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Hodgson on Justice

Edited By:

Ludwig F. Stiller, S.J.

(Continued)

41. Question: In criminal cases, if the prisoner volunteer to confess, does his confession supercede the necessity of trial?

Answers:

A. It does entirely.

B. It does. No witnesses are called to prove his guilt, but his confession is taken in writing and attested by himself.

42. Question: If the prisoner is fully convicted by evidence, must his confession nevertheless be had?

Answers:

A. It must.

B. It must, and his confession must be signed by himself. Before such a confession under his own hand is obtained, he cannot be punished.

43. Question: If he be sullenly silent, how is his confession got at?

Answers:

A. He is scolded, beaten and frightened.

B. He is first scolded and frightened by words, and, if that does not succeed, he is flogged with the Korah till he confess. His confession is then recorded.

44. Question: May the prisoner demand confrontation with his accuser and cross-examine the evidence against him?

Answers:

A. No answer given.

B. He has both privileges always granted to him.

45. Question: In civil cases, are witnesses paid their travelling expenses and subsistence whilst in attendance or not? And if they are, how and when?

Answers:

A. Witnesses must in all cases bear their own expenses.

B. Witnesses must in all cases bear their own expenses.

46. Question: Must the expenses of a witness in a civil case be paid to him by the party as soon as he is requested to attend or will subsequent payment suffice?

Answers:

- A. Witnesses must attend without any allowances rendered.
- B. Answered above.

47. Question: In civil cases how are costs, exclusive of the expenses of the witnesses, distributed and realized? Does each party always bear his own costs, or are all the costs ever laid, as a penalty, on the losing side?

Answers:

- A. All costs whatsoever are distributed between the parties after the decision, according to fixed rules.
- B. In civil cases, in which the plaintiff's ground of action is not denied by the defendant and consequently it is only necessary to compel the defendant to pay a claim whose justice he does not dispute, five percent to ten percent (Dasond, Bisond) of the property in question is taken from the parties, according to circumstances. When there is affirmation and denial by the parties and the trial of right must be had, then the charges called Beri and Karpan attach. Beyond these, there are no other expenses attendant on the prosecution of civil cases.

48. Question: If a witness in a civil case refuses to attend or to give testimony, what does the court do? May the summoning party make a case for damages proportioned to his loss? May any additional punishment be inflicted on such a witness?

Answers:

- A. No answer given.
- B. The court will always compel the attendance of a witness required, and will compel his deposition too. If there is reason to suppose he is prevaricating or concealing some part of what he knows, he is imprisoned until he makes a full revelation.

49. Question: What punishment is given for perjury and subornation of perjury?

Answers:

- A. In trifling cases, the perjurers and suborners are fined. In grave matters, they are corporally punished, even capitally, according to the mischief done.
- B. The perjurer or suborner is corporally punished or fined, according to the weightiness or otherwise of the case in which the offence has been committed and according also to the offender's caste.

50. Question: How many sorts of evidence are admissible? Oral testimony? Writing of all sorts? Decisory oaths? Oaths of purgation and imprecation? Ordeals?

Answers:

- A. In civil cases the Hari Vamsa is put on the head of the witness preparing to depose and he is solemnly reminded of the sanctity of truth.
- B. Evidence of the four first sorts is admitted in all the courts of the Capital, but as often as it is necessary to resort to ordeal (DIVYA KRIYA NYAYA) the case must be removed to the Inta Chapli, if it did not originate there.
- C. Evidence of external witnesses is the first sort and best. If there are no external witnesses, then an oath is tendered on the Hari Vamsa to both parties. They are required to make their statements over again under the sanction of this oath. By these statements so taken, the court will sometimes decide. Or one party in such a case may tender the other a decisory oath, and if he will take it the tenderer must submit. Or (still if there are no external witnesses) if the one party suspects that the other will not scruple to perjure himself and so neither party will tender the other a decisory oath, then the court, if the case be a grave one, will command resort to the ordeal of immersion in water. The ordeal by fire is often resorted to in cases of persons charged with adultery or breach of the laws of caste. When there is no testimony to convict them, such persons are commanded to undergo the ordeal of fire.

51. Question: Is oral testimony taken on oath or without oath? What are the forms of swearing?

Answers:

- A. Both. The form of swearing is given above.
- B. An oath is never tendered to a witness in the first instance. If his evidence is contradictory or dissatisfactory to either of the parties, he is then sworn and required to depose afresh on oath. If the witness is a Shiva Margi or Brahmanical Hindu, he is sworn on the Hari Vamsa. If a Buddhist, on the Pancha Raksha. If a Moslem, on the Koran.
- C. If the parties refer their case to the trial by witnesses, each party says to his witnesses when preparing to depose: "speak truly, by your religion, to what you know of my affair". Then the Bichari of the court, having caused a spot of the ground of the court to be smeared with cow dung and spread over with Pipal leaves and a necklace of Tulsi beads to be put on the neck of the witness, places the witness on the purified spot of ground and causes him to repeat a Sloka the meaning of which is "whoever gives false evidence destroys his children and ancestors, body and soul, and his own earthly property." Holding the Hari Vamsa all the while on his head, and thus prepared, the witness deposes.



In the Plains the testimony of witnesses is always sought. Here, the trials, by ordeal and by decisory oath and purgatory oaths of the parties are as popular or more so.

The Panchayat and ordeal by immersion in the Rani Pokhari are also used.

52. Question: In civil cases, if testimony of men and writing is forthcoming, may either party insist on ordeal, or is ordeal only a last recourse? If one party demand the ordeal, must the other assent?

Answers:

- A. Ordeals are only substitutes, the best that can be had when oral and written testimony are both wanting.
- B. It is only a substitute for oral and documentary evidence in disputes about property and such like.

53. Question: May a prisoner, in criminal cases, rebut evidence by ordeal? Are ordeals allowed to any person under accusation of crime?

Answers:

- A. If the prisoner is convicted by evidence, but still refuses to confess and asserts his innocence, his demand for the ordeal must be allowed.
- B. If, in such circumstances, the prisoner persist in affirming his innocence and declare that the accuser and his witnesses are his enemies, then he may have the ordeal, but he cannot purge himself by any sort of oath (Sapat, Kriya).

54. Question: Do the parties ever depose in their own cases? Do they speak under the same sanctions as external witnesses in their pleadings?

Answers:

- A. In all cases, civil and criminal, the parties depose like external witnesses and under the same penalties for falsehood.
- B. Parties can be witnesses in their own cases. They always speak under the same penalties for falsehood as external witnesses.

55. Question: How does the court test for authenticity writings that are signed or sealed and attested. Does the court summon the attesting parties? If these are dead, does the court examine the handwriting?

Answers:

- A. In cases of bonds, etc., the witnesses to which are dead, and no other satisfactory witness is forthcoming, ordeal is resorted to.
- B. If the attesting witnesses to a bond are dead or not forthcoming, and no other evidence is procurable, resort is had to ordeal.

56. Question: How does the court test the authenticity of unattested and casual writings? Must the writer be produced, or is evidence of his handwriting admissible?

