the left banks of the Kali Gandaki up to the Modi river. The village of Devapur, situated between the Modi and Kali-Gandaki rivers, was inhabited by Brahmans, Chhetris, and puhunis. The inhabitants of the adjoining village of Ghanrung, who followed a form of Tibetan Buddhism, were called "Gurungse", which later became "Gurung". Gulmi, Argha, Khanchi, and other small principalities were similarly established in the region west of the Kali Gandaki river by 1500 A.D.

Magars used to cultivate dry crops only, whereas new comers such as Brahmans, Thakuris, and Chhetris constructed irrigation channels and cultivated rice also without causing any obstruction to the Magars. Even though Brahmans and Chhetris came in earlier than Thakuris, it was easy and possible to found a new principality only after the later had settled down. That was why new principalities were founded first in the region west of the Kali-Gandaki river and subsequently in the Gurung region east of that river. Conflict ensued in the initial stage between Thakuris and Chhetris. Later, however, Thakuris became kings, while Chhetris became their ministers.

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Jain, the founder of the royal dynasty of Gorkha, found no territory in the region west of the Kali-Gandaki river where he could establish a new principality. Hence he appears to have tried to do so on the left banks of the river after crossing Ridi-Ghat. His descendants installed the Mishra Brahmans of Varanasi and the Barkhoola Pandes of Kumaun as their preceptors. However, they did not take food cooked by these Mishras and Barkhoola Pandes. Instead, they appointed Arjyal Brahmans from the principality of Isma, situated to the west of the Kali-Gandaki river, as both their priests and their cooks. These Arjyal Brahmans belonged to the group of Purbiya (i.e. eastern) Brahmans inhabiting the region from Dumrakot and Bajrung to Salyana in the east. Jain thus appears to be a purbiya Thakur. After he founded a new principality, he adopted the Turkish title of Khan, denoting a chief or leader. King Prithvi Narayan Shah's youngest son was named Bahadur, another Turkish term meaning brave. At present, this title is used by people belonging to all communities other than Brahman. King Mukunda Sen II of Palpa had assumed the title of Bahadurs. King Prithvi Narayan Shah also assumed this title, along with the Persian words Shumsher (sword) and Jung (war). His titles were thus "Shumsher Jung Bahadur." It was natural for Jain also to assume the title of Khan.

2. Manuscripts began to be written, and stone inscriptions and images made, in Gorkha since the time of King Rama Shah (1606-36 A.D.). No manuscript or image of the period preceding his reign has so far been discovered. The Raja Vamshawali which he ordered to be compiled gives the title Shahi to all Kings, from Yashobrahma to Rama Shah himself. The title seems to have been borrowed from the Kalyal Kings of Jumla. The term Shahi originated from Rai, meaning King, which was used by King Punya Malla of Jumla in his copperplate inscription of 1259 Shaka (1337 A.D.). (timawat-Sanskriti, year 1, No. 1, pp. 34-35). The Kalyan King Vivsha used the term Sai with the same meaning in the copperplate inscription he issued from Chinasim in Jumla in 1420 Shaka (1498 A.D.) (Itihasa-Prakasha-Vol. 2, bk 1, p. 120) whereas King Bhana used Rai in his copperplate inscription of 1451 Shaka (1529 A.D.). (Ibid, p. 122), but Sai in the inscription of 1485 Shaka (1563 A.D.). (Ibid, p. 123). In the copperplate inscription of 1490 Shaka (1569 A.D.). Kings Pratapa, Bhana, and Sangrama used the title of Shai from Vilasapur in

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Dullu. King Bhana, in another inscription of 1507 Shaka (1585 A.D.), used the term Sai. (Ibid, p. 125). Thereafter, the Kalyal Kings invariably used the title of Sahi.

