

Regmi Research Series

Cumulative Index for 1977

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Regmi Research (Private) Ltd  
Lazimpat, Kathmandu, Nepal

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Industrial Development in Brazil

1896-19

By

Herbert C. Hooper

(First published in abridged form in 1957 under the title "Industrial Potential of Brazil")

(Continued)

Chapter 10

Assessment of the 1957-58 Industrial Position of Brazil

The above description will show that the present position with regard to industrial development is a far more than stagnant. The present emphasis on steel, steel-making, machine tools, the lack of credit facilities, transport and marketing difficulties and inefficient management, to say the very least, are not a marginal issue. The situation is being improved by the help of a number of companies that have been established, voluntary or official, and the intervention of the Government so far to finance the industrial program after even six or seven years of research. The total cost invested in shares and debentures in companies in 1957-58 amounts to 118,515 in capital markets and 27,215 in bank loans. The quality of the situation can be judged from the fact that all are operating at capacity and in factuality of a steadily.

We are confident in the sphere of a wider and more immediate effort. Despite unpopularity in some circles, the fact is that the problem of the cotton industry workers in the hills district and in the valley of Katsinawa, hardly appear to have been treated. For instance, the correspondent of a Katsinawa daily newspaper, writing on the social economic conditions of Katsinawa and vicinity, had known a prominent sector in those parts of the country. Whatever small industries there used to be had dwindled, and they could even be said to be nonexistent. The district of East No. 1, though famous in the past for its cottage industries, had in recent times witnessed a steady decline to the cold straits of the cotton industry. (Katsinawa, Katsinawa daily, March 22, 1957).



It thus appears quite clearly that not only are these industries in a state of less prosperous conditions, but also, on the whole, the country has yet to witness the development of trends favorable to concentrated industrial production. In the absence of figures relating to the national product of the country, it is difficult to ascertain the contribution made therein by industry, but in any case, it appears not to exceed that manufacturing enterprises is responsible for an infinitesimal percentage of the total consumption of industrial goods within the country, nor is this all. The bulk of the raw materials which form the main item of exports are still exported in the crude state, and, except in the case of jute, local industrial consumption is negligible.

In the field of exports, the role of industry has been well marked, as the value of the products of the jute industry, and nearly half of the sugar and cotton textile industries, are exported to India and various countries. The exports of jute manufactures, on a matter of fact, are expected to be an important source of foreign exchange for Nepal. It is however clear in the present circumstances that the role of Nepal as an exporter of manufactured goods is subject to a number of limitations. In the first place, the demand for steel and cotton textiles being restricted to India at present are restricted to the requests which Nepal, to Kirghizia, Armenia, Syria in the case of jute manufactures, the Vancouver etc. etc. international market coupled with the inevitable competition from better and better equipped India industry. It is hence with serious attention especially in the context of international market conditions.

At present the total number of workers employed in any one industry may be taken to about 1000. The figure may vary in small scale and cottage industries has not been calculated so far, but it is clear in any case that manufacturing industry has not been able to absorb any appreciable portion of the unemployed section of the people. And the situation has been made worse by the fact that nearly two thirds of the total labor employed in joint stock industry is composed of foreign workers.

After about two decades of joint stock industrial activity, we are compelled to turn to the unfortunate conclusion that practically no industry is functioning on a sound basis or has been built up on a solid foundation, as the Draft Five Year Plan puts it. "..... These enterprises were also handicapped by a lack of environmental conditions conducive to normal industrial growth \_\_\_\_\_ lack of statistics and publications, —

banking and credit institutions, of accumulated industrial experience, of protective and regulatory legislation. It is not wholly surprising therefore that Nepal's industrial experience has been characterised by difficulties and ineptitudes, with numerous failures and many existing industries now in difficulties ..... " (Draft Five Year Plan, p. 54).

The physical basis for industrialization has not yet been laid in Nepal. Nor has the social and economic conditions been conducive to the development of an adequate atmosphere. Limited markets, both in size and in the purchasing power of the consumer, great difficulties and cost of communication, between different districts and with India, shortage of fuel and local raw materials, scarcity of investment capital and its shyness --- all these have brought about bad results on the present industrial position of the country. (cf. A. S. and Bhattarai---Report on Small Scale and Cottage Industries).

It may be appropriate here to indicate some peculiarities in connection with existing Nepali joint stock industry.

In the first place, it is a fact that most of the industrial units are uneconomic in their scale of operation. This has been the result of inadequate capital, and more important, the lack of markets for easy disposal of the products. The Biratnagar Jute Mills Ltd., for instance, has only 358 looms, while the Raghupati Jute Mills Ltd has only 63 \_\_\_\_\_ probably the smallest jute mill in the world. The capacity of the Morang Sugar Mills Ltd is only 200 tons per annum, and even then it is compelled to export 45 percent of its products. Judged by the standards of Indian industries, these units will appear insignificant in size. This fact has led to proportionately high costs of production with adverse results on the economic working of the industries.

This fact will assume larger importance when it is realized that all Nepali industries are obliged to bear the full brunt of the competition from Indian industries, even in Nepali markets. There are no restrictions on the free imports of Indian manufactures into Nepali territory and this has seriously handicapped local industry. For instance, invasion of Indian matches into the tarai markets especially has created unsurmountable problems for the local match industry.

Contd. ...

Most of the important industries were established during the war and immediate post war years, when new machinery was difficult to procure. Accordingly, most of them are equipped with second hand machinery. In subsequent years, lack of proper maintenance and difficulty in the replacement of essential parts has been detrimental to full productivity. A committee constituted early in 1955 by the shareholders of the Morang Cotton Mills Ltd for an investigation of the affairs of the mills revealed substantial defects in the maintenance of the machinery and plant, which had been procured second hand. In 1953, the fall in the daily production in the Biratnagar Jute Mills Ltd was attributed by the workers' union to the use of second hand and obsolete machinery. Although it is difficult to ascertain the truth of this statement, the existence of the problem cannot be denied.

Absence of adequate banking facilities, and the lack of other sources of credit have led local industries to depend too much on rigid sources of finance like shares and debentures, as well as loans. This has not only obliged the mills to bear the burden of the interest charges throughout the year, even though the money may have been lying idle for appreciable periods of time, but also has involved exorbitant rates of interest. It has been mentioned elsewhere that the Biratnagar Jute Mills Ltd has to pay an estimated 70 percent of interest on its purchases of raw jute. This has given rise to comparatively low rates of profits on the share capital invested.

More important than any other factor is that the degree of industrial development in existence at present is the result of haphazard growth. There has been no planned or systematic development of industries in Nepal. These are, for the most part, a byproduct of the conditions created by the Second World War. Inevitably in these cases, we do not find them correlated to the existence of natural advantages within the country itself. The establishment of industries like sugar or cotton textiles can perhaps have no alternative explanation. Ignorance of the actual possibilities of industrial development based on the physical resources of the country was responsible for inadequate attention to the development of spheres like those of forest industries, rice and oil mills, mining industries, and so on.

All told, the present state of industries in Nepal is the result of superficial growth, which will require careful planning and sound assessment of alternative possible lines of expansion, before the foundations of industrial activity can be said to have been truly and securely laid in Nepal.

(To be continued)

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On Disciplinary Matters

(Government of Nepal, "Aalako", On Disciplinary Matters).  
Muluki Ain (Legal Code). Kathmandu: Gorkhapatra Press,  
 2012 (1955 A.D.); pt. 5; pp. 1-22 Continued from the Regmi  
 Reseach Series, year 3, No. 12, December 1, 1976, pp. 234-40.

44. Henceforth, persons who wear the sacred thread and liquor-drinkers belonging to castes other than Upadhyayas, good Rajputs, and genuine Jaishis of Jumla, cannot belong to the same caste. No person who wears the sacred thread shall drink liquor. In case he commits any offense, action against him shall be taken according to the law governing sacred-thread-wearing castes. In case any person belonging to a sacred-thread wearing caste drinks liquor, he shall be divested of his sacred thread and degraded to the caste whose members are entitled to be paid a minimum of forty-rupees as marriage expenses. Since women of these castes can marry several times, the question of the second or third husband does not arise. Action shall be taken according to the law against the man who has taken away a woman from the home of her husband.
45. Kamis, Sarkis, and Badaras of Jumla shall belong to the same caste. In offenses committed by any of them, action shall be taken according to the law governing Kamis and Sarkis.
46. In case any Upadhyaya or Jaishi Brahman keeps as his concubine a Brahman woman who has contracted an irregular alliance with a person belonging to a lower but touchable caste in Jumla, and if any Upadhyaya or Jaishi establishes conjugal relations with a girl or widow born from such woman, or belonging to the Sanyas or other Bhusdhari caste, children born of the Brahman woman born from such woman who has contracted irregular alliances with four Brahmans, shall be entitled to wear the sacred thread and shall belong to the Hat caste.
47. Rice touched by a Brahman who has returned home after serving a term in a foreign jail on being convicted of criminal offenses shall not be accepted by his relatives, and he shall be informed accordingly. He shall be allowed to undergo expiation so that water touched by him can be taken by high caste people. In the case of persons belonging to other castes if they had been fed by persons of high caste status, while in jail, and if their relatives agree to eat the rice touched by them, they shall be allowed to undergo expiation in respect to both rice and water. In case relatives refuse to eat rice touched by them, they shall be allowed to undergo expiation in respect to water only, but not rice. In case such persons later commits any offense, and are, therefore, required to undergo imprisonment, punishment as applicable to the caste to which they previously belonged shall be inflicted.
48. In case the chief, or any clerk, sentry, or warden (mahane) of the jail where any woman has been imprisoned on the charge of having committed any offense commits adultery with her, he shall be dismissed and sentenced to imprisonment for two years if the woman had been imprisoned on the charge of adultery, or for offenses relating to caste and commonality, and has not been branded with the words "Life imprisonment" (Dama).



But he need not be deprived of his caste status, and it shall be sufficient for him to undergo expiation.

But in case the woman with whom he had committed adultery has been so branded, he shall only be imprisoned for two years. Irrespective of whether or not he has been pardoned by the husband he shall be punished according to this law relating to disciplinary matters. Rice touched by him shall not be accepted, but water may be accepted.

In case any person has committed adultery with a woman who has been convicted of an ordinary offense, she shall be dealt with according to the law at the discretion of her husband, if alive. In case she belongs to a lower or higher caste, punishment as provided for in this law shall be inflicted. In case any person commits adultery with a woman for whose arrest a peon has been deputed, or who has been released on bail, punishment shall be inflicted according to this law.

If any person not belonging to the concerned office commits adultery with such a woman, action shall be taken according to the law at the discretion of the husband, if alive, or else, punishment shall be inflicted according to the law on sexual intercourse between persons belonging to higher and lower castes.

4. No fine shall be imposed for offenses committed through ignorance. In cases involving immoral action under the provisions of his law, punishment shall be inflicted accordingly, and expiation certificates shall be issued on payment of fees as stipulated in the law.
50. In case any person encroaches upon or disturbs the religious customs and usages of any sect or religion he shall be punished as prescribed in the law, or else a fine ranging from eight annas to twenty rupees shall be imposed.
51. In case any person implicates another person in any offense, but fails to prove his guilt, he shall be given half of the punishment due to the person whom he has implicated. In case he succeeds in partially proving the guilt of the person whom he has implicated, he shall be given one-fourth of the punishment due to the latter. In case the term of imprisonment to be awarded in this manner exceeds two years, he shall be imprisoned for a term not exceeding that period.
52. Any person found to have suppressed information shall be fined with an amount ranging from one anna to five rupees, depending on the nature of the case.
53. In case it becomes necessary to realise compensation due from any person, additional fees of five percent and ten percent thereof shall be collected. The fee of five percent shall not be collected if fines have been imposed.
54. A Jitauri fee amounting to between four annas and five rupees shall be collected from the winning party.

55. The term of imprisonment to be awarded under the provisions of this law shall not exceed twelve years.

56. Customary functions during wedding, sacred thread investiture ceremonies and other social ceremonies shall be undertaken within the limits stipulated in official notifications. In case any person transgresses these limits, he shall be fined by the concerned office with an amount not exceeding five rupees in the first instance, fifteen rupees in the second instance, and forty-five rupees in the third instance. For the fourth offense, he shall be fined with an amount ranging from fifty rupees to a hundred rupees, or sentenced to imprisonment for a term ranging from five days to three months, depending on his status and the nature of the offense, at the discretion of the Mukhtiyar. In case a claim is filed for the refundment of the excess that has been offered and accepted, it shall be realised according to the law. (Concluded).

King Prithvi Narayan Shah  
by  
Baburam Acharya

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

#### Notes to Chapter I

(Continued from Regmi Research Series, Year 8, No. 12, December 1, 1976, pp. 225-33).

8. The Panta has given the name of Drabya Shah as Purandara Shah. Sherman Singh and Buddhiman Singh have repeated the mistake. They have written, in an attempt to explain the origin of the name of Malithum, a place situated to the west of the Gorkha palace, that plowhands (hali) working in the valley used to take shelter at this place (thum) in the night because of the battles that used to take place frequently between the inhabitants of Lamjung and Gorkha during his reign. They have, in addition, written that a battle was fought with the two brothers Changay and Surtan of Warpak, and that both sides subsequently withdraw to their respective positions because of weariness. Another story concocted by them is as follows:

"Afraid of Lamjung, the King of Tanahu presented an elephant to King Purandara Shah. The latter then invited Changay and Surtan to see the elephant and requested them to supply salt for feeding the animal. Changay and Surtan thereupon agreed to supply twenty-one muris of salt every year. Changay and Surtan maintained friendly relations also by opening up the route for the supply of salt and blankets".

On the other hand, Sherman Singh's brother, Buddhinan Singh, has written that Changay and Surtan had been killed by King Purandara Shah. Both these versions appear to be incorrect.

The correct version is as follows: Changay and Surtan are not the names of two brothers. Changay, a Chale, lived during the reign of Drabya Shah, but he was not the chief (rukhiya) of the Chales of Warpak. It is not possible that Changay was alive all through the reigns of King Drabya Shah and King Rama Shah. Sherman Singh has portrayed Drabya Shah and his sons and grandsons as plunderers. According to him, the King of Gorkha just sent his troops to fight against the King of Lumjung. He has praised those who plundered the homes of Changay and other Chales and came back with booty. However, the story concocted by him, that a truce had to be reached with Changay at the time of Purandara Shah, and that Purandara Shah had invited Changay to see the elephant presented him by the King of Tanahu, and deceived him into agreeing to supply twenty-one muris of salt annually for feeding the animal, is incredible. Sherman Singh has failed even to mention the name of the King of Tanahu. He seems to have concocted such a story simply to justify his mention of the elephant in his biography of Chhetra Shah.

9. The name of the King referred to as Chhetra Shah by Sherman Singh and Buddhinan Singh has been given as Chhetra Sahi in a document in the possession of an Aryal astrologer of Gorkha. Hence the latter name appears to be the correct one. The name Chhetra Shah cannot be regarded as correct, because it finds mention only in a few documents written in Kathmandu.

Sherman Singh also writes: "This King received a shot in the arm when he occupied Shung, defeating Changay and Surtan, the Chale Kings of Warpak. Emboldened by this, he ordered two big drums to be made so as to be hung on the sides of an elephant which he intended to ride while leaving for preparation to invade Nepal. But the King died before the drums could be covered with leather. Till now, the drums remain in that condition."

What a fertile imagination!

10. Chhetra Shah died childless, and Rama Shah, his step-brother, acceded to the throne. Rama Shah's wedding after his coronation was his first. Hence there seems to have been very little difference in the age of the two step-brothers. Presumably Rama Shah was twenty years of age at the time of his coronation.

11. The commentary on the Meghaduta by Chaitravardhana, written by Jayabhadra, which was in the possession of his descendant, the late Padmanabha-Keshari Aryal, in Kathmandu, mentions that it was written by Jayabhadra at the time of Rama Shah around 1540 Shaka (1618 A. D.). Raghevanandaya Vijayakavya, in the possession of the State Library in Kathmandu, states that Rama Shah had ordered it to be written in 1544 Shaka (1622 A. D.) for the purpose of study and for charitable purposes. This indicates that Rama Shah



was fond of reading poetry in simple style like the Meghadute, as well as of difficult verses like those contained in Rachayabandavijayakavya, and also encouraged others to do likewise.

12. The list of kings of Parbat is confusing. Accordingly, the name of the son of Narayana Malla has been given Raja Malla on the basis of Sherman Singh's work. This may not be true. Sherman Singh claims that Rama Shah had married the daughter of Narayana Malla's daughter in response to the latter's appeal, as well as because of the disrespect shown by Raja Malla. I hear that Rama Shah stuttered in his speech. The King of Parbat had originally invited Rama Shah and offered him his own daughter, because he was the King of Gorkha. But on being aware of his stutter, the King of Parbat changed his mind. It was not proper for Rama Shah to come back without the bride. It would have hurt his self-respect had he married the daughter of an ordinary Thakuri. Narayana Malla, who had abdicated in favor of his son, Raja Malla, was living in Galkot as a recluse. He proposed that Rama Shah marry the daughter of his daughter, widow of the King of Muskot. Rama Shah accepted the proposal because Narayana Malla's grand-daughter was, after all, a royal princess, and had a sweet disposition. The marriage was solemnized at the house of Narayana Malla. In this manner, Gorkha was able to uphold its prestige.
13. In his biography of Rama Shah, Sherman Singh has concocted the story that Rama Shah had undertaken along with Narayana Malla. However, it appears to be true that Rama Shah had taken part in a religious ceremony performed by Narayana Malla.
14. Sherman Singh writes: "Wanda Mishra of Varanasi stopped at Gorkha on his way to Pashupatinath after visiting the temple of Muktinath. That night Rama Shah had a dream, in which he was told by a virgin to be initiated into the Diksha-Mantra by Wanda Mishra. Rama Shah thereupon asked Wanda Mishra to do so. Wanda Mishra replied that he too must get a command in a dream from the same virgin. The same night, the virgin appeared to Wanda Mishra in a dream, wrote down the Diksha-Mantra on a birch-leaf, placed it in the hands of Wanda Mishra, and commanded him to initiate Rama Shah into that mantra. Wanda Mishra acted accordingly". The story is incredible. Moreover, there is no evidence that Rama Shah had ever a meeting with Wanda Mishra.
15. The stone-inscription near the temple of Taleju in Kantipur installed by Parthivendra Malla, states that King Shiva Sinha had taken over Lalitpur from the enemy just with a movement of his eyes". Shiva Sinha is thus supposed to have occupied Lalitpur, when its last Mahapatra, Purandara Sinha, declared his independence. However, the story is incredible, because Lalitpur was very strong at that time. It is probable that when Purandara Sinha died circa 1600 A. D. without any heir, Harihara Sinha, son of Shiva Sinha, went to Lalitpur and married Purandara Sinha's daughter, Lalamati, on the condition that her son would be made the King of Lalitpur. Harihara Sinha lived in Lalitpur to protect it, and a few years after his death, Siddhinarasinha Malla became King.



16. Buddhinan Singh has given the name of Senior Queen of Rama Shah as Ratnavati and of the Junior Queen as Nayanavati. The Senior Queen may have been the daughter of the King of Musikot. The Sen Vanshawali of Makwanpur (p. 8) mentions that Hambira Sen, son of Hringi Sen, and his queen, Puhupawati, had given away their daughter, Vishnavati, in marriage to King Rama Shah of Gorkha. Vishnavati may have been renamed Nayanavati by Rama Shah.

The Sen Vanshawali gives the name of one son of Hambira Sen as Trivikrama Sen. A book entitled Acharapradipa gives his name as Tula Sen. The editors of the Sen Vanshawali, therefore, assume that Trivikrama Sen was later called by the name of Tula Sen. It is also probable that Trivikrama Sen, as well as his brothers, had died childless, and that, for that reason, Hambira Sen had adopted Tula Sen as his son. The Sen Vanshawali also states that Padnavati, another daughter of Hambira Sen, was married to Dambara Shah, son of Rama Shah. But none of the four queens of Dambara Shah mentioned by Buddhinan Singh in the Uthasa Vanshawali bears the name of Padnavati. This, however, is not surprising, because it is customary for women to change their names after marriage.

17. A stone slab found among the ruins of Madi in Palpa contains the words "Rudra Mahibhr̥ta" according to a reliable person belonging to Palpa. It is, therefore, definite that sculpture was introduced in Palpa by Rudra Sen.

18. An introductory note on the idols and temples installed by Rama Shah, along with a reference to the date of their installation, has been given in Itihasa Prakasha (Light on History, Vol. 1, p. 40). The Devanagari script has been used in these inscriptions, instead of the Newari script used by the Mallas. It appears Gorkha borrowed iconography from northern India, not from Kathmandu valley.

19. In a letter to Siddha Bhagawanta Nath, King Prithvi Narayan Shah wrote, "People travel through our Ruhi Hot". (Itihasa Prakasha), (Light on History, Vol. 1, p. 152). The word as printed is "Uhi Hot", but the reference to Ruhi Hot in the original is clear. In a letter to King Pratapa Simha Shah, the Dalai Lama of Lhasa had proposed to maintain the treaty concluded between Nepal and Lhasa during the reign of Rama Shah and Tharcho Khyamba Lama (Triratna Saundarya Gatha, p. 273). This indicates that Gorkha had concluded a treaty with a top-ranking Tibetan official named Tharcho Khyamba. A civil war had been going on in China as well as in Tibet at the time of Rama Shah. Tharcho Khyamba appeared to be in control of the Ruhi and Kerung areas of Tibet at that time. On the basis of that treaty, a new route had been opened for the supply of salt along the banks of the Gandi river. As a result of that arrangement, the route towards Warpak, passing from Rajasthal to the eastern part of Gorkha, ceased to be of any use. The Chales of Warpak had then no alternative but to maintain amicable relations with Gorkha. Warpak thus appears to have merged voluntarily into Gorkha. Sherman Singh has written that the troops of Gorkha went to "Rui-Hot" and occupied it, and that the Gorkhals were defeated when they attacked Kukurghat in the Kerung region. But it is heard that the word "boundary" (simana) has been inscribed in Devanagari characters on a stone

slab on the route to Kukurghat. Rama Shah appears to have had amicable relations with Tibet. There is, therefore, no doubt that the account of his attack on Kerung is false.

20. This version is based on probability.

21. During the time of Sherman Singh, Sakrajyalaxmi, Senior Queen of King Rajendra, and Crown Prince Surendra were living in the royal palace, while the Junior Queen, Rajyalaxmi, and her son had been exiled to Salyan. In an attempt to show that a similar situation existed during the time of Purandara Shah (Purna Shah), Sherman Singh has stated that he occupied Salyan, and sent his Junior Queen and Rama Shah to live there. Because it did not make sense to say that Purandara Shah occupied only Salyan, Sherman Singh has claimed that he subsequently occupied Khari, Maidhi, and Dhading also. He has not claimed that Gorkhali troops defeated the King or chief of these areas. While describing the occupation of Salyan, Khari, Maidhi, and Dhading for the second time, Sherman Singh has stated that the Ghales, who were building a fort, were defeated.

However, it was not necessary to occupy Salyan twice. For this reason, Buddhinan Singh has stated that Salyan, Khari, Maidhi, and Dhading were occupied only during the time of Purandara Shah.

In my opinion, both the queens of Purna Shah lived at the royal palace in Gorkha. The Junior Queen and Rama Shah had not been exiled to Salyan. Only after he became King did Rama Shah occupy Salyan, Khari, Maidhi, Dhading, and Phirkyap without any bloodshed. There were no Ghalo settlements in the southern hill areas at any time.

Both Sherman Singh and Buddhinan Singh have stated that Rama Shah was crowned as King even before his sacred-thread investiture ceremony. This is not correct.

22. This stone pillar was extant in the Vikrama year 1980. It is said to have disappeared during the floods and washouts of the Vikrama year 2011. (To be Continued).

#### Guthi Legislation: 1923\*

1. No one who desires to construct or establish any rest-house or other religious endowment, whether the government or any individual, shall do so in a foreign country when his own country is so holy, containing as it does the Pashupati-linga and the Guhyeshwar-Pitha. In case he does so, and any dispute arises, the government will not entertain any complaint.
2. In case (any person) asks for land from the Mukhtiyar for the construction of schools, hospitals or other religious endowments within the territory of Nepal, the Mukhtiyar may or may not order such grant with governmental approval, or

\* Government of Nepal, "Guthiko". (On Guthi Endowments) in Ain (Legal Code). Kathmandu: Pashupat Chhapakhana, 1980 (1923 A. D.). pt. 3, pp. 1-5.

order the grant of such area of waste or cultivated land as he may specify. Raikar land may then be granted accordingly. Provided that such grant does not adversely affect the easement rights of other persons.

3. Rest-houses or other religious endowments established in accordance with the prescribed procedure shall not be damaged, by any person, and shall not be confiscated even if any offense is committed. (Such endowments) shall be granted to relatives (hakwala) who are not guilty of treason, if any, or else shall be registered at the Guthi Kachahari office.
4. Guthis are endowed with religious motives through relinquishment of title thereto (by the person who makes the endowment). Nobody shall, therefore, sell or mortgage the property endowed). The heir of the person making the endowment may perform the functions specified in the deed of endowment, and mortgage only the surplus income. In case he does not do so, or sells the Guthi endowment, it shall be operated by the heir next after him, not by the person who sells (the Guthi property). The amount paid by the person who purchases (the Guthi endowment) through ignorance shall be converted into an unsecured loan.
5. In case the Guthi, has been endowed through a ritual gift or donation, the person in whose favor it is so endowed shall be regarded as the hakdar thereto. If the beneficiary of such Guthi endowment, or his heir, violates the religious function, the person who had endowed the Guthi, or his heir, may dismiss him, and choose any one of the latter's heirs to carry on the religious functions. But he shall not resume the Guthi and appropriate it for his use once he has relinquished title thereto. A Guthiyar shall in no circumstances dispose of the Guthi in favor of another person through donation, gift, or sale, or otherwise.
6. In case there are more than one heirs, they shall each be entitled to manage the Guthi in accordance with the terms of the deed. In case any hakwala is alive, his sons and grandsons shall have no claim to the Guthi. In the absence of a deed, heirs shall manage and utilize the Guthi by two-year turns, and no complaint shall be entertained in the matter unless it is filed within sixteen years after accrument of title.
7. The Guthiyar shall not be deemed to have committed any offense if he deducts a maximum of five percent of the property (of the Guthi), other than gold and silver, and one percent in the case of cash income exceeding one hundred rupees, for his own use. He shall not be entitled to dismiss and appoint any person as long as the Guthi is managed in the prescribed manner, inasmuch as he is the Guthiyar of the Guthi endowed by himself or his forefathers. In case he makes deductions in excess of the prescribed limits, or fails to discharge his obligations, or sells the Guthi endowment, he may be removed.



8. In case a Guthi has been endowed as a religious monument, whether on private or government donated land, and in case the person who made such endowment, or his heirs and coparceners, cannot renovate it and this is done by some other person, the land, if it is privately owned, shall not accrue to the person who thus renovated it. If the land has been acquired from the government, it shall accrue to the person who renovates it, irrespective of whether he is the heir or anybody else. An order specifying the functions of such person, and permitting him to utilize the Guthi subject to the performance of religious functions, shall be issued in his favor.
9. In case (any person) has utilized a Guthi belonging to another person for sixteen years without any formal title, it shall remain in his possession so long as he is alive, because no complaint had been filed for sixteen years. After his death, the Guthi shall be restored to the person who possesses title thereto.
10. A Guthi endowment made after debts are incurred, or arrears become due to the government, shall not be valid. The deed of endowment, if any, shall be invalidated, but no punishment shall be inflicted.
11. Mahants, Guthiyars, priests, and clerks appointed by the government for managing rest-houses or other religious endowments may be dismissed where permitted.
12. Appointments or dismissals in respect to lands belonging to a Guthi shall be made by the person who has title thereto.
13. Except when a contract has been issued, income from fines collected on disputes (among the inhabitants) of Raj Guthi lands shall be handed over to the Guthi Kachahari office, irrespective of whether such income has been collected by a court of law (adalat), a police station (thana) or a village council (amal).
14. No person shall use raikeer lands for purposes of pasturage except with the permission of the government. In case lands have been used as pasture with such permission in writing, no one shall confiscate such pasture lands. In case lands which are proved to be pastures have been acquired by any person as birth, or have been cultivated by another person, no offense shall be deemed to have been committed if the pasture lands have been brought into cultivation by granting other lands in exchange. Otherwise, a fine amounting to one year's produce on the lands shall be imposed, and the chief of the court (adalat) shall have the lands reverted to waste. In case he willfully fails to do so, sin will accrue to him. If other lands are not granted in exchange for the lands which have been reverted to waste in this manner, sin will accrue to the Vizier during whose rule this was not done.

15. In cases of misappropriation, the misappropriated amount shall be recovered, and a fine of the same amount shall be imposed.
16. In cases of unauthorized claims where income has been appropriated after performing the stipulated functions, the surplus amount shall be recovered, and a fine amounting to fifteen percent of the rents accruing in that year shall be imposed.
17. In cases of false claims, a fine equivalent to the sum involved in such claims shall be imposed. In case other goods are involved, the fine shall amount to ten percent of the value thereof.
18. Jitauri fee shall be collected from the winning party in disputes relating to Guthi lands, at a rate not exceeding twenty-five percent of the fines imposed on the losing party, irrespective of whether the lands are Raj Guthi or Duniya Guthi ones.
19. In cases involving the restitution of claims or costs, fees amounting to ten percent and five percent shall be collected. If fines have been imposed, the five percent fee shall not be collected.
20. In case any person falsely implicates any other person, he shall be fined with one-third of the amount involved in this case, if it does not exceed two hundred rupees, and if it exceeds two hundred rupees, a fine of one rupee shall be imposed.
21. In case any person claims more than is due to him, a fine amounting to such excess sum as he has claimed shall be imposed. In case any person has admitted to less than what is due from him, the fine shall amount to ten percent of the discrepancy.
22. The term of imprisonment, where necessary, shall not exceed twelve years.
23. Complaints shall be filed within the time-limit, if any, stipulated in the law. If no time-limit is prescribed in the law, no complaint shall be entertained unless filed within two years, except in cases relating to the non-performance of the stipulated Guthi functions and the endowment of a Guthi, where this is not permitted.
24. In case ancestor of any person has made a Guthi endowment through a gift-deed, so as to be operated as a Char Guthi, without appointing guthiyars, on condition that more than ten percent of the income (accruing from the Guthi) at the current prices may be appropriated as personal income, and in case a complaint is submitted to the effect that the descendant of such ancestor has been appropriating the Guthi income without performing the stipulated religious functions, such person, if the complaint is proved, shall not be entitled to operate the Guthi in his turn. But even if such person is prohibited from managing the Guthi, he shall be entitled to appropriate his share according to the law in the surplus amount left after allocating expenses for the management of the Guthi, inasmuch as the Guthi had been endowed as Char Guthi in order that descendants may not sell the endowed lands. He shall not be denied his share in the surplus income.

25. A Mahant appointed in government-owned monasteries may sell or otherwise alienate according to law and during his own lifetime only the lands and buildings acquired by him personally before or after his appointment as Mahant. After his death, however, such of the remaining lands and buildings as had been acquired by him before or after his appointment as Mahant, shall belong to the monastery to which he had been appointed, and not to any heir, inasmuch as a Mahant is a mendicant. The lands and buildings accruing to the monastery in this manner shall not be disposed of by the next Mahant and accepted by any other person. In case such lands and buildings are disposed of, the transaction shall be invalidated. The new Mahant may only replace tenants according to the law.

Selected Documents of Magh 1887 Vikrama  
Privileges of Dardu Budha in Kagbeni  
 Magh Sudi 4, 1887 (44/195-96).

Dardu Budha of Kagbeni had submitted a petition to King Rajendra, stating that he had not been able to live peacefully in his village because of harassment by Siliman Mrigyal Bisht.

In the year 1886 Vikrama, therefore, a royal order was issued, ordering him to stay in his village, and pay the Serna tax at the usual rate every year, in addition to other customary payments due to the local Anali. He was exempted from the obligation to provide unpaid labor (Jolya) in areas adjoining the village or elsewhere. These privileges were granted to him on an inalienable basis.

Because the original royal order was lost, a new one was issued on Magh Sudi 4, 1887.

Chhap Land Grant to Purna Chandra Sahi

Magh Sudi 4, 1887 Vikrama (44/196).

A plot of land known as Tharpu, in Kaski, had previously been granted to Bhakti Thapa. The grant was cancelled, and the land was granted to Purna Chandra Sahi on chhap tenure, subject to payment of the customary tax to the Chaprasi Company.

Similar Chhap land grants were made on the same date to Badriban Sahi in Kaski, and to Narabhanjan Sahi in Tanahu.

Disbursements from Income of Beni Mint

Magh Sudi 8, 1887 (44/198-99).

Suffa Kulananda Jha, who held an Ijara for operating mines in Parbat, as well as the Beni-Balung Mint, was ordered to disburse Rs 1,350 as follows from the Ijara revenue due for the year 1887:

Bir Bahadur Khadka	--	Rs 675/-
Udit Sinha Basnyat	--	Rs 675/-
		-----
		Rs 1,350/-

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1936-57

By

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(Continued)

Chapter 11

INDUSTRIAL POTENTIAL

Industrialization is a product of the social attitude, the determination of a people to realise its goal of a materially happier life, and the will, the vigour, and the knowledge which are dedicated to the realisation of this goal; but concomitantly, factors like the availability of raw materials, power, capital and labour and the existence of suitable markets and facilities for easy transportation and communication, provide the physical basis, which is as necessary for the industrial development of a country, beyond the determination to go forward, as food is for the satisfaction of hunger, beyond the will and the desire to eat. An inquiry into these physical factors, indicative of the industrial potential of the country, appears therefore pertinent at this stage.

RAW MATERIALS

Absence of near markets and the difficulties of transportation have retarded the development of the hilly areas of Nepal as a major source of raw materials, including forest products. Only in the case of commodities that comprise high value in small bulk, like herbs and drugs, has any export from the hilly sector of the country developed. Moreover, the trend towards increasing use of foreign manufactured goods that commenced mainly in the first quarter of this century dealt the death-blow to the local production of industrial raw materials like cotton. Consequently the terai regions contiguous to the Indian border, with their relatively advanced transportation facilities, as well as their surplus production and their proximity to Indian markets, have become the chief source of industrial raw materials in Nepal.

Forests - It has been said that the wealth of Nepal consists in her forest resources. Forests at present cover 112 lakh acres, or 31.25 percent of the total land area of the country. The distribution of forest land is as follows:-

New Riverine forest....	512,000 acres
Old Riverine forest....	763,000 acres
Sal (Shorea).....	2,240,000 acres
Foot hill forest.....	1,280,000 acres
Oak.....	5,120,000 acres
Conifers (Soft wood)...	1,280,000 acres

(Government of Nepal, Department of Publicity: Nepal at a Glance, 1954 pp 4-5).

Contd...



The Nepal Himalayas are divided into three longitudinal zones of climate: the lower, comprising the lowlands at the foot of the mountains; the middle, extending up to the snowline; and the upper or alpine. The first ranges from the plains to 4000 feet; the central from 4000 to 10,000 and the upper from 10,000 to 29,000. This unusual variety of climate has considerably affected the vegetation of the country, and there can be traced out three zones of vegetation, corresponding to the three climatic zones. In the lower region can be found splendid timber trees, such as the Sal and Sisau, Banyans and Pipals, Bamboo and Palms, Teak, Acacia and Gatchu, which have contributed to the vast forest wealth of the country, and which constitutes the major source of exports. The central slopes are clothed with oaks, chestnuts, mangolias, laurels, rhododendrons, cherry and pear trees, thorns, ash and elm, and the upper region is that of junipers, larches, yews, poplars, dwarf rhododendrons, bellies, birches and willows. (Brain Hodgson, summarized by Clements Markham, quoted in Sir Richard Temple's Journals kept in Hyderabad, Kashmir, Sikkim and Nepal, Vol. II, pp. 224-225).

Exports of timber at present are estimated at 145,000 cubic feet, and domestic consumption at 24,000,000 cubic feet, or an average of 20 cubic feet per family per annum.

All forest land in Nepal is owned by the state. Even private owned forest land has been nationalized without compensation recently (Nepal Gazette, Volume VI, No. XXXIX, Part II, February, 1957). Annual sale by auction to contractors who come from India for the most part is the rule. So far, the exploitation of forests has been unscientific and wasteful. (Note-the State-Owned Terai forests are over-exploited for fiscal purposes. Because these forests are favourably situated for transport, they are exploited beyond the limits permissible in the interest of their technical development. (S. Rauch: Agriculture of Nepal, Suggestions for its development, Report for the Swiss Coordination Committee for Technical Assistance and the Government of Nepal (FAO/52/4/2290; processed), pp 5-6, quoted in Human Relations Area Files, Inc., The Economy of Nepal, Chapter on Forests by Ravi S. Sharma, pp 42-43). Indiscriminate deforestation for farming, and unscientific methods of extraction of forest products, for example for paper making and preparation of resin from pine trees, have also led to the destruction of forests. (Cf. C. B. Gurung Report on the study of agricultural condition of Eastern Nepal Hills - East No. 1 to Ilam. 1949 pp 29). The Government appears to be taking necessary steps to cope with the situation. An act for the protection of forests has been recently passed (Gorkhapatra, 22 June). A sum of Rs 40,000 has been sanctioned for the maintenance of the nationalized forests for the next three months (Daily "Halkhabar", 29 May).

Other forest products like resin, turpentine, and catechu, as well as medicinal herbs and drugs, also constitute a sizeable amount in the volume of trade. Sabai grass is exported mainly from Nepalgunj in the Western Terai to the paper mills of India. Some quantities are also produced in the hilly districts where it is manufactured into ropes. Annual exports of sabai grass have been estimated at 90,000 maunds.

### Agricultural products

Paddy cultivation covers 6,534,000 acres, (Government of Nepal, Department of Publicity: Nepal at a Glance, p. 6), of the total cultivated area in the country. Total annual production has been roughly estimated at about 50 lakhs tons. Bara, Parsa, and Rautahat in the central, Morang and Bhadrapur in the eastern, and Banke and Bardia in the Western-Terai regions are major centres for the export of paddy. Because of the inadequacy of processing facilities inside the country, much of the paddy is exported in its crude state.

Oilseeds cover 408,000 acres (ibid, p. 6) Statistics of production are not available. Like paddy, most of it is exported to India in the crude state. Some amounts are produced in the valley of Kathmandu and the hills also, but cultivation is said to have suffered a setback because of the increasing use of imported oil. (Government of Nepal, Department of Statistics. Industrial Survey Report, East No. 1 District).

Jute is the only raw material in Nepal which is consumed by local industry to any significant extent. The total acreage of cultivation consists of 96,000 acres (Nepal at a Glance, p.6), out of which Morang, which is the centre of the jute industry, cultivates 60,000. Total production is approximately 18,000 tons per annum. The Biratnagar Jute Mills Ltd., alone consumes about 2,75,000 maunds annually. Another consumer is the Raghupati Jute Mills Ltd., also in Biratnagar. The rest is exported to India.

288,000 acres of the total cultivated area consists of tobacco crops. (ibid, p. 6). Statistics of production are not available, but the total volume of exports is said to be negligible. Lack of knowledge of proper methods of curing and storage of tobacco has considerably affected quality, and Nepal is at present a net importer of tobacco, the imports being restricted to high grade material. Sarlahi, Saptari and Mahottari in the terai are the major sources for raw tobacco.

### Minerals

In the past some amounts of copper, iron, and other minerals were extracted, but the industry suffered a decline because of imports of cheaper foreign material. Factors like transport difficulties and lack of capital have hitherto stood in the way of proper development of this industry, but the main impediment has been lack of a proper geological survey. Nepal has entered upon the preliminary stages of

such a survey, with help from the United Nations Technical Assistance Administration, the Geological Survey of India, and the United States Operations Mission. (Draft Five Year Plan, p. 53). A country-wide geological survey is expected to be completed soon.

Investigations so far have revealed the existence of hematite iron ore deposits at Phulchowki-danda in the valley of Kathmandu; limestone deposits near Bhainse; and mica and lignite deposits near Kathmandu. The Draft Five Year Plan also envisages the further investigation of Nangre copper and Ehorle nickel.

Other minerals believed to exist in Nepal are coal, iron, copper, graphite, lead, silver, zinc, cobalt, chromium, alum, salt, tale, beryl, garnet, tourmaline, ochre, corundum, sapphires and quartz. (Nepal at a Glance, p. 10). There are extensive marble deposits at Godavari in the valley of Kathmandu, which have been taken up by the Godavari Marble Depot Ltd.,

Recently a team of experts sent by the Nepal-American Cooperative Mineral Service left for Hetaunda and Arlekhgunj to investigate into the possibilities of graphite mining in these areas. (Daily "Commoner", 24 May, 1957). A mining engineer and a geologist were also deputed by the Planning and Development Ministry to survey iron deposits at Those, East No. 2 (Daily "Diyalo" 25 May 1957). The Government has recently passed rules for the issue of mining licences (Gorkhapatra, 5 June).

Altogether, the mineral wealth of Nepal may not be inconsiderable. It is interesting to note that during his recent tour of Western Nepal, King Mahendra inaugurated an exhibition at Silgadi, in which mica, copper, iron, coal and tin found within the 25 mile area around Bajhang, Bajura, and Achham were on display (Gorkhapatra, 13 May). The Draft Five Year Plan provides for a total expenditure of Rs 50 lakhs during the period of the plan for mineral development (Draft Five Year Plan, p. 19).

Other industrial raw materials produced in Nepal are wool, total annual production of which is approximately 3,000,000 lbs per annum, (Metra Bahadur Thapa: Samanya Jnyan, Solomon and Brothers, Juddha Road, Nepal, Fifth Edition 1956 p. 9), hides and skins, bristle, and so on.

## POWER

The swift rivers flowing down the Himalayan slopes to the plains of India provide abundant water resources which have been estimated approximately at 1,200,000 cubic feet per second, (Nepal at a Glance, p.10). Exploitation however, has so far been poor. The first hydro-electric plant was set up in Pharping in the valley of Kathmandu in 1911, and subsequently a second one was installed in Sunderijal. Until recently the total of 4250 K.W. generated from these two sources was all that the valley of Kathmandu had available (ibid, p. 10).



To relieve the pressure on these units, a thermal power plant with a capacity of 1688 k. w. has recently been set up in Kathmandu, as a temporary emergency measure. It was formally inaugurated by King Mahendra on March 15, 1957, though actual operation started in May 1956.

In spite of this additional supply, electric power is still scarce in Kathmandu. Domestic consumption absorbs the major part of the supply, and bulk consumers like cinema houses depend for the most part upon their own generators. Except in the case of a few rice mills of small capacity operating in Kathmandu, industrial consumption is negligible.

Biratnagar in Eastern Nepal is another centre of power production in Nepal. The Morang Hydro-Electric Limited was formed in 1959 to generate hydro-electric power from the waters of the Lohendra river. The total power generated amounts to 1600 k.w., and recently a thermal plant generating 300 k. w. has been added to the existing capacity. The company supplies power to a few local mills, but the more important mills have developed their own arrangements for the supply of electric power.

The Biratnagar Jute Mills Ltd., for instance, operates 3 diesel generators with a total capacity of 1625 k.w. In addition, another plant capable of generating 1400 k.w. of electricity has been already installed, though not yet in operation. Power used to be supplied by the Biratnagar Jute Mills Ltd. to other industrial units like the Morang Cotton Mills Ltd., but with the expansion of the capacity of the Morang Hydro-Electric Supply Company Ltd., this has been stopped recently.

Other sources of power in Biratnagar exist in the Raghupati Jute Mills Ltd., and the Guhyeshwari Rice Mills Ltd., the former operates two diesel generators of 375 k. w. and 15 k. w. capacity, while the latter has one of 10 k. w. capacity.

The third area in Nepal which has electric facilities is Birgunj. The Birgunj Electric Supply Corporation Limited which was formed in 1948, has a diesel generating plant with a capacity of 110 k. w. Industrial consumption, however, is virtually non-existent. Recurring losses in the company have led to government management as a provisional measure.

In addition to this, the small rice and oil, and other mills that have been set up along the Indian border in the terai districts are all equipped with individual power generating facilities. The total number of such mills in the country along with their location and the total electricity generated, is given in the following tables:-

TABLE XIII

<u>Name of District</u>	<u>Number of private owned rice-oil mills etc.</u>	<u>Total h. p. of electricity generat</u>
Jhapa	26	1032,
Dhankuta	1	10
Biratnagar	31	700
Saptari	18	438
Mahottari	69	1360
Udayapur	1	20
Chisapani	1	40
Birgunj	42	710
Pokhara	2	24
Palpa	6	60
Bhairahawa	25	505
Butwaul	17	327
Nepalgunj	5	775
Dang	4	50
Kailali	11	254
----- Total 259		6255 -----

Inadequate development of the hydro-electric resources of the country has thus led the bulk of industry to depend upon liquid fuels and coal so far as their requirements of power are concerned. Coal is imported from India under a quota system, and industrial consumption amounts to about 1250 tons per month. Figures regarding the import of diesel oil are unavailable, but Kathmandu alone consumes about 600 gallons per day.

Wood, rice-husk and bagasse are other industrial fuels used in Nepal. Until recently, the locomotives of the Nepal Government Railway burned wood. (To be Continued).

Selected Documents of Magh-Falgun 1887 VikramaPublic Building in Sankhu

Magh Sudi 5, 1887 Vikrama (44/196-97).

Royal order to Kulanaram: "Ganga Rani had made a ritual gift of eighteen ropanis of Jiuni lands for the construction of a public guest-house in Sankhu. Income from the lands was to be used for maintaining and repairing the building, and perform religious functions as stipulated in the Guthi endowment during the Dashain and other festivals. She had also appointed guthiyars to undertake these responsibilities.