Answers:

- A. If the writer is forthcoming, he must be produced. If not, evidence of his hand is admitted and any other sort of evidence whatsoever that can be had. But if the result of the whole is unsatisfactory to the court, the court will direct an ordeal.
- B. If, in an action of debt, the plaintiff produce a note of acknowledgement of the debt by the defendant, and the defendant denies the note is his, and the fact cannot be ascertained, nor the defendant brought by threats and scolding to admit the note as his, but persists in denial, resort is had to ordeal. So it is in cases where the casual writing is in the hand of a third party and not that of the defendant. If the parties cannot be made to agree as to the authenticity of the note, and there is no other evidence in the case, the decision of the case is referred to ordeal.
57. Question: Are tradesmen allowed to introduce the entries in their account books to prove debts to them and must the shopmen who have entered the items be produced to validate such evidence?

Answers:

- A. The value of entries in merchant books, and, in general, mercantile affairs, are referred by the court to a Panchayat of merchants.
- B. If the parties are merchants and there are entries in the books of both against each other, the books of both are taken as valid evidence. If there are merchant books only on one side, a Panchayat of merchants is called, and their judgment upon the entries held to be decisive.
58. Question: How is the evidence of a man of rank taken?

Answers:

- A. Such a person is not required to go into court and depose like another body.
- B. He is not required to go into court and depose. An officer of the court is deputed to wait on him at his house and to procure his evidence by interrogatories.

59. Question: How is the evidence of a woman of rank taken?

Answers:

- A. The court deposes a female to hear the evidence of a Lady of Rank and to report it to the court.
- B. In general, women are held incapable of being witnesses, but if in some particular case, the evidence of a Lady

of Rank is indispensable, some person who has the entree of the Zenana is deputed to hear and report to the court such Lady's evidence.

60. Question: Is oral evidence taken as uttered, by rapid writers, and enrolled on record or not?

Answers:

- A. In general oral evidence is not taken down or preserved; nor is it ever taken in whole. In trifling affairs, no record whatever is made of evidence, but in grave matters the substance of the more material depositions is preserved and recorded.
- B. No it is not.

- 61a Question: Are oral statements of the parties taken down as uttered or afterwards? Are they put on record in whole or in substance?

Answers:

- A. The usage is stated in the preceding answer relative to witnesses' depositions.
- B. No, no part of them is reduced to writing at the time of utterance or afterwards.
- C. If the parties desire the trial by witnesses, then an engagement is taken in writing from the parties to abide by the evidence given by their respective witnesses, i.e. not to object to it, and the witnesses then depose verbally. Their evidence is in no way recorded.

62. Question: Is written evidence recorded, entirely or in whole or in essence?

Answers:

- A. Important writings are copied and these copies are recorded after the decision of the case.
- B. Documents produced in evidence remain in the court during the trial and are returned to the owners when the trial is over.

63. Question: Is the decree recorded? Is a copy of the decree given to the winning party?

Answers:

- A. The decree is written. The original is given to the winner of the case, and a copy of it is placed in the record office of the court.
- B. The decree is not written or recorded.
- C. The winner gets a Pagri from the Sarkar, and pays five Rupees for it, and, in addition, Jitauri, proportioned to the amount of property litigated. He then gets a

Jita Patra in writing signed by the court. He gets the original, and a copy is recorded.

64. Question: Do decrees record the proceedings of the case in full or abstract?

Answers:

- A. In full with respect to whatever they profess to record, which, however, (as above stated) is not every step of the proceeding.
- B. Answered above.
- C. If the parties go to trial by ordeal of immersion in the Rani Pokhari (Nyaya, Divya Kriya) the scrolls (Boonda) of the parties are recorded in copy in the court.

65. Question: Are the records of the several courts of the capital preserved in the Kumari Chowk? Are they sent there immediately after each case is decided?

Answers:

- A. The Kumari Chowk is the general and ultimate place of deposit whither the records of each court of Justice are sent after explanation, and accounting for receipts to the government, at the close of each year. In the interim the records stay in the courts where the affairs are decided.
- B. The proceedings of each court remain in that court with the exception of the accounts of the receipts on behalf of the State from the decision of cases; the latter are transferred periodically to the Kumari Chowk.

66. Question: When a party in a civil case commences his pleading, does he pay any fee? Does he pay a fee when he exhibits a document? Upon what occasions in short is anything charged him?

Answers:

- A. There is no fee paid on any of the occasions referred to. What is taken is taken when the case is decided.
- B. Nothing is taken on the occasions referred to.

67. Question: What are Jitauri and Harauri? In what proportions and on what principle are they taken?

Answers:

- A. Jitauri is what is paid to the government by the winner of a case, and Harauri, what is paid by the loser. They are proportioned to the amount litigated.
- B. What is taken, in actions of debt and right from the winner is Jitauri; what from the loser, Harauri. Jitauri is 10% of the property litigated, and Harauri is 5%.

In cases of false accusation of delinquency, defamation<sup>en</sup> and such like, the offender when convicted is fined according to his ability.

68<sup>en</sup> Question: What is Dhunga Chuauna?

Answers:

- A. A stone (Dhunga), the image of Vishnu, is placed before the loser and he is commanded to touch it. He places a Rupee and one Pice on the stone and then salutes it with a bow and retires, leaving the offering<sup>en</sup>
- B. It is causing the party to touch a stone whereon are graven the feet of Vishnu.
- C. Dhunga is a stone having the feet of the Raja graven thereon. The party convicted in actions at law is fined one Rupee and one Pice as Dhunga Chuayi in order that by the expenditure of that sum on Puja to the "Charan" the sin of the party may be removed. As in the Plains, touching the feet of a Brahman removes<sup>en</sup> sin, so here touching the feet of the Raja.

69. Question: Besides Jitauri, Harauri, and Dhunga Chuayi, what expenses fall on the litigants?

Answers:

- A. Half as much as is taken as Harauri is taken<sup>en</sup> as Jitauri<sup>en</sup>. Both go to the Sarkar, and are proportioned in amount to the property litigated. Dhunga Chuayi is one Rupee per case, taken from the loser. Sabha Suddha is one or two Rupees per case according to circumstances<sup>en</sup>. Dhunga Chuayi is the perquisite of the Bichari.
- B. Beri, which is one Rupee from either party; Karpan, which is five<sup>en</sup> Rupees from either; and there are no other demands on them.

70. Question: Can one make a civil case for damages for assault, battery, defamation, etc., or incest? Or must the slandered etc. necessarily make a criminal case<sup>en</sup>

Answers:

- A. No answer given<sup>en</sup>
- B. Civil cases may be brought by the injured party in any of the four courts of the Capital.

71. Question: If slanderer, etc., as above, is convicted, is he made to bear the plaintiff's expenses in prosecuting him?

Answers:

- A. In cases of that sort, no expenses fall on the plaintiff, for the Sarkar takes no fees or fines from him, witnesses have no allowance, and vakeels are unknown.

