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Mahesh C. Regmi.

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Regmi Research (Private) Ltd,
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A History of Land Tenures In Garhwal^x

(Continued)

In all but the very highest castes in Garhwal it is the custom for a man to take into his house as his wife, the widow of a deceased elder brother (Bhauj). In such cases the woman is regarded as equal to a lawfully married wife and offspring as legitimate (asl) children, but if the bhauj continues to live in her deceased husband's house, she is looked upon as a mere concubine and the issue is illegitimate (kamasl) (Kripal Singh of Pharkandai, Iriya Kot, versus Partab Singh, Mr. Giles, Commissioner, 18th July 1891). In part of Malla Salan, pattis Khatli and Bangarsyun, the son of a bhauj is not allowed to take rice with his kinsmen though otherwise under no disability. The term bhauj like the term bhai is somewhat loosely used, and is applied to the wife of a cousin and sometimes to the wife of a distant relative, though not usually so if resident in a different village. In such cases, however, the right of the son of a bhauj as such, usually becomes merged in the narrower right which is sometimes recognized, of an illegitimate son to succeed to his father's inheritance in default of other issue.

Occasionally in some Khasiya villages, the whole of the deceased's property is made over to another man, on the condition that he lives with the widow as his wife. This second husband is known as tekwa. The reversioners, by this arrangement, give up their claim to any part of the deceased's property. The practice is regarded as a somewhat immoral one.

Primogeniture has been claimed by a family of Kyark Idwalsy but not proved.

Among the various castes of jogis, known as Giri, Puri, Khat, Bairagi, etc., the succession lies to the chela or disciple, not to the son. This is not improbably a remnant of the time when this class was celibate. At the present date celibacy is seldom observed, while a large number, particularly near Srinagar, are mere cultivators, and only to be distinguished from others by their orange-coloured dress and the custom prevailing amongst some of them of wearing large wooden rings in their ears.

^xE.K. Pauw, C.S., Report On The Tenth Settlement Of The Garhwal District. Allahabad: North-Western Provinces and Oudh Government Press, 1896, Chapter II: Tenures. pp. 32-32.

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At the outset a distinction must be made between khaekars in a village held entirely by khaekars, and khaekars in a village in which the hissedars have khudkasht, which is the modern form which the under-proprietary and occupancy rights have respectively assumed. In the former case (to quote Mr. J. Reid's words in the case of Padmu and others of Timli, laggal Pali, Khatli, versus Gauri Datt and another, in an order dated 28th March 1889, as Commissioner), "the khaekars alone have a right to arrange for the cultivation, pasturage, etc, including the succession to land lapsing owing to the death, heirless, of khaekars, the breaking up of waste, etc." while the hissedars have no right beyond the collection of revenue, cesses and padhanchari." It would be hardly necessary to give instances, by quoting cases, of such a well-known and well established principle, were it not that owing to the absence of any written law on the subject of these tenures, and to the unscrupulousness and untruthfulness of litigants, new authorities are apt, merely from inability to ascertain the correct custom, to give decisions absolutely opposed to all recognized rights. It is sufficient to give one such instance. The village of Milai is held entirely by khaekars, who pay revenue to the muafidar. At last settlement the khaekars who represent the old cultivators who have sunk into tenants of the grantee were recorded as proprietors in consequence of their independent position. On appeal they were subsequently reduced to the position of khaekars. But there could be no question of their under-proprietary right or the fact of their holding the whole village. Balmukund the present muafidar sued a khaekar Lalmani for recovery of possession of land broken up by the latter, on the ground that it was his khudkasht (a perfectly preposterous plea; a similar suit had in fact been dismissed in 1888) and by some means or other got a decree. The defendant in appeal pleaded that the whole village was in possession of khaekars, and that the muafidar by custom could only take the malikana and had no right to interfere with the cultivation. The Commissioner, however, refused to modify the decision (5th May 1893) and an appeal to the Board of Revenue met with the same fate (2nd September 1893), though in the case of Padmu versus Gauri Datt, quoted above, the Board had themselves decided that the khaekars in a similar village were entitled to the possession of land which the hissedars had actually partitioned out amongst themselves. The cases of Khushal Singh of Dyuna, Tal Dora versus Lachi and others (June 8th 1889), and Gangapuri of Mangaon, Dug versus Parsi Sah (December 20th 1893), both of which went up at one time or another to the Board are perhaps the