Two manuscripts written by the same person during the reign of King Rama Shah are available. The first manuscript mentions Rama Shah (Sanskrit - Sandesh, year 1, No. 8, p.30), whereas the other mentions Rama Sahi (Itihasa-Prakasha, Vol. 2, bk. 3, p. 552). At that time, Jahangir Shah was reigning in Delhi; hence the Sahi of Jumla appears to have been transformed to Shah. The successors of Rama Shah used both Sah and Sahi as their title. King Prithvi Narayan Shah always used the term Shah, but the first mohar coin minted by him in 1676 Shaka (1754 A.D.) mentions Sahi. (Itihasa - Prakasha, Vol. 1, p. 117).

After the time of King Prithvi Narayan Shah, royal princes born of married queens were described as Shah, and illegitimate sons as Sahi. However, King Prithvi Narayan Shah himself had permitted his illegitimate brother, Kaji Ranarudra, to use the title of shah. For some centuries, illegitimate princes of the royal family were called Sah or Sahi in case they were appointed to the posts of Chautara or Kaji. The descendants of King Rana Bahadur Shah were all called Sah. Inasmuch as Sahs were not recruited in the army, the Thakuris of Gorkha, Lamjung, Kaski, and other places who were recruited, are still called Sahi.

King Prithvi Narayan Shah had used the title of Sahi in the first coin minted by him, but all his other coins, as well as those minted by his successors, from King Pratapa Simha to King Prithvi Bir Bikram, used Sah. The same term is used in the titles contained in their eulogy also. From the time of King Tribhuvan Bir Bikram, however, the royal family has been using the title of Shah, under the impression that Sah is a corrupt form of the Persian Shah. For the sake of convenience, the term Shah is used in this study for all kings and other members of the royal families of Gorkha, Lamjung, and Kaski.

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3. According to Chitravilasa, Jain Khan's son was named Surya Khan, and Surya Khan's son Micha Khan. The Panta has mentioned Bhupala Rana instead of Jain Khan. According to him, Bhupala Khan founded a new principality at Khilung in Bherkot in 1495 A.D. Bhupala Khan had two sons, Khancha and Mincha. Khancha ruled in Dhor, Garhun, Sataum, and Bhirkot, and Mincha in Nuwakot. Chitravilasa did not find it necessary to give the name of Khancha. Instead of Mincha, he has mentioned Miche. The Panta appears to have borrowed the name of Khancha from the Goraksha-Rajavamshawali, which mentions Mincha, not Micha. According to Rishikesh Shaha, who belongs to the Thakuri family of Bhirkot, the correct Magar forms of Khancha and Mincha, the two sons of Bhupala Khan, are Kahranca and Mirhanca. In his opinion, Sanskrit writers corrupted these terms to Khancha and Mincha, and that these terms means elder and younger. (Heroes and Builders of Nepal, p. 43).

But though the popular names of these two brothers may be in the Magar language, there is no doubt that they used Sanskrit names for use in religious ceremonies. It is not possible that the name used by the son of Surya and the father of Vichitra during religious ceremonies belonged to a non-Sanskrit language. After three or four generations, the Sanskrit names used by them during religious ceremonies were forgotten, and Sanskrit writers gave the Sanskrit forms of their names as Khancha and Mincha or Micha. The name Jung Bahadur is of non-Sanskritic origin, but for religious ceremonies the name "Viranarasimha" was used. Similarly, these two brothers must have had Sanskrit names. A newly compiled Vamshawali, available at the Keshar Library, has made an attempt to restore the forgotten names, but no evidence has been cited, and hence this is not reliable.

4. The Panta has given the name of Mincha Khan's son as Jayanta Khan, thus recalling Jain Khan. He has given the name of Jayanta's son and Micha's father as Surya Khan. He has thus claimed the same person, Mincha or Micha, as actually two persons.
5. According to Chitravilasa, Micha Khan's son was named Vichitra Khan, and Vichitra Khan's son Yashobrahma Shahi. The Goraksha Rajavamshawali states that Mitra Sah, son of Mincha (Micha), became King of Kaski, his son, Vichitra, of Lamtarjung (Lamjung), and Vichitra's son, Jasabam (Yashobrahma), of Gorkha.