"The guthiyars, however, subdivided the rents due from the endowed lands and appropriated the income themselves, but did not perform the stipulated functions.

"We hereby issue this order in your name, permitting you to use these eighteen ropanis of lands from the year 1887 Vikrama, on condition that you repair the public guest-house if it is damaged, perform religious functions as usual during the Dashain and other festivals, and give away two handas every day to mendicants, consisting of rice, pulses, ghee, salt, turmeric powder, and firewood.

"You shall be punished severely if you do not perform the stipulated religious functions in the manner mentioned above. You may appropriate for yourself the surplus income left after performing these functions. You shall not be dismissed unless you commit an offense".

Unpaid Labor Obligations

Magh Sudi 8, 1887 Vikrama (44/197-98).

Royal order to Kaji Jaspau Thapa: "The three villages of Muraligaun, Malyagaun, and Phalamyagaun have been included as Khuwa in the Khangi assignments made to you as a Kaji. (The right to employ the inhabitants of) these villages (without wages) as porters, as well as for the transportation of firewood and other supplies, had been granted to the Kajis who had been assigned these villages as Khuwa previously.

"Subsequently, a royal order was issued to (the inhabitants of) these three villages, ordering them to supply charcoal to the government munitions factory, and removing them from the jurisdiction of the Amali.

"You have now represented to us that the order has given rise to difficulties. We, therefore, hereby rescind that order. In the future, (the inhabitants of) these three villages shall supply six dharnis of charcoal to the munitions factory everyday through you. We also exempt them from the obligation to provide unpaid labor services (Jhara) elsewhere.

Jagir Land Dispute

Magh Sudi 8, 1887 (44/198)

Lands at Chhapthok in the Mairi area (of Dhading district) had been included in the Jagir land assignment of Kaji Jaspau Thapa. Ranajang Karki, who also had been granted Jagir lands in the same area during the time of Kaji Prasad Simha Basnyat, managed in 1887 to secure an order including Kaji Jaspau Thapa's lands in his own assignment.

A new royal order was then issued reconfering in favor of Ranajang Karki the lands granted during the time of Kaji Prasad Simha Basnyat, and to Kaji Jaspau Thapa the lands obtained by Ranajang Karki in 1887. Ranajang Karki was also ordered to refund to the ryots the payments he had already collected on those lands.

Collection of Arrears in Chharka and Elsewhere

Falgun Badi 6, 1887 (44/200).

Royal order to ryots of Chharka and Lagu-khola:  
"Complete payment of all arrears of Sirto, as well as all amounts due in the course of trade, to Gungyal Bisht. In case you do not do so, severe punishment shall be inflicted".

Royal Order to Gungyal Bisht

Falgun Badi 6, 1887 (44/200).

"You have submitted a petition stating that you cannot maintain your livelihood without conducting trade in the Rhot, Patan, Chharka, Lagukhola, and other areas. Accordingly, we hereby issue this order opening up these routes, and prohibiting any person from causing any obstruction, while you trade in these areas from generation to generation".

Royal Order to the Raja of Mustang

Falgun Badi 6, 1887 (44/201).

Royal order to Raja Jhampal Chandul of Mustang:  
"Gungyal Bisht had taken up an Ijara for the Chharka and Lagukhola areas until 1887. Do not cause any obstruction when his agents visit those areas to collect arrears of payment on account of Sirto or trade. In case you cause any obstruction, and Gungyal Bisht submits a complaint to us, you shall be held liable for the payment of all arrears due to him".

Complaint of Gungyal Bisht

Falgun Badi 6, 1887 (44/201)

Gungyal Bisht submitted the following petition to the royal palace: During the year 1884-85, Bishnubhakta Baniya had agreed to act in partnership with us, sharing the profit or loss in operating the Parbat mines and the Baglung mint. But now he has refused to contribute his share of the loss.

A royal order was then issued in the name of Bishnubhakta Baniya, ordering him to meet his partnership obligations in full.

Mining Contract

Falgun Badi 6, 1887 (44/202-03).

A contract for operating copper, lead, iron, and other mines in the region situated between the Marsyangdi and Bheri rivers, with the exception of Palpa, Gulmi, Argha, Khanchi, and Salyan had been granted to Subba Kulananda Jha. The Subba was replaced by Bishnu Singh on Falgun Badi 6, 1887 Vikrama. Particulars of the contract were as follows:-

<u>Particulars</u>	<u>Period</u>
1. Beni Mint	Jestha Badi 13, 1888 to Jestha Badi 12, 1889.
2. Copper mines	Ashadh Sudi 2, 1888 to Ashadh Sudi 1, 1889.
3. Baglung Mint (for Gorakhpuri coins)	Current

The contractor was required to pay a total revenue of Rs 37,502 to the government. In consideration of that payment, he was permitted to operate the mines and mints mentioned above, and, in addition, to appropriate income from the following sources. Customary payments from mines employed in the mines; Sirto and other payments; khadpuja levies; the bhedabhada levy; customary fees paid by headmen and team leaders; Walak payments; payments collected from miners, villages; payments due to the Ameli; and new mineral deposits. The contractor was also permitted to appropriate income from judicial fines and escheats not exceeding one hundred rupees in each case, and one-sixth of higher amounts.

The government reserved the right to appropriate income from Raja-anka levies and buried treasure.

The order concluded, "If the villages covered by this contract are depopulated, we shall grant appropriate remissions. Do not commit injustice, or harass the subjects and ryots by collecting unauthorized payments, so that complaints may be submitted to the palace. Produce pure copper, stamp mana measures, as well as paisa, adhela, and dam coins, and transmit the stipulated amount to the Tosakhana".



Supply of Bangles

Falgun Badi 6, 1887 (44/204).

Dhanraj Churyata had received a grant of land in Tanahu, which actually belonged to Arjun Churyata. A royal order was issued on Falgun Badi 6, 1887 restoring three-fourth of the land to Arjun Churyata, leaving one-fourth to Dhanraj Churyata. Dhanraj Churyata was directed to pay Saunefagu levies on that land, as well as to supply glass bangles on prescribed occasions, or whenever required.

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Malbara Rajya

In 1865 Vikrama (A. D. 1808), Malbara had been placed under the jurisdiction of Nawal Singh Raya, possibly an ancestor of Kularaj Singh Raya, on a thekbandi revenue-collection contract. Nawal Singh Raya was required under that contract to pay a sum of Rs 201 every year. In 1866 Vikrama (A. D. 1809), the thekbandi contract was transferred in the name of Sangrama Sahi, his brother, on payment of Rs 301 every year. The amount was payable to the head quarters of the Sri Jwaladal Company.

Source: "Royal Order to Nawal Singh Raya". Poush Badi 1, 1866 (December 1809). Regmi Research Collections, Vol. 40, P. 160.

The following order had been issued in the name of Raja Nawal Raya on Kartik Badi 10, 1868 Vikrama (A. D. October 1811): "Subedar Bhaktabacchal Malla has been granted authority to promote land reclamation and settlement in Surkhet, Padneha, and Buihna. Your sons and brothers shall, in consultation with the Subedar, procure settlers from the Moglan, as well as from old settlement in that area, for the reclamation of virgin forest (Kalabangar) lands".

Source: "Royal Order to Raja Nawal Raya Regarding Land Reclamation and Settlement". Kartik Badi 10, 1868 (October 1811). Regmi Research Collections, Vol. 40, P. 286.

On Falgun Sudi 5, 1926 Vikrama (A. D. March 1870), the two revenue divisions (tappa) of Malbara (Bardiya district) and Lig (Kailali district), situated on the western banks of the Karnali river on the Nepal-India border, were granted as a rajya to Kularaj Singh Raya. The following conditions were stipulated:

- (1) The raja was required to pay the amount of revenue finalized in the course of a revenue settlement made in 1924 Vikrama (A. D. 1867) to the Kailali Kachhari office every year.
- (2) He was permitted to appropriate the proceeds of judicial fines and penalties (danda-Kunda), including fines imposed for adultery on low-caste people (chak-chakui), and escheats (aputali). However, income from fines and penalties collected from persons who were convicted of major offenses (Panchakhat) punishable through death, life imprisonment, confiscation of property, and deprivation or degradation of caste, was reserved by the government.
- (3) All unpaid-labor obligations (Jhara, beth, and beger) in the territories covered by the rajya were remitted, except for military purposes.

Kularaj Singh Raya was succeeded by his son, Narendra Bikram Singh Raya, in whose name a fresh order reconfirming the rajya grant was issued on Bhadra Badi 1, 1931 Vikrama (A. D. August 1874). This order was endorsed by a royal order (Lalmohar) on Kartik Sudi 9, 1970 Vikrama (A. D. November 1883).

Source: "Royal Order Reconfirming Narendra Bikram Singh Raya as Raja of Malbara". Kartik Sudi 9, 1940 (November 1883). Regmi Research Collections, Vol. 55, pp. 647-49.

Kularaj Singh Raya was granted twelve moujas in Kanchanpur (which was then administered from Dullu), as Bhatt Kharcha in 1918 Vikrama (A. D. 1861). These moujas yielded a revenue of Rs 1291 year. The grant was replaced in 1922 Vikrama (A. D. 1865) by a cash allowance from the Kanchanpur-Kailali Mal Kachahari. Years later, in 1920 Vikrama (A. D. 1863) he was granted Danda-Dara in Dullu as Manachamal. The area yielded a revenue of Rs 449 every year. Kularaj Singh Raya was permitted to appropriate the entire income from land and other taxes, judicial fines, escheats, etc., except from Panchkhat crimes, from these areas. The grants were later reconfirmed in the name of Narendra Bikram Singh Raya.

Source: "Grants of Bhatta-Kharcha and Manachamal Lands in the name of Raja Narendra Bikram Singh Raya". Regmi Research Collections, Vol. 50, pp. 40-46. Baisakh Badi 11, 1942 Vikrama (A. D. April 1885). (Two documents).

Narendra Bikram Singh Raya granted the village of Dhanbod in Danda-Dara on contract to Jimidar Balbir Thakuri for the collection of revenue. Balbir Thakuri was required to pay Rs 54 and one anna under the contract. He was permitted to appropriate the proceeds of all taxes collected in that village, as well as of judicial fines and escheats, and, in addition, to exact unpaid labor on

a compulsory basis from the local people. The grant was made on an inheritable basis.

Jimidar Balbir Thakuri accordingly collected taxes in Dhanbod village from 1939 to 1942 Vikrama (A. D. 1882 to 1885).

Raja Narendra Bikram Singh Raya died in 1943 Vikrama (A. D. 1886). He was succeeded by his youngest queen, who appointed Captain Ajamat Bahadur Shahi to look after revenue administration in the rajya. Ajamat Bahadur Shahi annulled the contract given by Raja Narendra Bikram Singh Raya to Jimidar Balbir Thakuri to collect taxes in Dhanbod village. Balbir Thakuri appealed to the queen against that order, but was told that the contract would not be reconfirmed.

On Aswin Badi 10, 1944 Vikrama (A. D. September 1887), Balbir Thakuri appealed to the central government in Kathmandu against the unlawful termination of his revenue-collection contract:

The government thereupon conducted inquiries through the Naya Muluk Bandobast Adda. It ruled that the revenue-collection contract granted to Jimidar Balbir Thakuri on an inheritable basis by the late Raja Narendra Bikram Singh Raya was valid, and that his queen had no right to terminate it.

The inquiries also revealed that the rajya had been originally granted to Raja Kularaj Singh Raya in 1931 Vikrama (A. D. 1874) as a thekka-rajya. This meant that the raja was permitted to appropriate the excess that he could raise in addition to the amount stipulated for payment to the government. The stipulated amount was revised every ten years. Revenue from the rajya of Maltara was estimated at Rs 12,583 in 1931 Vikrama (A. D. 1874), which increased to Rs 14,357 in 1942 Vikrama (A. D. 1885).

Source: "Order from Prime Minister Bir Shumshere and Commander-in-Chief Dev Shumshere in the name of Jimidar Balbir Thakuri". Ashadh Sudi 4, 1945 Vikrama (A. D. July 1888). In Yogi Naraharinath, Itihasa Prakashana Sandhipatrasangraha. (A collection of treaties and documents in light on history). Dang; the editor, 2032 Vikrama (A. D. 1966). pp. 561-63.

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King Prithvi Narayan Shah

by

Baburam Acharya

Notes to Chapter I

(Continued)

23. An incomplete text of Mahendra Malla's regulations has been published at the end of Shri 5 Prithvi Narayan Shahko Divya Upadesha, published in the Vikrama year 2010 by the Prithvi Jayanti Samaroha Samiti. pp. 30-31. (For a full translation of that text, see Regmi Research Series, Year 3, No. 5, May 1, 1977, pp. 123-24).
24. In his Vamshewali, Buddhiman Singh writes: "Rama Shah met King Siddhinarasimha Malla of Patan and told him that his Kingdom, Gorkha, had been unable to flourish because of the lack of trade and industry. He, therefore, sought twenty-four traders from Patan, and settled them at Hatiyathok near the royal in palace in Gorkha in 1663 samvat (1606 A. D.)". Thus Buddhiman Singh claims that Rama Shah had gone to Patan for a meeting with Siddhinarasimha Malla the every year during which he had become King. But Siddhinarasimha Malla was not King during that year. He was probably an infant. Buddhiman Singh's ancestors had migrated to Gorkha from Patan. He has made the above-mentioned claim to show that it was his ancestors who had developed commerce in Gorkha. There might have been twenty-four traders in Gorkha at the time of Prithvi Narayan Shah. But it is not possible for so many traders to have settled down in Gorkha at the every outset. In fact, it was Siddhinarasimha Malla who needed a commercial treaty with Gorkha more than Rama Shah. Buddhiman Singh has also stated that Rama Shah had enforced twenty-five regulations for the traders, in view of their prominence (pp. 286-90). This indicates that no regulations had been needed before the arrival of these traders from Patan, and that the King of Gorkha promulgated regulations only after the cultured Newars settled in Gorkha. According to Buddhiman Singh, the twenty-third regulation, prescribed: "In the event of our dying without any heir, your heir shall rule our Kingdom, and vice versa". In other words, the descendants of Siddhinarasimha Malla would rule Gorkha in the event of the end of the dynasty of Rama Shah, and the descendants of Rama Shah would rule Lalitpur in the event of the end of Siddhinarasimha Malla's dynasty. This condition could have been accepted neither by Rama Shah nor by Siddhinarasimha Malla.
25. This note has been prepared on the basis of the writings of Sherman Singh. It states that Gorkhali troops had repulsed the troops of Tanahu across the Marsyangdi river, and plundered the Rajasthal area of Tanahu, when its King, Tula Sen, was in Rising. But this claim seems to be exaggerated. The Gorkhali were not given to plundering others. It is possible that they had not crossed the Marsyangdi.



26. No document containing the regulations enforced during the rule of Rama Shah is available. I was in possession of a document containing new regulations framed by King Rajendra by consolidating those enforced by Rama Shah. The document prepared by Kharidar Taranath Acharya in his own hand-writing was subsequently lost. The contents of the document corresponded to some extent to those given by Sherman Singh. But they cannot be regarded as wholly identical with the regulations of Rama Shah.
27. This assumption has been made in the light of the circumstances prevalent at the time of King Prithvi Narayan Shah.
28. This definition is given on the basis of the writings of Sherman Singh and Buddhiman Singh.
29. In 1860 Vikrama, King Rana Bahadur Shah had obtained a loan of sixty-thousand rupees from Dwarikadas, a merchant of Varanasi. The loan carried an interest of two percent per month. King Rana Bahadur Shah later repaid the loan along with interest. (Chittarangan Nepali, Sri 5 Rana Bahadur Shah, pp. 68-69 and 140-41). In the Terai, interest was charged at 25 percent per year until recently.
30. A letter sent by Prithvipati Shah in 1772 Vikrama to Vyasa Upadhyaya (Itihasik Patra Sangraha (A collection of historical documents), Vol. 2, p. 50.).
31. A reference to the books written by the Aryal Pandits in the beginning of King Rama Shah's reign has already been made above. Sherman Singh has reproduced highly exaggerated account attributed to Durlabha Jyotishi of Tandrang, who lived during the last years of King Rama Shah's reign. Durlabha Jyotishi is said to have been a well-known astrologer like Kulananda Dhakal of Gorkha, a contemporary of King Prithvi Narayan Shah. There is, therefore, no doubt that Sanskrit literature, religious scriptures, and mythological and astrological writings circulated during the reign of Rama Shah. Unfortunately, however, no scholar at the time gave any thought to the question of writing in Khasakura (Nepali), which was the popular language, and translating the mythological, astrological and religious literature into that language.
32. This is only an estimate. There may be a difference of one or two years.
33. Stone-inscription dated 757 Nepal era at the Krishna temple in Lalitpur; Pratap Malla's stone-inscription at Kantipur
34. The Nepal era mentioned in the first coin minted by King Pratap Malla is 761 (Nepalko Rastriya Mudra (Nepal's National Coins), Facsimile No. 2, p. 10).

35. Before A. D. 1644, there was intranquillity and chaos in Tibet. One of Pratap Malla's stone-inscriptions in Sanskrit claims that he had captured Kuti, Khasa, and Kirum (Kerung) from the King of Bhot". There is, however, no clear evidence that Kuti had actually been occupied by Pratap Malla. Khasa was at the time a part of the principality of Dolakha. Pratap Malla must have taken over Khasa by subduing the weak principality of Dolakha, rather than occupying it from Tibet. Of course, he seems to have taken over Kerung from Tibet, probably before the establishment of the Dalai-Lama's rule in Tibet.
36. The biography of Pratap Malla, written by Sherman Singh, which forms part of the Hodgson Papers in the possession of the India Office Library, is as inaccurate as the biography of Drabya Shah. It contains the fictitious account of Bhima Malla having established trade relations with Tibet. The account given by his brother, Buddhiman Singh (pp. 213-18) is similarly inaccurate. D. R. Regmi, in his Modern Nepal ( Vol. 2, pp. 60-65), has given the same account of Bhima Malla. According to Sherman Singh, Bhima Malla was assassinated on Monday, Poush Sudhi 8, 770 Nepal era, but Buddhiman Singh does not mention the year. The date corresponds to January 10, 1650. Sherman Singh's account thus appears to be correct. This is surprising, in view of the inaccuracy of his story.
37. According to Sherman Singh, the King of Lamjung occupied Majhuwa during the reign of King Rudra Shah, and that Gorkha later reoccupied that area. Buddhiman Singh has not mentioned this event; hence it appears to be fictitious.
38. In his work Aurangzeb (pp. 3-4), Jadunath Sarkar writes: "In A. D. 1664, Aurangzeb sent troops from Darbhanga and Gorakhpore to occupy Morang. The King of Morang was defeated. In December, the fouzdar of Gorakhpore sent fourteen elephants and other gifts, which had been collected as tribute, to the Emperor. "According to Sylvain Levi, Grueber, a Capuchin priest who had come to Kathmandu from Tibet, travelled through Morang on his way to India. He saw only thatched huts in Morang, and only one customs house. He has recorded that the King of Morang used to offer seven elephants and some money to the Mughal Emperor. The description appears to be not of Vijayapur, capital of Morang, but of Sindhuli-Madi. The principalities of Vijayapur and Makwanpur had not yet become separate at that time; hence it was natural for Grueber to think that Sindhuli-Madi formed a part of Morang. There is some discrepancy in the accounts of Jadunath Sarkar and Grueber, but it is clear that Emperor Aurangzeb had forced the King of Morang to pay tribute in the form of elephants and money.

39. The account of the division of Vijayapur is based on Hamilton (pp. 136-38). According to Hamilton, the Koshi river formed the boundary between the two new principalities. In the hill region, the Arun-Koshi formed the boundary.
40. In A. D. 1612, Emperor Jahangir Shah is said to have defeated the Koch King of Cooch-Bihar and annexed his territories into the Mughal Empire. Viranarayana, son of the defeated King, appears to have given two of his daughters, Mahadevi and Maheshwari, in marriage to Harihara Sen, son of Raghava Sen, while the latter was still alive. (Sen Vamshavali, p. 14). Hamilton has given the name of Mahishi to Mahadevi. Both terms seem to have been used to denote the chief queen. Two other daughters of Viranarayana, Rupamati and Anantapriya, were married to King Pratapa Malla of Kantipur.

Harihar Sen probably invaded Cooch-Bihar in support of his father-in-law after he became King. Hamilton has given the names of his sons as Chhatrapati Sen, Padma Sen, and Pratapa Sen from Queen Mahishi, and Shubha Sen from Queen Maheshwari. While the war of succession was going on, Vidhata Indra Sen was born from Adanuka, Chhatrapati Sen's wife. Harihara Sen eventually chose Vidhata Indra Sen as his successor, although he had actually desired to nominate Shubha Sen, according to Hamilton.

The account of King Shrinivasa Malla of Lalitpur having provided assistance to Shubha Sen is based on Buddhiman Singh's Vamshavali (p. 192). Buddhiman Singh has actually written that Shubha Sen was attacked, but that peace was concluded later. The truth is that Shrinivasa Malla and others sent troops not against Shubha Sen but in his support.

41. A thyasphu (diary) in the possession of Chandra Man Joshi of Thimi, which contains an account of events from 798 Nepal era to the assassination of King Yoganarendra Malla of Lalitpur in Kartik 826 Nepal era, has been published by D. K. Regmi in Medieval Nepal (Vol. 3, pp. 1-46). He has also published seven other similar thyasaphus. The account of the establishment of friendly relations between Nripendra Malla and Prithvipati Shah is based on the first thyasaphu.
42. Itihasa-Prakasha, Vol. 1, p. 40.
43. Thyasphu D. pp. 71-72.

(To be Continued)

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Regulations for the Daraundi-Kali Region

From King Girban to Bichari Karunanidhi Tiwari.

We hereby promulgate the following regulations for the dispensation of justice in the region situated west of the Daraundi river and east of the Kali river. Establish the adalat at Pokhara in Kaski and act according to these regulations. Do not act in contravention of these regulations.

1. Do not take the initiative in identifying offenders. Entertain those complaints that are referred to the adalat, summon both parties, and inflict punishment on the party who confesses his guilt.
2. A decree had been promulgated prohibiting (money-lenders) from collecting interest in excess of ten percent yearly. In case any person has collected interest in excess of ten percent in contravention of that decree, obtain a confession, and punish him.
3. Collect arrears of the batta fine imposed in the year 1862 Vikrama (1805-6), if any.
4. Find out if any person has indulged in gambling except during the lighted days from Aswin Sudi 15 to Kartik Sudi 3, obtain a confession, and punish him.
5. In case you are unable to take a decision on any case, refer it to us through Dittha Jalim Singh, and take action as ordered. At the end of the year, transmit the amounts collected by you through Dittha Jalim Singh, submit accounts, and obtain clearance.

We sanction the following salaries (khangī) for the persons employed in this commission; these salaries shall be drawn from the amount collected by you.

1 Bichari	-	Rs. 175 per year
1 Tahasildar	-	Rs. 60 per year
1 Bahidar	-	Rs. 60 per year
8 Peons	-	Rs. 220 per year

Ashadh Sudi 4, 1866 (June 1809).

Source: "Judicial Regulations for the Daraundi - Kali Region." Ashadh Sudi 4, 1866 (June 1809).

Regmi Research Collections, Vol. 40, pp. 76-77.

Note:- The batta fine mentioned in No. 9 was collected from persons who charged a discount on currency transactions. "Judicial Regulations, 1806." Regmi Research Series, year 3, No. 6, June 1, 1971, p. 130.

Excerpts From:

A Journey to Great China

By

Dharmalok Sthavir

Mahachin Yatra (A Journey to Great China).  
Kalimpong, 1950, 168 pp.

Rahul in Kathmandu En Route to Lhasa

At that time I was engaged in that religious act of devotion called Nyuni brata. The Lama, Serap Dhorje of Duppa, was staying at Khasti, Kathmandu. Rahul Sankrityayan, who then visited Nepal in the garb of a Hindu Sadhu on the occasion of the Shivaratri festival, came across the Lama when, intending to visit Lhasa, he called at Khasti in search of a person going to Tibet. When Rahul disclosed his intentions, the Lama, impressed by his learning, promised to send him to Lhasa. Rahul then stayed with the Lama. A month passed. The Police began hunting for Indian pilgrims to send them back home. So the Lama kept Rahul underground at his own residence. In the meantime, the Lama was invited to the Kindol Vihar (near Swayambhu) for the observance of the Nyuni brata. He took Rahul also with him. It was there that I first met Rahul.

By evening I came to know everything about Rahul. I never knew that he was earlier called Damodar Baba. Some days afterwards Rahul disclosed to me his intention of visiting Lhasa and bringing from there Buddhist works called Kangyur and Tangyur and of keeping them at the Nalanda University which he intended to establish. I was impressed by his ideas and began attending to him. Rahul was anxious that he might be discovered by the Police and sent back to India before he could start for Tibet. So he refrained from seeing anybody from outside the Bihar. This was, however, of no use. People came to him frequently. The Lama on his part was engaged in duties and there was little prospect of his being able to leave for Lhasa even after several months. Lest his plans should be foiled, Rahul began consulting me every day where he should hide until the Lama became free.

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1. The Nyuni brata is observed as follows:-

- (1) To take meal only once on the day previous to when it is to be observed.
- (2) To rise before the day breaks and engage in Shila prayers.
- (3) To offer worship to Karuna Maya three times in 24 hours.
- (4) To refrain from swallowing even saliva and remain without food.
- ~~(5) To refrain from speaking to anybody.~~

Subsequently I arranged a lodging for him somewhere in farm. Food was taken to him twice a day by Gajaratna. What they talked over I did not know. Some twenty days afterwards Rahul got fever because of the monotony. Later he called me and said, "I may die soon if I continue living in this way. Please inquire of the Lama whether he is sure to go to Lhasa, and also the exact date and the route he will take if he intends to go." Accordingly I contacted the Lama but he did not say when he was actually leaving. As regards the route however, he tried a sort of rice called Swa and said that he would go through Helambu.

When I conveyed this message, Rahul felt disappointed and showed it. At this I too felt very unhappy. Then I suggested, "If you are feeling uneasy here, I think you should start right now and stay at Helambu through which the Lama intends to pass. The climate is not warm and I have some friends there." He agreed to this proposal. I began making preparations for his departure. In about two days we left Kathmandu. When we arrived at Sundarijal, I found him limping because of the wound caused by his shoes. I then thought of hiring a porter to carry him on his back over the mountains. By chance I found a stout and strong Tamang resting in a shop nearby. He agreed to do the job on two meals and one rupee a day. However, he wanted to have a look at the person whom he was to carry. I, therefore, took him to Rahul. The Tamang took him on his back to ascertain whether he could carry him or not, since Rahul was so big. As I had promised to give him whatever he wanted, he gladly consented to carry Rahul. Both of us became happy. Then I asked the Tamang to fetch his doko (basket) on which he would carry Rahul. But the porter suggested that a doko would be of no use and that he would require a plank for the purpose. Accordingly he went away to fetch one with two holes in it. It was about 10.00 A.M. We took crushed rice and milk in the shop. No sooner had we finished taking our food than he arrived with a plank. At about 11.00 A.M. we resumed our journey. It was sun-set when we came to a place called Tanan Manan Pasah. There we cooked and took rice and rested for the night. Starting early next morning we stopped at a place and rested the night in a house there. In the following morning also we started early and came to Tarkyadhyang at about 10.00 A.M. where there was a certain Dhamdoor of Helambu. There I made payments to the Tamang and bade him good-bye with thanks. He went away very happy when I made him a gift of one rupee more. Thereafter we took our meals. Then I told Dhamdoor all about Rahul and requested him to provide him with fooding and lodging until Lama Serpadhorje arrived there. I prayed him to take Rahul to Kuti if the Lama did not come. I left for home next morning. On the way, however, I met the attendants of the Lama proceeding to Helambu. I informed them about Rahul and requested them to take him to Lhasa with proper care. Next day I reached Kindol Vihar and told the Lama every thing about Rahul. I do not know what happened to Rahul later.

<sup>1</sup> The eldest son of the author.

### The First Yellow Robes In Kathmandu

After about a month I had to return (from Ceylon). At the time of departure it came to my mind that as no yellow robe existed in Nepal, I should take one in order to adore and preserve it there. Later it also occurred to me that the people of Nepal should have a look of it. So I prayed to the Rev. Dharmanand Hamuduru for one suit of yellow robes and a bowl. He asked me why I needed them. When I told him that I wanted to adore them as there was none such in our country he smiled and gave me one suit of yellow robes and one bowl. Then I started my return journey alone.

But the robes being new ones, I had to pay customs duty amounting to Rs 4.00 (I.C.). After making the payments I disembarked and went to Mandap. From there I proceeded to Madras and stayed there for two days. From there I went to Calcutta. Then I felt greatly relieved. From Calcutta I went to Nepal.

### Persecution

After my arrival in Nepal I resumed my stay in Kindol Vihar. I began observing Ashtami brata, making a display of those yellow robes and bowl. The number of people taking part in the observance went on increasing. With the contributions for the observance of that religious act, I printed a pamphlet and distributed it. When this observance became regular and well-organized, several people felt jealous of me. Consequently, members of the secret police began to frequently visit the Vihar. All sorts of baseless reports were sent to the Prime Minister. About a couple of years afterwards, a certain Saptaratna Udas of Naradevi Tol, Kathmandu, was made to allege that what was going on at the Kindol Vihar was mere show.

At that time there was a dispute between the two groups of Gubhajas on the question of sharing kitchen with the members of the Udas community. Those who helped Gubhajas of the side of the Udasas and wanted to bring about reforms in traditional customs but who never stepped into the Kindol Vihar were also involved in it. Eleven persons, namely, Jogbir Singh, Manik Man, Karuna Ratna, Siddhi Ratna, Man Das, Harsha Das, Man Deva, Chittadhar, Dharma Man, Manju Harsha and myself were harassed greatly for a year. We were ordered to appear before the court at Jaulakhel, Lalitpur, on prescribed dates. Later, in course of the hearing, baseless reports were made to Prime Minister Bhim Shamsar, with the result that Jogbir Singh, Manik Man, Siddhi Ratna, Karuna Ratna and Man Das were punished with severe flogging and expulsion. They were then taken to the Police Station. Jogbir Singh, however, was brought back and kept under the custody of the Prime Minister's Guards.



In the evening of Kartik 21, 1988 (November 6, 1931), when the case was thus decided, warrants were issued also in the name of four of us. Man Das, Chittadhar and I were detained by the Prime Minister's Guards. Harsha Das absconded. The soldiers talked all night of their surprise as to why we had been given such severe punishment. Those who were taken to the Police Station were in the early morning brought to the Tundikhel parade-ground and expelled. Manik Man and Man Das were sent to the west and Siddhi Ratna and Karuna Ratna to the east. Jogbir Singh and three of us were still kept under detention. In the afternoon, Commander-in-Chief Juddha Shasther drove to the Prime Minister's residence. We were again presented before them in the courtyard. Informing us that the Prime Minister had granted us pardon, the Commander-in-Chief asked us "not to indulge in such mischievous activities again." No sooner had he said this than Jogbir Singh presented coins (as a mark of respect) and rushed out of the gate. Three of us were ordered to be taken to the office of the Commander-in-Chief at Jaulakhel where we were again detained by his Guards. Since public holidays commenced the next day, we had to remain there for six days. Perhaps because the Commander-in-Chief in the same night ordered that arrangements should be made for cooking our food, next morning we were given all facilities and treated with respect. After the holidays we were taken to the office and made to sign a statement. I was fined a sum of Rs 50.00 for distributing pamphlets appealing for a contribution of a handful of rice. Thereafter we were released on Kartik 28, 1988 (November 13, 1931). Even those who had been expelled were brought back and released after their statements were recorded.

#### Some Nepalis In Akyab, Burma

Earlier, I had left in Akyab three girls, Shila Prabha, Gnyan Devi and Sanul as well as Nanda Gopal's son Gnyan Gopal and the Rev. Karma Shila. Later, Dharmapali, Ratnapali and Sanghepali also joined them. Leaving these eight persons behind, Laxmi Nani, Dan Maya and Sange Dhorje returned to Calcutta when I was staying there. They came to see me. I sent them to Nepal. When we again visited Akyab, we met six of them proceeding boarding a ship for returning home. My teacher asked them where they were going and why. They told us all about what had happened to them.

1. " I felt tired of my life in Nepal and thought of visiting Akyab with a view to seeing and learning something. Five girls also expressed their desire to accompany me. Some six months afterwards I left Nepal together with those who wanted to accompany me, visited Kushinagar, India, and started for Akyab with a letter from my teacher, Chandra Mani.

We advised them to postpone their departure. It was discovered that a certain Angarika named Mahadhammachari disliked them because they were old and so of no use and expelled them on the following pretext. Once, when they had gone to beg alms, they were, in spite of their refusal, gifted some coins. On the charge of having accepted coins, which they were forbidden to, they were forthwith expelled.

At the expulsion, they went to a Gurkha military camp in Akyab, explained their difficulties, collected donations and proceeded to the Port for going home. Thereupon my teacher permitted them to go to Nepal, transferred the Rev. Karmashila to some other place, arranged a couple of benefactors for providing education to Gnyan Gopal and send the Rev. Mahaprajnyan to a forest. After having stayed there for about a fortnight, we came to Rangoon and then to Calcutta. From there we went to Kushinagar where I stayed for about six months and rendered the first part of Buddhacharya into Newari with the help of my teacher. It was finished at the end of the Varshavas.

#### Under Arrest.

At Amlekhganj, the Pass-port Officer questioned me about my yellow robes and refused to issue me a pass-port. Only when I explained to him that I had put on these robes for the good of my future and the driver also put some pressure, he issued one for me. At (Chisapani) Gadhi also, where we reached at about 8.00 next morning, the same question was put to me. The following day, at about 2.00 P.M., I reached Kindol Vihar.

A short time afterwards, a policeman appeared and asked me some questions in a very friendly manner. At about 9.00 in the evening, when I had already gone to bed, two policemen appeared and took me to the Police Station.

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On our arrival in Akyab we were given a warm reception by the people there as Nepali Buddhists. In addition, Bhikshu Mahapragnya was also sent there by my teacher. Bhikshu Karmashil was also staying there as Shramanar Buddha Ratna was also there along with him.... When I found that my teacher had not arrived at Rangoon I left for Calcutta to fetch him."

2. "On my arrival at Calcutta, I met Gnyan Man of Madh-Bhawan. He made inquiries of me about several matters. He was also desirous of visiting Burma. In the meantime, Laxmi Nain and Dan Maya arrived at Calcutta from Akyab along with Shramanar Snage Dorjo. They had left three other girls as well as the Rev. Karmashil and Buddha Ratna in Akyab. Having sent them to Nepal I left Calcutta along with Jnyan Man."

I had to stay the whole night there. Next day, when the offices opened, I was asked why I had taken the guise of a monk. When I curtly replied that it was for the good of my future. Major Chandra Bahadur reprimanded me, saying that I should not act in that way in Nepal. In the meantime, he asked me what I had done with the girls and boys I had taken to Burma. I informed him that they had already come back. Yet he refused to release me without the permission of the Prime Minister. Nevertheless, I was not taken to any prison, but was detained in the Police Station. Dan Maya daily brought me my food. On one or other pretext my case was not represented to the Prime Minister.

On the sixth day of my detention the case was reported to Juddha Shamsheer. He had become Prime Minister only 5 months before. All sorts of baseless reports were made to him about me. In spite of his contention that there was no harm to his rule if I became a monk the Subba, who was reporting the case, repeatedly complained against me. Only when the Prime Minister later indignantly reprimanded him, saying that there would be no harm even if he became a Sadhu, he stopped insisting and went away. As no action was thus taken against me, I was released the following day. I went to stay again at Kindol Vihar. The next day I had to go round Kathmandu with a bowl for begging alms. So I took my bowl, put on my yellow robes and left the Vihar. When I crossed the Vishnumati river and came to Tamasipa, I felt somewhat uneasy- I do not know whether it was for sorrow or shame. I felt as if I should stop and go back without going any further, because at Tunchhen there was my father-in-law's house and at Naradevi my other relatives lived. As I had to pass by that way, I felt greatly embarrassed. Nonetheless I recalled the rule that while going round for alms one should not cast one's eyes towards the houses of such persons, and so went ahead without thinking of anything else. I passed Naradevi, Tyangal and Nhyokha, where my maternal relatives lived. From there I came to Ason Tol, my birth place. Then I passed by Kel Tole, Indrachowk, Hanumandhoka, Maru Tole, Chikammugol, Lhughel, and Kwahiti and then by crossing the Vishnumati river came to Kindol Vihar through Chhauni.

The collection I made on that day was a handful of rice and six pice. I could hear only some of what people said while I was going round. On seeing me, some shed tears, while some ran away. I could not mark every thing on the way as I concentrated my eyes on a particular direction. Yet the memory of what I felt near Tamasipa haunted me often. The following day I repeated the round. But my feelings were not the same. After some days I began to find my bowl full of rice and about two or three rupees at the end of every round.

Thereafter I made it a rule to go round the town only when my supplies were exhausted. Once when Kula Man Gubhaju at Lagan Tole gave Panchadan, (a religious gift of five different things), I went there to beg alms. The people who had gathered to offer worship to an image installed there, looked at me, saying, "Here is the Bhikshu," I went away without stopping.



A Newar Tradition in a Tibetan Temple

We went back to Samal and stayed there for two days. After that we travelled for about three days and came to a place called Chittan, where thyaman cloth is manufactured. The Newars residing there were outnumbered by half-caste people. There is a festival, which involves going round a certain hill called Gau-burhi. We too participated in this festival. We had to travel about six miles to have a complete round. There is a custom among the local people to take food and drink with them when going round, as if they were going on picnic.

One has to cross a wide river to go to Chittan. A boat known as Syami is used to do so. We stayed there for about four days and proceeded to participate in a fair named Champali Chnuadi. The Newars from Lhasa visit this place on this occasion for trade. There is a brisk business in namba cloth. In about a week business is completed and everybody returns home. There is a pagoda of enormous size. All the Newars jointly offer a long cloth (called patah) to it and hold a great feast. I met my elder brother there, who had come for trade. We stayed there for two nights and then left for the Mundhuli Gumba, Jhokhambu and Ghayanju. At Ghayanju we ascended a long staircase with about thirty steps to a rocky mountain into which we entered through a hole with the help of a rope and came to a stair-case leading downwards. It was very spacious inside. From there we ascended to another hole through which we came to a dark and narrow room where there was an image of Padma Sambhava. From there we proceeded to Jhokhambu.

The Pilgrim's Goal in China:  
Temple of Mangushri

I reached the Panchashirsha Parbat at about 5.00 P.M.

I was then escorted to the monastery, which was set up by the Potala Lama of Lhasa, when he visited China. I delivered the letter from Lhasa to the Lama. He became very glad after going through the contents. Then my companions moved to other monasteries, leaving me behind there. I stayed that day with that Lama. It was very cold.

The Lama, noticing my predicament, gave me a shawl called Sren. Next morning I was given tea and bread to eat. After that he took me to his room and asked me about conditions in Lhasa. I told him everything I knew. Later he asked me how many days I intended to stay there. I told him that I would decide this after a few days.

After four days it came to my mind that I should inspect everything around. The four days had passed like anything as it was very cold. It was the month of Magh (January-February). The days were short. On the fourth day I visited holy places along with a companion.



First I visited the monastery of Maha-Manjushri. I looked all around with the hope of actually seeing Manjushri. When I asked where he was, I was shown four lotus-leaves, each 3 feet long, containing four images of four different Buddhas on their tops. The Buddhas were Akshobhya, Ratnasambhava, Amitabha and Amoghasiddhi. The lotus in the center contained an image of Vairochana. I was told that it was Jambeyan Manjushri. When I insisted that there should be a living Manjushri as I had heard, my guide looked at my face and kept silent. Perhaps he thought that I was a block head. But I felt that what I had so far learnt about the history of Nepal was all wrong. So I began to think over this. But thinking that I might talk over the matter later, I listened to him without raising any question. After having offered worship and paid homage to all the deities there, I returned to the monastery.

I was surprised to find that none of the things I had heard previously existed in the temple of Manjushri. For three or four days I wandered around it. Later, it occurred to me that Manjushri might be a person made of five elements and endowed with the knowledge of five different Buddhas (installed on the lotus and its leaves), thus being an embodiment of knowledge.

As regards the Shilanadi, the river of stones described in this context, it was there on the way. As regards the land of terrible faces, I thought that it was so called because the people there, being unable to acquire knowledge about the self-born, bore all sorts of savage appearances.

Lastly, it also occurred to me that since the literal meaning of the term Manjushri is a beautiful object it was used to denote the mind which attained peace through knowledge about the five different Buddhas.

#### Some Nepali Relics in China

We were led to a great temple (at Hanchow). We met on the way several Tibetan pilgrims. Frequent visitors as they were, they knew all about that place and so guided me to that temple. When we reached there a person made inquiries and went to report to the Manager. But for a long time no reply was received. I thought, therefore, of going elsewhere for staying. Advised, however, to be patient, I stayed on. After a short while, we were called in. The Manager put us several questions. I replied in Tibetan while the others did so in Chinese. Subsequently he treated us with respect. A room was arranged for us. All the five of us stayed there. The food required were all provided from out of the fund of the temple.

Whenever we went we found it very spacious and beautiful. The temple appears to have a large fund and to be of a high class. On the fourth day of our stay, there was held an annual religious function. It is usually held with grandeur. All the merchants and high ranking

Government Officers are obliged to take part in it with a band or a dancing party. The temple where we stayed is also obliged to do so. We were invited to join the procession. Every body had to go on foot. On a large ground double the size of the Chhauni at Kathmandu were assembled all the groups that attended the function. Their attendance was registered, as is done in the case of dancing troupes at Kathmandu during the Indraajatra festival. Seated on a platform encircled by army personnel, the officers inspected all of them. We were also taken there. Late at night I felt very tired and came back to the temple on a rickshaw long before the function came to an end.

#### A Chinese Lady Desires the Construction of a Rest House for Pilgrims in Nepal

At Shanghai there was a Chinese lady. She was the mistress of a certain Englishman of high rank, who was already dead. She had no issue. With the rents from her house and shops, she had become rich. She came to know of my arrival and took me to her residence. She said: "I have now not many years to live. Moreover, I am alone. I desire to construct four public rest houses, one each at the four places of Buddhist pilgrimage in India. I am told that Lumbini is in Nepal and that foreigners are not allowed to construct a rest house there. My desires would be fulfilled if a rest house could be built there through you." With the help of an interpreter who knew Hindi, I told her that I would give her a definite reply after I reached Nepal and made necessary inquiries about it. She said that the sooner it could be done the sooner she would be able to die happily. She was ready to make available any amount of money I required for the purpose, through a Bank at Calcutta. I promised to write to her from Calcutta after making necessary inquiries there. She became very glad, and gave me Rs 10.00 (I.C.) for my travelling expenses.

#### How Buddha's Birthday Came to be Celebrated in Nepal

After a week's stay in Calcutta I came to Nepal and stayed at Kindol Vihar. On the Baishakh Purnima day I celebrated the Buddha's birth anniversary, making a display of pictures I had brought from China. A number of Buddhists from all over the country came there. Since then people in almost every locality began to hold celebrations on the Buddha's birthday. The custom of celebrating it was revived with great zeal at Lalitpur. In the past it was initiated by one Dharmaditya Dharmacharya. Later, however, it lost its grandeur. Now it is celebrated every year in Kathmandu, Lalitpur and elsewhere.

King Prithvi Narayan Shah

By

Baburam Acharya.

Notes to Chapter 2

(Continued).

44. The *tyasaphu* published by D.R. Regmi in *Medieval Nepal* (Vol. 3, pp. 1-43) states (p.13): "King Parthvivendra Malla of Kantipur occupied Sindhuli on Sunday, Baisakh Sudi 2, 801 Nepal era with the support of the other kings of Kathmandu Valley, and Diding, Tinipatan, and Pataligau three days later." "Tinipatan" is the modern Tinpatan. It is situated near Sindhuli, and it was presumably occupied with the objective of capturing the customs-house located there. The entrepot trade between Tibet and Bihar-Bengal was controlled by the merchants of Kantipur. This appears to have been the reason why King Parthvivendra Malla undertook this expedition, and why the kings of Bhaktapur and Lalitpur helped him (A.D. 1681). The expedition did not concern Gorkha, hence it was not mentioned in the text. But because this expedition was unsuccessful, it was considered necessary to enlist the support of Gorkha and Lamjung also to invade Makwanpur in A.D. 1683.
45. Vamsnidhara, a minister of King Parthvivendra Malla - who was a member of the expedition sent to Sindhuli, was presumably defeated by Shubha Sen. He later returned to Kantipur. According to D.R. Regmi's *tyasaphu* (p.14), King Vidhata Indra Sen of Vijayapur was brought to Kantipur on Tuesday, Bhadra Sudi 13, 801 Nepal era (August 23, 1681). There is no reference to the person who brought him, nor the reasons for doing so. It is possible that when King Harihara Sen died, and his other sons did not support the successor, Shubha Sen, the faithful guardians of Vidhata Indra Sen brought him to take refuge with King Parthvivendra Malla in Kantipur. It is also possible that Bhagiratna Bhaiya, who belonged to the Kayastha community and was born and brought up in Darbhanga, incited Shrinivasa Malla to take advantage of that favorable opportunity to attack Makwanpur.
46. There were large deposits of copper, manganese, lead, iron, and other deposits in the region east of Agar in the principality of Lalitpur: Chitlang, Malta, Ipa, Pyutar, etc. up to Bihabar. After a treaty was concluded with Rama Shah, Magar, Kami, and other miners of Gorkha went there to work in these mines. Consequently, the manufacture of metal utensils and images developed in Lalitpur town, thereby contributing to its prosperity. Ivory was obtained from the forests of Makwanpur and used for the manufacture of images, picture-frames, and combs. It was, therefore, considered necessary to control the forests of Makwanpur in order to ensure a regular supply of ivory, as well as of elephants. Shrinivasa Malla must have put forth this temptation before the kings of Lamjung, Gorkha, Kantipur, and Bhaktapur, and persuaded them to invade Makwanpur.