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leading cases on the subject of the holdings of khaekars in villages held entirely by khaekars. Both are Almora cases and in both the custom was held to apply not only to principal but also to lagga villages held entirely by khaekars, when there was any evidence that the khaekari holding represented an old under-proprietary tenure. They both refused to the hissedar the right to resume the land of an heirless khaekar and in both cases it was decided that the land should go to the common body of khaekars. The principle is, however, by no means a modern one. Sir H. Ramsay mentions it in the Settlement Report of Kumaun, and a judicial decision by him to the same effect exists in Harak Singh of Chyurkot Sabli versus Devi Datt (26th June 1882). Again in the case of Kaira and another versus Dalip Singh and another of Jukani lagga of Bangar, Sabli, in which the hissedars wanted to divide among themselves the unassessed waste land of the village of Jukani held entirely by khaekars, Sir H. Ramsay ruled: "Since all Jukani is in possession of khaekars the unmeasured land will not be divided amongst the hissedars" (30th November 1877). In the case of Banwa and another versus Bala Datt, of Rauthiya, Chalanasyun, in which the defendant, a hissedar, got a deed of relinquishment from a khaekar in a village held entirely by khaekars, and the plaintiff, a khaekar, sued for the land, Mr. Ross, Commissioner, ruled: "The hissedar cannot get possession of any khaekar land. If a khaekar wishes to give up any of his land, it must go to the other khaekars." It was also ruled that the hissedar had no right to cultivate unmeasured land in the village (9th April 1888). Nor does the hissedar improve his position by obtaining by fraud or collusion the cultivating possession of land in the village. It has been laid down in the case of Devi Datt versus Prem Singh and others, decided by Mr. J.R. Reid, Commissioner, on 9th January 1889, that a hissedar so obtaining land is on precisely the same footing as regards rights and privileges as any other khaekar, and that the land so cultivated is not equivalent to khudkasht nor does it affect the under-proprietary rights of the other khaekars.

In the case of villages in which the hissedars have land in their own cultivation or khudkasht, the khaekar's land, in the event of his leaving heir, or collateral in cultivating possession, reverts to the proprietor. This reversion was noted in the last settlement agreement, though not the reversion to the body of khaekars. In the case of Ude Singh in 1876 this matter was discussed between Mr. Colvin, the Officiating Commissioner, and

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Mr. Beckett, the latter explaining that the agreement was a "mere form." The khackar may also relinquish his land at any time by a deed of relinquishment (ladawa) executed in favour of his landlord, but not to the prejudice of his partners in the holding. Thus in the case of Choti versus Jivanand, of Uprainkha Bahhansyun, the plaintiff, widow of a deceased khackar, sued to cancel a ladawa given by her eldest son to the hissedar defendant, as she had a younger son. Sir H. Ramsay ruled: "If Paunlya did not wish to cultivate the land, his younger brother had the right to all, and Paunlya had no right to give it up by ladawa." The deed of relinquishment was accordingly cancelled (4th September 1878).

As regards the right of relatives to succeed, no doubt has ever been expressed as to the son's right. The daughter's right is more doubtful, though in the case of Musammatt Sauni and another versus Parsadu and others, Pauri, Nandalsyun, the plaintiffs sued to succeed their mother as khackars, and got a decree which was upheld by Colonel Erskine on appeal (19th May 1890). In a former case a nephew incapable of succeeding at all; facts which only show the necessity for a clear exposition of existing rulings. The daughter's right is no doubt a highly equitable one, and would apply a fortiori in the case of a gharjawain and daughter's son, though it can hardly be said that the rights of either are generally recognized. The fact is that nine out of every ten hillmen are hissedars, and every curtailment of the right of succession to the khackar is to their advantage, as it brings in more lapsed holdings, which can now be let out at far better profit than twenty per cent, on the revenue. As regards heirs other than descendants, the widow has an undoubted claim to succeed in the absence of sons, and in this is preferred to the daughters. In the case of Rattan Singh versus Dhaunkalu and others of Sirwana, Iriyakot, the plaintiff hissedar sued to obtain land from the defendants cultivating on behalf of the deceased khackar's widow, Sir H. Ramsay ruled: "While the wife of the deceased khackar is alive this claim is inadmissible" (9th May 1872). Collaterals, as a rule, are only allowed to succeed if they share in the cultivation of the holding (i.e. area what is known as shikmi). There are no definite rulings on the subject, but Mr. J.R. Reid has expressed his opinion that section 9 of Act XII of 1881 might fairly regulate succession in this case. The right of an adopted son to succeed would not be worth noticing were it not that it was denied in several cases by Mr. Ross while Commissioner. Sir H. Ramsay, however,

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in the case of Kamrup versus Narain Singh, Kirkhu, Mawalsyun (1st February 1882), clearly upheld the right of an adopted son to succeed, and in the cases of Sri Ram and another versus Gaje Singh of Bhawain, Khatsyun (9th September 192), Kirpa, of Ghiri, Kapholsyun versus Kedar (1st August 1894) this view has been reaffirmed. Succession by relatives other than those mentioned can take place with the consent of the co-sharer but not otherwise, but this may be regarded rather as a renewal of the Khaekari right than a continuation of it.