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Genealogies compiled during the time of the Panta have the names of the first Kings of Kaski and Lamjung as Vichitra Khan and Yashobrahma Sahi respectively. As such, the Mitra Sah mentioned in the Goraksha-Rajavamshawali appears to be a fictitious person. Vichitra Khan was actually the first King of Kaski. The Goraksharaja Vamshawali states that Yashobrahma was the first King of Kaski. The Goraksha Rajavamshawali states that Yashobrahma was the first King of Gorkha. However, in his Prashasti-Ratnawali (National Library, p. 3), Vanivilasa Pande, the famous scholar of Gorkha, has given the names of the first two Kings of Gorkha as Drabya Sah and Purna Sah. This shows that the statement contained in the Goraksha Rajavamshawali, that Yashobrahma was the first King of Gorkha, is incorrect. The Panta too has described Yashobamba (Yashobrahma) and Drabya Shah as the first Kings of Lamjung and Gorkha respectively. Chitravilasa, however, regards Mincha Khan and Micha Khan as two separate Kings, with Jayanta Khan as Surya Khan between them. He has thus included Jain Khan and Surya Khan in the middle of the list. Chitravilasa has also stated that Micha, his son vichitra, and his grandson Jayadeva, ruled in Nuwakot, and inserted the false story that Jayadeva's son, Kulamandana, received the throne of Kaski, as well as the title of Shah, from the Emperor of Delhi. The emperor does not appear to have held any kind of sway in this region, nor was it necessary to go to Delhi to assume the title of Shah.

Chitravilasa, in addition, has given the following imaginary account: "Kulamandana Shah had seven sons. The people of Lamjung chose the second son, Kalu Shah, as their King. But after he was crowned as King, the deceitful Shudras of Lamjung took him to a forest on the pretext of hunting, and killed him with an arrow. The people of Lamjung, who were thus left without a King, again went to Kulamandana Shah to ask him for another of his sons. Kulamandana Shah told them to choose any of them except the eldest. The people then chose Yashobamba, who thus became King of Lamjung."

A similar imaginary account is contained in the royal genealogy of Parbat also. The Panta seems to have borrowed his account from that genealogy. Kharidar Buddiman Singh did the same in his Vamshawali. Nobody seems to have made any effort to ascertain the truth.

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6. The Panta has transformed the Yashobrahma Sahi of Chitravilasa to Yashobamba, thus omitting the title of Sah or Sahi from his name. He has wrongly stated that Yashobamba's eldest son, Narahari, became King of Lamjung, while another son, Drabya Shah, became King of Gorkha. Kharidar Sherman Singh's account, which is based on Chitravilasa's Vamshawali, contains not a single grain of truth. However, unlike Chitravilasa, Kharidar Sherman Singh has given the correct name of Yashobrahma, rather than Yashobamba. He has also wrongly placed Khilung in Isma, whereas it is actually located in Bhirkot. By stating that Narayanadasa Arjyal talked with the queen of Yashobrahma at the royal palace of Lamjung from behind a curtain, Kharidar Sherman Singh has ante-dated by three centuries a custom that was followed during his time by Rajyalaxmi, the Youngest queen of King Rajendra. The Purdah system was not prevalent in the hill principalities at that time. Sherman Singh has also written that Narayanadasa Arjyal, who lived during the first half of the sixteenth century, visited the temple of Guhyeshwari, which had been installed by King Pratapa Malla of Kantipur during the middle of the seventeenth century.

Sherman Singh has, in addition, written that the Ghale who came out victorious in a race on the occasion of the Vijaya Dashami festival every year at Liglig was installed as King, and that Drabya Shah killed the Ghale who had won the race for ten or twelve years consecutively, and himself became King. However, the Ghales followed a form of Tibetan Buddhism; hence they did not observe the Vijaya Dashami festival. It is not possible that a person was installed as King simply because he had won a race. Buddhiman Singh did not believe this story, and so has omitted it in his account.