Elephants were found in large numbers also in the forests of Chitaur, which formed a part of the principality of Tanahu ruled by King Digvijaya Sen. It was natural for him to remain aloof from Shrinivasa Malla's faction, and to help his relative, Shubha Sen.

47. However, this faction soon broke apart. This marks the trend toward disunity among the hill Kings.

The account of this battle is based on the first and the fifth thyasaphus published by D.R. Regmi in his *Medieval Nepal*. The first thyasaphu states that the Kings of Kantipur, Lalitpur, Bhaktapur, Gorkha, and Lamjung launched a joint invasion of Makwanpur. The editor of the *Triratna-boundaryagatha* (pp.61-63), has interpreted the Newari text of the thyasaphu to mean that the Malla Kings, and the Kings of Gorkha and Lamjung, provided assistance to Shubha Sen. He has also cited the *Gorkha Vanshawali* to support his view. The author of that *Vanshawali*, however, appears to have based his account on a condensed version of the life of Prithvipati Shah as given by Sherman Singh. According to this account: "When the Nawab attacked Makwanpur, its King sought the assistance of King Prithvipati Shah of Gorkha. The troops of Gorkha subsequently defeated the Nawab's army." This is nothing but the raving of a lunatic. It is meant only to show that the Malla Kings, as well as the Kings of Gorkha and Lamjung, fought against the Muslims. The fifth thyasaphu sheds additional light on this matter. Even then, the text of the first thyasaphu still awaits correct interpretation.

The joint invasion of Makwanpur led by Shrinivasa Malla proved unsuccessful. The Malla Kings of the valley, however, still had ambitions of capturing elephants. Even though Makwanpur eluded them, they thought it would be possible to open up another route if they occupied Sindhuli-Madi. The main route from Kathmandu Valley to Sindhuli-Madi lay through Bhaktapur. It was, therefore, necessary to associate the King of Bhaktapur, as well as King Vidhata Indra Sen of Vijayapur, in the enterprise. But Shrinivasa Malla died in the meantime, and King Parthivendra Malla of Kantipur was assassinated. Chautara Laxmi Narayan Joshi then became powerful. A dispute arose between the King of Lalitpur and Laxmi Narayan Joshi. Even then, the King of Lalitpur somehow succeeded in persuading the King of Bhaktapur, Jitamitra Malla, to support him. He then tried to enlist the help of King Vidhata Indra Sen of Vijayapur. Possibly at his behest, King Bhupalendra Malla of Kantipur invited Vidhata Indra Sen to visit him. Vidhata Indra Sen was received at Sindhuli by the Pramanas of Kantipur and Bhaktapur. After Laxmi Narayan Joshi was assassinated, Vidhata Indra Sen came to Kantipur and was received at the royal palace.

Yoganarendra Malla thereafter became the leader of the Malla principalities of Kathmandu Valley. The troops of these principalities jointly invaded Makwanpur, and Vidhata Indra Sen joined them eight days, under his leadership, according to the first thyasaphu. Yoganarendra Malla



thus succeeded in placing Sindhuli-Madi, and the Tarai region of Saptari east of the Kamala river, under the control of Vidhata Indra Sen. All the three Malla Kings of Kathmandu Valley then obtained the right to capture elephants there. In February 1696 A.D. (Magh Sudi, 816 Nepal era), King Bhupalendra Malla of Kantipur, and his mother, Riddhilaxmi, went on an elephant-catching expedition. They were able to capture three elephants for each of the three Malla Kings. This was the result of the agreement concluded with Vidhata Indra Sen. The Gorkhalis were not a party to that agreement, hence these particulars have not been incorporated into the text.

48. Thyasaphu 4, p. 24.

49. Ibid, p. 25.

50. Ibid, p. 26.

51. Sherman Singh has not mentioned the name of the King of Lamjung who attacked Lamjung. However, Kcharinarayana Shah was ruling Lamjung at that time. The account of that invasion, and of the internal conflict that ensued at the royal palace, is based on Sherman Singh's unpublished biography of Prithvipati Shah. A slightly condensed version of that biography is published in the Gorkha Vamshawali. The readers of that Vamshawali will realise that it is like the raving of a lunatic. It is definite, however, that it is based on real facts. Ranashardula Shah had committed suicide after the invasion of the King of Lamjung. A Vayu-Guthi was then set up to pacify his soul on the advice of a Shaman. The Guthi is still being operated by the Dhamala family. But the story that after Ranashardula Shah's suicide, Prince Birabhadra Shah went to Bhaktapur and lived there for some time, and died soon after his return to Gorkha, seems to be a fabrication. Two-anna silver coins minted by King Bhupatindra Malla of Bhaktapur on the occasion of his coronation on Bhadra Badi 11, 816 Nepal era (fourth week of September 1696) have been found. Because Bira Bhadra Shah was a friend of Bhupatindra Malla, this should mean that he visited Bhaktapur toward the end of A.D. 1696 or the beginning of 1697. It is on this basis that the account of the invasion of Gorkha by Lamjung and of the internal conflict at the royal palace in Gorkha has been given.

Sherman Singh has given Ranadulla Shah as the name of the Prince who committed suicide. However, the name is Ranashardulla in the genealogy of the Gorkhali royal dynasty in the possession of an astrologer of Gorkha. That is the name that has been used in the text.

King Rajendra Bikram commissioned Sherman Singh to write this biography at the request of the British Resident, B.H.Hodgson. Sherman Singh has given a very exaggerated account of the life of both Chandrarupa Shah and Narabhupala Shah. Chandrarupa Shah appears to have been prominent in the time of neither Prithvipati Shah nor Narabhupala Shah. This is proved by the fact that his sons, Vishnu Shah and Birababu Shah, were not even appointed as Sardars like Bhadrushah. It was only during the rule of Bahadur Shah that Jiva Shah, Vishnu Shah's son, was appointed a Kaji, and Bam Shah, Birababu Shah's son, a captain.

Industrial Development In Nepal

By

Mahesh C. Regmi.

Chapter 11

(Continued).

In view of the importance of cheap electric power for industrial development, the Government of Nepal has recently been taking steps to increase amount of hydro-electric power production. The most ambitious project so far is the Trishuli project, for utilising the water of the Trishuli river in the district of West No.1. The minimum flow has been estimated at 10,000 cubic feet per second, which can be used to generate 18,000 k.w. of electricity. The present project, however, is to set up 3 turbines of 3,000 k.w. each only. The total cost of the project has been estimated at Rs. 3 crores, with an additional Rs. 1 crore for road-building. This project comes under the Indian Aid Programme to Nepal. With its completion in 1961, electric power will be supplied to Western Nepal, including Pokhara, as well as the valley of Kathmandu. The cost of 1 unit is expected to be not more than 1½ Indian naya paisa. (Daily "Diyalo" April 29, 1957). In addition to the area mentioned above, this project could also serve the Rapti Valley and Bir-gunj (Draft Five Year Plan p. 52).

Nepal will also obtain 10,000 k.w. of electric power, free of cost, under the Kosi Project Agreement with the Government of India. It is presumed that both hill and Tarai districts east of Kathmandu would avail themselves of this electric power (Ibid, p. 52).

In addition, the Draft Five Year Plan lists the following projects for development subject to change after more exhaustive surveys and estimates:-

Table XIVPOWER DEVELOPMENT PROJECTS:

<u>Name of Project.</u>	<u>Years to complete.</u>	<u>Estimated cost (in lakhs).</u>	<u>Total k.w.</u>
Bagmati (Makwanpur)	3	110	5,000.
Tharo Kholra (Markhu)	2	15	500
Panauti	2	20	500
Seti (Pokhara)	3	40	1,000 (1st sta)
Tinau (Butaul)	2	35	1,000 (1st sta)

(ibid, p. 51).

Another project, which has been already taken up, is the Tikabhairab Irrigation Project, which is expected to generate 40 k.w. of electricity and supply power to the neighbouring villages within 1957-1958. The project is estimated to cost Rs. 462,000. (Weekly "Lokvarta" 21/5/57). Re

Rehabilitation of the existing units at Sundarijal and Pharping is also contemplated. (Draft Five Year Plan p. 51).

According to the Draft Plan, completion of the above programs within the plan period would add around 20,000 kilowatt to the country's total installed capacity, about half of this amount being in Eastern Nepal, and the balance distributed as among Rapti Valley, Pokhara Valley, perhaps the Birgunj area, and the Bhairahawa-Palpa areas (ibid, p. 51). The total allocation for power development under the plan is Rs. 3 crores. (ibid, p. 18).

### TRANSPORT

"The deep valleys and the extremes of elevation and climate make communication very difficult and there is probably no country in the world which has so few means of intercourse between its various areas" (Draft Five Year Plan, p. 39). Development of means of transportation and communication in Nepal was hampered not only by the lack of funds, as well as the difficulties connected with the topographical and climatic conditions of the country, but also by the fact that the inaccessibility of the country was viewed as conducive to its impregnability, and preserved as part of the natural fortifications. Concrete attempts to construct a motorable road connecting the valley of Kathmandu to the Indian frontier can be traced to a date as late as 1946.

"Until recent years goods north of the terai were carried almost exclusively by men and by pack animals along narrow and sometimes dangerous mountain trails" (ibid, p. 61). Over a large part of the country, trails and mule tracks still constitute the main channels of transportation. Most of them are usable for only limited periods in the year, and the human back is still important for much of the goods traffic that passes through the country. Other means of transportation consist of bullocks, buffaloes, elephants, ponies, asses, sheep, goats and yaks." (Nepal at a Glance, p.8).

### ROADS

Until about the last days of the Rana regime, no attempts were made to establish a direct road connection between the valley of Kathmandu and the Indian frontier, as has been mentioned already. According to an English traveller, "The Nepali Government took great pains with the road as far as the foot of the Sisagarhi hills, but they, no doubt purposely, left the road over the hills of Sisagarhi and Chandragiri as difficult as possible, regarding the very stiff ascents and descents as part of their natural fortifications, on which they so much relied. (Sir Richard Temple: Journals, Vol. II, p. 250).

From Amlekhgunj the road ran 24 miles upto Bhimphedi at the foot of the mountains, near Bhuraing, the ropeway terminus. Part of this road, from Hetaura to Bhimphedi, was constructed between 1865 and 1870 by soldiers of the Nepali Army.



The only motorable roads in the terai districts until recently were the 14-mile road between Bhairahawa and Butaul, and the 24-mile road between Jogbani and Dharan.

It should be noted in this connection that all these were fair-weather roads. The Amleknagunj-Bhimphedi road especially was subject to frequent landslides.

Until recently, therefore, only some 80 miles of roads in the valley of Kathmandu and 160 miles in the terai were motorable. (Nepal at a Glance, p. 8). Only a few miles of roads in the valley of Kathmandu were asphalt-surfaced.

With the change of government in 1951, road building in Nepal received a great impetus. The most important road constructed since is the Tribhuvan Raj Path.

The Tribhuvan Raj Path, built at a cost of Rs. 3½ crores, as a part of India's aid to Nepal, was constructed by Indian Army Engineers. It links the Kathmandu, Naubise and the Sopyang Valleys with the Nepal terai, and its span of 72 miles lies across three mountain ranges rising to a maximum height of 8170 feet. The project was undertaken in 1953 and completed in 1956. The road has been open to vehicular traffic since May 1956. The average time taken from Kathmandu to Bhainse Dobhan by car is 5 hours and by truck 7 to 8 hours. Allowing for depreciation, wear and tear etc. the cost of transporting consumer commodities by truck works out about five Nepali pice per maund per mile. It is expected that the road link will provide a permanent insurance against the scarcity of foodgrains in the Kathmandu Valley since the surpluses of the Terai regions and of the fertile Naubise and Palung Valleys can in future be easily transported. These fertile valleys and the cultivable areas of the intervening hills are very suitable for raising fruit orchards and growing profitable crops like potatoes and it is expected that if sufficient facilities are provided, the economic life of these areas will be quickly upgraded. The road also provides the highway link to which other areas will be connected in course of time. In a sense the distance of Gorkha is already shortened by about 20 miles (Information Service of India, Kathmandu: Press Note No. 14, 29 June 1957). The road was formally handed over to the Government of Nepal on 30 June, 1957, but at the request of the Government, the Indian Government has agreed to maintain it for a further period of two years. The opening of the road has already led to a 8-10 per cent reduction in the prices of imported commodities in Kathmandu. (Nepal State Bank Announcement, Gorkhapatra, 10 June 1957).

Under another project, 53 miles of roads will be constructed between Hetaura and Narayangarh, under a Joint U.S.- Nepal Project (Gorkhapatra, 22 May 1957). 14 miles of the road has already been completed. The road is expected to cost Rs. 1 lakh per mile (Gorkhapatra, 31 May, 1957).



According to another project, 60 miles of road will be constructed between Tikabhairab and Hetaura. This road is expected to be of great economic importance to the valley of Kathmandu. Food-grains and timber from the terai can be imported easily and much waste land near the road can be brought under cultivation. (Gorkhapatra, 5 June, 1957).

An important road is under construction between Uttar Pradesh in India and Doti under Indian Aid. (Gorkhapatra, 22, May 1957).

In addition to these, the 20-mile road from Kathmandu to the Gaucher Airport, Thankot and Patan has been repaired and hard-surfaced. The fair-weather road connecting Bhairahawa with Limbini and Taulihawa, a distance of nearly 40 miles, has been completed (Colombo Plan Information Unit: The fifth year- Progress of the Colombo Plan for Cooperative Economic Development in South and South East Asia, 1957 p. 41). Some 80 miles of roads have already been constructed between the districts of Saptari and Morang under the Kosi Project. The 24 mile fair weather road between Jogbani and Dharan is being hard-surfaced. This has been financed by the British Government for its recruitment unit at Dharan. It is also reported that construction of the projected 30 mile road between Kathmandu and Trishuli Bazaar under the Trishuli Project will be commenced soon (Naya Samaj, June 30).

In recent times volunteer labour has contributed to the construction of a number of important roads. 15-1600 voluntary workers are contributing their labour for the construction of a road linking Banepa in East No. 1 to Gaur in the district of Rautahat in the terai (Gorkhapatra, 13 May 1957). A road between Ilam and Darjeeling through Godak and Pashupatinagar has been recently completed and made ready for traffic. This road was entirely built by the volunteer labour of the local people, with the active cooperation of the Government. (Daily "Everest News" May 25, 1957). A road between Ilam and Jhapa has also been constructed entirely through local voluntary labour. A 10 mile road between Tribhuvan Nagar and Tunling on the Darjeeling border has also been completed similarly. (Daily "Diyalo" May 25, 1957). Nearly 100 sadhus of the All India Progressive Sadhu Mahamandal were reported to be busy in offering voluntary labour in the Mahendra Path Road linking Janakpur and Matihari (Everest News, May 24, 1957). Also nearly four miles of a road between Malangawa and Marin in the district of Sarlahi have already been constructed through volunteer labour. (Daily "Halkhabar, 27 May 1957). 14 miles of the projected road between Patan and Panauti in the valley of Kathmandu have already been completed with the help of 30,000 volunteer workers. The Government has granted Rs. 48,000 for this purpose (Gorkhapatra, June 14, 1957).

(To be continued).

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A Journey to Great China

By

Dharmalok Sthavir

(Continued from the previous issue).

Early Publications in Newari Language

In one year, about 500 copies of that book<sup>1</sup> were sold away, so a certain amount of money was accumulated. This encouraged me to go to Varanasi and publish other books. At the time when I stayed at Kushinagar as a Shramaner for about six months I had written a book entitled Buddha Guna, based on the book called Buddha-charya. I had also compiled a book of songs and hymns under the title of Gnyanmala. I had also written three other books, Iswar Mhosiki, Prajnadershan and Sattipathan. The Rev. Karmashila had also compiled a book on Paritranpath. I went to Varanasi and had all these books printed there. . . . It was since then that works in the Newari language began to be published frequently. Dharmaditya Dharmacharya published a Newari magazine called Buddha Dharma wa Nepal Bhasa. For lack of assistance however he could not go on with his work. Otherwise Newari publications would have continued.

This went on for about five years. Then I entrusted Bhikshu Amritananda with this task. No help was available from any quarter for the sale of these books. This was done only through Kindol Vihar.

Amritananda's Sermons

After the end of Varshavas I arranged for Amritananda to deliver sermons on Vissantar Jatak throughout the month of Kartik at the Swayambhu temple. I continued my stay at the same hut (where now stands Anandkuti). Early in the morning I went to the Swayambhu temple and supervised the arrangement of seats for the audience. All the Bhikshus and Anagarikas at Kindol Vihar would come there early to listen to the sermons. A number of people from Kathmandu and Lalitpur assembled there. Thanks to his fine oratory, the audience grew every day until the whole compound was full of them. Every body was impressed by his speeches. The people's faith in Buddhism also grew all the more. It aroused so much interest that people hurried every morning to the Swayambhu temple so that they might not be late.

How Anandkuti was Founded

Some days afterwards the door of the hut (situated at the place where now stands Anandkuti) was stolen. Still I felt happy to stay there. Every day at about 4.00 P.M. I would go and sit there under a tree very comfortably. One day some Upasakas including Dwarika

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1. The Newari version of Anuttar Vijaya Gurumandal made by the author.

and Purna Man called on me. We got engaged in religious discourses, until late. In the meantime it rained, and all of us had to take shelter in that hut. Some time afterwards they went away although it was still raining. What they talked over on the way I do not know, but a few days afterwards they came to me and asked whether one more building could be erected there. I advised them to contact the forest guard, who, however, proved to be a wage-earner. So he was given work. At a short distance there were lying some stones, with which he built a hut just near the old hut. One day, when the construction of this hut was at its last stage, -I was sitting above under a tree. At that time one Batuli Nani of Chhetrapati, Kathmandu, came and begged my permission to rebuild the existing hut so as to make it as good as the newly constructed one. She was so determined that she went on insisting even when I told her that I was quite satisfied with its present state. I had to accept in the end. Some nine days afterwards she again appeared with a sum of Rs 200.00, handed it over to me for purchasing stones, and laid the foundation of a new building. Dwarika, Purna Man, Bhakta Lal and several other devotees then began collecting donations. No sooner had the construction begun than the rains started. Construction of a building with stones/difficult task. The walls often fall down during the construction. Nonetheless, the Upasakas, without feeling a bit perturbed, went on with their efforts, completed the hut, and made it habitable. The hut had a roof of straw. Then I shifted my residence from Kindol Vihar to that place. /during the rains is a very

On the occasion of the Shivaratri festival Amritananda returned home along with Chandramani. They too stayed at Anandkuti.

#### Expulsion of Monks

When I reached Bhimphedi (on my way back from Kushinagar, India with an image of Lord Buddha to be installed at Anandkuti) I was told to my amazement that Bhikshus in Nepal had all been taken into custody by the Government and that I should better not proceed to Kathmandu. However, nobody could tell me the reasons for this step. But I felt very eager to reach Kathmandu. At that time I had already arranged porters for carrying the image, and had even made payments in advance to their leader. Unable to restrain my eagerness, I left the image behind and proceeded to Kathmandu early next morning. I stayed at Balambu for a night and came to Anandkuti the next day. I was told that the Bhikshus would be taken to the Prime Minister the same day. But no authentic report was available. In the morning they were taken to the Singha Darbar. I also followed them. The Bhikshus were arranged in one row and the Anagarikas in the other. Later the military band presented a salute to the Prime Minister's Private Secretary, General Bahadur Shamsner. When he was informed that I was present,



there, he asked whether we travelled even during the period of the Varshavas. Subsequently he issued an order, expelling us beyond Chisapani Gadhi as we did not agree to act according to orders. In the case of the Anagarikas, the order was to be effective only after the end of the Varshavas. Pancha Bhikshu, however, was ordered to be imprisoned until further orders. I was till then under the impression that these were the orders of the Prime Minister. I came to know the truth only later.

From the Singha Darbar I came to Kindol Vihar. Every one of us was accompanied by a policeman. After having our meals, we went to the Police Station with our luggage carried by porters. From there we were taken to the Kotwali Office at Teku, which handed us over to the Chhaparsi Office at Bhotahiti. We were then sent under the escort of one soldier each to Chisapani Gadhi. In this way we left Nepal on Shravan Shukla 10, 2000 (July, 1943). We met several people on the way who were coming out to see us off. Everybody expressed his reaction in his own way. But we did not mind anything. None of us bore a sad look. The Upasakas and Upasikas were all assembled at Kalimati. When we came there, the Upasakas hired a car and followed us up to Thankot, where we rested for the night. Next morning we had to cross the Chandragiri hills. As I was tired, I hired a porter. He carried me in a basket on his back. It was raining and so I used a native umbrella made of leaves and bamboo. On the way one Kunja Bahadur of Majipat came running and met me. He could not control his feelings and wept bitterly. At this time I too felt a little sad. But I, controlling myself, pacified him and sent him away. Proceeding further, we came to the mountain-pass where we had tea. From there we came to Chisapani Gadhi, where the soldiers handed us over to the local authority and went back to Kathmandu.

#### Maniharsha Jyoti Comes to the Relief of Monks in India

When we were staying at Kushinagar, India, Maniharsha Jyoti came to see us. He wanted to see whether there was enough room for the Anagarikas, who were also to be expelled in the near future. As there was no room, we suggested that for the immediate present a camp should be established with thatched huts for each of the Anagarikas. He wanted to know how much money would be needed for this purpose. When told that it would require about Rs 4,000.00 he promised to contribute this sum himself. At that time some of the Anagarikas had already arrived at Kushinagar. After having made necessary arrangements for their maintenance, he went back and began sending every month necessary expenses for the Anagarikas. After the expiry of the Varshavas period we went to Sarnath, Varanasi, where Maniharsha Jyoti also arrived. On the full moon day of December, 1943, the Dharmodaya Sabha was founded with Mahasthvir Chandra Mani as Chairman. In the meantime, Maniharsha Jyoti called on us and handed over to us a sum of Rs 4,000.00 for constructing a camp at Kushinagar.

King Prithvi Narayan Shah

By

Baluram Acharya.

Notes to Chapter I.  
(Continued).

52. Sherman Singh's biography of Narabhupala Shah contains a number of inaccuracies. It forms a part of the Gorkha Vamshawali. King Digvijaya Sen of Tanahu was still alive at that time. It is presumed that his sister Mallikevati, was the Second queen of Prince Birabhadra and mother of Prince Narabhupala. Sherman Singh has also written that Prithvipati Shah died without knowing that Narabhupala Shah had been born in Tanahu. Not believing this story, his brother, Buddhiman Singh, has written in his Bhasha-Vamshawali (pp. 292-93) that Prithvipati Shah examined his grandson, who had come from Tanahu, and proclaimed him his heir. However, Buddhiman Singh too has created confusion by stating that Birabhadra Shah occupied the throne for some time after the abdication of Prithvipati Shah, and that he died after his queen, Mallikavati, became pregnant. Only a part of Buddhiman Singh's Vamshawali has been published, but there must be at least one hundred copies of the entire work in Kathmandu Valley.

This account is based on the circumstances prevailing at that time. It may have to be revised in the light of further evidence.

53. This account is based on Hamilton (pp. 138-39).
54. Letter written by the queen of Vidhata Indra Sen from Jitpur in Morang to Chengong Rai and other bhardars in Aswin Badi 1763 Samvat (last week of September 1706 A.D.). Itihasa Prakasna, Vol. 1, P. 91.
55. According to Hamilton, there two brothers had been taken to the Kirat region. However, during a conversation with the Mahaut of the Sareshwara monastery in Saptari in the year 1983 Vikrama (A.D. 1926), the author obtained the information that Baghambarunatha, the first Mahaut of that monastery, had taken Mandhata Sen and Manikya Sen to Sindhuli. He said that Mandhata Sen had subsequently granted lands out of gratitude for the establishment of that monastery.
56. This is described in accounts of the civil war that followed the death of the Mughal Emperor Aurangzeb.
57. This becomes clear from a study of Mughal history after Aurangzeb.

58. According to Hamilton, the Kamala river formed the boundary in the Tanai. The Dudhkoshi river formed the boundary at the time when King Prithvi Narayan Shah attacked the Kirat region. This seems to have been so since the time of Mandhata Sen.
59. Aitihāsika Patrasaṅgraha, pt. 2, pp. 40-41. Five kingdoms, including Bhaktapur and Makwanpur, have been described as adjoining Lalitpur. Lamidanda district of Lalitpur adjoined Dhading district west of the Trishuli river in the Kingdom of Gorkha. The area to the south-west of Lamidanda district, between the Kali-Gandaki and Marsyngdi rivers, formed a part of the principality of Tanahu. Lalitpur's frontiers thus touched those of Tanahu also. However, there were no maps at that time, and the common people had no knowledge of this. The kings of Tanahu used to spend the winter at Upardang-Gadhi on the Mahabharat range, located south of the south-western boundary of Lamidanda. Chitaur, situated south-west of the pass, belonged to Tanahu, while Jogimara in the north, as well as the hills south of Jogimara on the way to Upardang-Gadhi, belonged to Lalitpur. For these reasons, the treaty described the principality of Upardang as the boundary. The place is written as Upadhya in the copper-plate inscription, because that was how Newars pronounced it. The editor's view, that Upadhaya means Tanahu, is thus correct.
60. Aitihāsika Patrasaṅgraha, pt. 2, pp. 44-45.
61. This is a well-known event in the history of the Malla principalities. The account is based on Thyasaphu A (p. 46).
62. Thyasaphu A, p. 46; B, p. 53; C, p. 54, and H, pp. 112 and 116.
63. No references have been given, because these dates are well known in the history of Lalitpur.
64. According to Sherman Singh, Prithvipati Shah ruled for 47 years from 1726 to 1773 Vikrama, and Narabhupala Shah for 26 years and 8 months from 1773 until his death in 1799 Vikrama. But he has filled his account with a number of inaccuracies. We have, therefore, surmised that Narabhupala Shah became king while Prithvipati Shah was still alive.
65. According to Sherman Singh, Madhukara Shah, Jahangir Shah, Dalu Shah, and Udyota Shah left the kingdom after Narabhupala Shah became king. However, Jahangir Shah appears on the scene during the reign of Narabhupala Shah. It is not certain whether Madhukara Shah was

alive when Narabhupala Shah ascended the throne. If he was alive, he would have been there along with Jahangir Shah. Dalu Shah and Udyota Shah had once laid claim to the throne. Accordingly, it was not proper to let them stay in the capital after Narabhupala Shah was proclaimed heir. But outsiders would have gained access to Gorkha's secrets if they were banished. It is possible, therefore, they were sent away from the capital to live at some other place in the Kingdom.

66. According to Sherman Singh, Mallikavati arranged for the sacred-thread-investiture ceremony of Narabhupala Shah, who had already ascended the throne, after the death of Prithvipati Shah. However, it appears that Prithvipati Shah was still alive, and it was he who arranged for that ceremony, with Mallikavati participating. Following the Panta, Sherman Singh has described Gaurishwara as the preceptor of Narabhupala Shah, but this claim has already been disproved. Gokulavilasa initiated him into the diksha in an unwarranted manner. Later, the custom started of writing down a mantra granted in such a manner on a pipal leaf, and throwing it into a river. But that custom was not prevalent during the time of Prithvipati Shah.
67. According to Sherman Singh, Mallikavati granted the village of Salangaun as Birta to the Mishra in order to satisfy him. The village remained in the possession of the Mishra family for a long time. That may have been the reason why Sherman Singh wrote that it was granted by Mallikavati. But a widowed daughter-in-law had no authority to make Birta grants when her father-in-law, the King, was still alive. This is why, Prithvipati Shah has been described as the author of that Birta grant.
68. Coins minted by King Bhaskara Malla in 821 Nepal era, and by Mahindra Sinha in 835 Nepal era, have been listed in the catalog of coins minted by kings of Kathmandu Valley. This shows that Bhaskara Malla was King from 821 to some time in 835 Nepal era, and was succeeded by Mahindra Sinha.

According to Buddhiman Singh, King Bhaskara Malla captured twelve elephants in the Charkosh forests, and thereafter was designated "Gajapati," or Lord of Elephants. Buddhiman Singh has also written: "While in Sindhuli on an elephant-catching expedition, Bhaskara Malla met some Muslims, brought 150 of them to Kantipur, including 70 Turk horsemen, and gave them employment. He dismissed Jhagal Thakur, and appointed a Muslim as his minister. Jhagal Thakur, with the support of the Pradhans and common people of Kantipur and Lalitpur, killed or drove out the Muslims. Jhagal Thakur then became minister again." (pp. 243-45).



In early January 1722 A.D., toward the end of Mahindra Sinha's reign, Desideri, a Capuchin priest, had spent about a month in Kathmandu Valley, first in Kantipur and then in Bhaktapur. Father Freyer had spent five months in Kantipur in late May 1716, toward the beginning of Mahindra Sinha's reign. The accounts of both these Capuchin priests are full of inaccuracies (Medieval Nepal, pt. 2, pp. 1008-09, 1020-21). For instance, Desideri has described Bhaskara Malla and Mahindra Sinha as the same person. He concluded his account with the death of Bhaskara Malla. According to Desideri: "While Bhaskara Malla was a child, his mother and the ministers misappropriated public funds. After he came of age, Bhaskara Malla imprisoned his mother and punished the ministers."

Thyasaphu A mainly contains an account of Kantipur. It stated that King Bhaskara Malla of Kantipur and his mother attended the funeral ceremony of King Yoganarendra of Lalitpur in 826 Nepal era. This is the last reference to Bhaskara Malla in that thyasaphu. No thyasaphu had been discovered which contained an account of the events that took place during the nine years before Mahindra Sinha's accession to the throne of Kantipur in 835 Nepal era. It was, therefore, surprising that Bhaskara Malla had disappeared at the age of eighteen years. Now a thyasaphu published in the Purnima (No.12, pp. 23-39) has shed some light on this question. It contains accurate dates of events that took place after 830 Nepal era, with the exception of the date of 829 Nepal era during the reign of King Bhaskara Malla given as the year of the death of King Jitmitra Malla of Bhaktapur and his brother, Ugra Malla. The last event mentioned in that thyasaphu is the death of the King of Lalitpur on Monday, Poush Badi 2, 835 Nepal era. It also states that five days later the Pramanas of Lalitpur came to Kantipur to escort the King, but not what took place subsequently. Finally, the thyasaphu mentions that Sri Dharmadeva was consecrated on Friday, Poush Badi 6, 835 Vikrama.

D.R. Regmi's Medieval Nepal (pt. 2, pp. 169) contains the text of a stone inscription at the Dhanju-Chaitya (Bhagavan Bahal, near Chabahil). According to that inscription, Mahindra Sinha Deva Malla was King on Friday, Poush Badi 6, 835 Nepal era. It is clear that the thyasaphu published in Purnima was compiled in Kantipur. The incomplete account contained in it, without any reference to the reigning King, and the evidence furnished by the Dhanju-Chaitya inscription that Mahindra Sinha had become King on Poush Badi 6, 835 Nepal era, indicate that it was on that day that Jhagal Thakur removed Bhaskara Malla and Bhuwanalaxmi from power and installed Mahindra Sinha on the throne.

The Dhanju-Chaitya inscription describes Mahindra Sinha as a Malla. The Puratatwa Patrasangraha (pt. 1, pp. 1-2) contains the text of a deed of land sale by Mahindra Sinha to Harshadev and other Saivakoti Brahmans

at Sunkhani in Dolakha district in Jestha 836 Nepal era. The deed mentions only Mahindra Sinha. However, his son, Nira (la) narayana, has been given the title of Malla, not Deva. This shows that after he became King of Kantipur, Mahindra Sinha retained his title of Deva, but added Malla to the name of his son. In this he followed the example of King Shiva Sinha of Kantipur, who retained the name of his son who did not succeed him as king as Harihara Sinha, but named Harihara Sinha's son, Laxminara Sinha, who was proclaimed as the heir, as Malla.

Who was Mahindra Sinha? Nearly thirty years ago, the Museum in Kathmandu was in possession of a silver coin which contained the names of Jayendra Sinha, King of Dolakha, and his queen, Vijayalaxmi. The coin weighed more than ten masas, instead of six masas like the mohar coins of King Pratapa Malla. King Shiva Sinha of Kantipur had occupied Lalitpur and deputed his son, Harihara Sinha, as his representative. In my opinion, he had similarly occupied Dolakha and deputed his brother, Ranajit Sinha, as his representative. Ranajit Sinha's son was Indrajit Sinha. He had probably married Vijayalaxmi, a princess of the displaced royal family of Dolakha. Although Shiva Sinha occupied Dolakha, he had let Indrajit Sinha's family rule over that principality. Mahindra Sinha appears to have been born in this dynasty. The land sale deeds executed by Nira (la) narayana were witnessed by three pramanas: Kamareshwara Jha, Ramachandra Jha, and Mohan Sin Jha. These Jhas do not appear to be connected with the principality of Kantipur. This shows that even after he became King of Kantipur, Mahindra Sinha continued to rule over Dolakha. There is thus no doubt that he was the chief of the principality of Dolakha.

The eulogy mentioned in the land sale deed of 836 Nepal era is identical to that of Bhaskara Malla. However, in a land sale deed executed by him in favour of Krishnadeva Upadhyaya Pokhrel of Bisankhu in Falgun Sudi 17, 841 Nepal era, Mahindra Sinha used additional words to indicate that he had acquired elephants through his own valor. The editor of the Pramana-Pramey (pt. 1, pp. 184-85) is, therefore, wrong in laying that Bhaskara Malla changed his name to Gajapati Mahindra Sinha after he acquired elephants.

69. Who was Jagajjaya Malla. Nowhere is there any information about his family. He must, therefore, be the husband of a princess of the royal family of Kantipur adopted by his wife's family (dulhaji). He became King of Kantipur when Mahindra Sinha died in 842 Nepal era. A silver coin minted by King Jagajjaya Malla in that year was in the possession of the Kathmandu Museum nearly thirty years ago. The Nepali Rashtriya Mudra (National coins of Nepal), which was published in the Vikrama year 2019 (A.D. 1962) does not refer to this coin; hence it must have been lost. That book, however, mentions a Suki coin minted in that same year by King Jagajjaya Malla's queen, Kumudini. Jagajjaya Thakur thus appears to have been the adopted husband (dulhaji) of Kumudini.

Who was Kumudini? A monar coin minted by King Jagajjaya Malla in 848 Nepal era contains his name on the obverse side and that of Mahipatendra Malla on the reverse side. (Nepal Rashtriya Mudra, p. 89). King Pratapa Malla of Kantipur had designated Mahipatendra Malla as his heir. However, Mahipatendra Malla was soon removed from that position and fled to Lalitpur. He was later arrested and assassinated at the behest of Chantara Laxminarayana Joshi. Kumudini appears to be the daughter of Mahipatendra Malla's daughter by a dulhaji husband.

Jhagal Thakur did not like the manner in which King Pratapa Malla ousted Mahipatendra Malla and designated the latter's elder brother as the heir. Jhagal Thakur, therefore, made a long-term plan to remove Bhaskara Malla from the throne as king of Kantipur. As part of this design, he installed Mahindra Sinha of Dolakha as King of Kantipur on the condition that he designated Jagajjaya Malla as his heir. Jagajjaya Malla became King on the death of Mahindra Sinha.

There is yet doubt as to whether Jagajjaya Malla was a local Thakur. But it is not much likely that a dulhaji husband was procured from outside during the administration of Bhuvanalexmi for an insignificant girl like Kumudini. Accordingly, Jagajjaya Malla seems to be a local Thakur of Kantipur born of a dulhaji father.

We have already explained the reasons why Bhaskara Malla was removed from the throne. It is possible that Jhagal Thakur imprisoned both Bhaskara Malla and Bhuvanalexmi on the ground that while the former was a spend-thrift, the latter was an adulteress. Both Jhagal Thakur and Jagajjaya Malla were of a cruel temperament. They had already murdered Niralanarayana. King Bhupalendra Malla had imprisoned his mother, Riddhilaxmi, in a Newar village in Tauthali, Sindhupalchok district. It is possible that Jagajjaya Malla followed in the footsteps of the Mughals by blinding both Bhaskara Malla and Bhuvanalexmi and banishing them to Tauthali. The event was not recorded because people were afraid of Jhagal Thakur and Jagajjaya Malla. Jayaprakasha Malla too suppressed this information, thereby causing difficulty to historians.

The thyasaphu published in the Purnima contains the words "phuridwa kwatha" which possibly refers to a fort in the Sindhuli-Madi region. According to that thyasaphu, Maniksen gave a smaller reward to the Umrao than to Jhagal Thakur, both of whom had taken part in the battle. This shows that Jhagal Thakur maintained himself in power with the support of Khas and Chnetri Umraos, and that it was from that time that the Bugale Thapas gained prominence.

70. Medieval Nepal, pt. 3, pp. 128-29.

71. Copper-plate inscription issued by Mahindra Sinha to Pradyumna Upadhyaya, Itihasa Prakasha, Vol. 2, bk. 3, p. 457.



72. A rest-house at Shankhamul in Lalitpur, built by Vishnu Malla contains an inscription with his genealogy. It is dated 852 Nepal era. Vishnu Malla appears to be a very distant cognate relative of the royal family. The unpublished schedule to an inscription found at the Chyasing temple in Lalitpur near the Lalitpur Palace, which belongs to the time of Yoganarendra Malla, shows that Vishnu Malla was a favorite of Yogamati. Yogamati later installed Yogaprakash Malla as King on the condition that Vishnu Malla was designated as his heir. Yogaprakash Malla appears to be a dulhaji, but more closely related to the royal family than Vishnu Malla. However, nothing is known about his family.

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### The Dusadhs of Jhinjha

Dr. Dwarkia Nath Dhungel. "Jhinjhaka Dusadhnaru ---- Ek Manaviya Samasya" (The Dusadhs of Jhinjha ---- A humanitarian problem). Gorkhapatra, Magh 8, 2033 (January 21, 1977).

Jhinjha is a small village located in the eastern part of Dhanusha district in the Janakpur zone. It takes about forty-five minutes to reach the village from the Mahinathpur station of the Jayanagar-Janakpur railway, and fifteen minutes from the Khajuri station on foot.

The majority of the inhabitants of Jhinja village belong to the Dushadh community. Most of the Dusadhs have taken to theft and dacoity as their main occupation. In fact, they are the ring-leaders of the thieves and dacoits operating in the Mausai, Belcora, Lokani, and Belagopalpur areas of the Darbhanga and Madhubani districts of Bihar in India. That is why there is hardly anyone in the eastern Tarai who has not heard of Jhinja village.

Jhinja village has a population of between 2,000 and 3,000, comprising 318 families, of whom 208 belong to Dusadhs. The rest belong to the Musim, Dhanuk, Chamar, Bona-Berahi, Teli, and Rajam communities. Except the Muslims, who comprise about fifteen families, the others are Hindus. A Dusadh wears a necklace of beads (Kantha) if he wishes to give up theft or dacoity as his occupation through a pledge made in public. Kantha-wearing Dusadhs do not eat meat, and are called Dasas. Others belonging to the Dusadh community are called Paswans.

Only twenty-five percent of the Dusadhs are literate. Only one Dusadh has so far passed the intermediate examination in arts, and he is the most educated among Dusadhs. Only two Dusadhs have passed the S.L.C. examination.



Dusadhs have always been notorious as thieves and dacoits. Actually, theft and dacoity are their main occupations. Very few Dusadhs seem to have taken agriculture as their main occupation. The 208 Dusadh families of Jhinjha own a total of only fifty bighas of land. The largest holding of a Dusadh hardly exceeds six bighas. There are also Dusadhs who own not more than two kattas of land each.

The Dusadh of Jhinjha village maintain that they have been compelled to take to theft and dacoity because they have no lands for cultivation. It is not known how far the claim is true. But it is true that the Dusadhs of Jhinjha village are notorious as thieves and dacoits. They say they have been doing so for the past two or three centuries. Some Dusadh families have been following this occupation for three to four generations. The Dusadhs of Jhinjha blame the Rana regime for having compelled them to follow such an occupation for generations. According to them, local officials during the Rana regime used to detain and torture the Dusadhs of Jhinjha village whenever any crime was committed nearby village. Even children were arrested and tortured, they allege. According to them, it was because of such excesses that they took to theft and dacoity.

During the seventh and ninth day (Saptami and Navami) of the dark fortnight of every month, Dusadhs think of nothing but theft and dacoity. They assemble groups of five or ten persons as soon as the dark fortnight begins, in a meadow located near a big pond to the north of Jhinjha village. Those who wish to bathe in the pond do so. Later, they hold discussions and decide on the place of the proposed crimes. They also discuss how to help the families of persons who are apprehended or killed while doing so. Members of their families arrive at the venue of the discussions with liquor and some foodstuffs. The liquor is prepared from palm juice. After relaxing for a few hours, the gangs leave for their respective assignments.

According to the Dusadhs engaged in theft and dacoity, their area of operations is situated only across the international border. They claim that they never commit any crime inside the territory of the Kingdom of Nepal, and that they go to Assam, Manipur, or even to Lucknow and New Delhi, to carry out their assignments. The claim that the Dusadhs have never operated inside Nepali territory lacks credibility, inasmuch as the inhabitants of Jhinjha themselves have admitted that as many as forty Dusadhs have been imprisoned in Nepali Jails on the charge of having committed different crimes, whereas only fifteen Dusadhs are in jail in the Madhubani and Darbhanga jails of India.

Persons who are engaged in dacoity borrow money from money-lenders to meet their travelling expenses, as well as their maintenance expenses of their families during their absence. The money-lenders, particularly those

residing at Khajuri, Bhadi, Mahua, and Jayanagar, provide loans to them at exorbitant rates of interest, usually 25 percent, on the ground of risk. No bond is executed at the time of advancing loans, nor is any member of the family of any dacoit required to repay it in the event of the latter being killed, or being released after imprisonment. This is the reason why the money-lenders consider it risky to provide loans to dacoits, and agree to do so only after charging interest at 25 percent.

The same money-lenders also buy the booty brought by dacoits at very low prices. The proceeds from the sale of the booty are shared equally by the members of the gang of dacoits. However, the ringleader (Khalifa) is paid an additional ten percent. With the income, so distributed, they repay the loans they had obtained from money-lenders, and spend the balance for supporting their family as well as for entertainments when they are at home.

In view of the efforts made by Sarvodaya workers, as well as by the Madhya Pradesh state government in India, to bring about a change of heart among the dacoits operating in the Chambal ravines and rehabilitate them, the Dusadhs of Jhinjha village also seem to have started thinking in terms of spending their life as ordinary citizens. They know that after the dacoits of Madhya Pradesh had surrendered before the Sarvodaya workers and the local State government, the dacoits of North Bihar had followed suit. Following this, the Bihar government had urged on Dusadh dacoits of Jhinjha village also to come from across the border and surrender. The people of Jhinjha village say that the Dusadh dacoits had, in response to that appeal, gone across the border and surrendered before the Indian authorities. According to their own account, the local Nepali administration later called upon the Dusadh dacoits to surrender before the Nepali authorities. In response to that call, they surrendered before the Janakpur Zonal Commissioner in August 1973. They had put forward the following demands: (1) All criminal cases against Dusadhs should be withdrawn. (2) Lands should be allotted to dacoits to enable them to make a living. (3) Dusadhs who seek jobs should be provided with the same. (4) A school and a health center should be opened for them.

The local authorities had given assurances that their demands regarding land allotments and employment should be fulfilled. Accordingly, four Dusadhs were given jobs in the government and in educational institutions. However, His Majesty's Government has not so far undertaken any specific program for the benefit of the majority of Dusadhs. According to the Dusadhs, they have, therefore, submitted a petition to the concerned organ of His Majesty's Government, along with a note containing the assurances given by the local administration. No specific measure has so

far been initiated for the rehabilitation of the Dusadhs of Jhinjha village. As such the Dusadhs have continued their practice of committing dacoity. Each fortnight, 150 to 200 Dusadhs leave the village for this purpose.

It is desirable to form a study team consisting of representatives of the Ministry of Home and Panchayat, the Department of Resettlement, and other concerned organs as well as a sociologist or criminologist, to study ways and means for solving the problems facing the Dusadh dacoits. The team should consider the following questions:

- (1) whether lands should be allotted to Dusadha dacoits in the same way as to landless persons, or a special program should be implemented for their rehabilitation.
- (2) Since there is no guarantee that Dusadhs will voluntarily give up their traditional occupation of dacoity even after their rehabilitation, it should be decided whether it will be appropriate to keep them under police watch or under the surveillance of any other government agency.
- (3) What type of training can be given to Dusadh dacoits after their rehabilitation in order to enable them to know about the nation, nationalism, the Crown, and the basic principles of the Panchayat system, as well as about the development programs of HMG?
- (4) How will it be possible to make facilities (such as seeds, fertilisers, and loans) available to Dusadhs in areas in which they are resettled?

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## Industrial Development in Nepal

By

Mahesh C. Regmi.

Chapter 11.  
(Continued)

Meanwhile projects to connect the valley to the Tibetan frontier are also under way. A road through Sankhu, which would total 64 miles in length, was constructed in part by local volunteer labour. A new road running through Dhulikel in East No. 1, 140 miles in length to some point on the Tibetan frontier has also been projected. The Government has sanctioned Rs 5 lakhs for this project. The road is to be known as the Mahendra Raj Path. Moreover, the Chinese Prime Minister, Chou En Lai, during his recent visit to Kathmandu,

is reported to have assured construction of a road linking Lhasa and Kathmandu. As there is already a road linking Lhasa to the Tibet-Nepal border, this assurance to undertake the enterprise to complete the road to Kathmandu will mean that there will be a road from Lhasa down to India (Commoner, 23 January 1957).