The right of a khaekar to cultivate and hold unmeasured land in a village in which the measured land is not held entirely by khaekars has been doubted. In the case of Fatch Singh versus Hansu and others, of Dyur Khadora, Balla Nagpur, the plaintiff was a hissedar and the defendants khaekars cultivating in the same village. The latter had cultivated unmeasured land and the former sued for possession. The court of first instance gave a degree. Sir H. Ramsay reversed the decision in an order which has always been regarded as the Great Charter of khaekar liberties. "This claim for waste land is nothing more or less than an attempt to establish a zamindari right within the village boundaries. The khaekars of the village are old maurusi asamis. Waste unmeasured land is the joint property of government and the villagers. If it were deemed advisable to establish a nayabad or to preserve a block of jungle, government has the right to do so, though such waste land is left uninterfered with, if it is not required by government. The recorded hissedar has no right to claim hissedari during the currency of the settlement in jungle land brought under cultivation by the khaekar. He may cultivate new land if he likes, but he cannot claim rent on land, which does not belong to him" (4th February 1882). At the present settlement all khaekars have been recorded as such in unmeasured land found in their possession.

"The khaekari right is only heritable, not transferable." This was definitely laid down by Colonel Fisher, as Commissioner, in the case of Suraj Singh versus Amardeb and others, Gurarsyun (2nd February 1885). The defendants were khaekars in a village held entirely by khaekars and sold part of the khaekari land. The plaintiff hissedar sued to cancel the sale, and failed to get a decree. Colonel Fisher ruled on appeal: "The respondents can sublease their lands, they cannot transfer them by gift to others." This of course holds a fortiori in proprietary villages.

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In these, however, the right to sublet has been by no means always acknowledged, decisions having been sometimes given to the effect that if a khaekar cannot cultivate all his land it is his duty to resign it to the proprietor. But in the case of Bakhtawar Singh of Chamlan Khatli versus Kaulu and another, where the hissedar sued to recover land so sublet, Mr. Rose in appeal ruled: "The proprietor cannot interfere. Kaulu is the khaekar and he can cultivate through whom he likes. At Kaulu's death, Rattan's tenancy will cease, and Kaulu's heirs, if any, will succeed, or the land will lapse to the proprietor" (19th September 1887):

It is a very general practice for khaekars to give cultivating possession in some of their land, as security for the payment of a loan, that is to say by deed or verbally they mortgage their holdings. In the case of Dhan Singh versus Makandu, of Kot; Sitonsyun, the defendant, a khaekar, similarly mortgaged land to various people, and the plaintiff hissedar sued to recover the land. The court of first instance (Col. Garstin) after examining the papers found that two of the mortgages had been recorded in the settlement papers, that there was hardly a tenant in the village but had some land mortgaged, that the plaintiff admitted that the custom of mortgaging for a short time was a common one, and that if the defendant would redeem in a short time he would not object. Plaintiff was given a decree that if defendant failed to redeem in two years he might redeem himself. Sir H. Ramsay in appeal ruled: "As there is no special clause in the settlement agreement, and the whole village does not appear to be in the hands of khaekars, I do not see why the khaekars of Kot should be different from others. If they can mortgage they can sell. Therefore any mortgage that khaekars can make must be purely nominal, and can convey no right to any other, of the khaekari land he holds" (22nd August 1873). The order was cancelled and the plaintiff given immediate possession. No more recent case has occurred, but it is difficult to see why the hissedar is prejudiced in a case of this kind any more than by a sublease of the holding, and the commonness of the latter custom is evidenced by the record of the former and present settlement. In either case the occupancy must terminate with the real khaekar's death; and as there can thus be no unauthorized prolongation of the khaekari tenure, the hissedar's reversionary interest remains unimpaired.

At the last settlement the miscellaneous dues payable by custom from khaekars to hissedars were commuted into a fixed rate of 20 per cent, on the land revenue, the khaekars paying to the hissedars this amount in excess of the government revenue. In the following villages this percentage was, however, dep t ed frome-

Pargana	Pati	Village	Amount	Remarks
			Rs	
		('Bhairgaon lagga of Koligaon	(
) 'Chaidhar)	
		('Daheli	(
Channdkot	Gurarsyun) 'Kirshal) 10	'Per cent
		('Poli Malli	(
) 'Sanglakoti)	
	'Maundarsyune	'Amota Sera	40	'Per cent

At the present settlement the amount has been equalized to 20 per cent, in every case.