Even then, Buddhiman Singh had added a supernatural account according to which Gorakhnath had appeared before Drabya Shah and granted him the throne of Gorkha as a boon.

The Panta has written that a King of the Khadga clan ruled in Gorkha. Sherman Singh has stated that this Khadga belonged to a Matwali or liquor-drinking community, whereas Buddhiman Singh has placed him in the category of Tagadhari or sacred-threadwearing communities. None of these three persons has given the actual name of the King.

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According to Sherman Singh, the troops of the Khadga King and Drabya Shah fought against each other for fifteen days, and that Drabya Shah beheaded the Khadga King in the end inside the royal palace of Gorkha at midnight, Drabya Shah was then crowned King by Narayanadasa Arjyal at midnight on Wednesday, Bhadra Badi, 8, 1841 Shaka under the sign of Rohini Nakshatra.

Buddhiman Singh, on the other hand, writes that Drabya Shah killed the Khadga King in a single battle, and that he was crowned King the same day. He has adjusted the date accordingly. The date seems to have been imagined first by the Panta, and both Sherman Singh and Buddhiman Singh repeated his version. However, the clever Panta has mentioned neither the day of the week nor the nakshatra.

There is no evidence that Gorkha followed a system in which the month ended on the new-moon day. Its months always began on the full-moon day. Midnight on Bhadra Badi 8, 1841 Shaka was a Thursday with Krittika Nakshatra. Because King Prithvi Narayan Shah ascended the throne on the day of Ramanawami, the Panta has imagined that Drabya Shah did so at midnight on the day of Krishnashtami. Sherman Singh appears to have made the confusion worse confounded by mentioning only Rohini Nakshetra and omitting the Shubha-yoga. There is thus no doubt about the inaccuracy of the view that Drabya Shah was crowned King on Bhadra Badi 8, and that the Khadga King was killed the same night.

The Khadga King belonged to the Matwali or liquor-drinking caste according to Sherman Singh, whereas Buddhiman Singh says that he was a Tagadhari or member of a sacred-threadwearing caste. The truth is that there was no such King at all. No principality had been established in Gorkha at that time, nor were there any big settlements of such sacred-thread-wearing communities as Brahmans and Chhetris. There were only small and isolated settlements. Because their inhabitants wanted a Thakuri as their King, there is no doubt that Drabya Shah became King in Gorkha just as Yashobrahma Shah had become King in Lamjung.

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According to Sherman Singh, the imaginary Khadga King had been installed in that position by Change Surtan Warpak. He has written that when Drabya Shah sent his men to attack Ajirgadh, Change Surtan sent troops from Warpak to repulse the invaders, but that these troops were defeated and Drabya Shah occupied Ajirgadh. Change was a Gurung who lived in Syartan Village, located in Warpak in north-western Gorkha. It is not possible that Drabya Shah invited a conflict with him, as this would have obstructed the supply of salt to the capital of Gorkha.

The statement made by Sherman Singh, that there was an armed conflict between Drabya Shah and Narahari Shah, and that their aged mother fixed the Chepe river as the boundary between their dominions by pouring her milk there, can only be the rambling of an unbalanced mind. At the time of his accession to the throne, Drabya Shah was nearly forty years of age. He thus seems to have ruled for only eleven years. There is accordingly no doubt that his mother had grown old by that time. There is also no truth in the account that Narahari Shah hatched a conspiracy against Drabya Shah in connection with the observance of the anniversary of Yashobrahma Shah's death, and that Drabya Shah was able to foil the conspiracy when his nurse's daughter secretly informed him about it. The question of the two brothers fighting against each other could not arise at that time.

The regal years given by the Panta contain a discrepancy of three years during the reign of Rama Shah and Dambar Shah. There is no discrepancy with regard to the other dates. There thus seems to be very little doubt that Drabya Shah was crowned King during some month in 1481 Shaka, that is, during the year which commenced in April 1559 A.D.