- B. In cases of this sort, nothing falls to be paid to the Government in the shape of tax, and (as before noted) there are no expenses for witnesses or vakeels. Some small matter in the way of perquisites of the Mahanias is all the cost incurred in such cases.

72. Question: What is the jail delivery at Dasahara? Are not offenders tried and punished at the time of offence? Since the courts always sit and are competent to hear all cases, how can multitudes of offenders be collected at the Dasahara?

Answers:

- A. The jail delivery is a mere removal of prisoners from out of the City into an adjacent village in order that the City may be fully lustrated and purified at that season. The usage has no special reference to judicial matters. But about that time, those offenders who ought to be heard and dismissed or executed are so heard and dealt with.
- B. The City jail must be emptied and purified at the Dasahara. Therefore, at the festival, as many prisoners as have had sentence passed on them are transferred to receive punishment. The rest of the prisoners, whose cases have not been heard or who are confined as a punishment, are carried to a neighboring village, where they remain till the festival is over and are then re-conducted to the jail in the City.
- C. When the day of Sradha begins, the list or calendar of all the convicts in jail is sent to the Maharaja. The Maharaja commands that the Dittia see punishment inflicted on each according to law and usage. The Dittia assigns the punishment of each accordingly in the Inta Chapli (and the assignment of punishment can be made in no other court). When the punishment has been awarded, the Dittia commits the convicts for execution of sentence to the Araz-begi, who takes them to the Bishnumati and there all except Brahmans are capitally executed or maimed in limbs according to their offences. Brahmans cannot be killed or maimed. Their heads are shaved, they are degraded and defiled and expelled into the Plains or Bhote. Such prisoners as are under confinement as a punishment and those who have not been tried and, in a word, all that cannot be disposed of at this period are sent to Handi Gaon.

Whenever fifteen or twenty convicts condemned to lose life or limb are collected in the jail, it is delivered, as above related. The delivery is not restricted to the Dasahara. Nor is it complete as to all the prisoners. There are many sentenced for twenty years or less and are confined in the jail for that period. But such as are sentenced to lose life or limb, and such as having committed small offences may be considered to have expiated them by imprisonment about the period of Dasahara, are all dealt with at that season.

73. Question: Is the jail delivered by the Dittha's court or by the Bharadar Sabha?

Answers:

- A. When the Dasahara approaches, the Dittha takes to the Bharadar Sabha the criminal calendar of those whose offences have been tried and states the crime of each, the evidence, and the punishment he conceives applicable. The Bharadars, according to their judgement upon the Dittha's report, set down the punishment to be inflicted on each offender, and return this list to the Dittha. The Dittha makes it over to the Araz-begi, or sheriff, and the Araz-begi sees execution done accordingly, through the medium of the Mahanaikiah.
- B. The Dittha's court conducts the investigation in every case to a conclusion and confession of guilt. At certain periods the Dittha takes the aggregate of the deeds of confession obtained in his court, with a report on each case, to the Maharaja. The Maharaja refers the Dittha to the Bharadar Sabha. To the Bharadar Sabha the Dittha explains his criminal calendar, produces the confession obtained in each case, and gives a summary of the proceeding had in it, and of the evidence adduced. The Bharadars deliberate on the Dittha's report and in concert with him assign the punishment to be inflicted on each offender. The Maharaja ratifies as a matter of form this allotment of punishments by the Bharadars' Council, and then the sentence is inflicted by the proper officers.

74. Question: What are the "Panch Khat", and are they investigated in the Dittha's court or the Council of Bharadars?

Answers:

- A. No answer given.
- B. The Five "Khat" are 1st poisoning, 2nd murder in any other way, 3rd. incest, 4th. infanticide, 5th. cow killing. The investigation of them belongs to the Dittha in the Inta Chapli. The allotment of the punishment to follow upon conviction of them belongs to the Council of Bharadars.

75. Question: What is the prisoner's daily allowance? What is the system of prison discipline?

Answers:

- A. Each prisoner receives daily a Seer of parched rice and a few Massalahs.
- B. Prisoners of the common class get 1 and 1/2 Annas per day (subsistence). Persons above that class receive, according to their condition, from four Annas to 1 Rupee. The superintendant of the jail is the Araz-begi.

## PART III POLICE

76. Question: What are the preventive establishments in the cities of Nepal?

Answers:

A. There is no civil establishment of watchmen, but the military patrol the streets at intervals throughout the night.

B. No answer given.

77. Question: How many watchmen to each ward of the Capital?

Answers:

A. Answered above.

B. There are no civil watchmen, but the military patrol the streets at night.

78. Question: Is the preventive establishment of the Capital subject to the Ditttha or to the Bharadar Sabha, or to what other authority?

Answerse

A. No answer given.

B. There is no such establishment.

79. Question: How are city police and watch and ward paid? In land or money? By householders or Government?

Answers:

A. No answer given.

B. Answered above.

80. Question: To whom are night brawls and disturbances in the city reported?

Answers:

A. No answer given.

B. To the Ditttha in the Inta Chapli.

81. Question: What are the village establishments of the preventive kind and for purposes of detection and apprehension?

Answers:

A. For each village one Dware, 4 Pradhans, and 4 Naikiahs and from 5 to 10 Mahaniahs.

B. Dwares with a suitable establishment protect the villages.



82. Question: In the villages of Nepal is there any establishment similar to the village economy of the Plains--any Barah Alotaya or Barah Ballotaya?

Answers:

- A. No answer given.
- B. No. There is neither Potet, nor Patwari; nor Mudha, nor Gorait, nor blacksmith, nor carpenter, nor chamar, nor washerman, nor barber, nor potter, nor Kawki, in any village of Nepal.

83. Question: Is the managing zamindar, or are the zamindars collectively, bound to government in cases of theft to produce the thief, recover the stolen property or make up the loss?

Answers:

- A. No, there is no such usage.
- B. There is no such custom.

84. Question: Is the village Malguzar usually a farmer of the revenue or only a managing representative of the community and collector for the government? The principal resident land-holder or a stranger? And how does the fiscal management of a village affect those for police purposes?

Answers:

- A. The Dware and Pradhans above mentioned collect the revenues, and the same persons superintend the police, keep the peace, and punish (with small fines and whipping) trifling breaches of it. The Dware is an official person chiefly, and government's representative. The Pradhans are the most substantial land owners of the village and chiefly represent the community. They act together for purposes of detection and apprehension, the four Pradhans under the Dware.
- B. The Dware and his Amalis are the collectors of the revenue, and they also protect the village.

85. Question: In cases of brawls and violent affrays in a village, to whom does the government look for information?

Answers:

- A. No answer given.
- B. To the Dware and his Amalis.