The Draft Five Year Plan envisages a master plan for the construction of 4000 miles of roads in the next 20 years, to be divided into four tentative Five Year Projects. In the first five year plan period, it has been planned to construct a total of 300 miles of metalled roads, 300 miles of fair-weather roads, and 300 miles of nine-foot jeepable track. Due to lack of statistics on trade and travel, it has been considered difficult to assign priority for road construction in the first five year period. As, however, most of the trade routes are from Nepal to India, the alignments selected are expected to be mostly North-South. (Draft Five Year Plan P.40). The total allocation for road construction in the first Five Year Plan period is Rs 2 crores (ibid p. 18).

Ropeway: Since 1927 a ropeway for the transport of goods has been in operation from Dharsing to Matatirtha in the valley of Kathmandu. It extends 13.7 miles and the original carrying capacity was 8 tons per hour (Nepal at a Glance p. 8). Wear and tear during thirty years of constant operation and the non-replacement of essential parts have however reduced the capacity to 5 tons per hour at present, or even less (Draft Five Year Plan p. 42).

The ropeway may be regarded as the life-line for the valley of Kathmandu, inasmuch as it provides low cost transportation for most of the goods that constantly find their way to the capital, with its population of over 600,000. 60 tons of goods are transported daily and 75 percent of the total traffic consists of foodstuffs for the deficit areas of the valley. In the year 1953 alone, the total value of the goods that passed through the ropeway was estimated at Rs 45,596,116. Construction of the Tribhuvan Raj Path road has hardly eased the pressure on the ropeway, because ropeway transport is still the cheapest means available.

Recently a 4 mile extension of the ropeway from Matatirtha to the Kathmandu customs house has been completed. This has not been brought yet into operation because its carriers and spare parts were cannibalised to keep the original ropeway in operation (Draft Five Year Plan p. 42).

In view of the fact that the present daily volume of goods traffic consists of about 225 tons, it can be realised that the facilities afforded by the ropeway are quite inadequate. Accordingly the Draft Five Year Plan contemplates the construction of an entirely new ropeway with a carrying capacity of 20 tons per hour,



and extension upto Hetaura or to Amlekhgunj (ibid p. 42). Under the recently concluded agreement between Nepal and the United States, \$ 2,000,000 and Rs. 1,5000,000 will be spent on the construction of the new ropeway, which will be between Kathmandu and Hetaura, with a carrying capacity of 25 tons per hour. (Gorkhapatra, 22 May 1957).

Railways:- In 1927 railways were constructed for the first time in Nepal. There are at present two 2'6" narrow gauge lines as mentioned below:-

1. Amlekhgunj-Raxaul - 30 miles.
2. Jayanagar-Janakpur - 33 miles.

Both lines are state owned and state operated.

Goods imported at present from India are transferred from the Indian meter gauge railway at Raxaul to the Nepal Railway. At Amlekhgunj they are loaded in trucks and conveyed to the Ropeway terminus at Dhursing. In the year 1955-56 alone, the Nepal Government railway was responsible for the transportation of goods estimated at 1,582,320 maunds.

The Draft Five Year Plan contemplates conversion of the existing narrow gauge line between Raxaul and Amlekhgunj to a meter gauge line, and extension of the new line to Hetaura. This would mean only one transshipment of goods at Hetaura in place of the three at Raxaul, Amlekhgunj and Hetaura as at present. (Draft Five Year Plan p. 43). The total estimate cost of the project is Rs. 330 lakhs, including Rs. 225 lakhs for the 25 mile extension to Hetaura at Rs. 9 lakhs per mile (ibid p. 43). It is reported that the necessary survey work for the construction of a metre gauge railway has already been completed (Daily "Samaj" 25 May 1957).

Under the Koshi Project, a narrow gauge railway line is planned to be constructed between Bhanagar and Chakarghatti totalling 20 miles in length. Branch lines would run for 7 miles upto Chatara, and for 12 miles upto Dharan.

Airways:- Since 1950 Air Services operated by Indian Companies and subsequently taken over by the Indian Air Lines Corporation have linked Kathmandu to various centres in the country as well as to important cities in India. The Indian Airlines Corporation is at present operating the following services:-

1. Kathmandu-Patna - Calcutta.
2. Kathmandu-Biratnagar.
3. Kathmandu-Siara.
4. Kathmandu-Pokhara-Bhairahawa.

Air transport in Nepal is becoming more and more important as indicated by the following table of landings for all existing airfields during the years 1951-1955.

Table XVAir Landings in Nepal

<u>Year</u>	<u>Number of Landings</u>
1951	200
1952	900
1953	2100
1954	4200
1955	4800

(Draft Five Year Plan p. 44).

In 1955 the Simra-Katmandu line was responsible for the transportation of goods estimated at 5,891,991 lbs to the valley of Kathmandu. Air Service to Pokhara has contributed much towards the economic development of that region, especially when it is remembered that the distance between Kathmandu and Pokhara has been reduced in point of time from more than one week by land to about one hour by air.

There are at present aerodromes in Kathmandu, Simra, Bhairahawa, Pokhara and Biratnagar. New aerodromes have been constructed recently at Chitwan and Dang. (The fifth year of the Colombo Plan p. 41). There is also a proposal to construct an aerodrome in Gorkha, (Everest News, 25 May, 1957), and various other places.

Except in the case of the Gaucher Airport at Kathmandu, which has been converted into an all weatherstrips at the expense of the Government of India under the Indian aid program, the other airfields are all fair-weather. The Simra airfield is very soft and is unusable during the greater part of the monsoon. At Bhairahawa the runway is very soft. Pokhara is the best of the fair weather strips, but is undulating. (Draft Five Year Plan p. 44). The Biratnagar airfield too obstruct traffic for frequent periods during the monsoon.

The main objectives of the Five Year Plan for civil aviation are:-

1. The development of an efficiently operating Air transport system to meet the country's minimum needs through improvements in the existing airfields and their facilities.
2. Addition of a limited number of fair weather airfields.
3. Suitable coordination of air transport with other forms of transportation envisaged under the Five Year Plan.
4. Preparation for a systematic transition of Nepali air lines under an agreed pattern to national ownership and control (Draft Five Year Plan p. 44)

(To be continued).

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## On Sati

1. The married wife of any person, or a girl belonging to a caste from whose hands he can or cannot take rice or uncooked food, and whom he has taken up as a wife, shall not be allowed to become a sati, if she is below sixteen years of age, even if she is so willing.
2. The married wife of any person, or a girl belonging to a caste from whose hands he can or cannot take rice or uncooked food, and whom he has taken up as a wife, shall not be allowed to become a sati even if she is above sixteen years of age and is so willing, in case her youngest son has not attained the age of sixteen years.
3. The married wife of any person, or a girl belonging to a caste from whose hands he can or cannot take rice or uncooked food, and whom he has taken up as a wife, shall not be allowed to become a sati even if she is above sixteen years of age and is so willing, if she has a daughter who has not reached the age of five years.
4. A woman who has lived with two or more husbands shall not be allowed to become a sati even if she is so willing.
5. Slaves and servants shall not be allowed to become satis on the death of the queen of the reigning king, or of the wives of members of the nobility, officers, or common people, even if they are so willing. The chief person responsible for permitting such persons to become satis shall be punished with a fine of five hundred rupees, and the other accomplices shall each be punished with a fine of two hundred and fifty rupees.
6. A woman who is pregnant at the time of the death of her husband shall not be allowed to become a sati even if she is willing to do so after the child is born.
7. A pregnant woman shall not be allowed to become a sati after she comes to know of her pregnancy, even if of one month only.
8. A woman shall not be allowed to become a sati on the death of her son. Any person who permits her to become a sati on the death of her son shall be punished with death, or with confiscation of property and life imprisonment, according to his caste status. His accomplices shall be acquitted after their property is confiscated according to the law.
9. If a married wife, or a girl belonging to a caste from whose hands rice or uncooked food can or cannot be taken, and whom (the deceased person) had taken up as his wife, wishes to become a sati of her own accord, and in case she is above sixteen years of age, and her youngest son also has reached the age of sixteen years irrespective of whether he is living jointly or separately, she shall be persuaded as far as possible to change her mind. If she remains adamant, she shall be allowed to become a sati. The persons who set fire to her body and burn her shall not be held guilty of any crime.



10. If a married wife, or a girl belonging to a caste from whose hands rice or uncooked food can be taken, and whom (the deceased person) had taken up as his wife, wishes to become a sati of her own accord, and in case she is above sixteen years of age, and her daughter also has reached the age of five years, she shall be persuaded as far as possible to change her mind. In case she remains adamant, she shall be allowed to become a sati. The persons who set fire to her body and burn her shall not be held guilty of any crime.
11. If the husband of any woman is killed in war, or dies abroad while on official or private business, his wife may become a sati if she is so willing, and is so permitted by the law, except in the case of Brahmans, because once the dead body of a Brahman has been cremated, another funeral pyre cannot be set up.
12. If any person has taken up a slave girl as his wife, and in case she is above the age of sixteen years, and her son too has attained the age of sixteen years, and her daughter the age of five years, she shall be allowed to become a sati if she wishes to do so of her own accord, even if she is a slave-girl.
13. A woman who may become a sati according to the law, and who belongs to caste from whose hands (the deceased person) could take rice, shall be set on fire separately.
14. If a woman who is entitled by the law to become a sati on the death of her husband intends to do so, throws water over her head, mounts the funeral pyre, and performs all the prescribed rituals such as the worship of Goddess Gauri, she shall be granted expiation according to the law, so that rice and water can be taken from her hands. If she persists in her resolve (to become a sati), she shall be persuaded to change her mind while there is yet time. If she does not change her mind, no crime shall be deemed to have been committed in cases where a woman can become a sati according to the law.
15. If a woman who had intended to become a sati, and had, therefore, thrown water over her head, mounted the funeral pyre, jumps out after it has been lit and runs away, and if any person, without catching hold of her or hitting her with stones and sticks, tells her that she will be burnt only with her consent, and that otherwise she will be looked after and treated well at his home, and also granted expiation, and if the woman wishes of her own accord to become a sati and to be burnt accordingly, a written statement to that effect shall be obtained from her and signed by witnesses, and she shall thereafter be burnt. No crime shall be deemed to have been committed. If it is proved that the woman has been burnt without obtaining a statement from her, and having it signed by witnesses, the persons who light the funeral pyre and burn her shall be punished according to the law. If the woman does not want to become a sati, she shall be looked after and treated well, and granted expiation only for water. She shall not be granted expiation for rice because she had survived even after being set on fire.

16. If a woman wishes to become a sati and accordingly throws water over her head and mounts the funeral pyre, but changes her mind before it is lit, or if she jumps out of the funeral pyre and runs away, and if any person hits her with stones and sticks with the intention of killing her, capture her and burn or kill her, the person who first commanded that she be killed, the person who first hit her, and the person who first caught hold of her shall be punished with confiscation of property and life imprisonment according to the law. Other persons associated with the crime shall be punished with a fine of twenty rupees, fifteen rupees, ten rupees, or five rupees according to the gravity of their crime.
17. If a woman who wishes to become a sati and accordingly throws water over her head and mounts the funeral pyre, but changes her mind before it is lit, and jumps out of it and runs away, or appeals that she should not be burnt, and that she is afraid, she shall not be burnt. She shall be granted expiation for rice and water according to the law.
18. No woman who is below the age of sixteen years, or who is prohibited by the law from becoming a sati even if she is more than sixteen years of age, shall be allowed to become a sati under the influence of narcotics, or through persuasion, or through her own consent.
19. If a woman who wishes to become a sati and accordingly throws water over head and mounts the funeral pyre, but changes her mind before it is lit, and jumps out of it and runs away, or appeals that she should not be burnt, she shall be granted expiation for water on payment of a godan fee to the dharmadhikar amounting to five rupees, three rupees, two rupees, or one rupee, according to her status.
20. If any person extracts a statement from a woman who is entitled to become a sati according to the law that she is willing to do so, through the use of force or of narcotics, and accordingly burns her, or instigates such an act, he shall be punished according to the law, and his share of the woman's property, if any, shall accrue to the adalat or the amal if the woman was a resident of raikar land, or to the birta-owner if she was a resident of birta lands of any category. Only a relative who was not present at the place (where the woman was forced to become a sati) shall inherit her property.
21. If any person extracts a statement from a woman who is entitled to become a sati according to the law that she is willing to do so, through the use of force or of narcotics, and accordingly burns her, and if the persons who lights the funeral pyre is her own son, he shall be punished with a fine of forty rupees. If he is her step-son or any other person, he shall be punished with a fine of thirty rupees. The persons who carry the woman (to the place of cremation) and the mourners shall each be fined twenty rupees.

22. If any person burns a woman who is entitled to become a sati through the use of force or of narcotics, and if such person is her own son, his share in the property of his parents shall be confiscated, and he shall be imprisoned for six years. The term of imprisonment may be commuted to the payment of a fine amounting to double the value thereof. If the (guilty) person is someone other than the sati's son, he shall be punished with confiscation of his share of the ancestral property and life imprisonment, or with death, according to his caste status. Other accomplices shall each be punished with a fine of twenty rupees, fifteen rupees, ten rupees, or five rupees, according to their status. If they do not pay the fine, they shall be imprisoned according to the law. If the (guilty) person is the sati's step-son, only nine-tenths of his share of the ancestral property shall be confiscated, and he shall then be released.
23. If a woman who wishes to become a sati and accordingly throws water over her head and mounts the funeral pyre, but changes her mind before it is lit, and jumps out of it and runs away, or appeals that she should not be burnt, and that she is afraid, is granted expiation for rice and water, and if her relatives refuse to take rice and water from her hands, they shall each be punished with a fine of five rupees.
24. If a woman who wishes to become a sati and accordingly mounts the funeral pyre, but runs away after it is lit and thus survives, is granted expiation for water, any person who refuses to take water from her hands shall be punished with a fine of five rupees. But rice cannot be taken from the hands of such woman.
25. If the husband of any person dies, and his wife refuses to become a sati, and breaks her bangles and observes mourning for the prescribed period, but later changes her mind throws water over her head, and decides to become a sati, and if any person burns her accordingly, he shall not be deemed to have committed any crime if he is her own son of below twelve years of age. If he is her own son but above twelve years of age, or any other person, the chief persons responsible for burning the woman or granting permission for doing so shall be punished with confiscation of their ancestral property according to the law. Other accomplices shall each be punished with a fine of ten rupees, seven and a half rupees, five rupees, or two and a half rupees, according to their status. If the sati possessed any property, and if her heir was the chief person responsible for burning her, his share in her property, as well as in his ancestral property, shall be confiscated according to the law. If the chief person responsible for burning the woman is not the heir entitled to a share in her property, such property shall not accrue to the government but to her coparceners.



26. If the husband of any woman dies, and she drinks water after washing his feet on the day of his death, and continues to do so afterwards also, she shall not be deemed to have committed any crime, nor shall she be under any obligation to undergo expiation.
27. No woman who is not entitled to become a sati according to the law shall be allowed to do so even if she is willing and throws water over her head accordingly, but shall be granted expiation according to the law. If any person burns such a woman, on the plea that he cannot bear any liability because the woman has herself expressed willingness to become a sati, such person shall not be deemed to have committed any crime if he is her own son and below twelve years of age. If he is her own son and above twelve years of age, or any other person, the chief persons responsible for burning her or granting permission for doing so shall each be punished with confiscation of their share in the ancestral property according to the law. Other accomplices shall each be punished with a fine of ten rupees, seven and a half rupees, five rupees, or two and a half rupees, according to their status.
28. A sati shall be granted expiation according to the law. Any sati who allows other persons to take rice and water from her hands without undergoing expiation when necessary, or the persons who do so, shall each be punished with a fine of five rupees, granted expiation, and allowed according to the law to offer rice and water to other persons.
29. If a woman sees any person dead, and thinks that he is her own husband, and then throws water over her head in order to become a sati without ascertaining the truth, and if subsequent inquiries reveal that her husband is not dead, but is still alive; the foolish woman who throws water over her head in order to become a sati without ascertaining the truth, thinking that the dead man is her husband, shall be punished with a fine of twenty rupees and granted expiation. If she does not pay the fine, she shall be imprisoned at the rate of one month for each five rupees of the fine.

Source: "Sati Janyako" (On Sati), in Ministry of Law and Justice, Shri 5 Surendra Bikram Shahdevaka Kalama Bane ko Muluki Ain (Legal Code enacted during the reign of King Surendra Bikram Shah Dev). Kathmandu: the Ministry, 2022 (A.D. 1968), 421-25 pp. The law on sati in the 1955 edition of the Muluki Ain has been translated in Regmi Research Series, Year 2, No. 7, July 1, 1970, pp. 152-53.



Swayambhu Ghyang

Cheniya Lama Buddhavajra signed a bond with the following contents at the Jaisi Kotha Office of the government of Nepal on Baisakh 31, 1974 Vikrama (A.D. May 12, 1917):-

The government of Nepal had granted lands to the Deva Dharma Raja for endowment as Guthi for the Swayambhu Ghyang. Cheniya Lama Buddhavajra, priest of the Swayambhu Ghyang, then executed a bond stipulating the payment of Rs. 375 to Yejen Raja Urgen Dorje.

Under the provisions of that bond, payment of Rs. 375 for the year 1970 Vikrama (A.D. 1913-14) was collected from Cheniya Lama Buddhavajra by the Guthi Lagat Janch Office of the government of Nepal. Income from the lands was then sequestered from the following year.

Cheniya Lama Buddhavajra was subsequently reinstated as priest of the Swayambhu Ghyang on payment of Rs. 150 every year. Payment was collected at the old rate of Rs. 375 per year from the sequestered income for the Vikrama years 1970 through 1973 (A.D. 1913-16). Orders were issued to hand over the surplus amount to Cheniya Lama Buddhavajra to meet the expenses of religious ceremonies at the Swayambhu Ghyang.

The total payment for the Vikrama years 1970 through 1973 (A.D. 1913-16) amounted to Rs. 1,500 at the rate of Rs. 375 per year. The amount was appropriated for repairs at the Kindol Bahal under the personal supervision of the Cheniya Lama .

Source: "Bond Executed by Cheniya Lama Buddhavajra Regarding Conditions of Reinstatement as Priest of Swayambhu Ghyang." Baisakh 31, 1974 (May 13, 1917). Regmi Research Collections, Vol. 37, p. 135.

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Raj Guthi Endowment in Sitapaila, Kathmandu.

In the Vikrama year 1986 (A.D. 1929) Her Majesty the Queen endowed lands as Raj Guthi in the name of Sadanand Kumari, a nurse at the royal palace, for constructing a water-spout as well as an inn at Sitapaila in Kathmandu. The endowment was registered as a Sri Pancha Sarkar Guthi, that is, lands endowed as Guthi by members of the royal family, at the Guthi Lagat Janch Office on Shrawan 10, 1984 Vikrama (A.D. July 25, 1932).

The endowment consisted of 7 ropanies, 4 annas, and 2 paisa of rice lands, on which 11 muris and 6 manas of paddy, 17 pathis, 5 manas, and 3 muthis of wheat, and Rs. 4.78 in cash were payable as rent.

The yearly emoluments of the caretaker were fixed as follows: 5 muries, 11 pathis, and 3 manas of paddy, 8 pathis, 7 manas, and 2 muthis of wheat, and Rs. 1.78 in cash.

The balance of the rents were converted into cash at the following conversion rates:

Paddy - 5 pathis per rupee.

Wheat -  $3\frac{1}{2}$  pathis per rupee.

The total value of the in-kind rents left after meeting the emoluments of the caretaker amounted to Rs. 22.88 $\frac{1}{2}$ . Along with the balance of Rs. 3 from the cash rent, the total amount was Rs. 27.39 $\frac{1}{2}$ .

Of this amount, Rs. 2.11 was allocated for the purchase of brooms, buckets, and spades, and Rs. 25.28 $\frac{1}{2}$  for financing necessary repairs.

Source: "Raj Guthi Endowment for Water-Spout and Inn at Sitapaila in Kathmandu." Shrawan 10, 1989 (July 25, 1932). Regmi Research Collections, Vol. 3, pp. 1-3.

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The Shrine of Baudhanath  
(Abstract Translations)

Ban on Slaughter of Animals

In A.D. 1942, the four Chief Kajis of Lhasa sent a petition to the Government of Nepal through the dhewa of kuti, requesting that a ban be imposed on the slaughter of animals within the precincts of the shrine of Baudhanath.

The petition showed that it had been sent at the initiative of a Newar monk, who was living in Lhasa under the name of Ngawang Dorje.

Prime Minister Juddha Shumshere ordered that the following reply be sent to Lhasa: "The Buddhist religion is followed in Nepal also. A ban has already been enforced on the sacrifice or slaughter of animals within the precincts of the Buddhist shrine in a manner which may cause any harm or impediment to the Buddhist religion. No such sacrifice or slaughter is done there. We need not reiterate that the Buddhist religion will not be harmed if animals are sacrificed at the shrines and temples of different deities according to tradition and custom."

Source: "Draft of Reply to the Four Kajis of Lhasa." Shrawan Sudi 5, 1994 (July 1942). Reami Research Collections, Vol. 37, pp. 133-34.

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Appointment of the Cheniya Lama

(1). In the year 1894 Vikrama (A.D. 1837), the following order had been issued to Rihang Chhewang Namgyal Lama by King Prithvi Bir Bikrama:

Our grandfather (King Surendra) and our great grandfather (King Girban) had reconfirmed the Guthi lands of Sri Baudhanath and Milanchi Guaba, directing that income from taxes and other impositions, unpaid labor services, and judicial fines and escheats be used to perform regular and ceremonial functions at those shrines, as well as to keep the eternal lamp burning, and that disciples and tenants undertake necessary repairs. We hereby reconfirm these arrangements on Sarbakara-Akara-Sarbangamafi basis.

(2). In 1911 Vikrama (A.D. 1854), during the Nepal-Tibet War, Chhewang Chhitar Lama defected and went over to the Tibetan side. He was also charged with having mortgaged the Guthi lands. In 1914 Vikrama (A.D. 1857), therefore, Chhewang Chhitar Lama and Rihang Fasang Lama were dismissed.

Contd...

(3). Cheniya Tefi Sim Lama was then appointed as priest of the Shri Baudghanath shrine and Milanchi Gumba. A royal order to that effect issued in his name on Kartik Sudi 4, 1916 (A.D. October 1859). The order also placed him under the obligation of marrying and settling down in Nepal, and running a Chinese language school.

(4). On the death of Cheniya Tefi Sim Lama, his son, Buddhavajra Sange Dorje Cheniya Lama, was appointed to succeed him on the same terms and conditions according to a royal order issued on Magh Sudi 11, 1936 Vikrama (A.D. February 1880). This royal order was subsequently lost, and a new one was issued on Magh Badi 11, 1954 Vikrama (A.D. January 1898).

Source: "Royal Order Regarding Appointment of Buddhavajra Sange Dorje Cheniya Lama as priest of Sri Baudghanath and Milanchi Gumba." Regmi Research Collections, Vol. 37, pp. 136-38.

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#### Guthi Lands of Sri Baudghanath

On Kartik Badi 2, 1912 Vikrama (A.D. October 1955), Prime Minister Jang Bahadur made a grant of 14½ ropanies of land under a Raj Guthi endowment to Sri Baudghanath in the name of Tefi Sim Lama for use as an orchard. Subsequently, Kalu Lama complained that the land had not been used as an orchard, but had been let out on rent. The Sardar Jangi Kowali Thana referred the complaint to Prime Minister Chandra Shumshere. The Prime Minister, in an order issued on Aswin 3, 1962 Vikrama (A.D. September 18, 1905), dismissed the complaint on the ground that fruits required for religious functions at the shrine had been procured from other sources. The priest of Sri Baudghanath was, therefore, permitted to appropriate the surplus income of the Raj Guthi lands as before.

Source: "Order Regarding Raj Guthi Lands of Sri Baudghanath." Regmi Research Collections, Vol. 37, pp. 138.

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Repair of Sri Bauddhanath Shrine

In the Vikrama year 1959 (A.D. 1902), subscriptions were raised in Lhasa to finance repairs at Sri Bauddhanath shrine in Kathmandu. The sponsors and contributors included the Potala Lama, the Amba stationed in Lhasa, and Lhasa Sekusyo, brother of the King of Sikkim.

According to a letter sent on Baisakh Sudi 2, 1959 Vikrama (A.D. April 1902) by the Commander-in-Chief, Lobsang Lama of Lhasa was permitted to visit Kathmandu along with his entourage for that purpose.

The repairs were completed and consecrated by Syak Tekhul Beku Lama, and Incarnate Lama, in the night of Magh Badi 6, (1959 Vikrama) (A.D. January 1903).

Source: "Documents Regarding Repair of Sri Bauddhanath Shrine." Regmi Research Collections, Vol. 37, pp. 382-85.

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Industrial Development in Nepal

By

Mahesh C. Regmi.

Chapter 11.  
(Continued)

In addition, a proposal prepared by the committee for the organisation of Air Nepal is understood to be receiving Governmental consideration. The proposal envisages the set-up of a temporary construction agency for the construction of aerodromes, runways, airstrips, and buildings. The administration and commercial organization would be controlled and staffed by the Nepal Government with planes hired on a charter basis from, and operated and maintained by, the Indian Airlines Corporation (ibid, p. 45).

The total allocation for various forms of transport under the Five Year Plan is as follows:-

Table XV 56

ALLOCATIONS FOR MEANS OF TRANSPORTATION

Roads .....	Rs. 500 lakhs.
Railways .....	Rs. 330 lakhs.
Ropeways .....	Rs. 150 lakhs.
Airways .....	Rs. 60 lakhs.
<hr/>	
Total Rs. 1040 lakhs.	

CAPITAL

".....During the preceding century and more a growing population pressed ever more heavily against the means of subsistence, and ..... the living standard of a majority of the people suffered an appreciable decline. In the absence of any substantial compensating economic development, low level poverty became the lot of a large proportion of our citizens" (Draft Five Year Plan of Nepal p.2). All this made formation of capital difficult.

To be sure, much of the national revenues during the preceding regime swelled the coffers of a few members of the ruling family, but beyond the construction of a number of palatial villas inside the valley of Kathmandu, the country, at least until comparatively recent times saw little of this money, which was largely invested abroad. Moreover, that capital which was accumulated in the hands of a few merchants and landowners was characterised by an inordinate reluctance to utilise it for investment purposes. In a country where life and property belonged proverbially to the state, such circumstances should hardly cause any surprise.

Even after the formation of the interim Government in 1951, the semichaotic conditions of law and order as well as administration proved a strong deterrent to investment of capital in the domestic sphere. The position has been aggravated by the fact that most of the leading members of the Rana family, who provided an appreciable percentage of funds for industry in the post 1936 period, have since left the country.

It is also worth mentioning that the conservative attitude of the people has been responsible for channelling the investment of whatever capital is available to relatively secure and traditional avenues like imports and retail trade of manufactured goods from India and overseas. Local merchants have satisfied their profit motive by earning money in commercial enterprise as distinct from manufacturing enterprise. Nor has the recent set-back suffered by joint stock industry in the country been conducive to the amelioration of this state of affairs.

Another reason why private capital has not been available to organised industry is that there exist no financial institutions to attract the savings of the people, howsoever meagre they might be. The banking habit has not developed among the people, and this is hardly surprising in view of the fact that only a few centres in the country are served by branches of the Nepal Bank Limited, the sole commercial bank in Nepal, while liquidity preference is high. Nor do there exist savings bonds and certificates of national loans. Whatever organised savings facilities there are, for the most part centred in the activities of Indian life insurance organizations, have only contributed to the exodus of the savings of the people from the country.

Since early times a Government Employees' Savings Fund has been in operation, but contribution to it is optional and the low scales of pay have been another negative factor. Nor has this fund so far been invested for development, and applications from certain industrial concerns for loans from this fund have not been considered favourably. The Draft Five Year Plan envisages compulsory savings amongst Government employees, with assurance of a reasonable rate of interest. As the plan recognises, however, such savings must be preceded by such salary increases as are necessary to fundamental security, dignity, and efficiency in Government service. The plan provides for a total of Rs. 120 lakhs of funds for the implementation of the plan from this source.

In addition, the Draft Five Year Plan provides for the flotation of development bonds or certificates, as a normal and desirable method of channelling private savings into the financing of the country's basic development. These are expected to provide a total of Rs. 140 lakhs during the period of the plan.

It is however difficult to believe how such a policy can be successful to any appreciable extent. For one thing, distrust of the stability of the Government is sufficiently widespread to be conducive to any whole-hearted response to such public floatations. Moreover, apart from a restricted class of land and property-owners who might not be unwilling to invest in bonds or certificates for the sake of small but secure return, the people in the main, would feel more attracted towards investment in land, either in mortgage or outright purchase, which yields an incomparably higher return, even though it is more hazardous than the former mode of investment. In a country where current income is hardly, if at all, sufficient to meet current expenses, it cannot be surprising that fixed or long-term investment should be at a discount. Investment in land accordingly is more popular, for land rights can be sold or mortgaged at any time. On the whole, it is the desire of people to invest their hard-earned savings in the maximum profitable lines of investment, which should also ensure reasonable liquidity, even though such investment might not be absolutely first rate from the point of view of security. The following lines, written with reference to another underdeveloped country, appear to apply admirably to existing conditions in Nepal:-

"The investments of the wealthy are largely in land, revenue producing real estate, or relatively small privately controlled businesses. Trained for generations, as traders and merchants, they do not seem to have confidence in long-term investments, and the practice of investing in the shares of enterprises controlled by others is practically non-existent. A sense of responsibility normal to those answerable for the safety and the gainful employment of the investments of others, such as is common to the managements of western industrial enterprises, has not been developed."



(Overseas consultants Inc: Report on Seven Year Development Plan for the plan organisation of the Imperial-Government of Iran. New York: Overseas Consultants Inc. Vol. 1, p.4. Quoted in Eugene Staley: the future of under developed countries, New York. Council on foreign relations, 1954, p. 207).

An important source of capital, so far immobile, could be the funds of big temples like that of Pashupatinath. The income of the temple lands and the offerings of devotees have, throughout the decades, augmented these funds to a considerable extent. Though it is difficult to ascertain the exact amounts of these funds, yet it appears safe to presume that they are substantial. As a rule, these funds have been utilised only in times of national emergency. It is recorded that the last Newar King of Kathmandu, Jaya Prakash Malla, drew considerable amounts in his struggle against Prithvi Narayan Shah. (Balachandra Sharma: Outlines of Nepali History, pp. 173-79). Chandra Shumshere in 1924 drew Rs. 3,67,00,00 from the Pashupatinath Temple Fund for compensation to slave owners for the abolition of slavery (ibid, p. 354). Judda Shumshere in 1934 also utilised Rs. 2,9,80,000 from the same source during the earthquake.

So far the profits of corporate enterprises have not been a major source of capital. In 1938 the Judda Match Factory Limited in Birgunj was able to set up a branch factory at Biratnagar with Rs. 50,000 capitalised out of the reserve funds. Similarly in 1952 the Biratnagar Jute Mills Limited was able to execute an extension program after issuing bonus shares capitalised out of the reserve funds, with equal contributions from the share-holders. In general, however, profits have been dissipated in the form of dividends, the highest percentage being issued by the Biratnagar Jute Mills Ltd., when in 1943 it declared a dividend of 111 percent. Company directors have found it difficult to resist demands for high dividends. In a number of cases, no allowance has been made for depreciation in the fixed assets of the company, because the profits would thereby have been too insufficient for dividend payments. It is only the Judda Match Factory Limited which has been able to keep a tradition of high dividends, seldom going below ten percent, while at the same time making significant investments for the development of the company from out of profits. Of late, in other companies, there have been very little or no profits, and the question of utilization of profits has therefore not assumed any importance. The chief patterns of formation of industrial capital in Nepal may be indicated as below:-

#### a. The individual entrepreneur

Before the emergence of the modern type of joint stock companies, the individual entrepreneur was the most important source of capital in Nepal. Necessarily however, the pattern of industry was primitive, and in general, a man who used his small savings to purchase the simple



tools and materials required for his craft could expect to carry on. Sometimes however, it was a merchant or wholesaler who supplied the raw materials and made advance payments, as is done even now by the metal merchants in Kathmandu, or the handloom cloth merchants of Banepa in East No. 1. (cf. Government of Nepal, Department of Statistics: Industrial Survey Report for the district of East No. 1). For the requirements of modern organised industry, however, this source of capital is obviously of little importance, and except for a small number of rice and oil mills in the Tarai districts, its contribution to industry has been relatively insignificant.

#### b. Share-holders

The flotation of shares and debentures of joint stock companies has been a feature of the post-1936 period. The government took steps to encourage joint stock enterprise, and the new industries that began to be set up were required to organise themselves on joint stock lines. Special rates of royalties were charged on joint stock rice and oil mill companies.

It was indicative of the low investment capacity of the people, coupled with distrust of the methods and procedure of the limited company, that, at least in the initial stage, the investment in shares and debentures on the part of the public was not very significant. People were in general highly suspicious of investing their money in the new companies. It was only during the war and immediate post-war years, when a number of limited companies had been fairly well established, and had begun to pay handsome dividends, that people began to feel enthusiastic about investment in shares and debentures.

But even then, no significant progress in the operation of joint stock companies could have been made, had it not been for the fact that the members of the ruling Rana family led the way in making subscriptions to shares and debentures. As a matter of fact, a big percentage of the total subscribed capital of the joint stock companies that were set up during this period came from the Ranas or their clique.

It is doubtful whether at present shares can be a major source of capital required for the industrial development of the country. The spectacular development of joint stock enterprise during the war and immediate post war period was nothing more than a temporary phenomenon, and over-confidence was naturally followed by distrust. The great number of companies that have gone into liquidation has been a severe blow to the confidence of the investor and the instability of the political and economic situation after the advent of the interim government, together with the vagaries of the industrial policy of the government, has made matters worse. In many cases, managing

agents and directors have been guilty of gross mismanagement of the shareholders' money, and the government has appeared to be hardly capable of dealing satisfactorily with the situation. Moreover, especially in the case of Shri Raghupati Jute Mills Ltd., the Government itself has been guilty of ignoring the rights and the interests of the shareholders and of acting in a high-handed fashion. Another reason why people have been distrustful of shares in limited companies is that according to the Companies Act of 1951, large investments are held at a discount because of the unusual voting procedure, which has already been described. Control, therefore, is by no means commensurate with investment.

Last but not least, is the fact that since the new regime came into power, most of the Ranas have left the country and there has been a serious flight of capital. Recently there has been talks of forcing such emigrant capital to come back, and probably the owners of such capital also might not be unwilling to consider the proposal seriously, faced as they are with drastic taxation measures in India and elsewhere. Absence of investment opportunities in Nepal, together with general political and economic instability however appears to have so far stood in the way of giving concrete shape to these proposals. It is interesting to note that recently, (10 June, 1957), the conference of the Party in power, the Nepal Praja Parishad, has resolved that all those who have invested their capital abroad should bring it back to Nepal, failing which they should be deprived of their citizenship, and their property in Nepal confiscated. (Tri-Weekly "Gorkhapatra", 10 June, 1957).

On the whole it appears safe to conclude that it may take quite a long time, and much concrete progress, before share capital in Nepal can be expected to be a major source of industrial capital.

Statistics regarding the amount of capital invested each year since 1936 in joint stock companies are not available, but the following table, which gives the amounts of capital paid up in such companies registered in each successive year, should prove interesting.

TABLE IV

Paid-up share capital of joint stock companies

<u>Year of registration</u>	<u>Total amount</u> (000's omitted)
1936-37	49,33 (Indian Currency)
1937-38	X " "
1938-39	395 " "
1939-40	1277 " "
1940-41	100 " "
1941-42	161 (Nepali Currency)

<u>Year of registration</u>	<u>Total amount</u> (000's omitted)
1942-43	{ 3285 Indian currency
	{ 329 Nepali "
1943-44	863 Indian "
1944-45	{ 528 Nepali "
	{ 300 Indian "
1945-46	X
1946-47	8826 Indian "
1947-48	1228 " "
1948-49	797 " "
1949-50	59 " "
1949-51	X
1950-52	X
1951-53	X
1952-54	X
1953-55	X
1954-56	X

### c. The managing agency system

The Companies Act of 1936 made no provision for the operation of managing agencies and directorships. But neither did it prohibit them, and accordingly the first joint stock company registered under this Act, the Biratnagar Jute Mills Ltd., was operated by a managing agency.

In spite of the fact that the managing agency had been copied from India, more importance was attached to the management aspect of the system than to its financial aspect. In general, the financial obligations of managing agents were nowhere defined, and it was only in the case of Indian managing agencies that the quota of shares to be subscribed by them was fixed by charter. This usually varied between 40 and 60 percent, and it was not even obligatory on the managing agent to subscribe to these shares in his own name. Once however the quota of shares had been taken up, no financial obligations vested on the managing agent.

It was evident that such inadequate provisions would be much abused. Anybody could have a limited liability company registered with himself as managing agent, and utilise the managing salaries and commissions. Since a few companies like the Biratnagar Jute Mills Ltd. and the Judda Match Factory Ltd. had proved successful, there was no difficulty during the war and immediate post war years. But the money that was collected was more often than not expended in defraying the expenses of the staff, of which the salaries of the managing agent were a substantial item. In a number of cases the business of the company was never taken up, or there was gross mismanagement of the affairs of the company.

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Guthi Endowments of Ghyangs in East No. 11. Sri Bhagawan Ghyang, Namuda

A Khadganishana order was issued in the name of Prime Minister Juddha Shumshere on Baisakh 7, 1992 Vikrama (A.D. April 19, 1935) to register lands and homesteads held in the name of Sri Bhagawan Ghyang in Namuda, East No. 1 district, as Raj Guthi. These included 60 muris of rice lands yielding a rent of 19 muris and 5 pathis of paddy, and 4 pathis and 2 manas of wheat, and 11 homesteads yielding Rs. 2.40 from the Serma tax, and Rs. 0.44 from the Saune Fagu Tax.

The expenditure of the Raj Guthi amounted to 18 pathis and 2 manas of grains for the daily religious functions, 2 muries, 15 pathis, and 2 manas for ceremonial functions and 1 muri each as the emoluments of the priest and a sweeper. The balance of the rent was valued at Rs. 41.43½, of which Rs. 29.20 was allocated for daily religious functions, and Rs. 8.92 for ceremonial functions. The surplus income thus amounted to Rs. 3.31½.

The building of the Ghyang was 17 cubits long and 10 cubits wide, in addition to the temple of Sri Bhagawan, and a two-storey residence for the priest.

The Guthi has originally been registered in 1931 Vikrama (A.D. 1874).

Source: "Guthi Endowment of Sri Bhagawan Ghyang in Namuda, East No. 1" Baisakh 30, 1992 (Many 12, 1935). Regmi Research Collections, Vol 3, pp. 280-83.

2. Mulikot Ghyang

In 1882 Vikrama (A.D. 1835) an order had been issued granting exemption to the three Ghyangs of Mulikot in East No. 1 from all forms of unpaid labor (jhara, beth, begar). The exemption was reconfirmed in 1928 Vikrama (A.D. 1871).

Subsequently, Nga Ghyang Lama and his brothers prayed that the exemption, which had been granted to their father, be reconfirmed in their names, as he had died.

Inquiries conducted by the Guthi Lagat Janch Office revealed that the original order contained the following provisions: "Conduct religious functions and ceremonies at the shrine of Shri Gorakhnath as usual. Along with your disciples and descendants, conduct priestly functions (Jajmani) in the areas under your jurisdiction as usual, and collect the customary dues. We hereby grant you exemption from all taxes and impositions, as well as forms of unpaid labor, as enjoyed by the Holambu Ghyang and other Gumbas."

The Guthi Lagat Janch Office then recorded its opinion as follows: "Since the original order does not provide that the endowment is inheritable, the question may be raised of converting it into an Amanat-Guthi. However, this Guthi endowment does not have a surplus income. On the contrary, it is incurring an annual deficit of Rs. 57.78½. If it is converted into an Amanat-Guthi, the income now accruing from Jajmani functions cannot be collected. Additional losses will result when repairs are undertaken. It may, therefore, be appropriate to register the Guthi endowment as a Chhut-Guthi in the name of the applicants on the condition that they perform the customary functions and ceremonies without any discrepancy, and undertake necessary repairs."

This recommendation was approved through a Khadga nishana order on Bhadra 2, 1992 Vikrama (A.D. August 17, 1935). A salami fee of one rupee per year was made payable to the Sindhupalchok Mal Office.

The holdings of the Guthi amounted to 185 muris of rice lands, yielding an income of 15 muris and 14 pathis of paddy a year, at Mulikot in Sindhu. There were also 29 homesteads, paying serma and other taxes amounting to Rs. 31.74. Jajmani dues, collected at the rate of 10 pathis to one muri of paddy from each village, amounted to 17 muris and 10 pathis of paddy a year.

The expenses of the Guthi amounted to 1 muri, 7 pathis, and 3 manas of paddy for daily religious functions, 2 muris, 12 pathis, and 4 manas for ceremonial functions, and 3 muris as the emoluments of the priest.

The balance of 26 muris, 4 pathis, and 1 mana of paddy was converted into cash at 7½ pathis per rupee; making a total amount of Rs. 69.75. Along with the homestead-tax revenue of Rs. 31.74, the total amount was Rs. 101.49.

Of this amount, Rs. 32.85 was allocated for daily religious functions, Rs. 60.27 for ceremonial functions, and Rs. 8.37 for repairs.

Buildings of two of the Ghyangs were each of three storeys, with stone roofs. The third Ghayang had a roof of straw.

Source: "Guthi Endowment of Mulikot Ghyangs in East No.1." Chaitra 1992 (March 1936). Regmi Research Collections, Vol.3, pp.284-87.

### 3. Chhahere Ghyang, East No.1

Lands had been endowed as Guthi for Chhahere Ghyang in East No.1 district in 1923 Vikrama (A.D. 1866). On Chaitra 20, 2004 (A.D. April 2, 1948), the Guthi endowment was granted to Pemba Lama and Chhewang Gyalma, on the condition that they and their descendants, performed the customary religious functions, undertook necessary repairs, appropriated the surplus income, and paid a Salami fee of one rupee every year to the Sindhupalchok Mal Office.

The Guthi comprised 83 muris of rice lands yielding an income of 14 muris and 2 pathis of paddy, and 28 homesteads yielding an income of 98 muris, 19 pathis, and 4 muthis of maize, 54 muris and 19 pathis of millet, and 7 muris and 10 pathis of wheat.

The quantity of all types of grains required for performing the religious functions of the Guthi was 15 muris, 8 pathis, 7 manas, and 5 muthis. The balance yielded Rs. 390.75 when converted into cash at the following rates:-

<u>Description</u>	<u>Conversion Rate</u> per rupee	<u>Amount</u>
Paddy	7½ pathis	Rs. 4.41.
Maize	8 pathis	Rs. 238.94.
Millet	10 pathis	Rs. 109.90.
Wheat	4 pathis	Rs. 37.50
		<u>Rs. 390.75.</u>

The total cash expenses of the Guthi amounted to Rs. 59.32, inclusive of Rs. 18.60 for regular functions and Rs. 40.72 for special ceremonies on the occasion of the full-moon day in the month of Kartik. The surplus income amounted to Rs. 331.43. The Guthi was registered at the Guthi Lagat Janch Office on Chaitra 31, 2004 (April 12, 1948).

Source: "Guthi Endowment of Chhahere Ghyang in East No.1." Chaitra 1992 (April 1936). Regmi Research Collections, Vol.3, pp.284-87.

#### 4. Dhesingdhan Ghyang in Helambu, East No.1.

The Guthi had originally been granted to Grima Dorje Lama to discharge religious functions at the shrine of Sri Gorakhanath with income from homestead rents. That royal order was destroyed by fire in 1990 Vikrama. A Khadganishana order was, therefore, issued on Chaitra 21, 1992 (A.D. April 3, 1936) reconfirming the endowment as a Chhut-Guthi in the name of Singin Ghelbu Lama on payment of a Salami fee of one rupee every year to the Sindhupalchok Mal Office.

The homestead rents, accruing to the Guthi, amounted to 4 muris, 2 pathis, and 6 manas of wheat, and 6 muris of maize. The Guthi also owned pasture grounds for yaks at four places, which yielded 5 dharnis of ghee every year.

The in-kind expenses of the Guthi were as follows: 3 dharnis of ghee for burying a lamp at the shrine of Sri Gorakhanath; 1 muri of maize as the emoluments of the priest; 8 pathis of wheat for new robes for the deity, feasts, etc; and 1 muri of maize for making fermented drinks, feasts, etc.



The balance of the in-kind income was valued at Rs. 28.62½. The conversion rates were 4 pathis of wheat and 8 pathis of maize per rupee. The cash expenses amounted to Rs. 25.62½ (Rs. 11.86½ for robes and feasts, and Rs. 13.76 for wicks, incense, etc.), leaving a surplus of Rs. 3.0¼. The building of the Ghyang was made of stone, with a roof of wooden planks.

Source: "Guthi Endowment of Desingdhan Ghyang in Helambu, East No.1." Chaitra 1992(April 1936), Regmi Research Collections, Vol.3, pp.314-16.

#### 5. Parku Ghyang in East No.1

The Guthi endowment of Parku Ghyang comprised thirty-two homesteads paying Halebij tax amounting to Rs. 13.76, and Saunefagu tax amounting to Rs. 1.80, making a total amount of Rs. 15.56. It also comprised Raiker lands on which a tax of Rs. 1.80 was payable to the Sindhupalchok Mal Office.

The actual expenditure of the Guthi amounted to Rs. 93.38. The deficit was met through contribution made by the local people. The building of the Ghyang was twenty-seven cubits square, with a roof of wooden planks.