Letter written by King Rana Bahadur Shah to Prashurama Thapa on Shrawan Sudi 9, 1857 Vikrama. (Itihasa - Prakasha, Vol. 1, p. 98).

(To be continued)

On Disciplinary Matters

(Continued from the September 1976 issue)

(Abstract Translations)

25. No person shall catch fish in ponds, streams, etc. by using potash. In case he does so, he shall be imprisoned for a term of six months.
26. No offense shall be deemed to have been committed in case any person takes according to the rituals prescribed by the scriptures at the site of religious ceremonies performed according to the Vedas food made of rice, barley-flour, etc. which are cooked according to the prescribed rituals by local or foreign brahmans.
27. In case any barber cuts the nails on the toes of any persons belonging to a caste water touched by whom can be taken by members of higher castes, even though he had not customarily been cutting the nails of such persons, such barber shall not be degraded from his caste. In case he has cut the nail of such person wilfully, he shall be punished with a fine of twenty rupees, and in case he has done so out of ignorance, he shall be punished with a fine of two rupees. Until the barber has paid such fines, it shall not be obligatory to invite him to Guthi or Dewali functions. But he shall be allowed to participate in Guthi or Dewali functions once he produces the receipt issued by the appropriate office against the payment of such fines.
28. No person shall import, sell or purchase liquor, brandy, whisky, beer, or champagne, distilled abroad, except with the permission of the government. In case any person does dos so (without permission) the liquor shall be seized, the importer, seller, or purchaser arrested, and handed over to the nearest court or office. Such court or office shall, on its part, accept the liquor, confiscate it, and initiate appropriate proceedings against the guilty persons. It shall punish such person with a fine not exceeding one hundred rupees for each bottle so confiscated. The confiscated liquor shall be handed over to the nearest hospital, which shall report the matter to the government.

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29. Any person who propagates any faith which undermines the existing religion or faith or converts himself to another religion, shall be punished as follows:-

(1) In case any follower of the Arya Samaj, Brahma Samaj, Radhakrishna, Ballabh Jhanna-Panna, Jain, atheism, Kabirpanth other than Ramakabir, Christianity, Islam, or any other alien religious faith conducts propaganda in favor of such faith or deliver lectures so as to disrupt religious beliefs and practices followed by Hindus since ancient times, or delivers lectures with the aim of publicizing any such foreign religion, or undermining the religion of the people, or converts any person, whether Brahman or of low caste, to his own religious faith he shall be deemed to have committed an offense, and the appropriate court, or office, shall initiate proceedings against him with the government as plaintiff.

(2) In case any person has merely attempted to commit the offences mentioned in Sub-Section (1), he shall be sentenced to imprisonment for three years. In case he has actually committed the offense, and in case he is also involved in water, commensal, and sexual relations, he shall be punished with imprisonment for an additional period of six years. In case he is not involved in these offenses, he shall be imprisoned for a maximum period of six years. In case he is an alien, he shall be deported. In case any person has only attempted to (convert himself) to another religious faith, he shall be punished with a fine of fifty rupees. In case he has already converted himself to another religious faith he shall have no share in his share of the ancestral property. Such share shall accrue to his heir, if any, and, if he has no heir, it shall accrue to the government. In case such person is also involved in water and commensal relations, he shall be punished with imprisonment for an additional period of one year. In case such person is an alien, he shall be deported.

(3) Some Shaivas, Vaishnavas and other adherents of the Sanatana religion have been establishing matrimonial relations with the adherents of Buddhism, and vice-versa, and initiating the married boy or girl into their respective religion. In the future, except for following customary practices, no Shaiva, Vaishnava, or other follower of the Sanatana religion shall convert himself to Buddhism, or be initiated into Buddhist customs, or attempt to do,

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or engage in propaganda on behalf of Buddhism. In case he has already converted or initiated himself into Buddhism, he shall be imprisoned for a term of one year, and in case he has merely attempted to do so, he shall be punished with a fine of twenty rupees.