## THE LAW PART IV

366 Question: How much of the law depends on custom and how much on the Shastras?

Answers:

- A. Many of the decisions of the courts are founded on Customary Law only. Many also depend on written and sacred canons.
- B. Custom rules many cases. The Dharmashastra many more. The decision of numerous cases depends almost equally on both.
- C. There is no code of laws, no written body of public enactments. If a question turn upon the caste of a Brahman or Rajput, then reference is had to the Raj Guru<sup>22</sup> who consults the Shashtra and enjoins the ceremonies needful for the recovery of the caste (or the punishment) of him who has lost it. If a question before the courts affect a Parbattia, or Newar or Bhotia, it is referred to the customs established in the time of Jayasthiti Malla Raja<sup>23</sup> for each separate tribe, Dhunga Chuayi being performed as directed by those customs. Since the Gorkhali conquest of Nepal proper, the ordeal by immersion in the Rani Pokhari has become the prevalent mode of settling knotty points.<sup>24</sup>

22. Raj. Dharmadhikar, it should be

23. Jaya Prakash Malla, a Newar Raja or Kathmandu before the Gorkha Conquest. He was styled Thiti or the Establisher from the circumstance of his collecting and methodizing the various customs obligatory upon any class of his subjects. (sic) B.H.H.

24. There is a great difference between the customs of the Plains and Hills. In the former, if the wife of a Brahman and Kshatriya or Vaisya or Sudra go astray with anyone, she is asked by the courts with whom she desires to abide, the husband or the "beloved". If she answers the latter, she has her will and no more is said. Hence Hinduism is destroyed below. The customs are Moslem. And the distinction in castes is lost. Let man or woman commit what offence they will against religion, there is no punishment provided, no expiatory rites are enjoined. First, you have swearing on the Koran, then adduction of witnesses, then condemning to the roads, and all alike, if the condemned be a Brahman or Chamar. Here all the distinctions of caste are religiously preserved in the courts, who punish according to caste, never destroying the life of a Brahman, but only degrading and expatriating him. If a female of a sacred order becomes a jade and the seducer of her be not a Brahman, he is capitally punished. If a female of the soldier tribes be seduced, the husband with his own hand cuts off the nose of the female and expels her from his house. The Brahman or soldier husband, so abused, shall perform purificatory rites and be restored to his parity, notwithstanding his wife's sin. Below the Shastras are things to talk of. Here they are acted on.

87. Question: In general, what sort of cases are governed by the Shastras and what by customary law?

Answers:

- A. Infringements of the law of caste in any and every way, fall under the Shashtra. Other matters are almost entirely governed by Customary law (Desh Achar).
- B. Infringements of the laws of caste and all cases involving such infringements are, either entirely or insofar as they have a religious complexion, governed by the Shastras. All other matters are ruled by the Desh Achar or the Customary Law of the province of Gorkha.

88. Question: Do the Newars and Parbattiahs follow the same or different laws and Shastras?

Answers:

- A. The customs of the Bauddha portion of the Newars are peculiar to themselves.
- B. In some points there are appropriate usages for each, but in general they acknowledge, and are subject to, the same Dharmashastra.

89. Question: In regard to inheritance, adoption, and wills, do you in Nepal follow the Mitakshara, Dyabhaga, or any other Shashtra of the plains or have you any Shashtra of your own? Or only a customary law?

Answers:

- A. We constantly refer to those books in the decision of such cases.
- B. Whoever would adopt a child must do so with the consent of all his near relations and with the permission of some court of law to which he must proceed and in which he must complete the act. So, if he would alienate any portion of his property, by will, in favor of such adopted child, he must obtain, first of all, the consent of his heirs and perform the act in the presence of a Panchayat. In neither case, therefore, can there be, nor, in fact ever is, a dispute and appeal to the courts of law. If anyone in adopting a son and assigning him property at his death has neglected the above prescribed forms, and a dispute therefore arise and resort is had to the courts of justice, such a dispute is settled by calling together several elders of the tribe to which the deceased belonged and taking the judgement of the elders upon the usage of that tribe, such usage governs the court's decree. No man can adopt, or devise, at his own will and pleasure. In regard to inheritance, the custom of each tribe is ascertained by reference to some elders of it, and that custom so ascertained rules the judgement seat in all cases of application to it. Our Shastras are similar to those of the Plains, but resort is never had to these save in cases involving breach of the honors of religion.

90. Question: How do sons divide the inheritance among the Khas tribe? Sons by wives and those by concubines? What of unmarried daughters? Does the widow receive a share? What if the widow have sons or daughters? What if none?

Answers:

- A. Among the Khas, sons by concubines get a third of what constitutes the share of a son by a wife.
- B. If a Khas have a son born in wedlock, that son is his heirs. If he have no such son, his brothers and brothers' male descendants are his heirs. His married daughters, or their progeny, never. If he have a virgin daughter, she is entitled to a marriage portion and no more. If he have a son by a concubine and after his death his brothers and their descendants do not conceal the deceased's wealth, but fairly state it to the bastard son and give him a reasonable portion,<sup>25</sup> the bastard son must, in such case, take what they give him. He can get no more in any court. But, if they conceal the deceased's wealth and put off the bastard son with idle tales, assigning him no share whatever, then the bastard son, if he appeal to the courts, shall have all the deceased's property assigned to him, to the total exclusion of the family so attempting to defraud him. In short, the son by a concubine must have a reasonable share allotted to him by the family, though the exact amount will rest with the family.
91. Question: Can a Khas adopt a son and make him his heirs, though not of his blood, if he have near blood relations?

Answers:

- A. No, they must choose for adoption the child of some one of their nearest relatives.
- B. He cannot. His first choice lays among his brother's sons and nearest relations in the male line. His next, among his daughter's sons and their male progeny. A stranger he can never adopt.
92. Question: Are wills in force among the Khas? And how much of ancestral and of acquired property can a Khas alienate by will from his sons or daughters?

Answers:

- A. If a Khas has a son he cannot alienate a Rupee from him by will, save only, and in moderation, to pious uses.

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<sup>25</sup> Hodgson supplies a marginal note here, but the ink is badly faded, and it is illegible.

- B. If he have a son, he can devise nothing away from him, neither ancestral nor acquired wealths
- C. If a Parbattiahs marry two wives and have two children by one and four by another; then the youngest child shall first of all choose some trifle it may take a fancy to. Next, the property shall be divided on a principle of equality, but still with some advantage to the eldest sons. Such is what prevails if the father have taken no measures before his death to ensure each of his children getting a proper share. But if he have taken such precaution, his arrangement in life will prevail after deaths

93. Question: Do the Gurungs differ from the Khas in regard to inheritance, adoption, and wills?

Answers:

A. In general they agree closely.

B. No, they do not.

94. Question: Do the Magars differ from the Khas?

Answers:

A. In general they agree closely.

B. No.

95. Question: How is it with respect to the Murmu tribe?

Answers:

A. Answered above. In regard to inheritance, all tribes agree

B. The same.

96. Question: How with respect to the Kiranti tribe?

Answers:

A. Answered above. In regard to inheritance, all tribes agree

B. The same as with the Khas.

97. Question: How with the Newars, Shiva Margi and Bauddha Margi?

Answers:

A. The Shiva Margi agree mostly with the Parbattiahs on all three heads. The Bauddha Margi have some rules of their own.

B. Amongst the Newars, of both persuasions, the son by a concubine gets  $\frac{1}{6}$  of the share received by a son born in wedlock. In other respects the Newars agree with the Parbattiahs.