Source: "Guthi Endowment of Parku Ghyang in East No.1." Marga 2009 (November 1950), Regmi Research Collections, Vol.3, pp.324-25.

#### 6. Kewalu Ghyang in Listi

The Guthi of Kewalu Ghyang at Listi (Sindhupalchok) in East No.1 district was endowed through a copper-plate inscription in the Nepal year Marga Shukla 7, 950 (A.D. 1730). The endowment was reconfirmed through orders issued on Ashadh Sudi 9, 1919 (July 1862), Marga Badi 10, 1932 (November 1875), and Jostha Sudi 2, 1938 (June 1880). Lands comprising the endowment were reconfirmed through a survey, and records were prepared on Ashadh Badi 8, 1957 (June 1900). On Aswin 7, 1997 (September 23, 1940) Rinjin Tika Lama petitioned that the Guthi be registered at the Guthi Lagat Janch Office. He submitted particulars of the income and expenditure of the Guthi accordingly. Inquiries confirmed that Rinjin Tika Lama was a descendant of Kupa Dorje Lama, the original recipient of the Guthi endowment. The Guthi was, therefore, registered in his name.

The Guthi endowment comprised eighty-five homesteads and enghteen plots of pasture lands, yielding an income of Rs. 18 from the pasturage (kharchari) tax, 3 muris and 8 pathis of rice, 1 pathi, 2 manas, and 2 muthis of ghee, and 21 muris of fermented drink (Jaur). All these commodities were utilized for performing the prescribed religious and other functions of the Ghyang, in addition to Rs. 10.90¼ in cash. The surplus thus amounted to Rs. 7.09¼, which was paid to the government. The Ghyang consisted of two buildings.

Source: "Guthi Endowment of Kewalu Ghyang in Listi." Falgun 1997(February 1941). Regmi Research Collections, Vol.3, pp.399-400.



7. Churi Ghyang in Helambu, East No.1

The Guthi endowment of Churi Ghyang in Helambu, East No.1 district, comprised 9 muris of rice-lands yielding an income of 9 muris of paddy, and two homesteads yielding a rent of Rs. 14.40 from Bijan (i.e. seed-assessment) taxes, and Rs. 0.12 from the Saunefagu tax. A tract of pasture lands yielded an additional Rs. 2.50. The total cash income thus amounted to Rs. 17.02.

Expenses amounted to 18 pathis and 2 manas of paddy for daily religious functions, 1 muri, 12 pathis, and 4 manas for ceremonial functions, and 2 muris as the emoluments of the priest. The cash value of the balance of in-kind income, and the cash income, totalled Rs. 28.92, while expenses in cash amounted to Rs. 23.82½. The surplus amounted to Rs. 6.09¾.

The shrine accommodated an idol of Sri Gorakhanath.

Source: "Guthi Endowment of Churi Ghyang in Helambu, East No.1." Shrawan 2008 (July 1951), Regmi Research Collections, Vol.3, pp.401-2.

(To be continued).

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The Dattatraya Monastery in Bhaktapur

On Kartik Sudi 15, 1909 Vikrama (A.D. November 1852), a royal order had been issued in the name of Devanarayan Giri, Mahant of the Dattatraya monastery in Bhaktapur, according to which eleven families of salmis who were operating oil mills there were granted full exemption from all taxes and unpaid-labor obligations, and 50 percent remission in the Saunefagu tax.

The Mahant installed an oil-mill at Tachpal in Bhaktapur, and let the eleven Salmi families operate it and supply oil required for performing religious functions at the Dattatraya monastery. He also furnished a sum of Rs. 110 in cash. The Mahant executed a deed in this regard in the Nepal year 975 (A.D. 1855). Asharam was the chief of the salmi families.

In 1990 Vikrama (A.D. 1934), the oil-mill was destroyed by fire and earthquakes. Production of oil was, therefore, discontinued. However, the salmis continued to pay Rs. 11 as interest on the loan of Rs. 110 provided by Mahant Devanarayan Giri in Nepal year 975 (A.D. 1855). They also met the deficit in the expenses required for performing religious functions at the monastery on Kartik Sudi 12 every year. The Mahant himself met the shortfall in the supply of oil required for burning lamps on festive occasions.

The salmi families declared that they would not be able to work in accordance with the terms of the (A.D. 1855) deed even if the oil-mill was reinstalled, on the ground that the demand for oil produced by them had declined. However, they offered to supply ten pathis of oil every year in lieu of the interest of Rs. 11.

The Mahant, Girinari Baba, submitted a petition pointing out that the oil-mill had already been reinstalled. He offered to operate the mill through his own agent and to supply the stipulated quantity of oil to the monastery.

The Sri Panch Sarkar Guthi Lagat Janch Office expressed the following opinions on Mahant Devanari Baba's petition: "The deed of Nepal year 975 (A.D. 1855) stipulated that income from the oil-mill be used to meet the requirements of the monastery, and the surplus income used to offer a gold-plate flower to the idol of Sri Dattatraya at the monastery. The deed also stipulated that the interest accruing on Rs. 110 should be used for performing religious functions on festive occasions, and for giving a feast to the salmis. The deed does not contain any provision empowering the Mahant to remove the salmis. However, the salmis have expressed their inability to work in accordance with the terms and conditions of that deed."

The Sri Panch Sarkar Guthi Lagat Janch Office then submitted the following recommendation: "The total income of the Guthi amounts to 1 muri, 2 pathis, and 4 manas of oil, and Rs. 25.40 in cash. The monastery requires 19 pathis of oil every year. The balance of 3 pathis and 4 manas of oil is worth Rs. 8.40 at the conversion rate of R.0.60 per Kuruwa (i.e. two manas). This makes a total amount of Rs. 33.80 in cash. Expenses in cash amount to Rs. 17.40, thus leaving a surplus of Rs. 16.40, which is to be used to offer a gold-plate flower to the idol of Sri Dattatraya every year. The Guthi should be placed under the management of the Mahant, and the services of the salmis should be used to operate the oil-mill, as well as for other work of the monastery."

The recommendation was endorsed by the government on Magh 23, 2002 (February 5, 1946).

Source: "Guthi Endowment of Sri Dattatraya Monastery in Bhaktapur." Falgun 29, 2002 (March 12, 1946). Regmi Research Collections, Vol.3, pp.408-11.

Contd...

Industrial Development in Nepal

By

Mahesh C. Regmi.

Chapter 11.  
(Continued)

The new Companies Act of 1951 sought to remedy the state of affairs by imposing a number of restrictions on the managing agency system. The most important of these restrictive provisions are briefly indicated below:-

(a) Managing agents were required to subscribe to 25 percent of the authorised capital of the company in fully paid-up shares which could be transferred only after dividends had been issued for a five year period.

With a view to having a thorough revision of the system, the Department of Industries in 1952 took steps to implement this provision in the case of the 37 managing agencies already in existence. These had however to be dropped soon as the High Court declared such retrospective action ultra vires.

(b) Managing agents were required to act as underwriters for the shares left unsold within a period specified by them in the prospectus of the company.

(c) They were required to specify the time when they would be able to commence production; failing which they would be compelled to return the money paid up by the share-holders together with interest at the rate of 7 percent.

(d) They were required to complete sale of 50 percent of the shares of the company within a period of three months after the filing of the prospectus, failing which they would have to pay back the entire amount invested by the share-holders, together with profits thereon.

The effect of all these restrictions has been of very little significance, as hardly any important industry has been set up under the new law. It is doubtful, however, whether the cumulative effect of all these restrictions could mean any important improvement in the position of the managing agent as financier. The reasons are obvious. In the first place, in recent years joint-stock enterprise in Nepal has suffered a set-back which naturally stands in the way of increased investment by managing agents, present or prospective. Moreover, it is clear that most capital invested in this way must come from Indian managing agents, who, however, do not appear to be very enthusiastic about starting new ventures in Nepal in view of the political and economic instability prevailing in the country. The only case of a new Indian managing agent starting a company in Nepal has been that of the Kancrias, an important Marwari family of industrialists in Calcutta, who have taken over the management of the Morang Cotton Mills Ltd in Biratnagar in 1956.

One way in which managing agents have been able to provide capital for industry is through loans and advances. Especially in the case of companies administered by Indian managing agents, the ability to arrange loans and advances from Indian sources seems to be important for the smooth running of industry. This is one of the reasons why Indian-managed companies are, in general, stronger financially than Nepali ones. Such loans are however, by and large, restricted to amounts required for working capital. Not much would be available in this way for long-term development purposes.

Though the managing agency system in Nepali was modelled on the Indian pattern, yet Indian law on the subject appears to have affected the administration of such companies very little. It is only in the case of the day-to-day affairs of the company that Indian practices and conventions appear to have been followed to any significant extent.

#### (d) The Government

Since 1934 the Government has commenced measures to provide capital to industry. With the establishment of the Development Board, a number of loans were issued to small-scale and cottage industries. The Government also purchased shares and debentures of joint stock companies with a view to encouraging investment on the part of the public. Figures of Government investment in joint stock companies during the period 1936-1950 are given in the following table:-

TABLE V

#### Government Investment in joint stock companies 1936-50.

<u>Name of the Company</u>	<u>Amount</u>	<u>Nature of Investment</u>
Biratnagar Jute Mills Ltd.	Rs. 50,000	debentures
Nepal Cigarette Factory Ltd.	Rs. 1,00,000	shares
	Rs. 1,50,000	debentures
Nepal Wood Works Ltd.	Rs. 76240-66(Nepali)	shares
	Rs. 25000	" debentures
Nepal Ply Wood and Bobin Co. Ltd.	Rs. 35000	debentures
Birgunj Electric Supply Corporation Ltd.	Rs. 50000	debentures
Raghupati Jute Mills Ltd.	Rs. 12,00,000	shares
Birgunj Cotton Mills Ltd.	Rs. 1,00,000	shares
Nepal Tannery Ltd.	Rs. 30,000	loan



Except in the case of Raghupati Jute Mills Ltd, where the Government investment amounted to 14.1 percent of the issued share-capital, in the case of the other companies such investments hardly amounted to any appreciable percentage of the total investment. They were made mainly with the intention of encouraging private investments.

In the cottage industry sphere also, significant steps were taken by the Government in this regard. The Government supplied capital in the form of tools and implements as well as raw materials and cash loans to workers in cottage industry.

With the formation of the interim Government in 1951, direct Government investment in industry came to a halt. A number of companies, notable the western Nepal Match Factory Ltd., did indeed apply for loans, but probably because of the instability of the new administration, and certainly because the financial position of the government had become precarious, no new investment materialized. The only exception took place in 1953, when the Government purchased the shares of the managing agent of the Raghupati Jute Mills Ltd, in order to end the disputes concerning the management of the company. But this could hardly be regarded as an investment in industry, in as much as the act involved a simple transfer of shares.

A fundamental line of policy has been incepted with the publication of the Draft Five Year Plan in September 1956. The Draft plan envisages an investment of Rs.190 lakhs in industry. This total refers to governmental expenditure only; it does not include investments in the private sector, which, under favourable conditions, the plan adds, may reach substantial proportions especially in industries and mining. There has been mentioned provision of loans to workers in cottage industries. A Government-sponsored financing corporation has also been planned.

The Draft Plan provides for a total outlay of Rs. 3300 lakhs, out of which internal revenues are expected to contribute Rs.950 lakhs. The main heads contributing to the net increase have been enumerated as follows:

TABLE VI

Estimated Government income for the Five-Year Plan Period  
(in lakhs of rupees)

<u>Income Source</u>	<u>Total net increase</u>
Taxes:	
Land Revenue	62
Birta Land Tax	20

Contd...

<u>Income Source</u>	<u>Total Net Increase</u>
Customs duties:	
On imports from India	585
On imports from other countries	40
Excise taxes	31
Income tax	20
Loans:	
Development bonds	140
Pay Roll Savings	120
Net proceeds from sales and service:	
Forest Products	565
Irrigation	10
Electric Power	60
Ropeway	40
Telephone Service	1
Wireless Service	6
	<hr/>
Total	Rs. 1700 lakhs.

(Draft Five Year Plan: pp. 13-14).

Out of this, Rs. 750 lakhs is made a first charge against the increased revenues for meeting the deficits in the annual budgets. The balance of Rs. 950 lakhs is expected to be available for the implementation of the plan.

In the context of a series of chronically deficit budgets ever since the inception of the interim Government, such as ambitious scheme might appear to be too optimistic. Even if the net contributions to the revenues that can be made by new heads of taxation like birta land taxes and refund of excise duties on goods imported from India may be beyond controversy, it is doubtful whether the resultant funds from heads like forests, irrigation and electricity can be available early enough to make investments during the period of the plan a reality, especially as the projects from which the income is expected to be derived are themselves part of the plan. The Draft Plan appears to have recognized the position when it states that the assumptions underlying these estimates are firstly, that there will be law and order and gradual but sustained progress in the administrative competence and efficiency of the Government; and secondly, that the development programs, leading to an expansion in various type of economic activity, will in time contribute to a substantial broadening of the country's tax base and in the Government's direct earnings through sales and

service (ibid, p.14). As the Draft admits, it has not been assumed that this will be sudden, and in fact, it might even mean that the net increase in revenues thus contemplated, might be available only for the implementation of the second Five Year Plan... provided the underlying assumptions as indicated above materialize in time.

Recent years have witnessed a trend more favourable to government participation in the field of industrial investment than immediately after the formation of the Interim Government. In 1956 a loan of Rs. 2,10,000 was granted to the Raghupati Jute Mills Ltd to enable it to finance importation and installation of additional machinery from Scotland. A loan of Rs. 10,000 has been granted to an ink manufacturing firm in Kathmandu. Rs. 2,20,000 has been sanctioned for the resumption of work in the Balaju Tannery Works in Kathmandu. Applications have been invited from cottage and small scale industry workers desirous of obtaining loans from the Government. In addition it is understood that a number of loans are to be issued to joint-stock concerns. A loan of Rs. 10 lakhs to the Morang Hydro Electric Co. Ltd, as well as one of Rs. 2 lakhs to Nepal Plywood and Bobbin Co. Ltd in Biratnagar is understood to have been already sanctioned. It is expected that the recent cash grant received from China, totalling Rs. 2 crores, will be also utilized for issuing loans to industries, especially for the establishment of new ventures.

A Cottage Industries Handicrafts Sales Emporium, with a capital of Rs. 10 lakhs of which half has been contributed by the Government, has been set up recently in Kathmandu. One of the object of this project is to provide raw materials, tools and short-term cash loans to cottage industry workers.

Nevertheless, it appears safe to conclude that in future a direct Government investment in the industrial sphere will not be a major source of capital for industry. Perhaps the only way in which the Government can expect to become a major factor for investment of capital required for the industrial development of the country is to act as the channel for the investment of foreign capital. From this point of view, the Government should be expected to become more and more important in the sphere of industrial investment.

### Banks

The first commercial bank in Nepal was set up in 1938. Immediately afterwards, the Nepal Bank Ltd, as it was called, issued a number of loans to the joint stock companies that had recently been established, with stocks of raw materials and manufactured goods, as well as machinery, as collateral. This was perhaps not surprising in view of the fact that the chairman of the Board of Directors of the Nepal Bank Ltd, the Director-General of the Development Board, and the chairman of the Boards of Directors of most of the borrowing concerns were one and the same person. The result was that a big percentage of the loans thus issued remains unpaid.

In the coming years a number of branches were set up at important centres, and loans and advance issued to industrial concerns. In view of the fact that there was no other commercial bank in the country, and that Indian banks were unwilling to finance on the basis of stocks existing in Nepal, the position of the Nepal Bank Ltd was completely monopolistic.

Warned by its reversals during the early years, the Nepal Bank Ltd stopped the policy of issuing loans and advances on the basis of machinery and other items of fixed capital. The only exception since has been made in the case of the Biratnagar Jute Mills Ltd, when, in 1953, due to pressure from the Government, a loan of Rs. 8 lakhs was issued on the basis of the steam power plant of company.

In 1954 the Nepal Bank Ltd received another setback. It had issued loans to the Ganesh Rice and Oil Mills Ltd in Biratnagar on the basis of stocks of paddy and rice, but when a Bank Inspector was deputed to inspect the godowns, it transpired that the bags lying in the godowns contained nothing but chaff. The Bank has been involved in litigation over the matter ever since, and its investment policy is becoming more and more conservative. It has concentrated more on loans and overdrafts to the bigger mills of Biratnagar, and accordingly, has set up a new branch at Jogbani, in the mills area at Biratnagar, in addition to the one already functioning in the town.

In spite of this, mills are complaining that the accommodation provided by the Nepal Bank Ltd is not sufficient for their needs. It is a fact that the Biratnagar Jute Mills Ltd in Biratnagar, for instance has a system of paying surcharges on credit purchases of raw jute, which makes the rate of interest approach the high figure of 70 percent. In general, the paucity of credit has obliged the joint stock concerns to resort to debentures and private unsecured loans arranged by the managing agents, thus giving rise to reduced rates of profits.

It is easy to realize that the existence of only one commercial bank is hardly conducive to the smooth functioning of industry within the country. Provision of short-term finance is one of the weakest spots in the industrial set up of Nepal.

In 1956 the Government established the State Bank of Nepal, to act as the Central Bank of the country. One of the objects of this bank has been indicated as the mobilization of private capital, but so far, this provision has not been implemented.

The State Bank is also expected to issue loans for the establishment of cement and mining industries, and the construction of railways and roads. (Nepal State Bank Act, Section 24).



Miscellaneous Documents of 1887 VikramaGuthi Endowments

Falgun Badi 6, 1887 (44/204-07).

1. Thirty muris of rice-lands in Jhangajholi, along with a garden and a homesite, had been endowed as Puja-Guthi for the temple of Sri Siddha Devata. The endowment had been given to Siddhikerna Padhya through a royal order. On Falgun Badi 6, 1887, (February 1831) the order was rescinded, and the endowment was placed under the charge of Birabhadra Padhya.
2. Forty muris of rice lands in Namlu had been endowed as Puja-Guthi for the temple of Sri Jireswara. The endowment had been given to Hari Krishna Padhya through a royal order. On Falgun Badi 6, 1887 (February 1831), the order was rescinded, and the endowment was given to Karmananda Upadhy.
3. Sixty ropanis of rice lands had been endowed as Puja-Guthi for the temple of Sri Jageshwara in Bageshwari. In 1885 Vikrama (1828 A.D.), the endowment was given to Shaktirama Giri through a royal order. Rupanarayana Vana then complained that he had been given permanent possession of the endowment since the time of Ganga Rani, and its transfer to another person was, therefore, unwarranted. The royal order transferring the endowment in favor of Shaktirama Giri was, therefore, rescinded, and the endowment was restored to Rupanarayana Giri.
4. On Falgun Badi 6, 1887 (February 1831), the following royal order was issued in the names of the following persons in Kathmandu:
  - (1) Jagarnath Acher of Pyukha Tol.
  - (2) Ratna Sim Acher of Kel Tol.
  - (3) Vishnu Acher of Bhosiko Tol.
  - (4) Jogananda Bhadel of Maru Tol.
  - (5) Dharmanarayana Bhadel of Iku Bahal.
  - (6) Rup Bhadel of Bhanuachhe.
  - (7) Dhanju Bhadel of Nhaikantala.

"King Jagajjya Malla had endowed 150 ropanis of lands on the banks of the Bagmati river for the festival of Sri Guhyeshwari. These lands had been granted by royal order to Hakya Katuwal on payment of kut rents amounting to 130 muris of paddy, Rs. 5 as ghiukhane tax, 6 pathis of oil, and one goat, every year. The rent is hereby increased by five muris of paddy from this year. The fourteen tenants cultivating these lands shall work as watchmen at the temple of Sri Guhyeshwari in the night by rotation. The Guthiyar shall punish any tenant who defaults in the fulfillment of this obligation. On these conditions, we hereby cancel the order granted to Hakya Katuwal and appoint you, operate the Guthi in the traditional manner, and appropriate the surplus income."

Punishment for Adultery

Falgun Badi 6, 1887 (44/207-8).

Mangali, a Jaisi widow of Baluwabesi, and Lata Sunar of Pachbhaiya, in Kaski district, committed adultery on Kartik 20, 1887 (November 1830). The Majkhand Adalat interrogated them and obtained confessions. The case was then referred to Kathmandu. A royal order was then issued sentencing Lata Sunar to death by hanging in public and confiscation of property. The order also directed that Mangali be paraded round the town, and that relatives who had taken rice and water from her hands out of ignorance should be granted samriti expiation.

Jagir Revenue Collection

Falgun Badi 7, 1887 (44/208).

Homesteads assigned as Jagir to the jamadar of the Sabuj Paltan were placed under the jurisdiction of Bhairav Singh Adhikari subject to the payment of Rs. 120 every year on a contractual (thek) basis to the headquarters (dafdarkhana) of the Paltan. The amount was payable in two equal installments in the months of Marga and Magh.

Land Grant in Makwanpur

Falgun Badi 7, 1887 (44/208-9).

Royal order issued in the names of Birabhadra Thapa, Balabhadra Thapa, Jitya Thapa, and Dalabir Thapa: "Virgin (kalabanjar) lands, situated north of the confluence of the Maprathana stream, had been granted to you for use as homesites by our father (i.e. King Girban). We hereby confirm the grant. Close all tracks in that area that have customarily not been used, and do not let anyone clear the forests. Do not let anyone pass through the closed tracks. If anyone tries to do so surreptitiously, arrest him and bring him to the palace. Provide labor services collectively when so required at Chisapani. Do not leave the fort. Reside in the village and cultivate lands in the valley. We hereby grant you exemption from all forced-labor obligations."

Maintenance of Fort

Falgun Badi 7, 1887 (44/209-10).

Leaders of nine blocks of households in Dingla were granted exemption from forced-labor obligations (Jhara, hulak) elsewhere, and ordered to provide labor in the repair and maintenance of the local fort. They were also ordered not to let any local person or outsider enter the fort.

The leaders and the member of households under their jurisdiction were as follows: Devanarayan Padhya (10), Shiva Sahi (13), Jogaram Thapa (13), Sinhabir Rai (24), Manabir Rai (16), Kahar Basnyat (13), Buddhi Singh (5), Hastya Rai (28), Lachhman Rai (16).

#### Appointment of Musician

Falgun Badi 7, 1887 (44/210).

Mohammed Khan, a vina-player, was appointed at the royal palace on a monthly salary of Rs. 150.

#### Maintenance Allowance for Sujan Sinha Sahi

Falgun Badi 10, 1887 (44/211).

Rajbir, who held a monopoly contract for paper, was ordered to pay Rs. 250 as maintenance allowance (pet-kharcha) to Sujan Sahi from the amount payable under the contract for the year 1887 Vikrama.

#### Contract for Revenue-Collection in Market-Towns

Falgun Badi 30, 1887 (44/211).

Haridatta Bhatta and Maniram Bisht had been granted a contract for the collection of revenue in five market-towns (mandi) in Doti district. These were Brahma-deo, Senya, Kalapani, Machheli, and Beupani. This document is a receipt for Rs. 6,007 paid by them under the contract for the year Ashadh Badi 1, 1886 through Jestha Sudi 15, 1887 Vikrama. Payment was made in farrukhabadi rupees.

#### Thek Grant in Parbat

Falgun Badi 30, 1887 (44/212).

King Rana Bahadur Shah had granted the village of Majhkirat in Parbat to Shatrubhanjan Malla as birta. The birta was confiscated in the year 1862 Vikrama (A.D. 1805-6) and assigned as jagir to the Shardul Jung Company. The village was granted to Bir Bahadur Malla according to this document on a contractual (thek) basis. The contract provided for the payment of Rs. 125 to the office of the Shardul Jung Company on the occasion of the Sri Panchami festival every year.

#### Ijara Grant in Majhkirat

Falgun Badi 30, 1887 (44/212-13).

Tara villages in Majhkirat, which had been included in the jagir assignments of kagis, were given on ijara basis for one year to Kalu Karki on payment of Rs. 433 in three installments, and the previous revenue-collecting arrangements in those villages were cancelled. Kalu Karki was permitted to retain the proceeds of the semma tax,

judicial fines and escheats, and fees payable to the local administrators. However, the government reserved its right to the proceeds of raja-anka levies, the saunefagu tax, forced labor (jhara), and the megjin levy.

#### Purchase of Horses and Rifles

Falgun Sudi 2, 1887 (44/214).

A horse, and two rifles of the Punjab army (Lahuri laskari banduk) were purchased from Anup Singh Sikh, a merchant (saudagar). Payment was made in the form of 200 Banaras Sicca coins and two elephants on which export duties were remitted.

#### Payment of Salaries

Falgun Sudi 4, 1887 (44/214-15).

Shiva Buxpuri, who held an ijara for the collection of revenue in Sneoraj, was ordered to the following amounts as salaries to the following persons from revenues due for the Vikrama year 1887. Maniram Bisht: Rs. 400; Fatte Singh: Rs. 150.

#### Chhap Grant in Gulmi

Falgun Sudi 4, 1887 (44/215).

Banda Singh had been granted the village of Rangbas in Gulmi district on Chhap tenure. He paid a tax of Rs. 13 per year to the chaprasi company. However, he emigrated to Ramnagar. The grant was then cancelled. The village was subsequently granted under Chhap tenure to Bhujabal Gurung. The amount of the tax was raised from Rs. 13 to Rs. 17.

#### Jagir Grant to Kaji Bakhtwar Singh Thapa

Falgun Sudi 14, 1887 (44/215-16).

Dang was assigned to Kaji Bakhtwar Singh Thapa as jagir. Local functionaries and ryots in that area were directed: "All cases and complaints shall be disposed of by the amali deputed by the Kaji. If the amali commits any injustice, refer the matter to the Kaji, and we shall sanction such arrangements as he recommends. Do not submit your complaints to authorities in any other area."

#### Khajanchi Udaya Giri's Will

Falgun Sudi 8, 1887 (44/216-17).

Khajanchi Udaya Giri divided his entire property between his two sons, Laxmi Nath and Rama Nath, and appointed a relative, Srimurti, to help them look after their affairs. He granted Srimurti a village in the Tarai, and 2 khets in the hills, from his birta holdings as long as he remained faithful. This will was endorsed through royal order on Falgun Sudi 8, 1887 Vikrama.



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Feudalism in Nepal

By

Mahesh C. Regmi

The rights and privileges of rajas, birtaowners and jagirdars have led some observers to believe that the agrarian system devised by the Gorkhali rulers after the political unification of the country was essentially feudal in character. According to one observer<sup>1</sup>:

He (Prithvi Narayan Shah) created a feudal system of a military nature, assessed the revenues to be drawn from each part of the country in a rough but not unjust manner, and left it almost entirely to the feudal overlord to maintain order, collect and remit his dues to Kathmandu, and execute justice.

Nevertheless, the view that rajas, birtaowners, and jagirdars enjoyed a status similar to that of feudal lords in medieval Europe seems to be untenable. The term feudalism emerged in western Europe and carries with it a set of specific connotations, such as the feudal lord, the vassal, the fief, the feudal contract, and the serf<sup>2</sup>. In the words of Marc Bloch<sup>3</sup>:

A subject peasantry; widespread use of the service tenement (i.e. the fief) instead of a salary, which was out of the question; the supremacy of a class of specialized warriors; ties of obedience and protection which bind man to man and, within the warrior class, assume the distinctive form called vassalage; fragmentation of authority... leading inevitably to disorder; and, in the midst of all this, the survival of other forms of association, family and state, of which the latter, during the second feudal age, was to acquire renewed strength... such then seem to be the fundamental features of European feudalism.

There is no evidence that these fundamental features were present in Nepal's agrarian system during the eighteenth and nineteenth centuries. In fact, "if we use the term feudal in any of the precise senses used by historians, we cannot apply it to most Asian systems."<sup>4</sup> In the words of Daniel Thorner<sup>5</sup>:

From our perspective, European feudalism of the high Middle Ages may be seen as embodying a particular form of peasant economy. Nothing is gained by trying to view all peasant economics as variations of that one rather special form. The time has arrived to treat European experience in categories derived from world history, rather than to squeeze world history into western European categories.

The use of the term feudalism to describe socio-economic conditions in Nepal during the nineteenth century in advance of empirical studies in this field may, therefore, suggest erroneous analogies with the European experience.

It is true, of course, that Marxist writers, while defining feudalism, place emphasis "not in the juridical relation between vassal and sovereign, nor in the relation between production and the destination of the product, but in the relation between the direct producer (whether he be artisan in some workshop or peasant cultivator on the land) and his immediate superior or overlord and in the socio-economic content of the obligation which connects them."<sup>6</sup> They regard feudalism primarily as "a mode of production" and virtually identical with serfdom: "an obligation laid on the producer by force and independently of his own volition to fulfill certain economic demands of an overlord, whether these demands take the form of services to be performed or of dues to be paid in money or in kind."<sup>7</sup>

On the basis of this definition, one has to admit that the rajya, birta and jagir contained a number of feudalistic characteristics. Nevertheless, as Marx himself has pointed out, "the direct relation of the owners of the conditions of production to the direct producers" show "infinite variations and gradations in its appearance," due to "numerous outside circumstances natural environment, race peculiarities, outside historical influences, and so forth, all of which must be ascertained by careful analysis."<sup>8</sup>

Moreover, Marx himself made a distinction between "the Asiatic, the ancient, the feudal, and the modern bourgeois modes of feudalism to describe Nepali economy and society during the eighteenth and nineteenth centuries would be inaccurate even in the Marxist sense.

It is doubtful whether the process of analytical inquiry is facilitated by affixing in advance the label of feudalism to any economic system. The scientific method lies in making generalizations on the basis of observation and inquiry, not vice versa. According to one view<sup>10</sup>:

The danger with the scholar's conceptual theory is that it suffers a constant tendency to obstruction, to remoteness from real life. The material on which the theory is based may originally be derived from living experience, but ... as time goes by... the inherent logic of internal consistency is liable to become more important than correspondence with the facts. Even when a theory offers an adequate basis for explaining a particular set of problems, there is an unfortunate tendency to abstract and to generalize any such theory far beyond the area of inquiry in which it has been validated and found useful.

Notes

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2. Daniel Thorner, "Peasant Economy as a Category in Economic History," in Teodor Shanin, Peasants and Peasant Societies (Middlesex: Penguin Books, 1971), p. 217.
3. Marc Bloch, Feudal Society (London: Routledge & Kegan Paul Ltd, 1965), Vol. 2, P. 446.
4. Doreen Warriner, "Land Reform and Economic Development," in Carl K. Eicher and Lawrence W. Witt, Agriculture in Economic Development. First Indian reprint. (Bombay: Vora & Co., 1970), P. 277.
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9. T.B. Bottomore (ed.), Karl Marx: Selected Writings in Sociology and Social Philosophy. Reprint (Middlesex: Penguin Books, 1965), P. 69.
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Industrial Development in Nepal

By

Mahesh C. Regmi.

Chapter 11.

(Continued)

Foreign Capital

In Nepal the importance of foreign, that is to say, Indian capital, has all along been recognized by the Government. In the past Marwari merchants from India were encouraged to come and settle in the valley, as well as in some towns in the Tarai. The law, however, forbade ownership of property and enterprise by foreigners, and it was only by the special sanction of the Government that Indians were allowed to start industries and business. In general, however, the law was difficult to enforce, as, especially in the Tarai districts, it was difficult to distinguish a Nepali from an Indian.

Contd...



Attempts to encourage Indian capital for the organised industrial development of Nepal were initiated in 1936, when the Chamrias, a well-known family of Marwari financiers from Calcutta, were encouraged to take up the managing agency of the Biratnagar Jute Mills Ltd. The venture was a success, and soon after, other financiers also were attracted, though none of them were able to initiate any substantial industrial ventures. Towards the end of the Rana period, the only notable success had been achieved by the Chamria group, which operated jute, cotton and sugar mills in Biratnagar. Total investment of Indian capital in the joint stock industry of Nepal during this period was of the following magnitude:-

Table VII

Foreign Capital in Nepali joint stock industry

<u>Company</u>	<u>Total Indian Investment.</u>	<u>Percentage of the Total Authorised Capital.</u>
Biratnagar Jute Mills Ltd	Rs. 8,00,000	50
Guhyeshwari Rice Mills Ltd	Rs. 33,500	67
Morang Cotton Mills Ltd	Rs. 14,40,878	50
Nepal Chemical Industries Ltd	Rs. 1,15,000	46
Raghupati Jute Mills Ltd	Rs. 20,35,932	40
Cour Rice and Oil Mills Ltd	Rs. 1,96,000	49
Morang Sugar Mills Ltd	Rs. 4,78,990	40

In addition, investments from Indian sources were planned for the inception of ventures like the Ram Janaki Textiles Ltd, Nepal Textiles Ltd, and Pashupati Textiles Ltd, at the rate of 40 percent, but never materialised.

In subsequent years the figures given above underwent changes. The share capital of the Biratnagar Jute Mills Ltd was increased to Rs. 52 lakhs; while in the case of the Raghupati Jute Mills Ltd Rs. 14 lakhs worth of shares held by the Indian Managing agents were purchased by the Government. Recently, the managing agency of Morang Cotton Mills Ltd has been acquired by the Morang Trading Co. Ltd, with a capital of Rs. 5,50,000. This has been the first Indian Managing agency to take over a Nepali industrial concern after the advent of the Interim regime.

The last important group of financiers during the latter part of the Rana regime were the Kakranias, who invested Rs. 20 lakhs to acquire the managing agency of the Raghupati Jute Mills Ltd. Soon however, the Rana

regime came to an end and the Interim Government came into power. There was interference in the management of the company, and the managing agents complained that their statutory rights had been infringed. Not until their shares were purchased by the Government in 1953 was the dispute settled, but not before the vagaries of the industrial policy of the new Government had raised doubts in the minds of the foreign investors regarding the administrative and financial stability of the new regime. Direct private investment of foreign capital has since come to a standstill, for the change in the managing agency of the Morang Cotton Mills Ltd did not mean any net increase in foreign capital investment. Even the Chamaria group has shown itself somewhat distrustful of the present political and economic situation. This has tended to discourage them from making fresh investments that are very badly needed at present in their concerns that are in a bad economic condition.

Besides direct investment in shares, Indian financiers have also supplied considerable capital through loans and debentures. Such investments naturally depended upon the credit worthiness of the managing agents of the company concerned, and in recent years this has gone down considerably, as a feature of the prevailing stagnation in industry. In a number of cases, loans have not been settled in time, nor have debentures been redeemed when mature, nor interest on them paid when due. All this has hardly been conducive to the development of a proper investment atmosphere in the country, with disastrous effects on the smooth running and development of industry.

Recently the Government has issued a notification permitting foreigners to purchase up to one-third of the shares of a Nepali company without procuring any special sanction. So far, this has not led to any net investment, inasmuch as no Nepali companies of any significance have come into being.

In recent years investment of foreign capital from Indian and non-Indian sources on governmental level has assumed great importance. The Draft Five Year Plan expects to obtain all its requirements of finance, beyond the amount of Rs. 950 lakhs expected to be contributed by increase in internal revenues, necessarily from external aid.

Such external aid commitments are expected to be of the following order over the next five years:-

Table VIII

External aid to Nepal

<u>Source</u>	<u>Amount</u> (in lakhs)	<u>Purpose</u>
India	Rs. 100	Hydro Electric Project, airdromes, canals, drinking water, village and agricultural development.

<u>Source</u>	<u>Amount</u> (in lakhs)	<u>Purpose</u>
U.S.A.	Rs.80	
China	Rs.60	Rs.2 crores in cash and the balance in materials. Main purposes are: Junior technical training, rural credit, resettlement, industrial loans, government buildings, district development, establishment of an engineering college, and of cement, paper, and sugar mills.
Ford Foundation	Rs. 18	Development of cottage industries and training in Home Economics.
Australia	Rs.179	Construction of roads, and improvement of the Tokha Sanatorium.
U.N.T.A.A.	Rs. 10	Technicians from W.H.O., F.A.O., I.L.O., U.N.E.S.C.O., and other U.N. organizations.

The Indian aid includes the amount already spent for the Gaucher Airport at Kathmandu, as well as the amount of Rs. 3 $\frac{1}{2}$  crores expected to be spent for the Trisuli hydro electric project. In addition, the Government of India has also borne the cost of the construction of the Tribhuvan Raj Path, amounting to a total of Rs. 325 lakhs.

Aid from the United States Government, which was initially Rs. 50 lakhs per annum, has now been raised to Rs. 1 crore. It is expected that this figure will shortly be again raised to Rs. 150 lakhs per annum.

In addition, the U.S. Government has agreed to grant Rs. 62.25 lakhs for the construction of roads and the conversion of the Nepal Government Railway into a metre gauge-line, and extension up to Hetauda. The United States Government is also committed to grant funds for the construction of a new ropeway from Kathmandu to Hetauda with a carrying capacity of 25 tons per hour. Under a recent agreement between the Nepal Government and the U.S. Government, the U.S. will contribute \$4,255,000 and the Nepal Government Rs.4,000,000 out of this amount, \$2,000,000 and Rs.1,300,000 are to be spent on the construction of the ropeway. The joint fund will also be used for the construction of 53 miles of road between Hetauda and Narayangarh. Other items of expenditure under the agreement are mineral development, development of small industries, malaria control, village development, the establishment of an industrial research centre, and so on. (Gorkhapatra, 22 May).

It is also probable that the U.S.S.R. Government, with whom Nepal has recently entered into diplomatic relations, will proffer substantial aid for the implementation of the Five Year Plan.

Nepal has also received aid from New Zealand for a cheese factory and a milk collecting and distributing centre. So far, these commitments have amounted to \$19,000. Another country from which Nepal has obtained technical assistance is Switzerland.

In these circumstances, it is expected that the financial requirements of the Five Year Plan will be fully covered from external aid, without making investment of Rs.950 lakhs contemplated from doubtful-obtained budget surpluses necessary.

It is, therefore, clear that in the present circumstances, when Nepal is confronted with the vicious circle of a poverty-stricken and static economy and a chronically deficit budget, foreign capital will be a major source of capital required for the industrial development of the country. This fact has been recognized by the Draft Plan when it says, "It is expected that during the first years of developmental efforts, we shall, due to our limited resources, rely heavily on foreign aid." Even the people in general have become aware of the fact. The manifesto of the Nepali Congress Party, for example, says, "For long years we cannot expect substantial capital formation inside the country. There must be idle hoards belonging to the Ranas, but they cannot be large. All attempts should be made to attract this idle money into industry. In the main, however, we shall have to depend on foreign capital for any policy of rapid industrial development." (Nepali Congress Party: Manifesto adopted at the sixth National Convention of the Nepali Congress at Birgunj, 1953, p.16).

The outlook for the ensuing years will be therefore a substantial amount of foreign capital, channelled through government agencies like the projected Industrial Development Corporation.

With increasing stability, moreover, private sources of capital from India may also be expected to play an important role in the private sector of industry as demarcated in the Draft Five Year Plan. It is obvious however that the Government will have to bring about a more favorable climate for such investment. So far, the absence of any clear-cut industrial policy has been a strongly deterrent factor. Nor has recent official pronouncements tended to encourage investment of such private foreign capital. Recently (21 April, 1957), the Industries and Commerce Minister, Gunja Man Singh, said, "Nepal will welcome foreign capital for the development of the country, but only a small portion of the profits accruing there from will be allowed to be taken away." (Kathmandu Municipality: "Jana Chetana," Monthly, 28 April, 1957).



It is obvious that this hardly constitutes an attraction for Indian financiers who might be in a position to invest their money in Nepal. Unless, therefore, the Government comes forward with a more practical and clear-cut policy with regard to investment of private capital from foreign sources, this cannot be expected to feature prominently in the years to come in the industrial development of the country.

### Markets

Geographical factors, in the main, have so far held up the proper development of the internal markets of the country. As the Draft Five Year Plan puts it, "Ridges stretching southward from Himalayan highlands to the lowlands of the Tarai have interposed lofty deterrents to east-west trade within the country, an effect reinforced by unbridged rivers flowing southward into India." (Draft Five Year Plan, P. 6). Thus, from the point of view of economic development, "what would be a small market even if it were a single entity is in fact no more than a congeries of more or less unconnected and much smaller markets." (United Nations, Department of Economic and Social Affairs: Processes and problems of Industrialization in underdeveloped countries. 1955. P. 14). The result of all this has been highly unfavorable to proper economic development. To quote the Draft Five Year Plan again, "People living in small and isolated rural communities are cut off from each other. Each isolated region tends to follow a pattern of subsistence economy the most primitive and rudimentary type, the lack of communication handicapping all prospects of development." (Draft Five Year Plan, P.59).

From the very beginning trade channels have tended more to run north and south to facilitate trade with India as well as with Tibet. The various improvements in means of transportation that were effected in the first quarter of the present century all helped to promote trade with India, with the result that internal trade languished. There was a tendency to import from foreign sources what could easily have been obtained locally. Moreover, this gave rise to discrepancy in the economic development of the various regions of the country. On the one hand some region, mainly the hilly region, in which people followed a primitive and rudimentary economy of the subsistence type; while on the other was another which was comparatively highly developed in so far as its exchange economy, particularly in respect of its economic alignments with India, was concerned. This gap between the two sectors of the economy has meant that "Substantial elements of the population tend on the average, to be much less productive, much less adaptable, much less educated, much poorer, than those belonging to the more favored sectors... labor tends to be less mobile or less suitable than it might otherwise be and the market for industrial products much narrower." (Processes and problems of Industrialization in underdeveloped countries. P. 15).

Another major hindrance to the proper development of the internal markets for the products of local industry has been the existence of inter-district duties. For example, matches, cotton textiles and sugar imported into the Valley of Kathmandu from Birgunj and Biratnagar are subject to the imposition of duties at the Kathmandu customs house, and similar is the case in the district areas also. These probably date back from the time when the country was divided into several petty states, and the immediate gains in revenue contributed by them have so far proved too attractive to the government to enable it to abolish them altogether. Such inter-district duties as obtained in the hill districts, as well as the posts at which duties were exacted at several points along the principal trade routes between Nepal and Shigatse, Gyantse, Lhasa, and other Tibetan centres were abolished in 1925, (Perceval Landon: Nepal, Vol. II, P...), but in the Tarai districts they still exist. Substantial modifications have been effected since the inception of the interim Government in 1951. For example, a recent Government announcement waived the inter-district duty on local manufactured ghums (rain covers made of bamboo skins and sal leaves), charged by the Lale Lapse customs house. (Nepal Gazette, Vol. V, No. III, Part II, August..., 1957). Similarly the inter-district duties on Nepali handmade paper have also been abolished. In general, however, such duties will constitute a major source of irritation and hinderance to the movement of manufactured and other goods from one region of the country to another.

The effect of all these factors on the proper development of local industry has been very unfavorable. In particular, this has handicapped industry in the establishment of optimum size and minimum costs. In consequence, the cotton textile and sugar manufacturing industries have always suffered from higher costs of production than those prevalent in Indian industries. Moreover, lack of an adequate internal market has led these industries to export nearly half of their total production to India. In view, however, of the rapidly developing Indian industry, as well as the numerous advantages in respect of transport, power, raw materials and so on, as compared to the Biratnagar industries, it is doubtful whether it will be a judicious policy for Nepal to attempt to develop much secondary industries with an eye to the Indian market. In present circumstances it might be more advisable for Nepali industry to develop on lines complementary to Indian industry than to depend upon Indian markets for the products of its secondary industries to any appreciable extent.

(To be continued)

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Yangrup and Yangnam Forts

On Marga Sudi 8, 1941 (December 1884), Kathmandu sent a seven-point questionnaire to Colonel Fatte Bahadur Rana, Chief of the Dhankuta Gaunda office. The questions, and the answers sent by the Colonel, are as follows:-

1. Question: Do you apprehend any external aggression if the tax remissions allowed to the watchmen and other functionaries employed in the forts of Chainpur, Yangrup, and Yangnam are abolished, and the forts vacated ?

Answer: These forts are situated near the boundary. This is the reason why they were established here. If these forts are vacated, there will certainly be the danger of external aggression.

2. Question: How far is the boundary ?

Answer: The boundary is located at a distance of  $3\frac{3}{4}$  kosh from Yangnam fort, and  $4\frac{3}{4}$  kosh from the Yangrup Hastapur fort.

3. Question: If it is necessary to appoint watchmen and other functionaries, how many households should be assigned ?

Answer: Formerly, one patti of troops had each been stationed at the forts of Yangrup and Yangnam. These troops were withdrawn during the war of 1911 Vikrama (A.D. 1854-55). A total of 958 households were then assigned on a tax-exempt basis to these forts, 694 households for Yangrup fort, and 694 households for Yangnam fort.

These households had arranged for the following number of persons to work as sentries and watchmen at the following places by rotation for eight days each:

Yangnam fort	-	10.
Yangrup-Hastapur fort	--	10.
Hyamyang Checkpost	-	10.
Chyangthapu Checkpost	-	10.
Total	-----	40 persons.

In addition, these households had been employed in installing spiked barriers and traps and undertaking necessary repairs. Levies were also collected from them to pay the remuneration of a priest for performing regular and ceremonial religious functions.

A store for arms and ammunition, and quarters for the sentries and watchmen, were constructed at both these forts through the labor of these households, who had worked faithfully during war and other occasions.

When a petition was filed to the effect that the number of households had proved inadequate, an order was issued in 1940 Vikrama (A.D. 1883) to assign the same number of tax-exempt households to Yangnam as to Yangrup-Hastapur.

In my opinion, therefore, it will be appropriate to continue assigning the same number of households for both these forts.

4. Question: Have any watchmen been assigned in Isaling-Chiwa-Phanjyang, Phalelung and Nyamyang ?

Answer: Because Phalelung and Isaling-Chiwa-Bhanjyang are situated in inaccessible Himalayan terrain, ten households each have been assigned (for checkposts at) Nyamang and Changthapu respectively.