- 29A. In case any Hindu and a follower of any alien religion engage in sexual or in commensal relations, or take water touched by the other, and in case such persons have to be downgraded to a lower caste according to current law, the Hindu shall not be allowed to be converted to such alien religion, but shall be downgraded to such lower caste within the Hindu community as may be fit in his case irrespective of whether it is touchable or untouchable. Such person shall continue to adhere to his religion. In case there has been sexual intercourse between a person who is hostile to the Hindu religion or a person belonging to any community, whether touchable or untouchable, and any Brahman or a person contamination from whose touch needs purification through the sprinkling of water, punishment as provided for in the law shall be inflicted, and the man and the woman shall be separated. In case there is sexual intercourse even after such separation the woman shall be imprisoned for six months, and the man for one year. If the man or woman happens to be an alien he or she shall be deported.
30. No woman shall have a man help her to put on glass bangles. She shall not do so with the help of another woman at the house of a Banglo-vendor, nor shall the vendor help her. In case any woman wears bangles with the help of a man or of a woman at the vendor's house, or in case any person helps her to do so, she shall be punished with a fine ranging from one rupee to ten rupees if the person with whose help she had worn bangles belongs to a touchable caste, and from two rupees to twenty-rupees if he belongs to an untouchable caste. In case any man helps a woman to wear bangles, he shall be imprisoned for six months if he belongs to a high caste, and for one year if he belongs to a low caste. Money offered in lieu of such imprisonment shall be accepted. In case the person helping a woman to wear bangles is a woman, half of the penalty mentioned above shall be imposed.
31. Books on any subject may be printed only after the Nepali Language Publications Committee (Nepali Bhasha Prakashni Samiti) has censored it and issued a certificate to the effect that it may be printed and published. No book shall be printed

without such certificate. In case any person brings in the manuscript of any book for censorship, the committee may, if it deems it printable, indicate its comments on the same manuscript, stating that it may be printed, and then affix the seal of the Chief Officer and of the office. In case any person publishes any book without obtaining such a certificate, he shall be punished with a fine of fifty rupees if the contents are printable, and if the book is found objectionable, its copies shall all be confiscated, and punishment as directed by the Kaushal office shall be inflicted. Such cases shall be prosecuted by the government.

- 31A. In case any person applies for the copyright of any newly written book or article which has been certified for publication by the Nepali Language Publications Committee, the concerned officer may, if he so deems appropriate after persuing such book or article, register its copy right on payment of a fee amounting to one rupee to twenty-rupees, depending on the nature of the book or article, stipulating that no other person shall have any right to publish it for a period of ten years, or as long as (the author) is alive. No person shall be entitled to publish such copyrighted book or article without the permission of the concerned author or his heir during the period when the copyright is valid. In case any person does so without permission, unsold copies of the book or article, and the proceeds of copies which have already been sold, shall be forfeited, and ten percent of such amount shall be paid to the registered author. In addition, a fine amounting to five percent of the sale proceeds shall be imposed if any copies have been sold, and if no copy has been sold the fine shall range from five to twenty rupees.
32. Any person opening a liquor stall or purchasing or selling liquor at prohibited places shall be punished in the manner prescribed in the law, if any, or else his stocks shall be confiscated, and a fine of twenty rupees shall be imposed in the first instance, of one hundred rupees in the second instance, and of one hundred and fifty rupees for each subsequent offense.
33. If any ban has been imposed on the sale of liquor during prohibited hours even at places where the sale of liquor is permitted, any person defying such ban shall be fined at the rate of five rupees for each customer in the first instance, of ten rupees in the second instance, and of twenty rupees for each subsequent offense.