C. The two sects follow the same rules, which are in some degree peculiar to themselves. Some of the Newar rules of inheritance are as follows: If the deceased had four

sons, the youngest shall first of all choose out of his personal property any one article he fancies and then an adequate division between all four shall take place. A bastard son shall have one-sixth of what is the portion of a son born in wedlock. If the deceased had no son, but only a daughter, he may leave to her his property by will, but if he make no will then the property shall escheat to the Raja, the daughter not being capable of taking by inheritance.

98. Question: Are the customs of the several above named tribes in regard to inheritance, adoption, and wills, collected and preserved in writing? If not, how are they ascertained with the requisite facility in cases of dispute before the courts?

Answers:

- A. The customary law on those heads is reduced to writing and the book containing it is studied by the Bicharis and others whom it concerns.
- B. When cases of dispute on these topics are brought into court, the Judge calls for the sentiments of a few of the most respectable elders of the tribe to which the litigants belong, and follows their statement of the custom for the tribes.
- C. They are not reduced to writing: nor are the Dittas or Bicharis regularly educated to Law. A Dittia or Bichari has nothing to do with the courts till he receives from government the Turban of investiture but that is never conferred save on persons conversant with the customs of the country and the usage of its various tribes. That general conversancy with such matters, aided by the opinions of elders in any particular cases of difficulty, is his sole stay on the judgement seat, except that the previous Dittia or Bichari, when removed by rotation<sup>26</sup> or otherwise, cannot retire till he has informed his successor of the state of the court and the general routine of procedures.

99. Question: Are the Bicharis regularly educated to the law?

Answers:

- A. Those who understand Dharma and Adharma, who are well-educated, and practised in law affairs alone are made Bicharis.
- B. Those who are well educated, of high character, and practically acquainted with the law are alone made Bicharis. It is not indispensable that they should have read the law shastras, though if they have, so much the better.

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26. Even the judgement seat is often, though not usually, subject to that system of annual rotation which governs the universal tenure of office in Nepal. B.H.H.

100. Question: The Dittha is not often a professed lawyer, yet is he not president of the Supreme court? How is that?

Answers:

- A. Whether the Dittha has read the Nyaya Shastras or not, he must understand Nyaya (justice-law) and be a man of high respectability.
- B. It is in respect to the selection of a Dittha as in that of a Bichari.

101. Question: Are there separate Bicharis for the investigation of the civil cases of Newars and of Parbattiahs?

Answers:

- A. There are not.
- B. No.

102. Question: In the Dittha's court, if the Dittha is the judge and investigator and decider, what is the function of the Bicharis?

Answers:

- A. The investigation is the joint work of the Dittha and Bicharis.
- B. In the investigation both act together. The decree proceeds from the Dittha.

103. Question: In the courts where there is no Dittha, are the Bicharis in place of the Dittha?

Answers:

- A. No answer given.
- B. Answered above. Endless cases come before the courts. What mortal could dispose of them all? For this reason the Dittha has the aid of Bicharis.

104. Question: Among both Newars and Parbattiahs, may not the creditor seize and confine in his own hands the debtor and beat and abuse him also? To what extent may he do this?

Answers:

- A. The creditor may attach duns to the debtor to follow and dun him wherever he goes. The creditor may also stop the debtor wherever he finds him and take him home and confine, beat and abuse him, as long as he does him no serious injury in health or limbs.
- B. The creditor may seize him, confine him in his own house, place him under the spout that discharges the filthy wash of the house, and such like. He has no further power over him.

105. Question: Is Dharma in use in Nepal?

Answers:

A. It is.

B. It is.

106s. Question: Required, a contrasted catalogue of the principal crimes and their punishments.

Answers:

A. Destruction of human life, with or without malice, and in whatever way, must be atoned for by loss of life. Killing a cow is another capital crime. Incest is a third. Deflowering a female of the sacred tribe subjects a man of any lower caste to capital punishment and confiscation of all his property. Robbery is a capital crime. Burglary is punished by cutting off the burglar's hands.

B. Murder  
Hot blood, killing  
in affray

Death and confiscation

The principle is hanged,  
the accessories before the  
fact, severely fined

Killing by pure  
accident

Long imprisonment and  
fining, besides undergoing  
PRAYASCHITTA.

Theft and petty  
burglary

1st offence, one hand  
cut off

2nd offence, other hand  
cut off

3rd offence, capital

Petty theft

whipping, fining and  
imprisoning to a small  
extent

Treason and petty  
treason

death and confiscation

Incest and unnatural  
crimes

death

Women and Brahmans are never done to death, but degraded in every possible way and then expelled the country.

107. Question: If a Newar wife commit adultery, does she forfeit her Stridhan? If she divorce herself from mere caprice, does she forfeit it? If her husband put her off from mere caprice, does she lose her Stridhan?



## Answersa

- A. If a Newar husband divorces himself from his wife, the wife carries away with her her Stridhana. If a Newar wife divorces herself from her husband, then also she may carry off with her her own property or portion. Adultery the Newars heed not.
- B. In all three cases the woman of the Newar tribe shall carry away with her her Stridhan. Among the Parbattiahs, if the wife commits adultery she loses all and gets her nose cut off. There are no capricious divorces among the Parbattiahsa

108a. Question: Among the Parbattiahs, when the injured husband discovers the fact, must he inform the courts or the Sarkar before he cut down the adulterer, or after? And must he afterwards prove the adultery in court? What if he fails in the proof?

## Answers:

- A. When a Parbattiah has satisfied himself of the adultery and identifies the male adulterer, he may kill him before giving any information to the courts or to the Sarkar. Afterwards he must prove the adultery. Should he fail in the proof, he will be hangeda
- B. He may kill the adulterer without any information previously given to the courts or the government. But if anyone afterward complain or there be any reason to suspect that there was no adultery in the case, and it prove to be so on investigation, life shall be the forfeit of life.

109. Question: Are such cases investigated in the courts of law or in the Bharadar Sabha?

## Answers:

- A. The investigation is taken in the Dittha's court, but when complete, the Dittha refers it to the Bharadar Sabha for directions or a final decreea

B.a In the courts of law.

(sd) B.H. Hodgson

Valley of Nepal  
Kathmandu Residency

Answer Series A and B: 25 November 1830  
Answer Series C: 30 January 1831

## Additional Queries and Their Answers by Respondent "B"

1. Question: The Hill districts are divided, for judicial purposes, into eight divisions. What is the vernacular name of each division?

Eight is the extreme number of mountain Bicharis. But the complement is not always full. Sometimes there are only four. Sometimes six. And more rarely eight. Never more. Nor are there any precisely defined territorial limits for these Bicharis. But, assuming the Valley as a Center, the interior is divided for judicial purposes, first into the Eastern and Western Divisions, each of which is then subdivided or liable to subdivision. At present:

To the eastward, there is only one large division, which is called, from its boundaries, the division of the Mechi and Dudh Kosi.