The ejection of khaekars can only take place on a decree of Court which is usually only made in case of proved inability to pay the assessment, for instance, non-satisfaction of a decree for rent. It thus happens that the ejection of khaekars is almost unknown. The hissedar is also very cautious in interfering with a khaekari holding unless armed with a ladawa as it generally ends in his being mulcted in costs.

The points which have been most contested regarding the tenure of the sirtan have been the permanence of his holding and his liability to ejection. As regards the right of sirtans of long standing to a permanent occupancy, the most various rulings have been given at different times. In the case of Mopta and others of Bajyun, Talla Nagpur versus Kitalu, the plaintiffs who had held land as sirtans since 1840 if not earlier, sued in 1874 to have their holding made a khaekari once. The Court of first instance held that plaintiffs should have sued within three years from settlement to alter the entry. "Act X of 1862 is not in force in this district, and therefore length of tenure does not give an occupancy right." There is a want of sequence in the reasoning, but Sir H. Ramsay affirmed the decision (21st April 1874). On the other hand, in the case of Parmanand and another,

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versus Biju and others of Jaspur, Dhaundyalayun, the plaintiffs, hissedars, sued to recover land from sirtans, Biju and others, whose names were not entered in the settlement papers. It was found that the latter had held more than thirty years, and therefore "by the law of limitation" could not be disturbed. Sir H. Ramsay dismissed the hissedarsh appeal (15th January 1884). Finally on 24th August 1885 it was decided by Mr. Ross that the defendants having virtually an occupancy tenure were only liable to pay rent as khaekars. Thus the transformation was made complete.

The famous decision of Lal Singh versus Amar Singh and others given by the Board on 22nd September 1887, finally decided that sirtans could not obtain occupancy rights by length of tenure. The plaintiff sued to eject the defendant, a sirtan who had held over twelve years. The evidence was chiefly of a negative character, but it was found that there was nothing to shew that sirtans obtained occupancy rights after twelve years possession, and Mr. Daniell accordingly held that "the Commissioner's decision is contrary to usage in Garhwal and must therefore be reversed." This decision was held to govern all cases till 1891, though it would appear that the Board did not intend a strictly literal interpretation of the ruling that no length of tenure whatever would confer occupancy rights, by the case of Ratti Ram versus Sher Singh of Ankoti, Mandalsyun, in which the plaintiff, a sirtan who had held since 1857, sued to establish a right of occupancy and got a decree which was confirmed by the Board on the 6th January 1890. In the case of Uttim Nath versus Murthi, of Anrin Malla Dhangu, however, the plaintiff, a sirtan ejected from waste common land broken up by him since settlement, sued for reinstatement. On the 16th January 1889 the Commissioner Mr. Ross ruled: "There is no law or custom in Garhwal that leaves an occupancy and improving tenant at the mercy of the so-called landholders. The first principle of the land law in Garhwal is that in settled and assessed lands only have the so-called landholders complete and undivided proprietary rights ... Landholders so-called have therefore no preferential claim to land broken up by cultivators without aid from them, and if those cultivators remain in possession for a sufficiently long time unopposed by the landholders or with their consent, the landholders have no title to eject them." The Board in upholding this judgment observed: "The fact appears to be that when Messrs. Trail and Batten and to some extent also Mr. Beckett made their settlement

tenants were scarce in the hill tracts and the question of occupancy rights received little attention. ... The sirtan is a purely temporary occupant of land and must not be confounded with tenants who have broken up and brought under cultivation waste land, and have continued to occupy uninterruptedly through a long series of years" (20th January 1891). It is a curious instance of the way in which each case of tenures is settled as it arises in Garhwal by a reference to first causes, instead of according to established precedent, that when it was desired after the above ruling to ascertain in what way hissedars, khaekars and sirtans should be recorded in unmeasured land in their possession at the present settlement, this was done by calling together the people of several pattis and asking their opinion on the subject. The opinion as to the right of sirtans in waste land was that they should in all cases be recorded as sirtans, and this was accordingly done, till the Senior Member Mr. Reid came to know of the matter in 1893 and altered the arrangement according to the ruling in the above case. Sirtans who had cultivated blocks of new land and had been in possession thereof for a number of years were to be recorded as khaekars in such land.

(To Be Continued)

War With Sikkim and the Chaubisi States

By

Baburam Acharya^x

(Continued)

After making arrangements for the defense of Kaski, Vamsha-raj Pande sent on the task of besieging Tarku, capital of Lamjung toward the end of September 1782. He occupied Chiti and Chisapani without a fight and ultimately overran Tarku. On November 1, 1782, Raja Biramardan Shah and Hardkumardatta fled from Lamjung and reached Muktikshetra through the Manang Himal. From there they proceeded along the banks of the Kali-Gandaki river and reached the Tarai territory of Harakumardatta, where both of them took shelter. Biramardan Shah wrote a letter from Ramnagar pleading for permission to bring his family from Lamjung and take them to Kashi where he wanted to spend his last days. Queen Rajendralaxmi gave him permission to do so.