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34. Nobody shall touch a woman who has given birth to a son or daughter during the first ten days of her maternity. In case the woman falls ill during that period, and in case any person wearing the sacred thread inadvertently touches her for the purpose of treatment, he shall be considered to have purified himself after he has bathed and taken holy water.
35. In case any woman belonging to a sacred thread-wearing caste falls ill during the period of menstruation and is inadvertently touched by any person while she is being carried to the ghat for the purpose of treatment, he shall be considered to have been purified after he has bathed and put on a new sacred thread.
36. In case any alien intimidates or insults any person while collecting rents or any other dues in the hill areas, without understanding local customs and usages, snatches the ornaments of women by force, and causes injuries to them in the process of such collection, he shall be liable to heavy penalties. Hence local persons shall be employed for such collections,
37. Children born to a person who has been degraded from his caste and has or has not undergone expiation from a woman belonging to a caste water touched by whom can be taken by higher castes shall belong to the same caste to which the father has been degraded, provided that water touched by a person belonging to that caste can be taken by higher castes. Such children shall be granted expiation even if the father has not undergone such expiation. Water touched by them can be taken by higher castes, but they shall not be permitted to wear the sacred thread. After such children are granted expiation, so that water touched by them can be taken by higher castes, they may perform rituals of the life-cycle in the same manner as persons belonging to the caste in which they have been placed. They shall not perform such rituals unless they undergo expiation, so that water touched by them can be taken by higher castes.
38. In case any person not belonging to the Upadhyaya caste takes as his wife the daughter of a person belonging to another caste of the same status with whom he can have commensal relations, the woman shall be initiated into the dikshamantra by a qualified person, and the husband and his

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relatives shall then share the same Kitchen. In case any person takes as his wife a widow belonging to a caste of the same status, with whom he can have commensal relations or otherwise contracts an irregular alliance with a married woman belonging to such caste, and in case her relatives refuse to share the kitchen, they shall not be under obligation to do so.

39. Children born to a Upadhyaya from a Upadhyaya girl or widow, or from a Jaishi girl, shall belong to the high Jaishi caste.
40. Children born to a Upadhyaya a Jaishi from a Brahman widow, or a Brahman woman whose husband has disappeared, or a Brahman woman whose husband has been degraded to the Shudra caste but who has remained caste, in such a manner that the Upadhyaya or Jaishi is the second man to have sexual relations with her, shall belong to the Jaishi caste.
41. Children born to a Brahman from a Upadhyaya or Jaishi (woman) to whom he is not related in any way, and with whom he is the third man to have sexual relations, shall be called Bhat Jaishis. In case any person belonging to a sacred-thread wearing caste willfully maintains commensal relations with a widow belonging to the Bhat Jaishi caste, to whom he is not related, he shall be punished with a fine of fifty rupees. No offense shall be deemed to have been committed if commensal relations have not been established.
42. In case sons born to persons belonging to the Khas community from a woman belonging to the Khachad Jaishi caste, who has had sexual relations previously with three other men, other than the good Jaishis of Jumla, marry Khachad Jaishi girls, and have commensal relations with them, they shall belong to the Bhat caste. Chhetris wearing the sacred thread, and Matwalis who are entitled to be paid a minimum of forty rupees as marriage expenses, shall be included in the Bhandara Bhat caste if they marry the daughters of Jogis and Sanyasis, and maintain commensal relations with them or give their daughters away to persons belonging to such castes.

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3. Persons of the following categories shall belong to the Thakulia caste:-

Children born to a woman in Jumla, who has been guilty of illicit sexual intercourse in her parents' home with a member of any caste water touched by whom can be taken by higher-caste people from her marriage to a man who is acquainted with her guilt.

Children born to women of the following categories who have been taken up as wives by members of the Rajput caste:-

Unmarried women or widows of the Rajput caste who have been guilty of illicit sexual intercourse with a member of a lower caste, water touched by whom can be taken by higher-caste people.

Widows of any Dasnam or other sect, and of any liquor-drinking (matwali) caste, and

Brahman women who are guilty of illicit sexual intercourse.

(To be continued).