To the westward there are two large divisions, the former of which is denominated the division of the Kali and Bheri (and also the Kalipar Division) the latter is called the Division of the Kali and Marsyangdi, and it is also known as the Majh Khand circuit.

2. Question: At what place in his division does each Hill Bichari hold his court?

Two Bicharis, acting together, preside over each of the greater divisions above described. Their courts are frequently ambulatory. But there are fixed judicial residences for them.

In the great Eastern Division, there are two: one at Majh Kirat, the other at Chainpur.

To the westward there are four: two for the Kalipar arrondissement, at Baglung-Chowr and at Beni, and two, for the Majh Khand, at Pokhara and Tarku.

3. Question: For the divisions of Morang, Saptari-Mahottari, and Bara, are there three or one Subha? How many Subhas are there for the Doti and Sallayan Tarai, and for the Palpa Tarai?

Morang: one Subha and two Faujdars.

Saptari-Mahottari: one Subha and two Faujdars.

Bara-Parsa: one Subha and two Faujdars.

Rautahat: one Subha and one Faujdar.

Chitwan-Belvan: one Subha and one Faujdar.

Butwal: one Subha and one Faujdar.

The Doti Tarai: one Faujdar.

Sallayan: one Faujdar.

Each of the above divisions is independent of the rest.

4. Question: Explain the functions of each of the following officers attached to the Inta Chapli of Kathmandu:

Mahaniah	Tol Pradhan
Mahanaikiah	Kumhal Naikiah
Tolmul	Tahavildar
Chowki Mahaniah	Khaddar
Kotwal	Bahidar
Kotwal Naikiah	

The Mahanaikiah is the superintendant of the Mahaniahs. The Mahaniahs apprehend and arrest, and execute almost all processes in civil and criminal cases. The Mahanaikiah is always in attendance. The Mahaniahs attend by turns. The Mahaniahs do not perform watch and ward. That duty belongs to the military. But in case of disturbance actually commenced, or hue and cry being raised of theft or other crime committed or attempted, the Mahaniahs apprehend the offenders.

There is a Tolmul to each Tol or ward of the city. If the presence of any person is needed in court, the Tolmul's business is to identify the person and point out his residence to the Mahaniahs, whose duty it is to secure him.

The Chowki Mahaniah are the guards of the jail.

The Kotwals, under their Naikiah, perform various kinds of menial services for the Dittas and Bicharis during their sitting in court. There are 16 Kotwals, who attend by turns, four at a time.

The Tol Pradhan is not a judicial functionary. His duty is to levy the fixed tax of one and a half Rupees upon each Newar merchant returning from Tibet.

The Tahavildar has charge of all monies paid into the court, on whatever ground.

The Bahidar keeps the accounts of all such monies.

The Khaddar writes the Kail-namehs and Rajinamahs in each case.

The Kumhal Naikiah is head of the craft of potters. Each craft has a head, but none has any special connection with the court.

5. Question: Are not so many Mahaniahs, under a Mahanaikiah, assigned to each ward of the city, to prevent crimes, keep the peace, and detect and apprehend criminals?

The Mahaniahs, as already explained, have no preventive functions. The night watch of the city belongs to the soldiery, who go their rounds at stated times. If they apprehend any persons in their rounds, they keep them till morning in the guardroom and in the morning deliver them to the Mahaniahs. The Mahaniahs produce them in court, where their affairs are summarily heard, and they are released or committed to prison, as may be.

6. Question: Who are the watchmen of the villages?

The police for each village consists of one Dware, 4 Pradhans, and several Mahanahs (according to the size of the village).

7. Question: Who is the Gram Adhikari, and who is the Gram Lekhak? Who collects the Ryots' share of the revenue and makes the revenue agreement with the government? And who keeps the fiscal and other accounts of the village?

The head villager is called, in the Hills, the Gaun Mukhiya; in the Tarai, the Jetha Ryot. The village writer is denominated the Gaun Lekhak. The Mukhiya is the people's representative, the Dware, the government's or its assignee's, both in revenue and in justice. The Dware is the responsible person, but he acts with the assistance and advice of the Mukhiya.

8. Question: Who settles village disputes?

The Dware, assisted by the Mukhiya or Pradhan Praja. Matters exceeding their capacity are referred by them to the courts.

9. Question: Who are the Jetha Ryot and the Pradhan Praja?

The principal inhabitant of each village is called, in the Tarai, the Jetha Ryot; in the Hills, the Parbattiahs call him Mukhiya; the Newars, Naikiah and Pradhan Praja. The Ryots are called Prajas in the Hills, both by Parbattiahs and Newars. The principal Praja is the Mukhiya or Naikiah. There is no regularly recognized scribe.

10. Question: What is the nature and extent of the judicial functions of the Dware? Over how many villages does one Dware preside?

The Dware is the principal source of justice in the villages. His cognizance extends over all cases not included in the Panch Khat nor touching life or limb or the substance of a man's property. He cannot condemn, maim, mutilate, or confiscate. He can imprison and punish with the Korah and fine. The extent of his jurisdiction is not fixed. Sometimes he presides over several villages. Sometimes over only one, if it is a large village.

(To be continued)

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Reconfirmation of Umras in the Hill Region, A.D. 1781

On Thursday, Shrawan Sudi 13, 1838 (July 1781) Umras in several parts of the hill region were reconfirmed in their posts. A fee (bhet) was collected from them in consideration of such reconfirmation. The fee was assessed on the basis of the area of rice-lands assigned to them.

Particulars of Umras in the region situated east of Sindhu and west of the Sunkosi river, the area of rice-lands held by them and the amount of fee assessed thereon, are given below.

<u>Description</u>	<u>Ricelands</u> (in muris)	<u>Amount of Fee</u> (Rs/annes)
1. Bangya Basnyat, Timala	1,500	Rs 27-8
2. Khasa, Sungnama and Tinpatana under the jurisdiction of Dala mardan Shah	"	Rs 200
3. Preghavarna Adhikari, Sangkot	1,100	Rs 33
4. Bhikham Karki, Buchekot	1,600	Rs 16
5. Bhimsen Gharti, Kabhre	1,600	Rs 16
6. Birabhadra Rai, Mandan	2,600	Rs 65
7. Rupa Singh Raut, Mahadevpokhari	500	Rs 12
8. Hridaya Adhikari, Jarayotar-Baguwa	2,000	Rs 50
9. Jodhan Bhandari, Mahankal	1,400	Rs 16-8
10. Shyam Adhikari, Palchok	1,400	Rs 21
11. Bunde Adhikari, Jyamire	900	Rs 13-8
12. Prabhu Adhikari, Thangpa	1,100	Rs 16-8

13. Dalapate Adhikari, Bhrle	1,200	Rs 18
14. Paran Adhikari, Namlang	900	Rs 22-8
15. Kaviraj Khadka, Lagarche	700	Rs 21
16. Ramakrishna Khatri, Dhuma	400	Rs 8
17. Juthe Thapa's son, Sirwari	1,000	Rs 25

Regmi Research Collection, Vol. 36, PP. 500-1

Similar orders were issued in the same date for the following regions also:-

- (1) Tamakoshi ... Dudhkosi
- (2) Sunkosi ... Tamakosi
- (3) Deurali ... Gajuri
- (4) Sindhu ... Trishuli
- (5) Daraundi ... Marsyangdi
- (6) Gandi ... Daraundi
- (7) Trishuli ... ~~Gandi~~
- (8) Chitlang, Tistung, and Palung

Regmi Research Collection, Vol. 36, P. 502.