5. Question: Is it necessary to keep these forts strong ?

Answer: On the other side of the border at Phalelung, the English have an establishment (kothi) and so there is much traffic. Consequently, it appears necessary to keep the forts of Yangnam and Yangrup strong.

Although the fort of Chainpur is situated at a distance of 14 kosh from the border, it does not appear advisable to abandon it, because it had been constructed at the time of the Gorkhali conquest. 342 households have been assigned to this fort on a tax-exempt basis. It may be appropriate to abolish the tax-exemption in the case of half of these households, and retain the fort.

6. Question: Will there be any complaints from the local people if taxes are imposed on households who have been exempted from forced-labor (Jhara) obligations ?

Answer: The local people are willing to accept either of these two alternatives: (a) Continue working as before, if an adequate number of households is assigned, or (b) get exemption from forced-labor obligations and pay taxes.

If troops are stationed at these forts, the costs will be heavier than if the existing arrangements for assigning tax-exempt households are retained.

7. Question: Is Jagat duly collected at Olangchung ?

Answer: A royal order had been issued in 1883 Vikrama (A.D. 1826) according to which criminals fleeing to Sikkim or India should be captured and handed over to the Adalat. These functions are being discharged accordingly. There is no evidence that Jagat duty is collected at Olangchung. It appears necessary to close this route.

Baisakh Sudi 14, 1942

(May 1885).



The Pallokirat Mahajanch Office made the following recommendations:-

1. It does not appear advisable to vacate these forts and impose taxes (on the tax-exempt households).
2. The tax-exemptions reconfirmed in 1925 Vikrama (A.D. 1868) should be retained, and the tax-exempt households employed as usual in the two forts of Yangnam and Yangrup-Hastapur.
3. Jhara obligations should be imposed on the new households registered in the course of the current settlement. In case they submit a complaint against this step, and in case it appears that they too must be granted exemption according to current royal orders and regulations, the matter should be referred to the government.
4. If only half of the existing number of households needs to be retained for the fort of Chainpur, action should be taken accordingly.
5. Orders to this effect should be sent to the Pallokirat Sarpat Mahajanch and the Dhankuta Gaunda.

These recommendations were submitted under the signature of Mir Subba Krishna Raj Gurugherana Panditjee, and Kharidars Sadman and Dil Bahadur on Jestha Badi 7, 1942 (May 1885). They were endorsed by the Prime Minister, Ranoddip Singh, on Shrawan Sudi 2, 1942 (July 1885).

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King Prithvi Narayan Shah

By

Baburam Acharya

(Shri 5 Badamaharajadhiraja Prithvinarayana Shah) (Sankshipta Jivani) (A.D. 1723-75) (A short biography of His Majesty the great King Prithvi Narayan Shah, from A.D. 1723 to 1775). Kathmandu: His Majesty's Press Secretariat, Royal Palace, 2024 (1967). Pt. I, Chapter 2: "Janma ra Balyakala, A.D. 1723-37" (Birth and childhood, from A.D. 1723-1737). (pp.91-124).

At a time when plague was taking a heavy toll of life in the towns and villages of the Kathmandu Valley, the old King Prithvipati Shah was counting his last days in the Gorkha palace. He had a great desire to see his heir and great-grandson at the last moment of his life. Prince Narabhupala Shah had already come of age. Prithvipati Shah did not like to arrange the marriage of his grandson with the daughter of an ordinary Thakuri family. He wanted his grandson to marry a daughter of a ruling Chaubisi King. But Gorkha was not rich in mineral resources, nor had it big trading centers. Most Gorkhalis were farmers. As a result, the King of Gorkha and his subjects were not rich. It was for this

reason that the Kings of Palpa and Parbat were not willing to offer their daughters in marriage to the Gorkhali prince. Realizing this, Prithvipati Shah proposed the marriage of Narabhupala Shah with the daughter of a middle-rank Chaubisi King. A King of Khanchi whose name is not known, accepted the proposal. However, he did not agree to send his daughter as a dola, so that the wedding ceremony would be solemnized at the bridegroom's palace. Instead, he suggested that the bridegroom be sent in a marriage procession. Prithvipati Shah could not participate in the procession because of his advanced age, and so sent the bridegroom along with another son. The marriage of Narabhupala Shah was thus solemnized on an auspicious day in Khanchi (circa A.D. 1715).

(Note- This description of the marriage of Narabhupala Shah has been given on the basis of his biography written by Khardar Sherman Singh. A marriage solemnized at a distance of a few days' journey used to be known as Kumle. It is still so described at some places. But it is difficult to find the term in Nepali dictionaries).

Narabhupala Shah returned to the royal palace of Gorkha with his wife, Chandraprabhavati. The joy of old King Prithvipati Shah knew no bounds when he saw the beauty and good manners of his daughter-in-law. The royal palace of Gorkha assumed a bright appearance after her arrival.

The Kings of Palpa had enlisted Gulmi Argha and Khanchi as allies and made arrangements for their defence. This was the reason why the King of Palpa, Gandharbha Sen, attended the marriage of Chandraprabha on the invitation of the King of Khanchi. On that occasion, he was impressed by the sturdy physique and disciplined behavior of the Gorkhali youths. King Prithvipati Shah died the year after the marriage of his grandson. Narabhupala Shah then became the King of Gorkha. Gandharbha Sen proposed his daughter's marriage with King Narabhupala Shah. Narabhupala Shah accepted the proposal and married the daughter of Gandharbha Sen (circa A.D. 1717).

(Note-It is possible that Narabhupala Shah married again because of the impertinent behavior of Sultan Shah during his marriage with Chandraprabha, as described by Khardar Sherman Singh).

This matrimonial relationship with the royal family of Palpa enhanced the prestige of Gorkha. The new queen, Kaushalyavati, was probably the grand-daughter of Chandraprabha's paternal aunt.

(Note-According to Khardar Sherman Singh, Kaushalya was the grand-daughter of Chandraprabha's paternal aunt).

Both these princesses were thus wedded to Narabhupala Shah. They completely forgot that they were co-wives, developed a close relationship like that of sisters, and became ideal housewives.

When no child was born to Narabhupala Shah until the age of twenty-three years, he thought it necessary to marry two more wives. He married Buddhimati, a niece of the King of Parbat. Buddhimati was thus his third wife. He also married Subhadravati, who belonged to his maternal uncle's family in Tanahu.

(Note- Sherman Singh has written that even before the conclusion of the second marriage nobles (tharghar) of Gorkha had brought as a dola a princess (maiya) of the Malla King of Parbat, that she was Narabhupala Shah's third wife, and that his fourth wife, also a dola was the daughter of the King of Tanahu. He has not mentioned the names of the Kings of Parbat and Tanahu. But the account given by Dr. Hamilton (p. 245) that Narabhupala Shah was married to the daughter of the sixth son of the King of Malabam (Parbat) appears to be true. Narabhupala Shah's third wife was thus the grand-daughter, and not the daughter, of the King of Parbat. Khardar Serman Singh has not mentioned the name of the King of Tanahu who gave his daughter in marriage to Narabhupala Shah as his fourth wife. She does not appear to have been the daughter of the King of Tanahu, but only a princess of the royal family).

At last, the second queen, Kaushalyavati, gave birth to a son, King Prithvi Narayan Shah, shortly before midnight on January 7, 1723.

(Note- King Prithvi Narayan Shah was born 10 ghati and 19 pala after nightfall on Poush Shukla 1, 1779 Vikrama, that is, January 7, 1723 according to the Gregorian calendar. However, England adopted that calendar only after A.D. 1752, replacing the Julian calendar. In his biography of Prithvi Narayan Shah (p.42), Surya Bikram Gnyawali has given the date of King Prithvi Narayan Shah's birth as December 27, 1722 according to the Julian calendar. However, Pope Gregory XIII had reformed the Julian calendar in A.D. 1582 and extended it by ten days. The Catholic states of Europe had adopted the new calendar in that very year. By the seventeenth century, only two or three protestant states, including Holland, had adopted the Gregorian calendar. England did so in A.D. 1752, but the Tsars of Russia retained the Julian calendar until the end of the first world war. After the fall of the Tsarist regime, Russia too switched over to the Gregorian calendar. The Julian calendar has thus become obsolete throughout the world. In conformity with international practice, the Gregorian calendar has been used in this book. This is the reason why January 7, 1723 has been given as the date of King Prithvi Narayan Shah's birth.

The eldest queen, Chandraprabha, had had no issue by that time, hence a dispute over succession to the throne was likely in the event she gave birth to a son subsequently. In Vijayapur, the sons of the eldest queen of King Harihara Sen had raised objections when he had sought to proclaim his eldest son from his junior queen as heir to the throne. The memory of this event was still fresh, and the King and nobles of Gorkha had made arrangements in advance to forestall such a situation.



Narabhupala Shah, therefore, handed over the child to the care of Chandraprabha immediately Kaushalyavati gave birth to it. He directed that the mother of the Crown Prince should obey the orders of the eldest Queen.

(Note- Queen Rajarajeshwari was designated the guardian, and later the regent, of King Girban Yuddha Bikram Shah. It is possible that this convention started from the time of King Prithvi Narayan Shah. Queen Subarnaprabha became regent when Queen Rajarajeshwari was exiled. When Queen Subarnaprabha visited Gorkha in the capacity of regent, she heard about Chandraprabha, and, in a copper-plate inscription installed at the royal palace in Gorkha, changed her own name to Somaprabha, a synonym of Chandraprabha. This proves that the royal palace in Gorkha became lustrous after the arrival of Chandraprabha, and that she had undertaken the management of the palace, as well as the care and education of King Prithvi Narayan Shah, throughout the lifetime of King Narabhupala Shah).

Kaushalya and the third Queen had become pregnant almost simultaneously. Kaushalya gave birth to Prithvi Narayan Shah after seven months of pregnancy. The survival of a child born in the seventh month of pregnancy was not possible. A child is believed to have been born in the seventh month of pregnancy because some women, though pregnant, continue menstruation for two months. Buddhimati gave birth to Brindakeshara Shah after the birth of Prithvi Narayan Shah, and the question was raised in the palace that the child who was first conceived was entitled to become the heir-apparent. But the question was resolved through the early death of Brindakeshara Shah.

(Note: Khardar Sherman writes: "Subsequently, both the second and third queens became pregnant. The second queen gave birth to a prince after seven months of pregnancy at midnight. The child was named Prithvi Narayan Shah. The third queen also gave birth to a son after the completion of ten months of pregnancy. The child was named Brindakeshara Shah. A dispute arose regarding seniority by birth and in pregnancy. In the meantime, Brindakeshara Shah breathed his last."

Thereafter, the youngest queen, Subhadravati, gave birth to Mahoddamakirti Shah, the second queen, Kaushalyavati, to Dalamardana Shah, Subhadravati to Dalajit Shah, Buddhimati to Surapratapa Shah, and Kaushalyavati again to Prithvipala Shah. However, Prithvipala Shah died soon after or some time before his sacred-thread investiture ceremony. Prithvi Narayan Shah, Mahoddamakirti Shah, Dalamardana Shah, and Surapratapa Shah were known as the five Pandwas.

(Note: This is how Prithvi Narayan Shah has described himself and his brother in Divya Upadesh (p.1). Khardar Sherman Singh has not mentioned the order in which the princes were born. The order as given above is based on other sources).



Narabhupala Shah had five sons also from his Thakuri concubine. The eldest Ranarudra Shah, was famous among them. Several daughters were also born to Narabhupala Shah. Among them, Padma Kumari, born of Kaushalayavati, was famous because she remained unmarried throughout her life, and spent her days in reading and writing within the confines of the Gorkha palace.

(Note: A calendar captioned "Bhaswati" written by Sharangadhara Sharma in 1673 Shaka (A.D. 1751), and presented to Padma Kumari, has been found. The then astrologers used to make calculations on the basis of this calendar. Padma Kumari appears to have been only fifteen years old at that time, because the calendar is believed to have been written twenty-nine years after the birth of King Prithvi Narayan Shah. Registers of thousands of official documents written during the administration of Bahadur Shah have been found at the Records Section (Lagat Phant) under the Finance Ministry. Nearly one hundred documents every year were issued through Padma Kumari. It is said that she remained unmarried throughout her life because she was a dwarf. This seems true).

From his very childhood, Crown Prince Prithvi Narayan Shah was clever, talented, and promising. He was also strong and robust. He started learning the alphabet at the age of five years from Arjyal (Joshi) priests. Gokulavilasa Pande had been the royal priest in Gorkha after Narabhupala Shah was invested with the sacred thread, and the Mishra preceptors had remain neglected. However, the Arjyals (Joshis) remained influential. After Narabhupala Shah was crowned, Rajivalochana Pande brother of Gokulavilasa, had come to Gorkha as a royal priest to put an end to influence of the Arjyals. But since the Arjyal priests had retained the right of teaching the vedas to the Crown Prince at the time of his sacred thread investiture ceremony, Moksheshwara Joshi and Bhanu Joshi were entrusted with the task of initiating the Crown Prince into the alphabet with the consent of Queen Chandraprabha. The Crown Prince was then taught reading-writing and simple arithmetic, as well as the Durga-Kauvacha.

(Note: Though no written evidence has been found in this regard, I believe that Moksheshwara had initiated King Prithvi Narayan Shah into the vedas on the occasion of his sacred thread investiture ceremony, because according to the Bhaktavijaya, written by Lalitaballabha, Masheswara, son of Moksheshwara, had similarly initiated Crown Prince Pratapa Sinha. It is believed that Bhanu Joshi, who was a pupil of Moksheshwera, and an official at the Jaisikotha, was proficient in mathematics, and so taught this subject to the Crown Prince.

(To be continued).

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Ritual Purity Among Communal Groups

During the last quarter of the eighteenth century, many tribal communities and occupational groups were incorporated into the Gorkhali empire. The attempts made initially by the Gorkhali rulers to enforce Hindu customs and sanctions that provided for ritual purity proved ineffective. In the course of time, they veered toward the policy of permitting such communities and groups to abide by their own customary sanctions relating to sexual and commensal intercourse. The following abstracts may help to illustrate that policy:-

1. The Damai Community

(a) On Jestha Badi 1, 1867 (May 1810), Ranamasta Nagarchi Darji was appointed chief (mijhar) of the Damai, Gaine, and Bhat communities in the region east of the Bishnumati river and west of the Kanaka-Tista rivers, with authority to grant expiation for offenses involving ritual purity committed by members of these communities. The position had previously been occupied by his father. (Regmi Research Collections, Vol. 39, p. 194).

(b) On Shrawan Badi 7, 1867 (July 1810), Chanya Damai was appointed chief (mijhar) of the Damai community in the region between the Trishuli and Marsyangdi rivers, with the exception of Gorkha town, with the same authority. (Regmi Research Collections, Vol. 39, p. 280).

2. Lohar, Sunar, etc.

(a) On Kartik 10, 1867 (October 26, 1810), thirteen Lohars (ironsmiths) employed at the munitions factory in Kathmandu were appointed mijhars of the Lohar, Sunar, Afre, Mahar, Chunarya, Kadara, and Tamauta communities in the region between Borlang-Ghat and the Kanaka-Tista rivers and granted the same authority as mentioned above. (Regmi Research Collections, Vol. 38, p. 5p. 583-84). (b) A similar order was issued in the name of fifteen mijhars on Kartik Badi 5, 1874 (October 1817), (Regmi Research Collections, Vol. 43, pp. 41-42).

3. Nau

On Baisakh Sudi 4, 1873 (April 1816), Bhajuram, Maniram, and Jaslaxmi were appointed mukhiyas of the Nau (barber) community all over the country. They were required to supply barbers to the army. In consideration of that obligation, they were permitted to dispense justice and appropriate income from fines, etc., escheat property, roof-tax (Saune Fagu), and other taxes paid by members of the Nau Community. Authority to exact unpaid labor from them was also granted to the mukhiyas. (Regmi Research Collections, Vol. 36, p. 276).

4. Sarki

(a) On Shrawan Badi 4, 1866 (July 1809), Bishram Sarki was appointed mijhar of the Sarki community in the region east of the Bishnumati river. He was granted authority to grant expiation for offenses involving ritual purity committed by members of his community. (Regmi Research Collections, Vol. 36, P. 87). (Sarki:leather-worker).

(b) On Marga Sudi 11, 1874 (December 1817), eleven Sarkis employed at the government munitions factory in Kathmandu, including Bishram Sarki, were appointed as mijhars of the Sarki community in the region east of the Dhobikhola river, and granted the same authority. (Regmi Research Collections, Vol. 43, p. 59).

(c) On Aswin Sudi 11, 1875 (September 1818), Chyangra Sarki, an employee of the government munitions factory in Pyuthan, was appointed mijhar of the Sarki Community in the region east of the Kali river and west of the Bheri river, and granted the same authority. (Regmi Research Collections, Vol. 42, P. 377).

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Recruitment of Troops and Auxiliaries  
during the Nepal-Tibet War

Nepali society has traditionally consisted of broadly the following three groups:-



(1) Brahmans, Chhetris, Thakuris, etc. comprising descendants of early immigrants from northern India and members of the local Khas community who had succeeded in elevating their caste and social status. They provided the social and political leadership.

(2) Magar, Gurung, Khas, and other communities who were generally excluded from positions of social and political influence at the central level, but were recruited as soldiers in the army.

(3) Members of occupational and untouchable castes, such as Kami (blacksmith) and Sarki (leather-worker), and of tribal communities such as Maghi, Chapang, Kumhal, and Danuwar, who were not eligible for recruitment as soldiers, but were taken in as porters and other auxiliaries.

The following documents, pertaining to recruitment of troops and auxiliaries during the 1855-56 Nepal-Tibet war, may help to illustrate the distinction between the second and third groups mentioned above. These documents contain orders issued in the name of Prime Minister Jung Bahadur Rana.

#### 1. Recruitment in Gorkha

To the subba, amalis, dwaras, umras, tharis, mukhiyas, ghatu-budhas, jimmawals, gourungs, mijhars, katuwals, rakamis, respectable people, and all other persons, high and low, or laborers, belonging to the four castes and thirty-six sub-castes, living in villages and thums, as well as in Gorkha town, between the Gandi river in the west and the Chape-Marsyangdi rivers in the east. Greetings. By the will of God, preparations for war are being made in the north. We have deputed Tharghars Juddhabir Rana and Bharat Rana there. Enroll all persons between the ages of sixteen and fifty of castes who can be recruited as soldiers or porters and send them here, leaving only one person in each household to pay current taxes. If you do not do so, and conceal persons who are eligible for recruitment as soldiers or porters, or help them escape, or if your men do not arrive here, you shall be punished according to martial law.

Baisakh Sudi 11, 1912  
(May 1855)

## 2. Recruitment of Gurungs

To the amalis, dwares, tharis, mukhiyas, jimmawals, etc., and all members of the Gurung Community, respectable or common, belonging to the thums and districts in the region situated west of Gorkha and the Gandi river, and east of Parbat and the Kali river. Greetings.

You Gurungs fought very bravely in the battles of Kuti, Sunagumba, and Dharkyali, and became victorious. You are truly begotten by your fathers, and nourished by the milk of your mothers. You brave people are thus the right arm of the Gorkha Court.

It is now necessary to recruit another regiment of such brave people. You will be paid monthly salaries like the troops of other regiments. After one year, you will be recruited in another existing regiment in which lands are assigned as jagir in lieu of salaries.

We have deputed Subedar Gambhir Singh Gurung, Subedar Kashiram Gurung, Jamadar Kumbha Singh Gurung, and Hawaldar Maniraj Gurung with this order. In accordance with their instructions, assemble all persons living in your villages and thums without any delay, and enroll them.

In case you do not do so, but conceal them, or suppress information relating to their whereabouts, out of fear or favor, you shall be deemed to be guilty, and all Gurungs who thus defame the Gurung regiment which has won three battles shall be put in irons, brought here, and recruited as porters. Understand this well.

Bhadra Badi 5, 1912  
(August 1855)

Regmi Research Collections, Vol. 33, pp. 244-45.

### 3. Recruitment of Thakalis

On Aswin Sudi 12, 1912 (September 1855), the following order was sent in the name of the Thakali Community inhabiting the Thak-Khola region:

His Majesty intends to undertake preparations for war in the north. Accordingly, troops have been recruited not only from among the four castes and thirty-six sub-castes of the Kingdom of Gorkha who have been traditionally recruited as soldiers, but also from among others. People were also recruited as porters all over the country.

We had sent officials from here to recruit porters. However, Subba Dhansaram and Subba Balbir of Thak have submitted the following petition: "During the time of the Malla Kings, we Thakalis used to be recruited as soldiers. Because Thak is situated in a mountainous region, special administrative and other arrangements had been made for it in 1870-71 (A.D. 1813-14). It was from that time that the inhabitants of Thak were exempted from unpaid-labor obligations during war and other occasions."

Inasmuch as the country must act according to the desires of His Majesty, we hereby direct that because you have been traditionally recruited as soldiers, you shall no longer be recruited as porters. A regiment of Thakali troops shall, therefore, be formed. After the task set by His Majesty is completed, we shall make arrangements which are convenient to you.

As soon as Subba Dhansaram and Subba Balbir reach that region, assemble all Thakali males and enroll them. In case anybody does not do so, but conceals them, or suppresses information relating to their whereabouts, or escapes, the Subbas will arrest him, put him in irons, and recruit him as a porter in the Jagannath regiment.

Irrespective of whether you are wealthy or indigent, if you work faithfully according to your capacity, we shall appoint as government servants those who are willing to work in that capacity, or let them stay at home under such arrangements as are desired by them, until the time of your sons and grandsons.

Any person who incites the people to disobey our order, or prevents them from being enrolled, shall be put in irons, produced before us, and punished with confiscation of property or otherwise according to military law.

Regmi Research Collections,  
Vol. 33, pp. 251-53.

#### 4. Recruitment of Auxiliaries

To the amalis, dwares, tharis, mukhiyas, chaudharis, mijhars, gourungs, and other inhabitants, common or respectable, belonging to villages and thums in the region situated west of Bhimdhunga, east of Dhunsa, north of the Mahabharat range, and south of the Tadi river. Greetings.

Immediately on receiving this order, you dwares, tharis, mukhiyas, chaudharis, mijhars, and gourungs are hereby directed to bring along with you all men between the ages of sixteen and sixty, belonging to the castes of Bhote, Gharti, Kumhal, Darai, Danuwar, Hayu, Pahari, Majhi, Baramu, Thami, Chopang, Duiyan, Newar, and Sarki, along with provisions needed by them, to (Prime Minister Jung Bahadur's residence) at Thapathali (in Kathmandu), and obtain receipts. In case you do not do so, and conceal people, or suppress information relating to their whereabouts, the officers (hudda) and soldiers sent from here shall put you in irons and bring you here. Also hand over to these officers and soldiers all persons who had been previously recruited (into the army) but had later deserted.

Baisakh Sudi 12, 1912  
(May 1855)

Regmi Research Collections, Vol. 33, pp. 235-36.



Revenue Receipts of the Government of Nepal  
during the Nineteenth Century

By

Mahesh C. Regmi

The amount of revenue that the government of Nepal collected in each year during the nineteenth century has been the subject of speculation in the writings of many contemporary western observers. In 1792, Kirkpatrick had seen "tolerable good grounds for believing" that the revenue "never exceeds thirty lacks of rupees, fluctuating at all times, between that sum, and twenty-five lacks." In 1851, Cavenagh believed that the revenue "has materially increased within the present century, and may now be justly calculated as at the least, 50 lacks."<sup>2</sup> Nearly a quarter-century later, in 1877, Daniel Wright put the figure at "about 96 lacks of rupees."<sup>3</sup>

It is true, no doubt, that the period from 1792 to 1877 witnessed significant changes in the territorial possessions of the Kingdom of Nepal. In 1792, Nepal's territories had extended from the Tista river bordering Sikkim in the east to Kumaun in the west. War with the East India Company during 1814-16 resulted in the loss of extensive territories. A part of these territories, comprising the present far-western Tarai districts of Banke, Bardiya, Kailali, and Kanchanpur, were restored to Nepal in 1860. However, we are here concerned with the amount of revenue that the central treasury in Kathmandu received in each year, not the extent of the territorial base from which such revenue was derived.

Moreover, the amount of revenue that was credited to the central treasury in Kathmandu in each year was no index of the actual amount of real resources that were available to the government. Hamilton was aware of this dichotomy when he noted in 1814 that the addition of territory since Kirkpatrick made his estimate

in 1792 "although it has increased the means of supporting a large army, has probably sent little money to the capital."<sup>4</sup> The real resources available to the government of Nepal was much more than the amount that was actually received at the central treasury. There were mainly three reasons for this discrepancy: The practice of marking land grants as emoluments of office to civil and military officials, the system of making disbursements before revenue actually reached the treasury, and the absence of any accounting of expenditure incurred on local administration.

#### (1) Land Grants

During the nineteenth century, the government of Nepal made grants of land on a tax-free basis both to individuals as a token of favor or appreciation of meritorious services and to civil and military officials as emoluments of office. These two categories of land grants were known as *birta* and *jagir* respectively. Throughout the nineteenth century, the government paid its employees cash salaries only if lands suitable for assignment as *jagir* were not available.<sup>5</sup> The large areas of cultivated land covered by tax-free *birta* and *jagir* grants naturally led to a loss of revenue. As Kirkpatrick noted in 1793:<sup>6</sup> "The Nepaul territories being for the most part parcelled out in *Jaghires*, the proportion of their produce received into the treasury at Khatmanda is by no means considerable." The nominal cash revenue of the government would naturally have increased many times had the government collected land taxes itself, received the proceeds in the treasury, and then disbursed salaries to civil and military officials in cash.

#### (2) The Disbursement System

The absence of a centralized system of disbursements was another factor that reduced the amount of revenue actually credited to the central treasury in Kathmandu. Shortage of cash was chronic in Kathmandu, and its transportation over long distances through difficult terrain usually entailed risk and delay. Hence the government frequently sent orders to local revenue collectors sanctioning disbursements for specified purposes.<sup>7</sup> The practice inevitably reduced the amount of revenue that was received,

(3) Accounting Problems

There was usually no accounting of expenditure incurred on local administration during the nineteenth century. In other words, such expenditure was not charged on the central treasury in Kathmandu. The nominal amount of revenue would inevitably have been higher had all receipts been credited, and all disbursements debited, at the central level. This will be clear from Hamilton's account of Morang district:<sup>8</sup>

The whole amount which the Subah<sup>9</sup> collected in the year 1809-10, is said to have been 131,425 rupees, out of which the Subah pays 80,000 rupees to government; and his share of the Rajangka<sup>10</sup> and presents to the twelve great officers of state, usually amount to 20,000 rupees more; but this is probably compensated by similar exactions that he makes from his inferiors. He, however, incurs a heavy expense in furnishing the regular troops with provisions, which he must do at a price fixed by government, and which is always far below the market price, but he squeezes a great part of this from the neighboring tenantry.

It is clear from this account that the amount of cash revenue that was credited to the central treasury from Morang during 1809-10 was only Rs 80,000, but that all local, civil and military expenditure was incurred by the local administrators.

In the previous sections, we have briefly outlined the reasons why the amount of revenue that was received at the central treasury did not represent the real resources that were available to the government. Accordingly, the estimates of revenue that Kirkpatrick, Cavenagh, and Wright have made do not present an accurate picture of the financial resources of the government of Nepal during the nineteenth century.

There is, moreover, evidence to believe that these estimates of the actual amounts of revenue received at the central treasury were much exaggerated. Statistics of actual revenue receipts during the early years of the nineteenth century are, of course, not available. We do know, however, that revenue from the eastern Tarai region during 1793 was less than Rs 250,000.<sup>11</sup> Assuming that this region contributed at least half of the revenue receipts, the total revenue receipts of the government of Nepal could not have exceeded Rs 500,000 in that year. In 1852, nearly six years after the establishment of the Rana regime, revenue totalled Rs 1.4 million.<sup>12</sup> It may, therefore, be correct to presume that the figure did not exceed Rs 1 million during the 1840s.

#### Developments After 1846

In September 1846, Jung Bahadur became Prime Minister of Nepal. In the course of time, he laid the foundation of a new political system, the Rana system, which survived until 1951 notwithstanding occasional internal conflicts and political conspiracies. The establishment and maintenance of a unified and centralized policy and the Ranas' own unchallenged authority were the primary goals of the new regime. The achievement of these goals made it necessary for the Ranas "to further the development of various types of free-floating, mobile resources not tied to any ascriptive groups and thus able to be freely accumulated and exchanged."<sup>13</sup> In other words, a centralized public finance system was an integral aspect of the goal of mobilizing free-floating resources.

The Rana government introduced the following measures with the objective of centralizing the public finance system and maximizing revenue collections:-



(1) Reforms in the Ijara (Revenue-Collection Contract) System

The Rana government imposed a ban on the practice of appointing contractors, or ijaradars, for the collection of revenue on a territorial basis in the districts of the Tarai regions. The 1854 legal code condemned any Prime Minister who issued such ijaras as a "faithless person, who appropriates for himself revenues belonging to the government, and enriches the ijaradar at the expense of the ryots."<sup>14</sup> Ijaras for the collection of revenue were, thereafter, issued only in the case of specified taxes and levies, particularly those whose proceeds were too low to justify the costs that collection by official agencies would involve. During 1853-54, revenue collection under the ijara system in the Tarai districts was limited to three sources: State-operated markets, timber sales, and pasturage taxes.<sup>15</sup>

(2) Centralization of the Disbursement System

We have mentioned before that the government often sanctioned disbursements directly from the source even before funds actually reached the central treasury. The Rana government made an attempt to put an end to that system. Revenue collectors were told to ignore any such disbursement orders, even if these had been issued by the King himself!<sup>16</sup> Treasury officials were ordered not to disburse a single dam without an order signed by the Prime Minister, and countersigned by the Commander-in-Chief.<sup>17</sup> As Captain Orfeur Cavenagh noted in 1851, "not a single rupee is expended from the Public Treasury" without Prime Minister Jung Bahadur's "knowledge and sanction."<sup>18</sup> Similarly, it had often been the practice to assign revenues from specified sources for specified purposes, with the result that no regular revenue-collection and disbursement arrangements were necessary. For instance, revenues from customs and internal transit duties were occasionally assigned on a regular basis for paying the emoluments of individual government employees. In 1865, however, all such assignments were withdrawn, and these duties were collected directly by the customs administration.<sup>19</sup>

(3) Abolition of the Jagir System in the Tarai

In 1853, the Rana government abolished all jagir land grants in the Tarai region. That decision was prompted by the realization that "because lands in the Tarai region have granted to civil and military officials, the amount of revenue deposited in the treasury is meager."<sup>20</sup> In other words, the Rana government made an attempt to regulate the assignment of economic resources to ascriptive groups in order to maximize its own receipts of "free-floating, mobile" resources.

The following statistics indicate the success that the Rana government achieved as a result of these measures in increasing its revenue receipts and budgetary surpluses during the 1805 :-

Revenue and Expenditure of the 21  
Government of Nepal (A.D. 1852-61)

<u>Year</u>	<u>Estimated Revenue</u>	<u>Actual collection</u>	<u>Amount of areas collected</u>	<u>Total revenue receipts</u>
1852	1,791,616	729,230	685,611	1,414,841
1853	1,965,342	926,273	689,618	1,615,891
1854	2,363,937	1,012,678	2,063,230	3,075,908
1855	3,105,036	1,570,994	1,781,563	3,352,557
1856	3,073,516	1,398,611	996,976	2,395,587
1857	2,717,539	1,254,628	1,420,997	2,675,625
1858	2,952,626	1,005,130	1,962,077	2,967,207
1859	3,078,646	855,316	1,456,765	2,312,081
1860	3,100,269	1,053,807	2,376,601	3,430,408
1861	3,176,451	9,16,353	2,205,279	3,121,632

Contd...

Notes

1. Colonel Kirkpatrick, An Account of the Kingdom of Nepaul (reprint of 1811 ed.; New Delhi: Manjusri Publishing House, 1969), p.211.
2. Orfeur Cavenagh, Rough Notes on the State of Nepal (Calcutta: W. Palmer, 1851), pp. 70-71.
3. Daniel Wright (ed.), History of Nepal (reprint of 1877 ed.; Kathmandu: Nepal Antiquated Book Publishers, 1972), p.50.
4. Francis (Buchanan) Hamilton, An Account of the Kingdom of Nepal, And of the Territories Annexed to This Dominion by House of Gorkha (reprint of 1819 ed.; New Delhi: Manjusri Publishing House, 1971), p.106.
5. Mahesh C. Regmi, Landownership in Nepal (Berkeley, Los Angeles and London: University of California Press, 1976), pp.23-26, 71-74.
6. Kirkpatrick, An Account of the Kingdom of Nepaul, p.210.
7. Cf. "Royal Order to Subba Kulananda Jha," Magh Badi 12, 1887 (January 1831), Regmi Research Series, Year 8, No.4, April 1, 1976, p.77.
8. Hamilton, An Account of the Kingdom of Nepal, p.154.
9. Subah (Subba), in nineteenth-century Nepal, meant an individual who was appointed chief administrator of a district either as an officer of the central government, or as a revenue contractor.
10. Rajangka (Rajanka) meant taxes and levies meant for financing specified expenditures in the royal household.
11. Mahesh C. Regmi, A Study in Nepali Economic History, 1768-1846 (New Delhi: Manjusri Publishing House, 1971), p.56.
12. "Revenue Receipts of the Government of Nepal," 1909 (1852-53), in Regmi Research Collections.

13. S.N. Eisenstadt, The Political System of Empires (New York: Free Press, 1963), p.118.
14. His Majesty's Government, "Rairakamko" (On revenue matters), Sec.1, in Ministry of Law and Justice, Shri 5 Surendra Bikram Shah Devaka Shasana Kalama Baneko Muluki Ain (Legal code enacted during the reign of King Surendra Bikram Shah Dev), (Kathmandu: the Ministry, 2022 (1965), p.52.
15. "Revenue and Expenditure of the Government of Nepal," 1910 (1853-54), in Regmi Research Collections,
16. "Contract for Mining in Gulmi and Other Areas in Western Nepal," Baisakh Sudi 15, 1942 (May 1885), Regmi Research Collections, Vol.52, p.217.
17. "Order regarding Punishment of Captain Jitendra Dhvaj Joshi," Marga Sudi 14, 1942 (December 1885), Regmi Research Collections, Vol.52, pp.389-90.
18. Orfeur Cavenagh, Rough Notes on the State of Nepal, p.51.
19. "Ban on Inclusion of Customs and Other Revenues in Jagir Assignments," Shrawan Badi 7, 1930 (July 1873). Regmi Research Collections, Vol.55, p.771. The ban was effective A.D. 1865.
20. "Order regarding Abolition of Jagir Lands in the Tarai Region," Chaitra Sudi 2, 1809 (March 1853). Regmi Research Collections, Vol.62, pp.698-99.
21. Figures compiled from "Revenue Receipts of the Government of Nepal," 1909-18 (1852-61), in Regmi Research Collections.

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Appointment of Kotwal in Rautahat District

Falgun Sudi 8, 1887 (March 1831).

Natu Raut was appointed kotwal of Rautahat district, as well as of Dostiya and Matiwan in Bara district, effective Baisakh Badi 1, 1887 (April 1830). His chief duty was to restore stolen property to the owners.

Contd...



The kotwal's emoluments consisted of the following:

Rs 500 a year as salary from the government.

Rs 500 do from the army.

A cash levy collected at the following rates from each mouja in the areas under his jurisdiction:-

<u>Grade of mouja</u>	<u>Rate of Levy</u>
Abal	1 rupee (16 annas)
Doyam	12 annas
Sim	8 annas
Chahar	4 annas

A levy in the form of foodgrains from each local household at the following rates:

<u>Category of Household</u>	<u>Rate of Levy</u>
Abal	1 maund (40 seers)
Doyam	30 seers
Sim	20 seers
Chahar	10 seers

Four annas on each stack of grain in husk (bhusaha tangiyana).

Regmi Research Collections, vol. 44, pp. 216-18.

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#### Land Grants in Sindhuli

Falgun Sudi 8, 1887 (March 1831)

The Nyaypane and Baral Brahmans of Sungram in Sindhuli district had submitted the following petition: "People belonging to other districts have been granted rice-lands in our district, with the result that we have been rendered homeless."

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The following royal order was issued on that petition: "Jagirdars who have been assigned lands in your district shall allot them for cultivation only to local people in the future. Tenants shall pay rents and other dues to their jagirdar-landlords, and also provide loans whenever so asked. We hereby cancel all land grants made in the past to people not belonging to that district."

A similar order was issued in the name of the Koirala Brahmans of Dumja, also in Sindhuli district, on the same date. Regmi Research Collections, Vol. 44, p.217.

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Regulations for Protection of Crops  
in Kathmandu

1. The Sahanapiwal levy, so far paid by peasants on all categories of agricultural lands in Kathmandu at the rate of one pathi of paddy per ropani, has been replaced by a cash levy of one anna per ropani.
2. Functionaries appointed to protect crops shall capture stray cattle and take them to the Adalat. The owner shall then pay compensation to the cultivator whose crops have been destroyed. If the functionaries do not capture the stray cattle, such compensation shall be deducted from their emoluments.
3. These functionaries shall be held liable even if paddy is stolen from the threshing-ground.

Bhadra Badi 14, 1900  
(August 1843)

Regmi Research Collections, Vol.33, P.504.

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Industrial Development in Nepal

By

Mahesh C. Regmi.

Chapter 11.

(Continued)

Markets

All these factors have also affected rural industries and handicrafts inasmuch as many of the products of such industries are not available to prospective purchasers in the towns.

Half a century back Tibet provided an important outlet for the products of the Nepali cottage and small scale industries. In addition, Kathmandu was an important centre of entrepot trade between India and Tibet. With the opening of alternative routes through Kalimpong and the Chumbi Valley, however, between India and Tibet, Nepali trade with Tibet has dwindled to a trifle. Recent developments, however, should be expected to revive much of the lost trade between these two countries. Projects designed to establish a direct road link between Lhasa in Tibet and Kathmandu have already been described to necessitate re-iteration here. The 1956 agreement between Nepal and China, according to which the Government of Nepal has been permitted to establish trade agencies at Shigatse, Kerung, and Nyalam in Tibet, and Lhasa, Shigatse, Gyantse and Yatung have been specified as markets of trade, is another notable development in this connection. (Government of Nepal Department of Publicity: Nepal News Bulletin, Volume III, No. 3, September 30, 1956). That the Tibetan market is potentially of great importance for Nepal can be realised from the fact that petrol imported from India used to be smuggled in large quantities to Tibet through Kathmandu. A recent Government announcement has lifted all restrictions on such exports to Tibet. (Nepal Gazette, Volume VI, No. 46, March 15, 1957).

Jute manufactures have also been shipped to overseas markets like Singapore, the United States, and so on. Proper exploitation of these markets have however not been possible because of the fact that exports from Nepal have mostly been handled through Indian intermediaries. Direct connections have been hitherto hampered by the absence of appropriate banking facilities as well as by the existence of various customs and exchange restrictions. The low quality of the products has been another factor that has hampered better exploitation of this market. With the proper development of industries in Nepal, especially the processing and extractive industries, this market may prove to be of great importance.

Assessment of the Industrial Potential of Nepal

On conclusion which the foregoing account will make inevitable is that the transport system of the country provides a tremendous handicap for economic development of all types. As the Draft Plan puts it:- "People living

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in small and isolated rural communities are cut off from each other. Each isolated region tends to follow a pattern of subsistence economy of the most primitive and rudimentary type, the lack of communication handicapping all prospects of development. In some localities there are soils and climate suitable for raising cash crops of comparatively high value. In others there are mineral deposits. And some places are very suitable for the development of cheap electric power. But the lack of a transportation system is the great barrier to putting these natural resources to use for the benefit of all. Without transport, administration is costly and the Government cannot fulfil affectively its role of promoting the people's welfare; the existing exploitation of resources is inefficient and potential resources cannot be developed." (Draft Five Year Plan, p. 39).

Another study notes, "In many of the less developed countries, Afghanistan, Ethiopia, Nepal, New Guinea, S.W. for example, transport difficulties have been a major force tending to inhibit industrialization altogether." (United Nations, Department of Economic and Social Affairs: "Processes and Problems of Industrialization in Underdeveloped Countries." 1955, p. 12).

The lack of an adequate internal transport system and the geographical contiguity of the country to India, as well as the use of the Indian currency over a large part of the country has aligned trade and industry more to the Indian than to the indigenous economy. Consequently, one of the factors that will have to be duly recognized while framing any programme for the industrial development of Nepal, is the virtual impossibility of supplying the products of indigenous industries to the internal markets on a country-wide basis, and the possibility of catering to the various regional markets more cheaply from the better equipped and well-established industries of India.

In these circumstances, any programme for an all out large scale industrial development of Nepal can be virtually ruled out at least for the immediate future for all practical purposes.

The Draft Five Year Plan attempts to remedy this situation by giving prime importance to the development of means of transportation, and allocating Rs.1040 lakhs out of a total expenditure of Rs.3300 lakhs, or 31.4 per cent on this category alone. It is obvious, however, that much time will have to elapse before the transport system of the country can be remodelled on any adequate footing.

As regards the much-talked-of forest wealth of the country, it is the opinion of experts that "the Tarai forests are fairly intensively cultivated and hence these forests are practically all ruined and can no longer contribute to the country's economy." (Ernest Robbe: Report to the Government of Nepal on Forestry, FAO, 1951, p. 11. quoted in Y.P.Pant: Planning for Prosperity, p. 7). Attempts to conserve forest resources, even if commenced early, can be at best a long-term objective.

Besides this, scarcity of power constitutes in itself a major hindrance to a program of rapid industrial development in the immediate future. The Trishuli hydro-electric project, for instance, cannot be expected to provide power before a period of five years. The development of the hydro-electric resources of the country requires considerable amounts of time and funds, and lack of capital constitutes another impediment to the growth of large scale industry in the country. The extent of the problem can be measured from the fact that out of the total outlay of Rs. 3300 lakhs. in the projected Five Year Plan, internal sources of capital are expected to provide only Rs. 950 lakhs, or 28.8 percent, and even that would appear to many people as too optimistic an estimate.

In view of the fact that agriculture constitutes the major industry of the country, it is quite obvious that this should be given primary emphasis in any overall scheme of national economic development. In comparison, industry has to be relegated to the background. Accordingly, the allocation for agriculture and allied development is nearly five times the allocation for the development of industry in the Draft Five Year Plan. Though the specific figures involved might be the subject of controversy, the relative emphasis will assuredly be beyond debate.

More than on any physical factor, industrialization depends upon the skills, the industrial enterprise, and the business managerial talent of the people. And it is in this sphere that Nepal faces the greatest handicap. It has already been mentioned above how lack of specific types of skills has kept the percentage of Nepali labour in the mills of Biratnagar to a very low figure. Nor has a long tradition of autocratic regime and arrested economic growth contributed to the development of a spirit of enterprise and initiative among the people. The absence of business managerial skill has been one of the main factors leading to the chaotic conditions existing at present in the industries set up during the previous regime, and there is little evidence to show that more than half a decade of political, administrative and economic instability has materially altered the situation for the better.

The Draft Five Year Plan admirably sums up the situation in the following words:-

"Our country is critically short of administrators, technicians, and many types of skilled workers. Our material resources, unmeasured and in large part unexplored, are certainly considerable. We know that, apart from the land itself, we have rich forests, some mineral deposits, great water resources, genial climate, and mountains of unmatched grandeur. But the transport facilities, capital equipment, and electric power needed for the development of these latent assets are almost wholly lacking. And our financial resources are slender. To marshal the energies required for a program of internal development, and to procure what is most needed from abroad, we must have, in substantial amounts, both domestic revenue and foreign exchange. Both, however, are in short supply." (Draft

On the whole, therefore, there appears little in the situation that should justify faith in the view that Nepal is on the eve of an Industrial Revolution. For a long time to come, it seems possible that agriculture will continue to be the mainspring of the economic activity of the country, and to provide solutions for the majority of its economic problems. Industry will necessarily be confined to a role subsidiary and supplementary to agriculture. To the exclusion of the development of big plants for the mass production of consumer goods, the sphere of processing for export of the various raw materials for which the country is famous, and possibly, the extraction of minerals. Manufacturing industry as such will best concentrate on the development of small scale and cottage industries, especially in the hilly districts. Such industries would not only require relatively insignificant amounts of power and capital, but would also be able to build up on the tradition and background of cottage industries and handicrafts for which the country has long been famous. Moreover, as a means to mitigating the seasonal agricultural unemployment in the country, this line of development would be eminently effective. For some time to come, at least, therefore, the pattern of industrial development in Nepal appears likely to proceed along these lines.

That, at present, the pattern of industrial development, will be, in the main, restricted to small scale and cottage industries is a fact emphasised in official pronouncements also. Speaking before a meeting organized by the Nepal Cottage Industries Workers Association on April 13, 1957, the Deputy Minister for Industries and Commerce expressed the view that only by the development of cottage and small scale, as well as rural industries, can be proper and speedy development of the country be brought about. And he went on to say, "In view of the geographical and economic conditions of the country, the development and encouragement of cottage industries will be of immense benefit to the country... At this moment, the development of large scale industries will be neither timely nor possible." (Gorkhapatra, 16 April, 1957).

#### Subjective and Institutional Factors

Industrialization is a process whereby profound changes result in the physical environments of a community concomitantly with changes in social institutions and social outlook and way of life. The experience of other countries has shown that it is a mistake to regard industrial development simply as a question of setting up a number of mills and factories throughout the country. "Industrialization is not merely a technological revolution; it involves profound social changes which must be fully taken into account if the process is to result in higher material standards and a greater degree of human welfare." (U.N. Department of Economic and Social Affairs: Processes and Problems of Industrialization in Underdeveloped countries, New York, 1955, p. 24). Another writer says, "Economic development is a whole complex of interdependent changes

industrial activity, will, in all livelihood be restricted to avenues like the

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manifested simultaneously in the physical environment (new roads, buildings, harbours, machines, implements, chemicals), in the forms of associations by which men live and work (growth of cities, changes in government, factory organization, business corporations, banking, readjustments in land tenures, family practices, even religion), and in the skills, habits, and thought patterns of millions of individuals (literary, technical specializations, respect for scientific methods, ambition, the idea of progress). (Eugene Staley: The future of underdeveloped countries, pp. 202-3). Thus industrialization required something more than the mere presence of physical resources, and it is, therefore, intended to analyse the subjective and institutional factors that are so essential in the context of the efficient exploitation of these resources for the welfare of the community.