After his return to Kathmandu, Vamsha Raj Pande held negotiations with Raja Siddhinarayan Shah of Kaski for five months. On May 16, 1783, a treaty was concluded, under which Raja Siddhinarayan Shah accepted the suzerainty of the Nepal Government. Raja Siddhinarayan Shah then returned to Kaski. At the time of Sikkim's invasion of the Kirat region, some Limbu sided with the enemy, while some remained loyal to the Nepal Government. When the assassination of Dhvajbir Sen demoralized the Sikkimese, Rajendralaxmi summoned the loyal Limbu leaders with a view to punishing those who had collaborated with the enemy. But the war on the western front did not end until the conclusion of the treaty with Kaski. Only when a treaty was concluded with Kaski were the Limbu leaders, who had come to Kathmandu, sent back to Kirat along with arms and expenses. Thereafter, peace was restored in both Kirat and Morang. Kaji Abhiman Simha Basnyat returned to Kathmandu after stationing Kaji Swarup Simha and Sardar Prbhat Rana in these areas.

^xBaburam Acharya, Nepalko Samkshipta Vrittanta (A Concise Account of Nepal). Kathmandu: 2022 (1966), pp. 87-91.

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Bhim Khawas, who had been sent to the battle of Siranchok early in 1782 as Subedar of the Srinath Company, returned after the end of that war. He was then appointed as Chief Secretary of Queen Rajendralaxmi and also given charge of the Mint. Kaji Vamsha Raj Pande, who regarded the position of minister as a monopoly, was dissatisfied with the favors shown on Bhim Khawas. Accordingly, Rajendralaxmi, on December 26, 1783, banished Vamsha Raj Pande from the country.

When King Mukunda Sen II of Palpa died, he was succeeded by his eldest son, Mahadatta Sen. Like his father, Mahadatta Sen was hostile to the Nepal Government. He resolved to occupy Upar-dang Gadhi. With this end in view, he decided to win over Kaji Ramkrishna Kunwar, who had been deputed to protect this area. On September 13, 1783, he wrote a letter to Ramkrishna Kunwar accordingly. On learning of this, Queen Rajendralaxmi held discussions with Bhim Khawas, with regard to steps to be taken to annex the state of Palpa. Bhim Khawas advised her to entrust this task to Kaji Swarup Simha Karki, since the war of Pallo-kirat had ended by that time. Kaji Swarup Simha Karki was therefore summoned to Kathmandu. This was also one of the reasons which led Vamsha Raj Pande to leave Nepal. After Swarup Simha Karki's return, a plan was prepared to occupy not only Palpa, but also Parbat and other Chaubisi states. Accordingly, Kaji Abhiman Simha Basnyat was sent with five companies of troops to occupy Palpa, and six companies were despatched to Parbat under the command of Kaji Haru Shah. Other Kaji's and Sardars were also deputed. These troops first set up their camp at Warpangmi in Pallo-Kuwakot with a view to occupying that state. The troops of that state entrenched at Kristi. Three companies of Gorkhali troops were therefore despatched to Kristi, which was then occupied. On February 28, 1784, Raja Aridaman Shah escaped. One company of the Gorkhali troops remained there, while the rest returned to Warpangmi. All the three companies then invaded the state of Paiyun in the south and occupied it. The Raja of Paiyun fled.

Meanwhile, Abhiman Simha Basnyat proceeded southward from Tanahu toward Palpa. He crossed the Kali-Gandaki river and the Mahabharat range to reach Gaidakot (Nawalpur). He occupied the outposts of Palpa which were situated on the way and overran the enemy in a minor skirmish at Waldung. On April 4, 1784, he occupied Tansen, capital of Palpa. The chief administrator appointed by King Mahadatta Sen of Palpa in the Terai region of Butaul defected to the Gorkhali side. Mahadatta Sen then took refuge with the Raja of Argha.

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Raja Kirtibam Malla of Parbat then made massive preparation for war and mobilized an army which was bigger than that of Gorkha. With the support of the Raja of Satahun, his feudatory, he sent his troops to Dahara-Lekh. Naru Shah thereafter vacated Paiyun and recalled his troops from there to Wapangmi. Meanwhile, Raja Siddhi Narayan Shah of Kaski went over to the enemy and threw away the treaty which he had concluded with King Ran Bahadur Shah at the Gorkhali camp at Kristi, thereby informing the Gorkhals that he had abrogated it. When this report reached Kathmandu, it was felt that the Gorkhali troops in Nuwakot would be encircled. Queen Rajendralaxmi, therefore, ordered troops to be withdrawn from both fronts. On June 3, 1784, Naru Shah withdrew from Nuwakot and brought his troops to Lamjung. On June 8, 1784, Abhiman Simha Basnyat similarly withdrew from Palpa and came to Lamjung along with his troops.