#### In Kaski

The following royal order was issued in the name of Manasaram Gurung of Khilang on Aswin Badi 9, 1850 (September 1793).

"During the reign of the former Kings of Kaski, you were Umra of Sikles, Thek, and Selang. After our conquest of those regions, Lal Gurung obtained a royal order appointing him Umra of Sikles separately. Whatever may have happened in the past, we, hereby reinstate you in your previous positions. We also reconfirm your rights to the newly-reclaimed lands which have been wrongfully occupied by Parchya from Sikles."

The royal order required Mansaram Gurung to make payments (Kachho-sirto) amounting to Rs 12 every year. The breakdown of those payments is as follows:-

1. For the month of Chaitra	Rs 1
2. <u>Hile</u>	Rs 1
3. <u>Ghalo</u>	Rs 1
4. <u>Tithe</u>	Rs 1
5. <u>Ghum</u>	Rs 1
6. For the Dashain festival	Rs 1
7. For the Nwagi festival	Rs 1
8. For the month of Kartik	Rs 2-8
9. For the month of Magh	Rs 2-8
Total	Rs 12

Regmi Research Collections, Vol. 36, PP. 34-35s

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### Jhara Services for the Nepal-Britain War

#### • Monday, Shrawan Badi 3, 1872

The Rai and Majhiya inhabitants of Sungaun, Chanuwag, Simbhugaun, Malingaun, and Tamekhugaun villages of Chainpur in the far-eastern hill region were ordered to transport charcoal to munitions factories in Vijayapur and Dhankuta. They were granted exemption from forced labor services (Jhara, beth, begar) for other purposes, as well as a 50 percent concession in the Saunefagu tax.

Regmi Research Collection,  
Vols 42, p. 34.

#### Sunday, Bhadra Badi 8, 1872

Royal orders to twenty-one areas, including Tanahu, directing their inhabitants to join Colonel Ujir Simha Thapa immediately after the beginning of the month of Kartik along with their weapons, or else with axes and hoes, and sufficient

provisions for six monthss, in fulfillment of their Jhara obligations. The orders added, "We shall grant rewards and honors to those who have worked for our cause. Any person who does not provide Jhara services as ordered by us shall be severely punished."

Regmi Research Collection.  
Vol. 42, pp. 57-58.

Tuesday, Bhadra Sudi 9, 1872

Identical royal orders were issued to the inhabitants of 121 areas in the eastern and western hills adjoining Kathmandu vally.

Regmi Research Collection, Vol. 42, pp 62-66.

Monday, Aswin Badi 30, 1872

Amalis in the region between the Dudhkosi and Tista rivers were ordered to provide portorage services throug the areas under their Jurisdiction for the transportation of iron and copper supplied to munitions factories at Vijayapur and Dhankuta.

Regmi Research Collection, Vol. 42, p. 73.

Sunday, Kartik Badi 4, 1872

A royal order was issued in the name of the inhabitants of Tilpur to reach Makwanpur immediately after the begining of the month of Kartik, along with swords, shields, bows, arrows, and muskets, or else with axes and hoes, as well as provisions for six months, in fulfillment of their Jhara obligations, and do the work allotted to them by the Bhardars. The order added: "We shall grant rewards and honors to those who have worked for our cause. Any person who does not provide Jhara services as ordered by us shall be severely punished."

Regmi Research collection, Vol. 42, pp. 96-97

Sunday, Kartik Badi 4, 1872

Mateng, a trader of Nakabahil in Patan, was ordered to proceed to Makwanpur and set up a shop for the supply of goods to the army within a radius of five days' journey. He was granted exemption from forced labor (Jhara, beth, begar) for other purposes.

Regmi Research Collectsion, Vol. 42, p. 98.



Friday, Kartik Sudi 9, 1872

Royal order to Newar traders as well as to shopkeepers in the customs area (bhansar) in Bandipur, Mahibol, Dordor, Abu, and Ghogring. "So far you have been engaging in trade in the customs-area as well as in your own homes. This year, the Srinath Kampu will be stationed at Kabilas. You are, therefore, ordered to set up shops for the sale of foodgrains and other provisions in adequate quantities at Gaighat or Deopatan according to your convenience. No one will be allowed to harass any trader who does so. We hereby grant you exemption from forced-labor (Jhara, begar) obligations imposed on your households as well from Jagat duties on goods supplied to the army, so long as it is stationed thereon. Any trader who does not set up a shop for the benefit of the troops will be severely punished."

Regmi Research Collection, Vol. 42, p. 120.

Tuesday, Marga Badi 12, 1872

Royal order to the inhabitants of Sindhuli and Salu: "We had previously ordered you to proceed to Makwanpur along with swords, shields, bows, arrows, muskets, and other weapons, as well as provisions sufficient for six months, in fulfillment of your Jhara obligations. You need not do so now. Instead, assemble at Sindhuli and do the work allotted to you. We shall grant rewards and honors to those who work hard for our cause. Any person who does not provide Jhara services as ordered by us shall be severely punished."

Regmi Research Collection, Vol. 42, p. 133.

Sunday, Marga Sudi 3, 1872

A royal order was issued in the name of the inhabitants of Ghyalchok, with the exception of Upadhyaya Brahmans, to reach Makwanpur on the fifth day of the month of Poush along with swords, shields, bows, arrows and muskets, or else axes and hoes, as well as provisions sufficient for six months, in fulfillment of their Jhara obligations, and do the work allotted to them by Kaji Narasimha Chapa. The order added, "We shall grant rewards and honors to those who work hard for our cause. Upadhyaya Brahmans of that areas shall remain at home and daily recite the Vedas, the Rudri, and the Chandi praying for our victory. Any person who does not provide Jhara services as ordered by us shall be severely punished."

Regmi Research Collection, Vol. 42, pp. 135-36.

Thursday, Marga Sudi 13, 1872

All inhabitants of Jumla and Jajarkot, with the exception of Upadhyaya Brahmans, were ordered to provide Jhara labor for the construction of a fort in Jumla under Sardar Vamshiraj Khatri. They were strictly forbidden to leave the work without permission.

Regmi Research Collection, Vol. 42, p. 151.

Thursday, Marga Sudi 13, 1872

The inhabitants of the Charange-Dumja region, including Tirai, Katunje, Raghuchaur, Mangalchaur, Bhimkhori, and Semalchaur, were ordered to provide Jhara labor for the construction of temporary or permanent Sanghu (wooden bridges) on the Rosikhola river in their respective areas.

Regmi Research Collection, vol. 42, p. 151.