It is evident that the most important factor in this connection is the will of the community to develop. Industrial development is something which can be seldom forced from without unless the members of the community ardently desire for a change in the existing conditions of life, and are willing actively to work for the consummation of this goal. In the context of an underdeveloped country like Nepal, it means the inception of some force which can infuse vitality and dynamism in the still atmosphere of the static and stagnant economy.

In the case of Nepal the overthrow of the century-old Rana regime and the establishment of an Interim Government pledged to democratic objectives, as well as hopes for free elections and a constitutional democratic political life have been an important change. Increasing contacts with the western world as well as with India, and the acquisition of foreign aid have further contributed to the acceleration of the tempo of change. All this has resulted in the hope, best expressed in the words of the Draft Five Year Plan, that "... experience has repeatedly shown that centuries of relative immobility in the economic life of a nation may be followed by an era of new vitality." (Draft Five Year Plan, p. 2).

"But", again in the words of the Draft Plan, "It cannot yet be claimed that the economic status of the country as a whole has altered notably, or that a new, progressive trend has been established." (Ibid, p.2). Illiteracy, absence of a national spirit, lack of geographical cohesion consequent to inadequate development of means of transportation and communication- these have been some of the factors that have hitherto led to an absence of the desire to develop as a nation, and there is little to show that in this respect the situation has altered materially for the better. Nor is the genesis of whatever change that has occurred to be traced to the overthrow of the autocratic regime. It is a fact that for the first five years after the formation of the Interim Government the political and economic situation was too disturbed to admit of any concerted action for economic development. It is only with the assumption of power by King Mahendra that the will to develop was manifested on a concrete basis- the outline of the Draft Five Year Plan having been announced during the period of his



direct rule-but it is even now more a series of paper plans and pronouncements than any real trend towards harder work and realization of social and economic responsibilities on the part of individual members of the public or of the government.

Much of the apparent change has been due to the activities of foreign aid personnel in connection with the various foreign aid programs. As a matter of fact the criticism that the Draft Plan is too much dependent upon foreign aid has a certain amount of justification. Without detracting from the unquestioned advantages and necessities of foreign aid, it cannot be overemphasised that without a suitable background of local effort, such aid can be more harmful than conducive to the advancement of a nation. And it is this local effort that appears conspicuous by its absence in Nepal today.

The Draft Five Year Plan of Nepal has been intended to constitute an example of democratic planning. A democratic plan necessitates a large degree of public cooperation. As the Draft Plan puts it, "To be successful, such an effort must be rooted in the real wants and aspirations of the people and must enlist their full and active support. These needs also to be widespread agreement that the objectives in vi w are right for the country; that in addition to being desirable, they are also sensible, just, and attainable, and, therefore, deserving of support by citizens and Government alike." (Ibid, p. ).

So far, in the absence of a representative government, elections, and the consequent non-participation of the people in the national affairs, it is difficult to see how full and active support on the part of the public can be envisaged towards any program of industrial development of the country launched by the de facto government of the moment. Nor has half a decade of unstable governments and the frustration in the public mind that followed in the wake of the apparent incapacity of these governments to give a concrete shape to the high hopes and expectations of the people after the overthrow of the Rana regime been conducive to the growth of a spirit of full and active public support for measures initiated by the government.

In the present situation it goes without saying that the ushering-in of an era of new vitality after centuries of relative immobility in Nepal must be initiated and fostered by the Government in large measure. At present, over and above the defects inherent in the interim political set-up that has prolonged its existence more than necessary or desirable, are to be reckoned serious defects in keeping with the primitive type of public administration obtaining even at present in the country. The following observation made with reference to another area describes the current situation in Nepal quite succinctly, "An underdeveloped country often has an underdeveloped government. By this I mean that it

lacks an effective civil service system for selecting and training personnel; it lacks an effective budgetary control, it lacks a sound fiscal policy; it lacks a governmental structure which clearly divides responsibilities among the ministries." (Willard L. Thorp: quoted in Eugene Staley: the Future of Underdeveloped Countries, P. 234). Moreover, a state of affairs in which even high court judges and senior members of the civil service have been dismissed without notice and without charges, is but ill-calculated to make the administration a source of initiative and leadership. What is more, the people at present in Nepal appear to have no faith in the officers of the government; they do not seem to expect integrity from them. As a matter of fact, integrity and devotion to duty appear to be at a discount both high and low. In these circumstances, the fact cannot be gainsaid that this constitutes the most serious drag on the capacity of the Nepali community to develop in the economic sphere, and materially hampers the constructive role of the government in industrial development. Attempts at raising the calibre and integrity of the public administration are too recent and still on their way to admit of any assessment of the results.

In this connection, the following comment which appeared recently in Kathmandu daily, should prove interesting:-

"It has been learnt from reliable sources that the first installment of the loan from the Chinese People's Republic, which had been obtained recently, is being utilized for irresponsible government departmental expenditure.

"As India, Britain and America are empowered to scrutinize all expenditure incurred under their aid programs, the Government of Nepal is spending the Chinese loan, which does not necessitate any scrutiny of expenditure, as if it were a boon.

"On one side the Government of Nepal is engaged in holding meetings of the Planning Commission in the name of the Five Year Plan, while on the other hand the facts that funds received for national development are being spent wantonly, and that the accounts are not presented before the public, have lent widespread support for the suspicion that manoeuvres with a view to victimizing the unofficial members of the planning commission as well as the Commission itself are being undertaken with the object of hiding the black spots of undue nepotism, favoritism and corruption within the administrative machinery.

"Friends and relatives are getting contracts for the supply of materials under the plan. It is, therefore, natural for the public to feel suspicions about the honesty in the handling of governmental expenditure." ("SAHI SANDESH," 18 April, 1957).

The Draft Five Year Plan envisages the industrial development of the country in two sectors, public and private. Private enterprise undoubtedly has an important part to play in a democratic economy. In Nepal, however, in addition to a long tradition of autocratic regime, which went against the free play of private enterprise for the industrial development of the country, the fact has to be recognised that business managerial skill and integrity are largely absent. This has been amply demonstrated by the history of joint stock enterprise in Nepal. Business management has so far been a quite neglected field, and even the Draft Five Year Plan fails to make any provision for the training of such personnel. What is more, the free-for-all which unscrupulous adventurers indulged in, in the post-1936 period, has shaken public confidence in the integrity of the managers of corporate enterprises too much to enable it to come around without some examples of concrete success. It is taken for granted that corporate funds will be misused, and the shareholders cheated of their legitimate dues. The emergence of an industrial society depends in large measure upon the establishment of large scale corporate enterprises, and a state of affairs in which investor-management relations are bereft of a minimum degree of confidence, such as characterises the position in Nepal at present, is but ill-suited to the free development of private enterprise in the field of organized industrial development.

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#### Judicial Regulations

On Marga Sudi 8, 1864 (November 1807), identical judicial regulations were promulgated separately for the following regions. The names of judges (bichari) deputed to each region are also given below:-

- (1) Dudhkosi - Tista region in eastern Nepal.  
Bicharis: Krishna Man Khatri and Gopi Krishna.
- (2) Bheri - Mahakali region in western Nepal.  
Bicharis: Brahma Adhikari and Birabhadra.
- (3) Mahakali - Jamuna region. Bicharis: Maniram Pantha and Srikrishna.
- (4) Chepa/Marsyangdi - Bheri region. Bicharis: Karunanidhi Tiwari and Tularam Dahali.

Regmi Research Collections, vol. 6, pp. 952-58.

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An abstract translation of these regulations is given below:-

1. If a complaint is received that the Amali has committed injustice, and if it is proved after hearing both sides, that the complaint is correct, the Amali shall be punished according to the nature of his offense. If the complaint cannot substantiate his complaint, the punishment inflicted on him by the Amali shall be increased by fifty percent. If the Amali does not come forward to defend his action, the fines and penalties collected from the complaint shall be transmitted to the government.
2. If a disputed land has been reconfirmed in favor of both parties through separate royal orders, the matter shall be investigated in the presence of Panchas, and the claim that is legitimate shall be upheld. In case you cannot arrive at a decision, in any case, withdraw the order and refer the matter to us.
3. If a complaint is received that any moneylender has charged interest in excess of the prescribed rates of ten percent on cash loans and twenty-five percent on loans in kind, hear both sides and punish the moneylender if he is guilty, and direct him to refund the excess amount collected. A commission of ten percent of that amount shall be deducted.
4. Hear Panchakhat cases and inflict punishment on the criminal if he confesses his crime. Put him in fetters, if so necessary. Refer the matter to us and act as ordered.
5. Hear complaints, if any, regarding the collection of revenue by the appropriate officials and functionaries in excess of the statutory rates. If they are found to have oppressed the people, punish them according to the nature of their offense, and have the excess collection refunded to the people.
6. In the future, punish all those soldiers at the district headquarters who indulge in gambling, except during the fifteen-day period from Kartik Badi 3 to Kartik Sudi 3.
7. If a complaint is filed at the Adalat, the Amali shall present himself before it and state his case. If he does not do so, he shall not prevent the complainant from presenting himself before the Adalat. In that case, he shall be entitled to claim the income from fines, etc. collected from the litigant.
8. If information is received that any person has discovered and appropriated buried treasure, investigate the matter and punish him severely if he confesses his guilties. Recover the treasure. If the information is not substantiated, punish the informant.



9. In case any person indulge in lawlessness or rebellion, investigate the matter in the presence of Panchas, arrest the guilty persons, and put them in fetters if they confess their guilt. Refer the matter to us and act as ordered. If the Bichari does not have sufficient men to do so, obtain necessary assistance from the local Amali.
10. Punish those persons who perform the traditional rituals during births and deaths through persons other than Brahmans, if they have been customarily utilizing the services of Brahman priests. Arrange for expiation in consultation with the Dharmadhikar.
11. In case Raiker lands are sold or purchased anywhere, the seller shall be punished with a fine three times the value of the transaction, the purchaser two times, and the witness one-fourth of the latter.
12. Punish those moneylanders who have taken up Kipat lands on mortgage but refuse to restore such lands to their debtors even after the loans have been repaid. Have the lands restored to the debtors, and collect a fee of one-tenth of the annual yield on the lands.
13. Pay salaries to the staff employed for discharging these functions with the income collected while doing so. The total salary bill shall be as follows:
- |               |   |    |            |
|---------------|---|----|------------|
| 2 Bicharis    | - | Rs | 350        |
| 1 Tahabildar- |   | Rs | 60         |
| 1 Bahidar     | - | Rs | 60         |
|               |   | Rs | <u>470</u> |
14. One Patti of troops, including a Jamadar, shall be obtained for the work of the Adalat by rotation from the Sridal and Bhagawatidal companies.

(The salary of two Bicharis amounted to Rs 400 in the Eheri-Mahakali region, Rs 500 in the Mahakali-Jamuna region, and Rs 350 in the Chape/Marsyangdi-Bheri region).

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Adalat in Bara, Parsa, and Rautahat

In Jestha 1862 (May 1805), an Adalat was constituted for the districts of Bara, Parsa, and Rautahat, consisting of two judges, Tularam Bishta and Mana Ojha. A royal order issued on that date in the name of local functionaries in those districts stated, "We have constituted this Adalat in order to ensure justice, because we have received reports that Amils (i.e., the local administrator and revenue collector) commit injustice in different matters. Report any case of injustice to which you may be subjected to the chief (dittha) of the Adalat, and (the judges) will dispense justice."

Regmi Research Collections, Vol. 20, p. 198.

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Law on Land-Holding, 1854

(Government of Nepal, "Jagga Pajaniko" (on land-holding), in Ain (Kathmandu: Manoranjan Press, 1927 (A.D. 1870), pt. 1, pp. 1-67).

1. Only rice-lands of Raj Guthi, Raikar, and Kipat tenure shall be redistributed under the Raibandi system. Tax-free (mafi) lands belonging to individuals, such as Birta, Bekh, Manachamal, and Guthi, shall not be so redistributed. In case any persons redistributes lands belonging to these categories under the Raibandi system, and a complaint is received accordingly, the Raibandi allotments shall be cancelled, and restored to the owner. The person who has redistributed the lands under the Raibandi system shall be punished with a fine equal to one year's rent on the lands.
2. While redistributing Raj Guthi, Raikar, Kipat, and Jafate lands among the people, only such rice-lands as are actually available in any area or district shall be redistributed according to the size and physical capacity of each household, in such a way that each allotment comprises both good and bad lands. If it is proved that the lands have not been redistributed equally, and if this has been done on payment of a bribe, the amount of the bribe shall be realized, and a fine of an equal amount shall be imposed. If it is found that no bribe has been obtained, a fine ranging from one rupee to twenty rupees shall be imposed at the discretion of the Mukhtiyar, and the Raibandi allotments shall be cancelled. The lands shall be redistributed again in an equitable manner.

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3. If waste and uncultivated lands reclaimed and cultivated by any person through his own physical labor after digging irrigation channels and clearing forests exceed the Raibandi share, the excess shall not be taken away from him, but shall be confirmed in his possession. If any person redistributes such lands under the Raibandi system, a fine equal to one year's rent thereon shall be imposed, and the lands shall be confined in the possession of the person who reclaimed them.
4. If the lands reclaimed by any person are less than the Raibandi share, the shortfall shall be met from other cultivated rice-lands.
5. If the lands reclaimed by any person through his own physical labor correspond to the Raibandi share, additional rice-lands shall not be allotted to him.
6. Even if another person offers higher payments on Raikar lands which any person has reclaimed and irrigated through his own physical labor, and which he has been cultivating on payment of the prescribed dues, the area of land, or the amount of rent (kut) shall not be increased, and the existing occupant evicted, until the next revenue settlement. He shall be allowed to retain the lands in his possession on payment of the prescribed dues.

If anybody increases the area of land, or the amount of rent, and evicts the existing occupant for this or any other reason, he shall be punished with a fine equal to one year's rent on the land, whether he is a jagirdar, a government officer, a mohinaike, a jimmawal, or any other functionary. The land shall be reconfirmed in favor of the existing occupant.

7. No person who has reclaimed waste and uncultivated lands under Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Peliya-Kharcha, or other tax-free (mafi) tenure through his own physical labor shall be evicted from such lands. The prescribed serma, kut, and other payments shall be collected from him every year.

If the owner of such lands desires to cultivate them himself, he may resume them, even if (the tenant) has not defaulted in payments, or had reclaimed the lands himself. But the owner shall not be entitled to evict the existing occupant by enhancing the kut and other payments, or without any reason, and reallocate the lands to another person.

If any person evicts the existing occupant, he shall be punished with a fine equal to one year's rent on such lands. The lands shall then be restored to the person who had reclaimed them. He may be evicted, and the lands may be reallocated to another person, if he defaults in the regular payment of serma, kut, and other payments.

8. If the owner of rice-lands or homestead or pakho lands under Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Petiya-Kharcha, or other tenure desires to cultivate them himself, he may evict the tenant during the seasons when eviction is permitted by the law, and occupy the homestead, or cultivate the rice-lands or pakho lands himself, even if the tenants had reclaimed the lands (through his own physical labor), or has not defaulted in payments.

In case the tenant complains that he has been evicted, even if the lands are being cultivated by the owner himself, he shall be punished with a fine of Rs 2½, and told that he cannot get back the lands.

9. If any person wants to use the rents on lands endowed by him or by his ancestors as Guthi or Sadavarta for performing the prescribed religious functions, and to cultivate the lands and appropriate for himself the tenant's share of the crops, during the time when he is responsible for managing the Guthi by rotation among his relatives according to the law, he shall be entitled to evict the tenant during the seasons when eviction is permitted by the law, and occupy the homestead or cultivate the rice-lands himself. He shall not evict the tenant during the seasons when eviction is not permitted by the law.

If such person evicts the tenant during the seasons when eviction is not permitted by the law, he shall be punished with a fine amounting to five percent of one year's rent on the lands, which shall then be restored to the tenant for that year. (The owner) may evict the tenant during the proper season the following year.

10. On homesteads, and rice or pakho lands under Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Petiya-Kharcha, or other tenure, a tenant who has been regularly paying the customary kut and other dues may be evicted only if the owner wants to occupy or cultivate such homesteads and lands himself, to let them out to other persons at enhanced rates of rents and other payments according to the law. The existing tenant shall not be evicted, and the homestead and lands given out to another person, on the existing payments. If any person does so, and if the evicted tenant submits a complaint, the former shall be punished with a fine equal to one year's rent on the lands, which shall be restored to the usual tenant.
11. The umrao, bhardar, or other person who owns lands under Duniya Guthi, Matti, Sadawarta, Bekh, Birta, Phikdar, Marwat, Chhap, Manachamal, Jiuni, Petiya-Kharcha, Mayau, Mohariya, or Farnaisi tenure may compel the tenant who cultivates his lands to work for him. He shall not be deemed to have committed any offense if he does so. If while being so employed under oral or written agreement, the tenant submits a complaint to the effect that he has



been overworked, he shall be punished with a fine of one rupee for having complained against his landlord, and compelled to work as stipulated. If the tenant says that although he had stipulated to work for the landlord previously, he is unable to work any longer, and that he is willing to relinquish the lands, he may do so during the appropriate season.

12. If any tenant or other person has occupied any land under Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Petiya-Kharcha, or other tenure under a written agreement with the owner in the presence of witnesses, the Adalat, Thana, or Amal shall settle (disputes, if any), according to the terms of such agreement.
13. If any tenant or other person who has occupied lands under Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Petiya-Kharcha or other tenure under a written agreement with the owner, defaults in the payment of the stipulated rent or other dues, or does not perform the stipulated work, and if the owner submits a complaint, the stipulated amount of rent or other dues which have not been paid, and the wages of laborers who have not been made available, shall be realized (from the tenant), and a fine of an equal amount shall be imposed. It shall lie at the discretion of the owner whether or not to let such tenants occupy the lands.
14. If the owner of any Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, Petiya-Kharcha, or other land who has given such land for cultivation to a tenant under a written agreement enhances the rent or other dues without receiving a higher offer from another person, or exacts labor services from the tenant in excess of what has been stipulated in the agreement, or evicts the tenant, and if the tenants submits a complaint, the excess amount that has been collected from the tenant shall be refunded to him, and a fine of an equal amount shall be imposed on the owner. If the owner has evicted the tenant even while the latter was paying the stipulated rent and other dues, a fine equal to one year's rent on the land shall be imposed, and the land shall be restored to the tenant under the terms of the agreement.
15. No person shall evict any occupant from his homestead on Raikar, Jafati, or Kipat land, unless the latter has defaulted in the payments due thereon every year. If any person does so, he shall be punished with a fine of twenty rupees, and the land shall be restored to the usual occupant.
16. No person shall evict any occupant from his homestead on Raikar, Jafati, or Kipat land, unless the latter has defaulted in the payments due thereon every year. If any person has only threatened to do so, but has not actually evicted the occupant and replaced him by another, he shall be punished with a fine of two and a half rupees.

17. No person shall threaten to evict from his homestead and rice-lands at the time of sowing crops the occupant of a homestead on Raikar and Kipat lands if he has not defaulted in the payment of the stipulated rent and other dues every year. If he does so, with the result that the occupant is not able to sow crops and the lands remain uncultivated, the value of the crops shall be realized from him and a fine of an equal amount shall be imposed. The homestead and rice-lands shall be reconfirmed in the possession of the occupant.
18. Except in the case of persons who occupy homesteads on rice or pakho lands under Raj Guthi, Raikar, or Kipat tenure, no person shall evict existing tenants so long as they pay rents, serma, and other stipulated dues from time to time. If any person does so, the Adalat, Thana, Anai, or other government office shall punish him with a fine amounting to five percent of the rent for one year due on the land from which the tenant has been evicted. The land shall be restored to the tenant for that year. The tenant may be event during the appropriate season the following year.
19. If another persons offers to pay higher rent and other dues, or provide more laborers, than what is being paid or provided by the existing tenant on rice or pakho lands under all categories of tax-free (mafi) tenure, including Guthi, Birta, Bekh, Phikdar, Marwat, Manachamal, Chhap, Jiuni, and Petiya-Kharcha, and if the existing tenant matches the offer, the lands shall not be reallocated to the newcomer, but shall be reconfirmed in the possession of the existing tenant. If the existing tenant does not match the offer made by the newcomer, the lands may be reallocated to the latter. If the lands are reallocated to the newcomer even when the existing tenant is willing to match his offer, and if the existing tenant submits a complaint, a fine amounting to five percent of one year's rent on the lands, from which he has been evicted shall be imposed, and the lands shall be reconfirmed in the possession of the existing tenant at the enhanced rates offered by newcomer.
20. Once any land which has been assigned as jagir to any civil or military official, or which is under Raikar or Jafati tenure but has not been assigned as jagir, or is lying vacant, has been redistributed under the Raibandi system in the course of a revenue settlement (mahajanch) and registered in the name of any individual, and percent fees have been collected accordingly, he shall not be evicted from such land on the ground that the area of the land is higher than what has been recorded, or that the rent should be higher, or any other ground, until a fresh revenue settlement is hold. If any person evicts a land-

holder in this manner, he shall be punished with a fine amounting to one year's rent on the land, which shall then be reconfirmed in the name of the existing landholder. The area may be increased, rents may be enhanced, and landholders evicted in the case of lands which are being used without registering them during revenue settlements.

21. Except in the case of lands on which house has been constructed, if another person offers to pay a higher rent on Raikar or Kipat lands which are being cultivated by a non-resident person, and if such lands have not been registered in the name of such non-resident person during a revenue settlement, he shall be reconfirmed in his possession if he matches the offer. If the existing landholder does not match the offer made by the newcomer, he shall not be allowed to retain the lands, which shall then be reallocated to the newcomer.
22. Except in the case of lands on which a house has been constructed, if another person offers to construct a house and live therein on Raikar or Kipat lands which are being cultivated by a non-resident person, and if such lands have not been registered the name of such non-resident person during a revenue settlement, then the existing landholder shall be allowed to retain possession of the land if he too is willing to construct a house thereon. If he does not do so, he shall not be allowed to retain possession of the land in a non-resident capacity. The land shall be reallocated to the newcomer who offer to construct a house and live there.

(To be continued).

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#### Corrigendum

Regmi Research Series, Year 9, No. 8, August 1, 1977, P. 124. Line 14: read "1850s" instead of "1805". Fourth column of table: read "Amount of Arrears Collected" instead of "... areas collected".

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Nepal's Land Reform

By

Mahesh C. Regmi

(Full text of a paper read out by Mahesh C. Regmi, 1977 Ramon Magsaysay Awardee for Journalism, Literature, and Creative Communication Arts, at an informal group discussion at the Perez Lecture Room, Ramon Magsaysay Center, Roxas Boulevard, Manila, on September 1, 1977).

A few days ago, I had the good fortune and the signal honor of receiving an award instituted in the memory of your late illustrious President, Ramon Magsaysay. My pleasure is not due solely to the recognition that has been given to the task to which I have been able to devote the past twenty years of my life. I also note that the award is in recognition of what the Foundation has graciously described as my commitment to understanding, explaining, and furthering the lot of the Nepali peasant. The Foundation has thus realized the important role of the peasant in the economy and society of Nepal. This realization is perhaps of greater importance than my sense of personal satisfaction. May I, therefore, on behalf of the peasants tilling the soil in the hills, valleys, and plains of my country, thank the Foundation once again?

Let me start with a brief explanation of the reasons that have prompted me over the years to devote my time and energy to a study of Nepal's agrarian system in an historical context. These reasons are mainly two. Nepal has always been primarily an agrarian society, and the peasantry the foundation of the nation's economic and social life. No study of Nepali society can, therefore, ever be meaningful without a study of the peasantry. Unfortunately, however, Nepali historiography and social science has long been marked by a persistent neglect of the peasantry, and preoccupied mainly with dynastic chronology, political relationships, or the esoteric aspects of human life. May, I, therefore, be justified in the claim that my first effort, entitled Some Aspects of Land Reform in Nepal, (1960), followed by the four-volume study entitled Land Tenure and Taxation in Nepal, published between 1963 and 1968, A Study in Nepali Economic History, 1760-1846 (1972) and Landownership in Nepal (1976) have broken new ground in the field of Nepal studies.

Let me now explain the second reason why I have felt the urge to make the peasant the focal point of my research activity over the years. Human culture and civilization owe their origin to the fact that man possesses speech faculty and the faculty of symbolizing, abstracting, or generalizing. Through these faculties he is able to transmit much of his ideas, habits, and achievements to succeeding generations. Language and the written world are of vital importance in this task, inasmuch as they bind society together.

and help it to achieve more purposeful functioning. Almost throughout history, however, the peasantry have remained largely illiterate and, therefore, inarticulate. Indeed, the written word has traditionally remained the virtual monopoly of those segments of the society whose power and privilege are derived from the right, backed by the coercive apparatus of the state, to take away from the peasant a sizeable portion of the food that he produces. And yet the role of peasant as the primary producer of food in a society whose main economic activity comprises agriculture is of crucial importance. Throughout Nepal, notwithstanding the amalgamation of tribal groups into corporate groups and eventually into a modern state, the peasantry have remained the pivot of the economy and society. Numerous slogans of development and industrialization have been raised in recent decades, but there is little evidence that this role of the peasantry will undergo any basic change in the foreseeable future. My personal interest in the field of agrarian research is therefore buttressed by the satisfaction of having been able in some measure to articulate the condition and problems of this inarticulate class.

This, then, is the basic anachronism of social and cultural life in Nepal today. As food producers and taxpayers, peasants constitute that segment of the society which sustains its culture and civilization, as well as all the apparatus and paraphernalia of the modern state, and the power and privileges of its elites and bureaucratic groups. But because they are largely inarticulate and constitute "part-societies with part-cultures," they have traditionally been kept away from social sources of power and subjected to political, economic, and social exploitation.

With the deep conviction that if the men of the future are ever to break the chains of the present, they will have to understand the forces that forged them, I have tried to dedicate myself to the task of articulating the needs and problems, orientations and aspirations of the Nepali peasant. I realize, at the same time, that I have so far hardly been able even to touch the fringe of the subject. Even then, I shall definitely consider my efforts crowned with success if what I have written sparks measures directed toward ameliorating the lot of the Nepali peasant, and also provides the insights and illuminations that may enable other scholars to approach the subject with wider or different perspectives.

What precisely is the role that the peasant occupies in the economy and society of Nepal, and what are the historical and institutional factors that have shaped his present condition? These are the basic questions that confront anyone who is seriously concerned with Nepal and its problems. Before presenting a skeletal outline of the conclusions that I have so far reached

as an answer to these questions, I would like to mention a few statistics about the peasant and the land in Nepal. Almost 95 percent of the working labor force is engaged in agriculture. However, nearly two-thirds of agricultural holdings are less than one hectare in size. Consequently, Nepal's per capita income amounts to only about Nepali Rs 562 (\$ 45) (at 1965 prices), or about Rs 1198 (\$96) (at current prices). Per capita income, however, is an abstract concept which conceals gross inequalities among different segments of the population. For instance, in about ten percent of the total farm population agricultural holdings consist of less than 0.1 hectare; this part of the population is virtually landless and so has a still lower per capita income. There seems little point in further explaining the nature of Nepal's agrarian problem.

I would like now to explain the institutional framework that has historically determined how the peasant has obtained land for cultivation, and under what conditions. Nepal's political and economic system before 1950 might aptly be described as an agrarian bureaucracy, or a system that depended upon a central authority for extracting the economic surplus from the peasantry. Ownership of the land was normally vested in the state. The state, therefore, combined the roles of sovereign and landlord in its dealings with the peasantry. However, for political and administrative reasons, the state granted large areas of state-owned lands on freehold tenure to members of the political elites and the bureaucracy, whom we may designate as the landowning elites. These elites derived their political and economic rights and authority from the state. They were consequently able to combine political control of the peasantry with economic exploitation. Their rights and privileges included: the right to a share in the produce of the land; the right to appropriate the proceeds of miscellaneous taxes and levies collected from the inhabitants of the lands and villages granted to them; the right to exact unpaid labor on a compulsory basis from those inhabitants, and the right to dispense justice within prescribed limits. They enjoyed the ascriptive right to appropriate a part of the peasant's produce in the form of rents, but were not liable to provide any compensatory services or benefits to the peasant. The peasant and the land were of interest to them solely as sources of unearned income.

Because the landowning elites did not for the most part live in the villages where their lands were situated, they needed the services of village headmen or other local functionaries to collect agricultural rents and other payment from the peasant on their behalf. These local functionaries thus played an intermediary role between the landowning elites and the peasantry. They were seldom paid any formal emoluments for their services; rather, they were given a special status and privileges



vis-a-vis the mass of the peasantry that made it possible for them to partake of a share in the agricultural surplus in lieu of emoluments. In other words, the peasants of Nepal shared their produce not only with the government, or the landowning aristocracy and bureaucracy, but also with the functionaries employed to collect that share.

The landowning elites at the center and the local elites in the village thus represented a coalition of interests ranged against the peasant to squeeze agricultural surpluses and share the proceeds. The landowning elites needed the local elites to collect rents and control the peasantry, and the local elites needed the political backing provided by the landowning members of the aristocracy and the bureaucracy.

Inasmuch as the landowning elites owed their privileged economic position to their political power, they played the decisive role in the formulation of the agrarian policies of the state. They had a vested interest in a high level of agricultural taxation, without any care for developing agriculture or improving the economic condition of the peasant. Indeed, the peasant's worth consisted mainly in his role as tiller of the land and a source of rents and unpaid labor services. In the absence of capital investment and technological improvements, agricultural productivity remained low, whereas the burden of rents and taxes were high. Most peasants, therefore, lived on the margin between subsistence and destitution.

I have so far presented a brief, and maybe somewhat abstract, picture of the agrarian scene in Nepal during the period of Rana rule. The picture changed radically after 1951, when that rule was overthrown. These changes occurred in two stages. The first covers the period from 1951 to the mid-1960s, during which a series of measures were taken that contributed to a divorce between political power and landownership. The system of tax-free land grants to members of the political elites and the bureaucracy was discontinued, thereby "separating a large section of the ruling class from direct ties with the land," and marking "the change from a tenure system where social and political aspects are dominant features to one where the social and political attributes have become separated." Membership of the political elite and the bureaucracy is no longer a stepping-stone to landownership, and to a position of political and economic dominance over the peasant.

The second stage of basic changes in Nepal's agrarian system covers the period after the mid-1960s. A comprehensive land-reform program was then formulated with the twin objectives of "diverting inactive capital and manpower from the land to other sectors of the economy in order to accelerate the pace of national development," and improving the standard



of living of the peasant through equitable land distribution and the provision of agricultural know-how and resources." The program was essentially aimed at reducing the status and earnings of landowners who had acquired rentier rights in the land through economic means within the framework of the traditional land tenure system, in contradistinction to the landowning members of the political elites and the bureaucracy who had achieved their position through political means and who had been eliminated during the first stage of land reform.

The land reform program that was introduced in three stages during the period from 1964 to 1966 aimed, as mentioned above, both at remolding agrarian relations and mobilizing capital from agriculture. To achieve these objectives, ceilings were imposed on both ownership and tenancy holdings, security of tenure was provided to peasants who cultivated the main crop at least once, and landlords were forbidden to collect more than half of the main crop as rent. Subsequently, provision was made to determine the output of the  $\Delta$  basis of half of that quantity, thereby discarding the crop-sharing system in favor of a fixed-rent system. In addition, efforts were made to mobilize capital by enforcing a compulsory-savings scheme and a taxation system covering both landowners and tenants, and by intercepting the repayment of moneylenders' capital.

This is not the place to analyze to what extent these objectives of the land reform program have actually been realized during the past decade. It may be sufficient to point out that notwithstanding the goal of land reform to divert inactive manpower from agriculture to other sectors of the economy, during the period from 1961 to 1971, the percentage of the working labor force engaged in agriculture actually increased by 13 percent. Moreover, according to a recent ILO survey, the agricultural labor force is actually employed only for about 55 days in the year in the hills region, and about 80 days in the plains.

Of greater relevance to the present context is the question of how far the current land reform program is meant to remold agrarian relations for the benefit of the peasant. From this point of view, one is compelled to admit reluctantly that the program has left the landholding system basically untouched. It has, no doubt, made tenants more secure on their holdings, and also has reduced the rents payable by them to their landlords. Nevertheless, it has also further entrenched the position of landlords as rent-receivers. Notwithstanding land reform, landlords have no obligation beyond collecting rents after crops are harvested and paying less than five percent of the proceeds as land tax. Land still remains a profitable field for investment, and the demand for land as a source of unearned income remains undiminished. The growing volume of land transfers consequent to the imposition of ceilings has met that demand to some extent. The land reform program has thus actually led to an expansion of the non-working

$\Delta$ main crop and then fix the rent at a specific rate on the

landowning class, which provides most of Nepal's politicians, civil servants, and other segments of the establishment. The introduction of improved techniques of farming, and the growing popularity of scientific inputs, has simultaneously nurtured a trend toward the eviction of peasants and the resumption of lands for personal cultivation by landowners. Along with the growing pressure of population and land acquisition on an increasing scale for the construction of roads and other development projects, the progressive proletarianization of the small peasant seems inevitable.

Notwithstanding a decade or more of land reform, therefore, the Nepali peasant continues to occupy the penultimate stratum in the social and economic ladder, the lowest stratum consisting of agricultural laborers and other categories of landless people. The step-motherly treatment meted out to tenants vis-a-vis landowners reinforces this conclusion. For instance, the ceilings prescribed for landowners under the land reform program are more than six times higher than those for tenants. Such a discriminatory policy has further widened the social and economic gulf that separates the peasant from his landlord.

Against the background of these shortcomings of the current land reform program, what are the policies and measures that Nepal must follow in the agrarian field in the future? I would like to stress at this point that as an economic historian, I can only suggest broad goals and policy alternatives. The task of translating these goals and policy alternatives into specific programs for actual execution naturally belongs to politicians, planners, and administrators.

May I insert here a few words of caution. The plethora of writing that has been produced in recent years by administrators, planners, and social scientists on the mechanism of development and modernization is impressive. One must also admit that such writing is based on abstract and elitist conceptual frameworks in which the peasant is at best a mere statistic and at worst a superstitious, ignorant, and conservative creature, hostile to any change and reform. The tendency to interpret development in statistical and macroeconomic terms often conceals the fact that the peasant is a human being, and that the peasantry constitute the most numerous class in the country.

Any serious attempt to alleviate the problems of the peasantry must, therefore, start with a program aimed at providing to the landless peasants in each village, as Gunnar Myrdal has suggested, a small plot of land, and with it a dignity and a fresh outlook on life, as well as a minor independent source of income.

A realistic approach to Nepal's agrarian problems must also take into account the basic economic laws of supply and demand. It is a truism that employment opportunities outside the agricultural sector are comparatively scarce in Nepal, but the truism needs to be reiterated in order to highlight the fact that Nepal's current agrarian problems have stemmed largely from the acute imbalance between the supply of land and the demand for land. All the basic components of Nepal's land reform program flow from that imbalance. The supply of land can be increased only marginally, if at all, whereas the growing pressure of population and the retarded nature of the non-agricultural sector have pushed up the demand for land beyond manageable limits. That is the reason why it has been felt essential to set a ceiling on agricultural holdings, protect the tenurial rights of the peasant, and control the rents that he is under obligation to pay to his landlord.

Population cannot be meaningfully controlled, or the non-agricultural sector expanded on a significant scale, under short-term programs. The number of people engaged in farming for their subsistence will, therefore, increase in absolute terms in the foreseeable future. In these circumstances, a practicable, albeit partial, solution to Nepal's agrarian problem may lie in measures aimed at reducing the demand for land as a field for monetary investment and a source of unearned income. Such a measure will not, of course, increase the physical supply of land. Nevertheless, it may help to check the outflow of agricultural incomes to the non-cultivating section of the population, and thereby ensure a better deal for those who actually perform the essential tasks of plowing the fields, sowing seeds, and harvesting crops.

I would like, in this context, to quote a few sentences from my book Landownership in Nepal: "The land problem facing Nepal at present is the product of an aristocratic and bureaucratic tradition that has viewed land as a source of unearned income rather than as a means of production. The challenge of economic development puts us under the obligation of inverting this outlook. The ownership and control of land must be reorganized for maximizing collective interests, rather than those of an individual or a select class of the society... In the situation existing in Nepal at present, any program of land reform can be meaningful only if it fulfills two objectives: elimination of non-working landownership, and mobilization of capital. In other words, land reform must ensure that land belongs to those who actually cultivate it, and that surplus agricultural production becomes available for use as capital."

In the same study, therefore, I have proposed the institution of a new form of land tenure to achieve these twin objectives without making any radical departure from the traditional elements of Nepal's land system. The proposal envisions the transfer of landownership rights, wherever possible, to local elected bodies, known as Panchayats in



the three-tier political system that was introduced in Nepal during the early 1960s. These bodies will allot the lands to actual resident cultivators and collect rents at about one-fourth of the produce. The allottees will be permitted to transfer their allotments, but only to actual cultivators. Such a system will have several obvious advantages compared with the existing land tenure system in Nepal. Surplus agricultural production will become available for investment, instead of being consumed by non-working landlords. The disappearance of the landlord class will have a beneficial effect on the political system followed by the country. The peasant will then become proprietor of the land in the real sense of the term.

I am not, of course, suggesting that the switch-over to this new system of land tenure be accomplished overnight. I do not want to underestimate the power and influence of the landowning class, nor the administrative and organizational problems involved in such a far-reaching measure of reform. But it is equally true that "as long as powerful vested interests oppose changes that lead toward a less oppressive world, no commitment to a free society can dispense with some conception of revolutionary coercion."

Thank you.

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Nanakshahi Monasteries in  
Kathmandu

The following royal order was issued in the name of Mahant Ramadas Nanak of Kalamochan-ghat in Kathmandu on Jestha Sudi 1, 1933 (May 1876): "Twenty ropanis of rice land at Chalaneshwar had been granted as Birta (to the Nanakshahi monastery) through a copper-plate inscription during the reign of King Jaya Prakash Malla. After the Gorkhali conquest, a royal order was issued reconfirming the grant. These lands were being used by Atmaram Nanak, a disciple of Mayaram Nanak.

"Income from this land has been used to supply food to Nanakshahi fakirs, and the surplus was being used (by the Mahant). When Nanakshahi udasis died without leaving any heirs, their property was appropriated by Tapidas Nanak.

"We (i.e., King Surendra) also hereby reconfirm the Birta grant. Appropriate the surplus income after performing the prescribed religious and sadawarta functions."

Regmi Research Collections, Vol. 69, pp. 764-66.

Approximately 53 ropanis of rice lands had been granted to the Nanak-Sangat monastery at Gnyaneshwar in Kathmandu by King Jaya Jagat Malla under Sarbanga Mafi tenure through a copper-plate inscription. The grant was reconfirmed in the name of surat Nanak on Marga Sudi 5, 1892 (November 1835). In 1953 Vikrama (A.D. 1896), the lands were registered as Raj Guthi, but declared exempt from the Pota tax. The Guthi was formally registered as a Raj Guthi in Ashadh 1978 (June 1921) in the name of Mahant Narayandas.

The lands yielded rents amounting to 39 muris of paddy, 18½ pathis of wheat, 12 muris, 8 pathis, and 6 manas of millet, 2 muris, 9 pathis, 4 manas, and 5 muthis of maize, Rs 17.05 as Ghiukhane, and R.O.50 as Chardam-Theki. The grains were converted into cash at 5 pathis of paddy, 5 pathis and 6 manas of millet, and 4½ pathis of maize per rupee. The total income was thus estimated at Rs 211.92. After meeting both in-kind and cash expenditures, the Guthi was left with a surplus of Rs 39.75, which the Mahant was allowed to keep for himself on condition that he maintained and repaired the buildings of the monastery.

Regmi Research Collections, vol. 3, pp. 203-6.

Another Nanakshahi monastery is located near the Shobha-Bhagawati temple on the banks of the Vishnumati river in Kathmandu. 27½ ropanis of land had been granted under Sarbang Mafi Fakirana Birta tenure to this monastery by King Girban Yulha Bikram on Jestha Sudi 5, 1857 (May 1800)

for establishing a Sangat in the name of Virajaman Nanak and Vasantadas Nanak. 25 ropanis were later acquired for the construction of the Singha Darbar Palace, but other lands were granted in exchange elsewhere. The lands were recorded in the Guthi register according to an order issued by Prime Minister Chandra Shumshere on Poush 29, 1964 (January 13, 1908). The government decided that the Guthi should be operated on Amanat basis (that is, through salaried functionaries). The Guthi had a surplus income of Rs 53.60.

Regmi Research Collections, vol. 3, pp. 212-14.

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Law on Land-Holding, 1854

(Continued from the September 1977 issue)

23. If a person who had been cultivating rice lands under Jafate tenure relinquishes them, and the lands are subsequently cultivated, and rents and other dues thereon paid, by another person, and if the former comes back and claims the lands as his own, he shall be punished with a fine amounting to ten percent of one year's rent on the lands, and told that the lands cannot be restored to him.
24. If a person who had been cultivating rice lands under Jafate tenure relinquishes them, and the lands are subsequently cultivated, and rent and other dues thereon paid, by another person, and the former comes back and claims that the lands belong to him, and then evicts the present occupant, and anybody grants him permission to reoccupy the lands, and if the cultivator submits a complaint, the person who evicted him shall be punished with a fine amounting to one year's rent on the lands, which shall be restored to the cultivator.
25. If any person relinquishes his land, which remains uncultivated as a result, and if any other person cultivates such land and pays rents and other dues thereon, and if the former subsequently comes back and claims that the land belongs to him, his claim cannot be upheld. The land shall be left in the possession of the person who has been cultivating it. If the person who had earlier relinquished the land subsequently claims that it belongs to him, and submits a complaint to that effect, he shall be punished with a fine amounting to one year's rent on the land, and told that the land cannot be restored to him.

Contd...

26. If any person relinquishes the Jafate land he had been cultivating, and no other person cultivates such land, which remains uncultivated as a result, and rents and other dues thereon remain unpaid, or if no such payments had been assessed, such uncultivated land shall be registered in his name if he comes back subsequently and says that he wants to cultivate it.
27. If any person offers to reclaim and pay rents and other dues on land which has been vacated by the previous occupant, the Talukdar shall allot the land to him.
28. If a Jafate land-holding has been damaged by floods or landslides, and, therefore, has remained uncultivated, but the Jagirdar has already obtained other land in exchange, while the occupant of such land has not obtained any land in exchange in accordance with the decision made in 1904 Vikrama (A.D. 1847), such Jagirdar shall no longer have any claim to the land which has been rendered uncultivated because of floods or landslides, nor shall the Jafate landholder leave it uncultivated. He shall cultivate it, and pay rents and other dues thereon, if he is willing to do so. If he has not brought the land under cultivation, but has been paying rents and other dues thereon, he may keep it uncultivated, but others shall not be allowed to do so.

If the Jafate landholder has not cultivated such land himself, it shall be allotted to any other person who is willing to bring it under cultivation and pay rents and other dues thereon. After such person has started using hoes and plows on the land, the Jafate landholder shall have no claim thereto. The person who has started using hoes and plows on the land shall be allowed to cultivate it on payment of rents and other dues.

29. If any Jafate land has remained uncultivated because of floods or landslides, and the occupant has neither brought it back into cultivation himself, nor allowed others to do so, he may cultivate it on payment of rents and other dues if he wants to do so. If he does not bring such land, shall be allotted to any person who offers to do so. After such person has used his hoe or plow on such land and cultivated it, the Jafate landholder shall have no claim thereto. If he makes a request for other lands in exchange according to the decision made in 1904 Vikrama (A.D. 1847), and if he is able to find a tract of waste and uncultivated land, it shall be allotted to him in exchange.
30. If the Jafate landholder has obtained other land in exchange for his confiscated (Jafate) holding according to the decision made in 1904 Vikrama (A.D. 1847), the land shall be regarded as Raikar; it shall not be described as Jafate.

back into cultivation himself, the land

31. If any person has mortgaged his Jafate holding for money, he shall redeem the mortgage if he can do so; if he cannot, he shall execute a personal bond in favor of the mortgagee. The person to whom the land is reallocated in the course of Raibandi redistribution may cultivate it on payment of rents and other dues. The mortgagee shall have no claim to the land on the ground that he had invested his money in it. If the person to whom the land is reallocated in the course of Raibandi redistribution relinquishes it, or dies, the Jimawal, Thari, or mukhiya shall again reallot the land according to the law.
32. In case any person has lent money to a kipatowner and has obtained his kipat holding on simple or possessory mortgage, and in case the debtor subsequently runs away or dies, the appropriate Amali, Thari, Mijhar, Gourung, or other Talukdar shall rellot the land to another person who can fulfill the prescribed services and obligations. The creditor shall not be permitted to occupy the land on the ground that he had invested his money in it. His loan shall be realized from the debtor, or from the heirs and descendants of the debtor, if possible, or else the debtor shall execute a personal bond in his favor.
33. In case any person has entrusted his khet or pakho lands under Raikar, Kipat, or Jafate tenure to another, and the latter has been cultivating such lands on payment of rents and other dues, the lands cannot be held in trust, because they are taxable. The former shall not be permitted to come back later and demand that the lands be restored to him on the ground that he had given them on trust. In case he makes such a demand he shall be punished with a fine amounting to ten percent of one year's rent on the lands, and informed that the lands cannot be restored to him.
34. In case a tenant who has been cultivating khet or pakho lands under Raikar, Birta, or other tenure, relinquishes such lands on the ground that he is not able to cultivate them either orally or in writing before the owner or the Talukdar, and in case another person takes up the lands for cultivation and pays rents and other dues thereon, the former shall not subsequently demand that the lands be restored to him. The lands shall be confirmed in the possession of the person who has been paying rents and other dues thereon.
35. In case a tenant who has been allotted khet land under Raikar or Jafate tenure in the course of a revenue settlement on payment of the prescribed fees and has been cultivated such land defaults in the payment of rents, or lets the land remain unclucivated, and in case the Jimawal or Mohinaike has reallocated such land to another person against payment of the arrears of rent, and the latter has been cultivating the land and paying rents and other dues thereon, the former occupant, in whose name the land



had been registered in the course of a revenue settlement, shall be punished with a fine of five rupees in case he claims re-possession of the land on that ground subsequently. He shall be informed that inasmuch as the land has been reallocated to another person against payment of the arrears of rent because he had defaulted in such payment, or let the land remain uncultivated, it cannot be restored to him. The land shall be confirmed in the possession of the person who had paid up the arrears of rent.