The troops of Parbat then occupied Makaidanda situated to the west of Lamjung, on June 22, 1784. When this news reached Kathmandu, a company of troops was despatched under the command of Swarup Simha Karki. These troops attacked the enemy and defeated him. Ganesh Malla, commander of the Parbat army, was captured. Swarup Simha then returned to Kathmandu, while Abhiman Simha Basnyat and Naru Shah spent the monsoon at different places in Tanahu.

Meanwhile, Rajendralaxmi developed symptoms of tuberculosis. Out of frustration, she, on the advice of Bhim Khawas and Swarup Simha, summoned Dalajit Shah and appointed him as Chautara on October 13, 1784 in order to ensure that there was no danger to the position of her minor son, Rana Bahadur Shah. Dalajit Shah had disappeared after the death of Prithvi Narayan Shah. Only one year was left for the sacred-thread investiture ceremony of Rana Bahadur Shah. But Rajendralaxmi wanted the ceremony to be completed much ahead of the stipulated date. She therefore went to Gorkha along with her courtiers. Probably, Bahadur Shah was invited to the ceremony. But Bahadur Shah was suspicious of the invitation. It was to dispel his suspicion that Dalajit Shah was appointed as Chautara beforehand. Bahadur Shah took this appointment as an indication that wisdom had finally dawned on his sister-in-law. He therefore attended the ceremony. On January 19, 1785, Rana Bahadur Shah's sacred thread investiture ceremony was performed under the supervision of Yedu Nath Mishra, the chief royal priest.

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On Completion of the sacred thread investiture ceremony, Queen Rajendralaxmi returned to Kathmandu along with Bahadur Shah. Vamsha Raj Pande too was probably invited to the ceremony. If not so, he might have been summoned to Gorkha to take charge of the campaign to conquer Kaski. However, he did not go to Gorkha, seeing that Swarup Simha Karki still occupied a dominant position in the Palace. On March 9, 1785, however, Vamsha Raj Pande came back to Kathmandu, though reluctantly. But within 45 days after his arrival in Kathmandu, Vamsha Raj Pande was charged with having committed a grave crime and on April 21, 1785, he was beheaded at the royal palace gardens. Bahadur Shah naturally resented this act. But he had to remain silent, as he himself was powerless and was virtually living in detention.

Soon after liquidating Vamsha Raj Pande, Rajendralaxmi ordered Dalajit Shah and Swarup Simha Karki to occupy Kaski. Gorkhali troops were already stationed in adequate strength in Tanahu. Commanding the necessary number of troops, Dalajit Shah and Swarup Simha Karki reached Kaski and occupied Rupakot and Arghau on a single day without any fighting. On June 11, 1785, i.e. the third day of the conquest of these two areas, they occupied Sarankot, and Raja Siddhinarayan Shah fled through the Muktinath route and disappeared. Kaski was then merged into the Kingdom of Nepal.

Abhiman Simha Basnyat had been despatched to occupy other petty states in the Andhi-Khola area. On June 17, 1785, Raja Bhupannarayan Shah of Satahun met Abhiman Simha Basnyat and accepted the suzerainty of Nepal. Raja Bhakta Khan of Sarahun was a minor, being nine years of age only. His guardians left him to the protection of Abhiman Simha Basnyat. Later, Raja Beni Prasad Sen of Rising and Raja Chakrapati Khan of Charikot sought protection from the Nepal government. However, the rulers of Dhor and Palyun lost their kingdoms, because they had supported the Raja of Parbat. These petty states were subsequently merged into Nepal. Swarup Simha Karki was made governor (Hakim) of Kaski, and stationed in Pokhara. Dalajit Shah too stayed there. Abhiman Simha Basnyat returned to Kathmandu along with the Rajas who had preferred to seek Nepal's protection.

Rajendra Laxmi was afraid that Bahadur Shah might overthrow her son, Rana Bahadur Shah, in order to take revenge for the way she had treated him. This was the reason why Rajendralaxmi, following the advice of Bhim Khawas and Swarup Simha Karki, had

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brought Bahadur Shah to Kathmandu. Her primary aim was to crush him, and as the first step to this end, she had beheaded Vamsha Raj Pande. In order to carry out the remaining part of this plan, Rajendralaxmi dramatically ordered the arrest of Bahadur Shah on July 2, 1785, and then imprisoned him amid tight security arrangements at Pharping, a village situated 7 miles to the south of Kathmandu. Bahadur Shah was thus put behind bars for the third time. But, on July 13, 1785, i.e. within 12 days after Bahadur Shah's arrest, Queen Rajendralaxmi suddenly died, thereby disturbing the administration of the country once again.