Saturday, Marga Sudi 15, 1872

Royal order to the blacksmiths (nakarmi) of Kathmandu, Patan, and Bhadgaun towns, as well as Sankhu, Thimi, Ainselu, Maulpur, and other villages in Kathmandu valley and the hills. "You are hereby ordered to provide Jhara services at the munitions factory (in Kathmandu) and operate two forges there everyday by rotation. You must also proceed to forts at different places and do the work allotted to you. So long as you do so, you shall be exempt from the Saunefagu and other taxes, as well as from Jhara obligations for other purposes."

Regmi Research Collection, vol. 42, pp. 152-53.

Saturday, Marga Sudi 15, 1872

Royal order to the inhabitants of Aginchok and Salyan (in Dhading). "You have been constructing a suspension bridge of cane on the Gandi river. Subedar Jasram Khatri is now constructing an iron bridge on that river. All those who have been customarily engaged in this work are hereby ordered to provide Jhara labor in the construction of the iron bridge. No additional Jhara services shall be exacted from you for other purposes."

Regmi Research Collection, vol. 42, p. 153. e

Wednesday, Magh Badi 10, 1872

The inhabitants of Hatuwa in the Majhkirat region, who cultivated Jagir lands assigned to the Srinath Kampu, had been concurrently ordered to provide portorage services for the transportation of charcoal to the Vijayapur Munitions Factory. This obligation prevented them from paying rents on their Jagir land allotments and was, therefore, remitted.

Regmi Research Collection, vol. 42, p. 189.

Sunday, Falgun Badi 13, 1872

Royal order to the inhabitants of Dhagibung, Panjokot, Syurung, Dhagai, Tarapu, Panchthar, and other areas: "In former times also, one person from each house-hold used to proceed to the front with tools and supplies connected with his work when the country was attacked by enemies. Such a situation has arisen now. This is the time when each subject should do whatever work he can. It is, in fact, his duty to do so.

Accordingly, Brahmans shall (The words are incomprehensible: "badhuna gairha pani milaunya"): People belonging to weapon-bearing castes shall take with them muskets, swords, bows, and other weapons; Damais, musical instruments (turahi, Karneli, narsinga); Lohars (ironsmiths), hammers and other tools (lihi, hotra, sadasa); and Sarkis (leather workers), bag, ara, etc. Every household shall also send one man each to the front in fulfillment of Jhara obligations. Such Jhara workers shall be paid living expenses (petiya-Kharcha) so long as the war continues, and, thereafter, rewards and Jagirs according to his work. Any person who does not work according to this order shall be punished."

Regmi Research Collection, vol. 42, pp. 218-19.

Sunday, Falgun Badi 13, 1872

Identical orders were sent on the same date to the inhabitants of Dasthar, Barhathar (Lamjung), and other areas.

Sunday, Falgun Badi 13, 1872

Royal order to the Dwares and Pradhans of Chitlang, Tistung, and Palung: "You need provide portorage services for the supply of charcoal so long as you are employed in the construction of barricades at Deurali on the Bhainsekhani route as well as on the Kuwapani route. The inhabitants of Chitlang shall provide hulak services in outposts previously manned by those from Tistung and Palung. The inhabitants of Tistung and Palung shall provide Jhara services for the construction of barricades at Deurali and Kuwapani respectively. After these barricades are completed, they shall resume their hulak duties, as well as portorage services for the transportation of charcoal, as usual."

Regmi Research Collection, vol. 42, pp. 217-18.

Wednesday, Falgun Badi 30, 1872

The Newar traders of several villages (Gajuri, Pinda, Kiranchok, Phujel, Tanglichok, Kurhin, Nasi, Khari, Maidi, Dhading, Darbu, Makeising, Dahyagaunda, Dethar, Richok and Janagaun) were ordered to shift their shops to Kandrang-Gadhi for the supply of provisions to the army. Other people in those villages were ordered to transport rice, pulses, etc. and supply them to the traders at Kandrang-Gadhi at current prices.

Regmi Research Collection, vol. 42, p. 221r

Thursday, Falgun Sudi 1, 1872

A royal order was issued to people belonging to arms-bearing castes and communities in Kaski, such as Rajput, Khas, Magar, Gurung, and Lama, other than those who had been deputed to Palpa or to the front, to reach Kathmandu within ten or twelve days along with their men and weapons. The order added, "Come here quickly, so that you may take your meals there and clean your mouths here. We shall sanction suitable emoluments and perquisites according to your work and status. Anyone who does not obey this order shall be considered guilty."

Regmi Research Collection, vol. 42, p. 222.

Thursday, Falgun Sudi 1, 1872

Royal order to the Dwares and Pradhans of Chitlang, Tistung, and Palung: "We had previously issued orders impressing your Jhara services for the construction of barricades (aad) on the Kuwapani ridge along the Bhainsekhani route. Chautara Pushkar Shah has now reported that it is necessary to construct barricades in the Amritpani area also. Accordingly, you are hereby ordered to send half of your men to the Bhainsekhani-Kuwapani area, while the other half should construct barricades at the place chosen by Chautara Pushkar Shah."

Regmi Research Collection, vol. 42, pp. 221-22.

Friday, Falgun Sudi 2, 1872

Royal order to the inhabitants of Terhather and other areas east of the Tamor river: "You are hereby ordered to proceed to Nagari fort along with your weapons, axes, and hoes, as well as provisions sufficient for six months, and provide Jhara labor for guarding the fort under the orders of the Subba and the Subedar who have been stationed there."

In case there is any time, provide porterage services for the transportation of food and other supplies from the Terai to the Nagari forto. Otherwise, slash and burn areas selected by the Subba and the Subedar, on which each household shall sow one pathi of maize, millets (Kodo, Chinu, Kagunu), buck wheat, paddy, and wheat. The crops shall then be harvested and the grains taken to the Subba, the Subedar for maintaining reserves. Any person who disobeys this order on any pretext shall be severely punished."

Regmi Research Collection, vol. 42, p. 222a

Saturday, Falgun Sudi 3, 1872

Royal order to traders and other inhabitants (praja) of Ghyalchok: "It has become necessary to supply provisions at Kandrang-Gadhi. We, therefore, exempt you from Jhara obligations for other purposes. All Newars of that area are hereby ordered to proceed to Kandrang-Gadhi and open shops there. Other inhabitants are ordered to transport rice, pulses, and other commodities and supply them to traders and military personnel there at current prices.

Regmi Research Collection, vol. 42, p. 223.

Saturday, Falgun Badi 12, 1872

Royal order to the amais, dwares, and jethabudhas of Liglig, Hermi, Lakang, Bhirkot, Chyangli, Sirhanchook, Dhunwakot, and Salyang. "Impress Jhara labor from all inhabitants of the areas under your jurisdiction, with the exception of Upadhyaya Brahmans for the transportation of all available muskets, bows and arrows, and other weapons available there to the area around Kophang where captain Sarvajit Thapa is encamped. Appoint one dittha for Jhara porters from each thum in that area, transporting such supplies.

Regmi Research Collection, Vol. 42, P. 217a

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