During the rule of Rajendralaxmi, peace prevailed on the southern front until the end of Warren Hastings' rule in India in 1785. However, commercial relations with Tibet had begun worsening since the early days of her rule.

Queen Rajendralaxmi was certainly a strong ruler. Having been born in the princely family of Palpa, which revelled in luxury, and spent her adolescence in the royal court, it was naturally expected that she would lack firmness and courage. But she actually demonstrated these qualities at times of crisis. Her success in getting rid of Bahadur Shah, and finally imprisoning him, testified to her firmness and strong will. However, she also displayed cowardice characteristic of a woman. For 6 years she suspended the campaign to extend the frontiers of Nepal, started by Prithvirayan Shah. The expansion of Nepal's frontiers up to the Kaligandaki during her rule was due to fortuitous circumstances, rather than a design, because the petty states in that area were annexed only when Gorkhali troops attempted to repulse the aggressors. Had Queen Rajendralaxmi sought reconciliation with Bahadur Shah, instead of working against him, and had she paid attention to Prithvi Narayan Shah's plan for territorial expansion, the frontiers of Nepal would have considerably expanded during her lifetime. She would then have earned much fame, which later went to Bahadur Shah. However, no reconciliation was possible between these two persons, because of the suspicious, jealous and unstable character, and other normal female characteristics of Queen Rajendralaxmi. This retarded Nepal's progress.

Population Census Statistics for Bhadgaun, 1853

Brief particulars regarding the population census conducted in 1856 A.D. by Prime Minister Jang Bahadur had been given in Regmi Research Series, Year 2, No. 5, May 1, 1970, pp. 117-18. More detailed figures have now become available. The following statistics relate to Bhadgaun town in Kathmandu. These statistics were collected during a period of 18 days between Bhadra Badi 8 and Bhadra Sudi 10, 1910 Vikrama (August-September, 1853).

Population of Bhadgaun Town

<u>Name of Tol</u>	<u>No. of houses</u>		<u>Men</u>	<u>Women</u>	<u>Total population</u>
	<u>Tile</u>	<u>Thatch</u>			
1. Bharabacha	88	15	293	269	562
2. Itachhe	168	22	531	510	1,041
3. Lankudhoka	178	5	511	539	1,050
4. Lakolanchhe	120	17	436	412	848
5. Kauma	118	x	448	444	892
6. Tekhacho	322	31	1,072	983	2,055
7. Tulachhe	129	3	423	408	831
8. Ghakha	92	9	339	300	639
9. Malachhe	183	13	558	564	1,122
10. Yanlachhe	167	6	606	565	1,171
11. Taumadhi	226	84	793	781	1,574
12. Chochhe	293	21	889	861	1,750
13. Wolachhe	166	30	674	628	1,302
14. Ilacho	164	72	646	633	1,279

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15. Kwathando	256	25	778	738	1,516
16. Golmadhi	299	87	1,214	1,148	2,362
17. Tauchayal	302	16	384	836	1,720
18. Yanchhe	241	35	748	775	1,523
19. Jela	160	49	637	612	1,249
20. Chamkhel	227	20	722	708	1,430
21. Thalachhe	132	14	404	380	784
22. Kwachhe	81	9	234	247	481
23. Gachhe	58	8	190	176	366
24. Taulachhe	443	37	1,249	1,238	2,487

TOTAL	4,613	628	15,279	14,755	30,034
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The Lamapathi Levy

In several parts of Kathmandu Valley and other areas in the hill regions of Nepal, Buddhist priests (lama) were traditionally employed to recite prayers and incantations to ward off impending hailstorms and thereby protect crops. The following documents shed light on this system.

1. Patan and Bhadgaun

Gombu Dharke Lama of Jaulakhel, Patan, submitted the following petition to Prime Minister Chandra Shumsher: "On Kartik 29, 1967 (November 14, 1910); an order had been issued entitling my father, Sonam Gyalbu Lama, to protect crops in the districts of Patan and Bhadgaun from hailstorms and take whatever was offered willingly by the people. On Shrawan 11, 1981 (July 26, 1924), on a complaint filed by Gadul Singh Lama and others, the First Diwani Adalat ruled that others had no right to collect this levy. However, my father, Sonam Gyalbu Lama is now dead, and I therefore pray that an order be issued entitling me to protect crops in the above-mentioned two districts from hailstorms and take whatever may be offered willingly by the people."

The Khadganishan Office (of the Prime Minister) then sent the following note to the Pahad Bandobast Report Phant Office: "If the applicant, Gombu Dharke Lama, knows the rites that must be performed to prevent hailstorms, an order may be issued in his name entitling him to protect crops in the two districts of Patan and Bhadgaun from hailstorms, keep the people satisfied, and take whatever they may offer to him willingly."

Inquiries were made through the revenue (Mal) offices in Patan and Bhadgaun to ascertain whether Gombu Dharke Lama knows the rites that must be performed to ward off hailstorms. The local ryots and revenue functionaries (Mehinaiko) have signed a report to the effect that he possesses such knowledge.

The matter has now been reported to (Prime Minister Chandra Shumsher) through the Purji Phant (Section) of the Muluki Adja. The Pahad Bandobast Report Phant Office is hereby directed to issue an order authorizing Gombu Dharke Lama throughout his life-time to protect crops in the two districts of Patan and

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Bhadgaun from hailstorms, keep the ryots satisfied, and take whatever they may offer willingly. This order will be rescinded if it is proved that anything has been collected by force from the ryots, or that they have been harmed.

Marga 17, 1981

(December 2, 1924)

Regmi Research Collections, Vol. 11, pp. 433-34.

2. Kaski and Lamjung

In Kaski and Lamjung districts, Lamas who performed these services held land assignments amounting to approximately 20 ropanis on a tax-free basis. An order issued by Prime Minister Mohan Shamsher on Jestha 31, 2007 (June 14, 1950) stated, "These districts are situated near the Himalayas and hence face great danger from hailstorms. From the month of Kartik (commencing October 16) to the time when crops are harvested every year Lamas have been performing religious functions to propitiate the clouds (Megha-Mala), as well as the gods Indra and Bhumi, and thereby warding off hailstorms and protecting the local people. This system should not be abolished. The government has not been making any payment (to the Lama), who only takes whatever is offered willingly by the people as Lamapathir. A proclamation shall be made to the effect that payments shall be made voluntarily by the people, and that force shall not be used."

Regmi Research Collections, Vol. 12, pp. 369-70.

Other References

1. Harilal, Pahad Lal Bishaya (Revenue Offices in the Hills) Kathmandu: Nepali Bhasha Prakashini Samiti, 2008 (1951). p. 16.
2. Mahesh C. Regmi, Land Tenure and Taxation in Nepal: Vol. III, Berkeley: University of California Press, 1965, p. 28.

Revenue Settlement In Karkineta
Village, 1837

To Agnidhar Padhya, Chhabilal Padhya and Khadananda Padhya, Mukhiyas of the village of Karkineta in Muwakot (Syangja) district, which has been assigned as Jagir to the Simmanath Battalion (Paltan).

In the course of surveys conducted in that village during the year 1893 Vikrama (1836 A.D.), revenue was fixed at Rs 198 and 5 annas. The sources included in this figure are the actual assessments from the Serma and Saune Fagu levies, judicial fines (Danda-Kunda), escheats (Marvo-apatali), fines on persons convicted of adultery (Chak-Chakui), and all payments due to the local administrator (Amali).

Revenues from Crown levies (Raja-Anka), treasure-troves (Kalyan-dhan), levies due to the chief religious authority (Dharmadhikar), fines, etc. collected from persons convicted of murder, cow-slaughter, waste forest, river and other products, levies due to the arsenal, fees collected on the appointment of the local administrator, hospitality charges (Mejmani) and payment due during the Dashain festival will be collected in addition.

The breakdown of the annual payment of Rs 198 and 5 annas, due for one year from Baisakh Badi 1, 1897 (April 1837) is as follows: Serma (Rs 126 and 8 annas), Saune Fagu (Rs 11 and 13 annas), Asmani (collections from unscheduled sources: Rs 60). This amount shall be handed over to the Amali every year in four equal installments in the months of Baisakh, Shrawan, Kartik and Falgun.

The ryots shall not make any extra payment, nor shall the Amali demand any. In case he makes any collection in excess of the stipulated amount (Thek-Bandi), the matter shall be reported to us.

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Make the village populated and reclaim lands. Keep the ryots satisfied! The Amali shall not demand payments for newly-created holdings, nor shall you demand remissions for depopulated holdings! On these conditions, we hereby make this Thek-Thiti arrangement in your names!

Chaitra Sudhi 15, 1893
(April 1837)

Regmi Research Collections, Vol. 35, pp. 100-01.

Monopoly in Supply of Soap, 1847

From King Surendra
To Karna Khan.

We hereby grant you a monopoly for the sale of soap procured from Silgadi in Doti for the year Baisakh Badi 1 through Chaitra Sudhi 15, 1904 (year commencing April 1847 A.D.) on payment of Rs 30. No remission shall be allowed.

Jestha Badi 3, 1904
(May 1847)

Regmi Research Collections, Vol. 37, p. 4191

(S.B. Maharjan).