36. In case a person to whom khet or pakho land under Raikar or Kipat tenure had been allotted under the Raibandi system on payment of the prescribed fees in the course of a revenue settlement lets another person use or cultivate such land because he does not have the means to cultivate it himself, or out of affection or charity, but is himself paying rents and other dues on the land, then inasmuch as he has been making such payments himself, he may evict (the tenant) during the appropriate season.
37. In case a person to whom khet or pakho land under Raikar or Kipat tenure had been allotted under the Raibandi system on payment of the prescribed fees in the course of a revenue settlement lets another person use or cultivate such land because he does not have the means to cultivate it himself, or out of affection or charity, and in case rents and other dues are being paid to the appropriate office or jagirdar by the actual cultivator, not by the registered landholder, the latter shall not be permitted to evict the actual cultivator on the ground that the land had been registered in his name. The land shall be confirmed in the possession of the person who is cultivating it and is paying rents and other dues thereon. In case any person evicts the actual cultivator on the ground that the land had been registered in his name, he shall be punished with a fine amounting to ten percent of one year's rent from the land, which shall then be confirmed in the possession of the person who is actually cultivating it.
38. In case a landholder in whose name a plot of land has been registered resides in the area where it is situated, and pays rents and other dues thereon, but gives away the land for cultivation to another person on tenancy, and such tenant subsequently shifts his residence to another place, or dies without leaving any heirs, then the land shall not be regarded as unclaimed, because the registered landholder had been paying rents and other dues thereon. He may cultivate the land himself, or let it to another person, as he likes. Such land cannot be reallocated by the Jimmawal, Mohinaike, or other functionary. In case any person reallots such land, and the registered landholder submits a complaint, the former shall be punished with a fine amounting to ten percent of one year's rent from the land, which shall be placed under the control of the registered landholder.

39. In case a Kipatowner has given away his Kipat land to another person for use or cultivation, and the latter has constructed a house on such land, and made payments due on the roof, the Kipatowner shall not be permitted to resume the land on the plea that the Kipat land belongs to him. However, the Kipatowner may resume for personal cultivation land other than the homestead, because it forms part of his Kipat holding. So long as the cultivator makes the stipulated payments, the Kipatowner shall not evict him and give away the homestead or land to another person. In case any Kipatowner evicts the occupant of a homestead, he shall be punished with a fine of twenty rupees. The fine shall amount to one year's rent from the land if the cultivator is evicted from land other than a homestead. The land shall then be restored to the occupant.
40. In case a registered landholder lets a part of his holdings for cultivation to another person, and the latter pays rents and other dues on such land, but subsequently shifts his residence to another area, or defaults in payments or dues without leaving any heir behind, the land shall be deemed to be vacant (ukas). The registered landholder shall not be permitted to reallocate such land to another person, or to cultivate it himself. The Jimmawal, Mohinaike, etc. may reallocate the land to another person. In case the registered landholder submits a complaint to the effect that the Jimmawal, Mohinaike, etc., has reallocated land which had been registered in his name, he shall be punished with a fine amounting to ten percent of one year's rent from the land, on the ground that he wrongfully complained against reallocation made by the Jimmawal, Mohinaike, etc., according to the law.
41. If a homestead which has been registered in the name of any person in the course of a revenue settlement is later subdivided among his sons or brothers, and they construct new houses on the same land, from the year 1925 Vikrama (A.D. 1868), serma tax shall not be collected separately on each roof until a fresh revenue settlement is conducted. (The land) may be used on payment of one serma tax as usual. However, because the roofs are different, each house shall pay the saune faqu tax separately. In case any person complains that separate serma taxes have been collected on such houses, the amount thus collected shall be refunded, and a fine of an equal amount shall be imposed.
42. If a homestead which has been registered in the name of any person in the course of a revenue settlement is subdivided among his sons and brothers, and they construct new houses on the same land, but pay the tax collectively, and if any subdivided homestead becomes vacant because of the death or emigration of any of them, any relative who is entitled to inherit his property may occupy it in addition to his own, because all those persons had been using portions of a holding which was subject to the payment of one tax.

Such (subdivided and vacant) homestead shall not be re-allotted to another person. If anybody reallots such homestead to another person, not to the relative of the previous occupant who is entitled to inherit his property, and if such relative submits a complaint, the person who has made the reallotment shall be fined with an amount equal to one year's rent (kut) or serma tax on the land, which then shall be reallotted to the relative.

43. If persons who were occupying homesteads on which taxes had been assessed separately in their names in the course of a revenue settlement die without leaving any heirs behind, or if they emigrate, with the result that the homesteads remain unclaimed, such homesteads may be re-allotted to any relative who files his claim within thirty-five days. If he does not file his claim within that time-limit, the appropriate Talukdar has reallotted a homestead in this manner, and if a relative files his claim thereto after thirty-five days, he shall be punished with a fine of two and a half rupees, and told that the homestead cannot be reallotted to him.
44. If after the year 1925 Vikrama (A.D. 1868) any person relinquishes his homestead and shifts his residence to another area, he shall not be allowed to retain possession of his khet lands under raikar tenure at his old place in an absentee capacity. The appropriate Jimmawal, Mohinaike, or Talukdar shall reallot such khet lands to any other person who occupies the homestead that the emigrant had relinquished. Because the khet land was attached to that homestead, it shall not be reallotted to a different person. If the person who is granted possession of the relinquished homestead is willing to cultivate such khet land on payment of the prescribed rents and other dues, and if he files a complaint before crops for that year are sown that the land has been reallotted to another person, the person who made the reallotment shall be punished with a fine amounting to one year's rent on the land, which shall be again reallotted to the person, who is willing to keep the roof intact and occupy the homestead.
45. If any landholder relinquishes his homestead and shifts his residence to another homestead under raikar tenure in the same area, not in a different area, he shall not be deemed to have emigrated. The appropriate Jimmawal or Mohinaike shall not reallot his raikar khet lands to the person who occupies the homestead relinquished by him, or to any other person. The person in whose name the homestead had been registered previously may continue to use the raikar khet lands on payment of the prescribed rents and other dues. If any person evicts the landholder from such (raikar khet) lands, he shall be punished with a fine amounting to one year's rent on the land, which shall be reconfirmed in the possession of the person in whose name it had originally been registered.

may reallot the homestead to another person who is willing to keep the roof intact and pay the prescribed taxes and dues. If the Talukdar

Contd...



46. If a landholder who has been occupying a homestead on raikar land dies without leaving any heirs behind, or emigrates, with the result that his homestead remains unoccupied, the appropriate Amali, Thari, or Mukhiya shall reallocate it to another person who is willing to keep the roof intact and pay the prescribed taxes, if any such person is available. If a person who is willing to keep the roof intact is not available, the appropriate Amali, Dware, Thari, or Mukhiya may occupy the homestead himself, or reallocate it to any other person, because he is personally liable for the full payment of taxes. If any person subsequently offers to occupy the homestead and keep the roof intact on payment of the prescribed taxes, but the appropriate Amali, Dware, etc., does not accept the offer, and retains possession of the homestead himself, and if the applicant submits a complaint, the Amali, Dware, etc., shall be punished with a fine of rupees five. The homestead shall be reallocated to the person who is willing to keep the roof intact and pay the prescribed taxes.
47. If a landholder who has been occupying a homestead on raikar land dies without leaving any heirs behind, or emigrates, and no other person is available who is willing to occupy the homestead and keep the roof intact, and if the land has been reallocated to any person for cultivation subject to payment of rents and other dues through a written undertaking or orally in the presence of witnesses, on condition that it will be again reallocated to any person who may later offer to occupy the homestead, and that the first allottee will not be permitted to claim the land at that time on the ground that he is cultivating it, and if subsequently another person offers to set up a roof and cultivate the land on payment of the prescribed rents and other dues, the first allottee shall not refuse to relinquish the land on the ground that he had been cultivating it. The land shall be taken away from him and reallocated to the newcomer. If any other local landholder requests that the land be reallocated to him, on the ground that his own holding is too small, his request shall be rejected. However, it shall be accepted if they leaves his joint family and sets up a new household. If the first allottee complains that he has been evicted from the land, he shall be punished with a fine of two and a half rupees for having made a wrongful claim, and informed that he cannot retain possession of the land.

(To be continued).

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### The salt Trade in Dana

In early A.D. 1860, a contract for the collection of customs duties at Dana in Thak had been given out for Rs 44,501 to Captain Hemakarna Khadka Chhetri. Subsequently, a higher bid was offered by Chyalpa Thakali. Ultimately, however, a new contract was given out to Lt. Champa Singh Khadka Chhetri, Captain Hemakarna Khadka Chhetri's son on an annual payment of Rs 55,501.

Lt. Champa Singh Khadka Chhetri recruited three local people to work for him: Subba Balabir Thakali, Ramashanker Thakali, and Dhana Prasad Thakali.

Chyalpa Thakali, who had been unable to obtain the contract, then persuaded Ramashanker Thakali and Dhana Prasad Thakali to resign. Subba Balabir Thakali, however, refused to join them.

Chyalpa Thakali and his associates then prepared the following plan: "The sale of foodgrains from Thaksatsae to Panchagaun and Barhagaun will not be permitted. This will stop foodgrain exports to Tibet, with the result that no salt will be available in exchange. Once salt imports are disrupted, the Dana customs will collapse, and the condition of Thaksatsae will improve." They then announced that the inhabitants of Thaksatsae would hold a public meeting at Purang to discuss the plan, and that any village headman (mukhiya) who did not attend the meeting would be fined one rupee, and other persons eight annas, every day.

Some Thakalis put their signature on the notice circulated by Chyalpa Thakali and his associates for holding the meeting, whereas others refused to do so. The notice also declared that any inhabitant of Thaksatsae who sold foodgrains would be punished with a fine of three hundred rupees.

Subba Balabir Thakali was one of those who refused to sign the notice. He said: "Everyone should be free to decide whether or not to sell his foodgrains. I am willing to sign any notice if the proposal is to approach the royal palace for the promulgation of appropriate regulations. But I will not sign any document proposing a ban on the sale of foodgrains."

A quarrel ensued between Chyalpa Thakali and Subba Balabir Thakali. However, other persons prevented them from coming to blows. The proposed meeting could not be held. These events took place in the month of Shrawan (July-August).

In Kartik (October-November) Chyalpa Thakali and three other persons filed a complaint at the Baglung court against Subba Balabir Thakali. The court sent constables along with Chyalpa Thakali to arrest him. Subba Balabir Thakali was beaten up and put in fetters. However, he was not told what charges had been framed against him.

Subba Balabir Thakali was subsequently able to elude his captors. He visited Kathmandu and submitted a petition through the Itachapli court. The petition was represented to Prime Minister Jung Bahadur through the Kaushal office.

The Prime Minister ordered that Chyalpa Thakali, Dhana Prasad Thakali, and Prema Ranjan Thakali be arrested by the Itachapli court on the charge of having put Subba Balabir Thakali in fetters in an unauthorized manner.

(Source: "Order to Lt. Champa Singh Khadka Chhetri Regarding Arrest of Chyalpa Thakali and Others."

Regmi Research Collections, vol. 33, pp. 689-96.

The following account of the exchange of Tibetan salt for Nepalese grain helps to shed some light on this document:

"The organization of this simple exchange of two essential commodities has nevertheless undergone far-reaching changes, and we have seen that the major phases in the recent history of Thak Khola were determined by developments in the control of the salt-trade... Until 1850 no customs duty was levied on the import of salt by the government of Nepal, but the people of Thaksatsae paid a consolidated tax of Rs 12,500 in return for which they were free to trade in salt without any restrictions. In 1860 this system was abolished and thereafter the government of Nepal auctioned a customs contract including the monopoly of the trade in Tibetan salt in Thak Khola. The first customs contractor paid an annual royalty of Rs 44,500 and during the years 1860-1932 this monopoly was the subject of keen competition between big Thakali merchants as well as a few outsiders."

(Christoph von Furer - Haimendorf, Himalayan Traders, London: John Murray, 1975, p. 188.

The "consolidated tax" which Haimendorf has mentioned was actually a contractual payment (thekbandi) which the inhabitants of Thak were required to make to the government every year. In consideration of that payment, the government relinquished its claim to revenue from homestead taxes (wajbi), judicial fines (asmani), and ad hoc levies (farmani)

In 1866 Vikrama (A.D. 1809) the annual contractual payment was fixed at Rs 15,000, and Subba Bhawani Datta Thapa was authorized to collect it.

("Royal Order to the Budhas of Thak," Jastha Badi 30, 1866 (June 1809), Regmi Research Collections, vol. 40, pp. 35-36).

The contractual payment of Rs 15,000 yearly was reduced to Rs 13,000 after a few months.

("Royal Order to Premakhad Budha," Poush Sudi 5, 1866 (January 1810), Regmi Research Collections, vol. 40, p. 172).

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Law on Land-Holding, 1854

(Continued from the October 1977 issue)

If a landholder who has been occupying a homestead on raikar land dies without leaving any heirs behind, or emigrates, and no other person is available who is willing to occupy the vacant homestead and keep the roof intact, and if the homestead has been reallocated to another person who is using it in addition to his own and paying the taxes due thereon, and if later any person offers to set up a roof on the land, the former shall be given the land. If he had not signed any bond, or given any undertaking in the presence of witnesses, that he will relinquish the land (if another person later offers to construct a roof on the land), and had taken up the land for cultivation at a time when it was about to remain uncultivated, and had also been paying rents and other dues on the land, he shall not be evicted, and the land shall not be reallocated to another person who is willing to set up a roof thereon. If anybody evicts the occupant on such land and reallots it to another person, he shall be punished with a fine amounting to one year's rent on the land, and the land shall be reconfirmed in the possession of the existing occupant.

If a landholder who has been occupying a homestead on raikar land dies without leaving any heirs behind, or emigrates, and no other person is available who is willing to construct a roof on the land and occupy it, and any other landholder belonging to the same area, or to another area, has been occupying the homestead in addition to his own, and if another person subsequently offers to set up a roof on the land, the amali, dware, thari, or mukhiya shall reallocate the land to the latter, because the former had been occupying it in addition to his own without paying any rents and other dues. If any landholder complains against such reallocation, he shall be punished with a fine of two and a half rupees, and informed that he cannot be permitted to continue occupying the land.



50. If a landholder who has been occupying a homestead or land under raikar or jafate tenure dies or emigrates, with the result that the homestead or land remains unoccupied, and no other person is available to occupy it and keep the roof intact, and if the amali, thari, mukhiya, or other talukdar has reallocated the homestead or land to another local landholder in addition to his own, the latter shall not again reallocate the homestead or land to another person without the concurrence of the amali, thari, mukhiya, or other talukdar. If he has accepted chardam-theke fees in consideration of such reallocation, he shall be fined with an equal amount, and the talukdar shall again reallocate the land.
51. A landholder may continue to live in the area where his raikar holding is situated, and give it out for cultivation to another person because of lack of means, or affection or charity, or after obtaining a loan in money, or on payment of the amount of rent due on the land or even without obtaining any payment in money. Such land cannot be reallocated by the jimmawal, mohinaike, or other talukdar to another person.

If it is proved that with effect from the year 1925 Vikrama (A.D. 1868) any landholder who has shifted his residence to another area has relinquished his land to another person after obtaining payment in money, or on payment of the amount of rent due on the land, or even without obtaining any payment in money, such relinquishment shall not be regarded as valid. The appropriate jimmawal, mohinaike, or other talukdar may reallocate the land to any person who is willing to make the prescribed rent and other payments. It shall lie at the pleasure of the previous occupant whether or not to recover the money paid by him.

52. No tenant who is occupying a cultivating homesteads or rice lands under mafi tenure of any category, including Guthi, Birta, bekh, phikdar, marwat, chhap, manachamal, and petiya-kharcha, after paying chardam-theke fees to the owner, shall reallocate such homestead or rice-lands after appropriating chardam-theke fees himself thereon without the consent of the owner. Such reallocation shall be regarded as valid. Any tenant who makes such reallocation shall be required to refund the amount of chardam-theke fees that he has appropriated, and punished with a fine of an equal amount for having appropriated such fees without any authority. It shall lie at the pleasure of the owner whether or not to let such tenants retain possession of the lands.

53. If a landholder who had been occupying a homestead on raikar land dies without leaving any heirs behind, his nearest relative may offer chardam fees, but not theki fees, to the appropriate jimmawal or other talukdar within thirty-five days offering to take over the homestead and rice-lands of the deceased person, keep the roof intact, and pay the prescribed rents and other dues. If (the talukdar) allots (the homestead and rice lands) to another person even when the nearest relative (of the deceased person) had made such an offer, and the latter submits a complaint to that effect, the former shall be punished with a fine amounting to ten percent of one year's rent on the land. The homestead and lands shall then be reallocated to such relative.

If no relative makes such an offer within thirty-five days, the amali, jimmawal, or other talukdar may reallocate (the homestead and lands) to any other person who is willing to keep the roof intact and pay the prescribed rents and other dues. No (relative) who makes an offer (to take up the homestead and rice lands) after thirty-five days shall receive the reallocation.

54. If a landholder who had been occupying a homestead on raikar land emigrates, and if a childless widow relinquishes her homestead and goes to the home of her parents at another place, they shall not be permitted to reallocate the homestead and rice-lands to another person. If the nearest relative makes an offer within thirty-five days to take over the homestead and rice-lands on payment of the prescribed rents and other dues and to keep the roof intact, and if he pays chardam-theiki fees to the jimmawal or other talukdar, the homestead and rice-lands shall be reallocated to him. If (the talukdar) reallocate them to another person even when (the relative) has made such an offer, and if the latter submits a complaint to that effect, the former shall be punished with a fine amounting to ten percent of one year's rent on the land. The homestead and rice-lands shall then be reallocated to such relative.

If no relative makes such an offer within thirty-five days, the amali, jimmawal, or other talukdar may reallocate (the homestead and rice-lands) to any other person who is willing to keep the roof intact and pay the prescribed rents and other dues. No (relative) who makes an offer (to take up the homestead and rice-lands) after thirty-five days shall receive the reallocation.

55. If a childless widow who had been occupying a homestead on raikar land takes up a lover, she shall not be allowed to keep him in that homestead. If the nearest relative makes an offer within thirty-five days to take over the homestead and rice-lands on payment of the prescribed rents and other dues and to keep the roof intact, and if he pays chardam-theke fees ranging between eight annas and five rupees to the jimmawal or other talukdar, the homestead and rice-lands shall be reallocated to him. If (the talukdar) reallocates the homestead to another person even when the nearest relative has made such an offer, and if the latter submits a complaint to that effect, the former shall be punished with a fine amounting to ten per cent of one year's rent, and the homestead and lands shall then be reallocated to such relative.

If no relative makes such an offer within thirty-five days, the amali, jimmawal, or other talukdar may reallocate (the homestead and rice-lands) to any other person who is willing to keep the roof intact and pay the prescribed rents and other dues.

56. If a widow who had been occupying a homestead on raikar land takes up a lover, leaving in that homestead children below sixteen years of age, and if friends and relatives say: "we shall bring up these children, occupy and cultivate their homestead and lands, pay the prescribed rents and other dues, and, after they come of age, let them occupy and cultivate the homestead and rice-lands left by their parents," then such friends and relatives shall be made to affix their signature on a stipulation to that effect, and allowed to occupy and cultivate the homestead and rice-lands. No person shall evict them and reallocate the homestead and rice-lands to others. If he does so, he shall be punished with a fine of twenty rupees in the case of a homestead, and of one year's rent in the case of rice-lands. The homestead and rice-lands shall be restored to the persons who bring up the children.

If the child prefers to live with its mother, the widow shall not be permitted to occupy the homestead along with her lover for looking after the child. She may, however, occupy the homestead and pay the prescribed rents and other dues if she is willing to abandon her lover and look after her child there.

57. If a widow who had been occupying a homestead on raikar land remains chaste to her husband, and continues to live there, keeping the roof intact, and paying the prescribed rents and other dues, no person shall deprive her of such homestead and rice-lands on the ground that she is a widow. The widow shall be permitted to occupy and cultivate

the homestead and rice-lands keeping the roof intact and paying the prescribed rents and other dues. If any person evicts her from such homestead and rice-lands, he shall be fined with an amount equal to one year's rent on the land, and the homestead and rice-lands shall be restored to the widow.

58. If the friends and relatives of orphans both of whose parents have died say: "we shall pay rents and other dues on their raikar homestead and lands, cultivate the lands, bring up these children, and let them occupy and cultivate the homestead and rice-lands after they come of age," then such friends and relatives shall be made to affix their signature on a stipulation to that effect by the thari, mohinaike, or jimmawal. They shall be allowed to occupy and cultivate the homestead and rice-lands on payment of the prescribed rents and other dues, and bring up the children. So long as any person undertakes to occupy and cultivate the homestead and rice-lands, pay the prescribed rents and other dues, and bring up the children, he shall not be evicted, and the homestead and rice-lands reallocated to others. If any person does so, he shall be punished with a fine of twenty rupees in the case of a homestead, and an amount equal to one year's rents in the case of rice-lands, and the homestead and rice-lands restored to the former. After the children come of age, the lands left by their parents shall be handed over to them.
59. The wives, sons, and daughters of persons who are killed in war, or who die while on official duty, may occupy and cultivate on payment of the prescribed rents and other dues homesteads, rice-lands, and dry lands under raikar, jafati, or other tenure, so long as the wife or son continues to pay such rents and other dues, or the daughter marries or takes a lover. Nobody shall evict them from such homesteads and lands so long as they continue to pay the prescribed rents and other dues. If any person does so, and the new allottee seeks to occupy forcibly the homesteads and lands, they shall each be punished with a fine amounting to one year's rents on the lands, which shall be restored (to the wife, son, or daughter of the deceased person). The latter shall be evicted, and the homestead and lands reallocated to another person, if they default in the payment of the prescribed rents and other dues.
60. Even though the law prescribes that lands under guthi, birta, phikdar, bakh, marwat, manachamal, chhap, jiuni, petiya-kharch, and other categories of mafi (tax-free) tenures may be resumed by the owner, or reallocated to another person on higher rents and other payments, in the case of lands held by the wives, sons, and daughters of persons who are killed in war, or die while on official



Any, the owner shall not be permitted to convey them and shall not be permitted to give them to other persons, unless the payment of rents and other dues is defaulted, and until the children reach the age of sixteen years. When it, the owner may convey them if they consist in the payment of the prescribed rents and other dues.

If the owner surrenders (the wife, son, or daughter) of a person who is liable to pay, or that surrenders a child (the wife, son, or daughter) of a person who is liable to pay, the payment of rents and other dues shall be suspended until the payment of rents and other dues is made in full, or until the expiration of the year's term of the lease, whichever is earlier.

After the children reach the age of sixteen years, the owner may, with them, and if they have not defaulted in the payment of the prescribed rents and other dues, to mortgage the lands therein, or give them out to other persons on higher rents according to law, or shall not be bound to have admitted an offense, if he does so. Any tenant who commits a complaint against the owner for paying normal the lands for personal cultivation, or for giving them out to other persons on higher rents, after the children reach the age of sixteen years, shall be punished with a fine of ten and a half rupees, and it shall not be lawful for the owner to do so.

If a landlord who has been residing in India or abroad leaves vacant any land or estate, the owner shall be liable to pay the prescribed rent and other dues, and if his relative or a son or daughter within the prescribed time-limit to keep the land vacant and convey the land and other dues, these shall be returned to him. If no relative takes such an office within the time-limit of three days, the landlord and his heirs shall be liable to pay the prescribed rents and other dues. The landlord shall not be permitted to give the land and other dues.

108 to 109/10/1951,

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King Prithvi Narayan Shah

By

Baburan Acharya

(Continued from the July 1, 1977 issue)

(Shri 5 Badamaharajadhiraja Prithvi Narayan Shah: Samkshipta Jivani, A.D. 1723-75 (A short biography of His Majesty the great King Prithvi Narayan Shah, from A.D. 1723 to 1775). Kathmandu: His Majesty's Press Secretariat, Royal Palace, 2024 (1967), Pt. 1, Chapter 2: "Janma ra Balyakal".

Chandraprabhavati and Kausalyavati were on good terms with each other. Crown Prince Prithvi Narayan Shah was kept and educated inside the royal palace until he was six or seven years old. Physical development is essential along with the development of education. This was the reason why the two co-wives started to impart training to Crown Prince Prithvi Narayan Shah in sports in a playground on a hill near the royal palace. In those days, Hade-O-Khar, Dandibiyo, football, and wrestling were the main hill sports. In addition, Dumrayikhel and Lukamari (hide-and-seek) were also popular.

Every year in winter after the Dashain Festival, the royal family used to shift to a palace in the valley of Pokharithok. The Crown Prince must have started practising horse-riding at the age of eight or nine years, because there were horses in the royal stables. He must also have been proficient in the game of football because the grounds there were extensive. The market of Pokharithok used to flourish in winter. There were idols of Gorakhanath in Gorkha and Kathmandu only in the region east of Doti. Brahmans and Thakuris, and Chhetris of that region, therefore, encamped at Pokharithok during their pilgrimage to Gosainkunda and Pashupatinath. They used to visit Gorkha to pay their respects to Gorakhanath, who was a devotee of Goddess Manakamana, because Manakamana was a center of pilgrimage for the people of Kathmandu and also for Magars inhabiting the region from Pyuthan to Dhading. The shrine had been installed by Siddha Lakhan Thapa. In this manner, the market of Pokharithok in Gorkha was visited by people from many places in winter. The pilgrims wore different costumes and spoke different languages. During his stay at Pokharithok, the Crown Prince had an opportunity to study their ways of life. He did not lose this opportunity. He also continued his studies.

(Note- This account is based on a study of the contemporary situation).

Queen Chandraprabha had the main hand in building the character of King Prithvi Narayan Shah. The Queen created hatred in the mind of the Crown Prince for luxury when she saw the princes of the Chaubisi principalities spoilt by luxurious living. This is why the Crown Prince did not have the slightest intention of living a luxurious life. He developed a good character and became courageous, perseverant and industrious from his very childhood thanks to the moral education he received from the Queen.

(Note: This account is based on a study of the character of King Prithvi Narayan Shah).

Some months before the birth of Crown Prince Prithvi Narayan Shah, Jagajjaya Malla had become King of Kantipur, and Yogaprasanna Malla of Lalitpur, on the terms as had been stipulated before, when Mahendra Sinha, King of Dolakha, Kantipur, and Lalitpur died. Jagajjaya Malla did not allow Nilanarayan, son and heir-apparent of Mahendra Sinha, to become King of Dolakha. He drove Nilanarayan out of Dolakha, which he annexed to Kantipur. King Ranajit Malla of Bhaktapur was angry with Jagajjaya Malla because of this action. He had given asylum to Nilanarayan Malla. But it was beyond Ranjit Malla's power to restore the throne of Dolakha to Nilanarayan. Therefore, Ranajit Malla did not make active efforts to do so. Nilanarayan Malla went out of Bhaktapur in disguise with the intention of regaining the throne of Dolakha through the support of the Kings of Lamjung, Tanahu, and Makawanpur. When he reached Naladum-Gadhi accompanied by thirty-two bodyguards from Dolakha, the officials who had gone there from Kantipur for protecting the fort killed sixteen persons, including Nilanarayan, with the help of the inhabitants of Sankhu. Seventeen of the thirty-two body-guards were captured and sent to Kantipur. Jagajjaya Malla rewarded his officials and the inhabitants of Sankhu for their achievement (in early December 1724 A.D.).

(Note: This account is based on the copper inscription of Nepal Sambat 845 found at the temple of Vajrajogini in Sankhu. The inscription does not clearly mention the killing of Nilanarayan Malla. But it does not refer to his fate. As such, there is no doubt about his killing).

King Ranjit Malla of Bhaktapur became angry at the assassination of Nilanarayan and asked military assistance from King Narabhupala Shah of Gorkha to punish Jagajjaya Malla. Troops had to be despatched from Gorkha to Bhaktapur in disguise because Kantipur and Lalitpur had prohibited movement through their territories. King Yoga Prakasha Malla of Lalitpur and Jagajjaya Malla had reached an agreement by this time; hence it had become difficult for Ranajit Malla to attack them. Even then, the troops of Bhaktapur

and Gorkha occupied an area in Lalitpur which adjoined the southern border of Bhaktapur. But King Ranajit Malla was placed in a difficult position when the Gorkhali troops sided with Yoga Prakasha Malla and evacuated that area. It was for this reason that King Ranajit Malla won over Jagajjaya Malla by making a grant of money, so that he might be able to isolate Yoga Prakasha Malla. But Jagajjaya Malla and Yoga Prakasha Malla soon joined hands again, and succeeded in isolating Ranajit Malla himself. As a result, Ranajit Malla was forced to sign an agreement to pay compensation. The Gorkhals received Rs 8,000 as their share. A few months after the conclusion of this agreement, the troops of both Kantipur and Lalitpur occupied some areas of Bhaktapur to the east of Kathmandu Valley. Peace prevailed in these areas for three years when Jagajjaya Malla evacuated the occupied areas by accepting two elephants and some money.

(Note: These accounts are based on the Bhasha Vamshawali of Khardar Buddhiman Singh. According to this work: "The King of Bhaktapur was left alone in 845 Vikrama. He occupied Bisankhu in the month of Bhadra with the help of troops from Gorkha. King Yoga Prakasha Malla of Lalitpattan re-occupied Bisankhu after winning over the Gorkhali troops to his side in the month of Kartik. The King of Bhaktapur offered an elephant and an amount of Rs 13,000 to the King of Kantipur, and succeeded in isolating Yoga Prakasha Malla. After a few days, Jagajjaya Malla sided with Yoga Prakasha Malla. Again, after a month, the three Kings of Kantipur, Lalitpattan and Bhaktapur met at Koteswar, and the King of Bhaktapur offered two elephants and Rs 24,000, which King Jagajjaya Malla, King Yoga Prakasha Malla, and the Gorkhals shared among themselves. The Kings of Kantipur and Bhaktapur worshipped Machindranath by paving the area around the temple with stone in the month of Baisakh 846.

"Subsequently, the Kings of Kantipur and Lalitpur joined their forces to attack Bhaktapur and occupied Phulbari, Namuda, Depcha, and Kabhre. The King of Kantipur obtained two elephants and Rs 8,000 from the King of Bhaktapur. King Yoga Prakasha Malla died on Bhadra Krishna 12, 849. He was succeeded by Vishnu Malla. Jagajjaya Malla and Vishnu Malla jointly attacked Bhaktapur in the fifteenth Year of his reign (Poush 851). They succeeded in occupying six villages, including Nalagram, and obtained a share of three villages each. King Vishnu Malla settled Gorkhals in the villages that fell to his share. All the three Kings, then held a meeting and the King of Bhaktapur, returned home after signing a bond to offer elephants and money to free those villages. Later, when the bond was not fulfilled, the other kings became angry and set up a fortress at Chorpur; and later even in Bhaktapur. The King of Bhaktapur procured troops from Tanahu, Lamjung, and Makwanpur, and drove out the invaders. He reoccupied the villages and captured 120 Gorkhali soldiers. King Ranajit Malla thereafter gained the support of King Vishnu Malla by paying him money."





Miscellaneous Documents of 1887 VikramaLand Grants in Sungram

Falgun Sudi 8, 1887 (44/217)

Royal order to the Weupane and Baral Brahmins of Sungram (Sindhuli district): "You have complained that rice-lands in your district have been granted to outsiders through royal orders, with the result that you have been displaced. We, therefore, cancel those grants, and hereby direct that Jagirdars to whom rice-lands cultivated by you under Jafati tenure have been assigned shall allot them only to the local people, and that the tenants, on their part, shall pay kut rents and other dues to their landlord, and also supply loans whenever so asked."

Appointment of Kotwal

Falgun Sudi 8, 1887 (44/217-18).

Natu Raut was appointed Kotwal with all mal and jagir lands in Rautahat district, and the Pargannas of Dostiya and Matiwan in Bira district, under his jurisdiction. The appointment was effective Baisakh Badi 1, 1887. His duty was to recover stolen property, including cows, buffaloes, and oxen, and restore them to the owners. He was under obligation to pay Salami fees of Rs 500 each to the local administration and the army. His perquisites included the following levies on each mouja every year:

<u>Grade of mouja</u>	<u>Cash levy</u>	<u>In-land levy</u>
Abal	One rupee	One maund
Doyam	Twelve annas	30 seers
Sim	Eight annas	20 seers
Chahar	Four annas	10 seers.

The Kotwal was also permitted to collect a levy of four annas on each tangiya (ox-cart ?) as usual.

Mokarri Land Grants in Rautahat

Chaitra Badi 4, 1887 (44/219).

Iecharam had been granted an allotment (patta) of ten bighas of land in Bhediya, Rautahat district, on payment of ten rupees, at the rate of eight annas per bigha every year on mokarri tenure. He was exempted from the payment of all other taxes, with the exception of raja-anka (royal palace levies). The allotment, first made by the local administration (amil) had been reconfirmed in 1885 Vikrama by General Bhimsen Thapa, and was again reconfirmed under the royal seal on Chaitra Badi 4, 1887.

Irrigation Dispute in Mahottari

Chaitra Badi 6, 1887 (44/219-20).

Royal order to Captain Birabhadra Kunwar: "A dispute had occurred on the question of water for purposes of irrigation between peasants cultivating jagir lands of the army in Mansi village and tenants cultivating the birta lands of General Bhimsen Thapa in Kanak village, both in Keradi parganna of Mahottari district. In the course of the clashes, Bhikham Raut, Manik Mandar, and Harakh Raut of Kanak village beat Sahob Mandar of Mansi village to death with wooden clubs. They have been put in irons and imprisoned for six months. They shall now be released on payment of heavy fines, out of which the Kachahari shall collect the tiko fee, and the balance shall be transmitted to the birtaowner. The birtaowner shall inflict punishment on those among his tenants who had taken part in the clashes."

Complaint of People of Dullu and Dailekh

Chaitra Badi 7, 1887 (44/220-21).

Royal order to the amali, bhardars, companies, jagirdars, jimmawals, and ryots in Dullu and Dailekh: "The Jwaladal company, while collecting revenue for the Vikrama year 1887, reduced the price of thituwa (blankets) to twenty annas each, and thus caused great hardships to the people. A complaint to this effect was submitted to Chautaria Pushkar Shah, who informed General Bhimsen Thapa accordingly. The complaint has now been referred to us. We hereby promulgate the following regulations in this regard:

1. Amalis and other jagirdars who collect rents on rice-lands shall receive payment half in mohar rupees, and the other half in 16-anna rupees and thituwa (blankets). Tenants and jimidars shall make payments accordingly.
2. In the future, thituwa (blankets) shall not be commuted at twenty annas each.

Landholding in Doti

Chaitra Badi 7, 1887 (44/221-22).

Royal order to Naran Rosyara: "Formerly, the village of Chhoyagaun in the Dankot garkha of Doti had been granted to your ancestors by the King of Doti through a copper-plate inscription. The lands were subdivided in your family, and the prescribed pota tax was duly paid. Subsequently, Jyami Rosyara and Hiruwa Rosyara died without leaving any heirs behind, and a dispute arose among the other brothers about their share of the lands. It was eventually decided that you should cultivate the lands by rotation. In the year 1882 Vikrama, the lands were registered in the course of a revenue settlement in the name of Naran Rosyara. We hereby issue this order under the royal seal reconfirming the lands in your name. Pay the prescribed taxes through the appropriate jimmawal and mukhiya and use the lands as your property (bapati).

Unauthorized Exaction

Chaitra Badi 8, 1887 (44/222-23).

Royal order to Captain Birabhadra Kunwar: "We have received complaints that you have demanded payments at the rate of four rupees and five annas according to the rate current in that area on each bigha from tenants cultivating the birta lands of Dinanath Padhya in Madara, Kataiya, and Chauriya. Brahmendra Padhya, a Birtaowner, had made allotments (patta) prescribing a rate of four rupees on each bigha under paddy, thus reducing the rate by five annas. The rates for other crops were fixed at a still lower level. The ryots say that they are willing to pay taxes at these rates. Make collections at these rates from the year 1886 Vikrama. If you have made any excess collections, refund the balance."

Disbursements

Chaitra Badi 9, 1887 (44/224).

1. Kulananda Jha had been granted a contract (ijara) for the operation of mines in the region east of Sanga and Sindhu, including the Nagre mines. He was ordered to disburse a total amount of Rs 1,100 from the contractual payments due for the year 1888 Vikrama. The breakdown was as follows: Mahindra Khatri - - - Rs 500; Guman Singh Panta - - - Rs 300; and Jabari - - - Rs 300.
2. Sardar Jahar Singh Baniya was ordered to disburse Rs 4,900 from the thek revenues of Bara, Parsa, and Rautahat for the year 1887 Vikrama to repay the cost of goods borrowed by Colonel Mathbar Singh Thapa from the Tosakhana.

Appointment of Mahanta in Chatra

Chaitra Badi 10, 1887 (44/225).

Royal order to Shuka Deo Bharthi: "Your preceptor, Mahanta Brahma Bharthi, violated his duty and committed sexual intercourse with a woman of the Barai caste. We, therefore, hereby remove him from the post of Mahanta of the Chatra Asthan (monastery). Appoint Vishnu Lal Bharthi as karobari (manager). Perform the religious and other functions of the Asthan according to custom and tradition. Appoint and dismiss functionaries according to need. Keep royal orders issued by us (Lalmohar), and those issued by the Makwani Kings (byhamohar) in your own custody."

Drought in Saptari and Mahottari

Chaitra Badi 10, 1887 (44/226).

Royal order to Captain Birabhadra Kunwar: "You have sent mouja-wise reports of the extent of damage to crops caused by drought in Saptari and Mahottari during the year 1887 Vikrama. We hereby direct that:



- (1) One-third of the loss shall be borne by the revenue contractor.
- (2) Another one-third shall be borne by the appropriate jagirdar.
- (3) The remaining one-third of the loss shall be remitted.

#### Construction of Tank

Chaitra Badi, 11, 1887 (44/227).

Captain Birabhadra Kunwar was ordered to disburse Rs 1,000 from the thek revenues of Saptari and Mahottari for the year 1887 Vikrama in the name of the third royal concubine (sahila bhitryani bajyaju) for the construction of a tank.

#### Privileges of Birtaowner

Chaitra sudi 13, 1887 (44/227-28).

In 1849 Vikrama (A.D. 1792), King Rana Bahadur Shah had granted the mouja of Ramaban in Simraungarh to Devadatta Thapa under Bhekh-Buniyad tenure. The grant provided for exemption from the payment of all taxes on the mouja, including sair and farruyat. However, later amils, subbas, and ijaradars collected sair duties on this birta holding. Devadatta Thapa then submitted a complaint to the royal palace. The tax-exempt nature of the grant was, therefore, reconfirmed.

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#### Corrigendum

1. Regmi Research Series, September 1, 1977. The page numbers of this issue should be 129 to 144, not 113 to 128.
2. Regmi Research Series, October 1, 1977, p. 133. The figure in the last line of the second paragraph should be 180, not 80.

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Regmi Research (Private) Ltd  
Lazimpat, Kathmandu, Nepal

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Jagir Land Assignments to the Army

1. Jagir Land Assignment Schedules

Royal order to Minister and Commander-in-Chief General Matbar Singh Thapa Bahadur: In the year 1893 Vikrama (A.D. 1836), wicked and traitorous elements advised us to make a redistribution (raibandi) of the Jagir lands assigned to military officers. Accordingly, rice-lands were measured, and on villages and homesteads taxes were assessed on the basis of the categories of Hal, Pati, and Kodale, in addition to the Saune-fagu. The value of Jagir land assignments was reduced, with the result that the incomes of military officers were reduced. The number of officers attending on us on horseback during hunting expeditions and other occasions went down.

All bhardars, as well as the 5,200,000 people, then requested Shri Nani Maharajadhiraj (i.e. Prince Surendra) that the old schedules of Jagir land assignments be restored. It was seen that because military officers were not receiving emoluments befitting their rank, they had not been able to keep their subordinate personnel under their control and discipline, so that the army had become spoilt.

With effect from the harvest of the year 1902 Vikrama (A .D. 1845), therefore, military officers of all ranks, including Commander-Colonel, Colonels, Captain, Lieutenant, Subedar, Dittha, Khardar, Jamadar, Major, Kote, and Ajitan shall attend on us on horseback during hunting expeditions, parades, and other occasions, and also work as guards, sentries, etc., and maintain horses, as before. We reconfirm the area of rice-lands, and homestead-tax revenue, according to the existing schedules, and hereby sanction increments in the schedules of 1894 Vikrama (A .D. 1837) as follows, and also empower the assignees to appropriate the benefits of any increase in the income. Recommend to us the additional lands that are required to meet the shortfall in Jagir assignments according to these schedules, and we shall grant necessary sanction. Register assignments according to these schedules and issue necessary pattas and tirjas.

Schedule

<u>Rank</u>	<u>Rice-lands</u> (in muris)	<u>Khuwa</u> <u>Income</u> Rs
Commander-Colonel	8,000 each	4,500 each
Colonel	6,000 "	3,000
Captain	3,500 "	2,200

Contd...

Lieutenant	1,800	each	700	each
Subedar	1,100	"	400	"
Khaddar of Dafdar (Headquarters)	1,100	"	375	"
Khaddar	1,000	"	120	"
Kote-Dittha	1,100	"	250	"
Dittha of the Dafdar-Kachahari	1,000	"	120	"
Dittha of Ranipokhari Arsenal	1,000	"	120	"
Jamadar of Letar and Rajadal	900	"	100	"
do. of other battalions	800	"	90	"
Major	700	"	80	"
Kote	700	"	80	"
Ajitan	1,100	"	250	"
do.	700	"	80	"
Tahabildar (cashier)	700	"	80	"
Bahidar (clerk)	400	"	20	"

Falgun Sudi 4, 1901 (March 1845).

Regmi Research Collections, vol. 26, pp. 30-31.

## 2. Jagir Assignments to Sri Ranser Company

Royal order to Kaji Kalu Singh Sahi: We hereby place you in charge of the Sri Ranser Company and authorize you to recruit the following personnel with Jagir assignments according to the following schedules:

<u>Rank</u>	<u>No.</u>	<u>Rice-lands</u> (in muris)	<u>Khuwa</u> <u>Income</u> Rs
Subedar	1	1,100 each	400 each
Jamadar	4	600 "	230 "
Major	1	400 "	25 "
Kote	1	400 "	25 "
Ajitan	1	400 "	25 "

Contd...



Front Nisan	1	280	each	x
Rear Nisan	1	260	"	x
Hawaladar	8	280	"	x
Amaldar	8	260	"	x
Sipahi (private)	85	200	"	x
Drummer	1	200	"	x
Tasa	2	180	"	x
Harfa	2	160	"	x
Bheri	2	180	"	x
Bansuri (flute)	2	140	"	x
Pipa-Jamadar	1	200	"	x
Pipa	16	160	"	x
Lohar (ironsmith)	2	200	"	x
Khalante-Lohar	1	140	"	x
Sikami (carpenter)	1	160	"	x
Nakami (blacksmith)	1	160	"	x
Sarki (leather-worker)	2	200	"	x
Jhadu (sweeper)	1	100	"	x
Nisan-Guthi	x	30	"	x
Mohinaike	x	300	"	x

Ashadh Sudi 5, 1902 (July 1845).

Regni Research Collections, vol. 26, p. 33.

Identical orders were issued on the same day to Captain Hastabir Sahi of the Sri Gurubux Company and Kaji Bhima Bikram Saha of the Sri Kalidal Company.

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Contd...

Law on Land-Holding, 1854

(Continued from the November 1977 issue)

62. If a Kipat landowner dies, or absconds, and if his nearest relative makes an offer within thirty-five days before the appropriate amali, dware, thari, mijhar, gourung, or other talukdar to take up the homestead and rice-lands and provide the prescribed payments and services, he shall be allowed to keep the roof intact and provide such payments and services as a separate household. If no relative makes such an offer within thirty-five days, (the homestead and rice-lands) shall be allotted to another person who is willing to provide the prescribed payments and services. The Kipatowner who has absconded shall not be permitted subsequently to claim the Kipat lands as his own.
63. If any tenant who had been cultivating quthi, birta, bekh, phikdar, marwat, manachamal, chhap, jiuni, petiya-kharcha, mayau, monastic (math) and other lands commits any crime and absconds along with his family, the owner shall affix a thirty-five-day time-limit at his residence. If he does not come back within that time-limit to reoccupy his homestead and lands, the owner, or the amali, shall reallocate them to another person who is willing to occupy and cultivate them on payment of the prescribed rents and other dues. The person who had absconded after committing a crime shall not be permitted subsequently to reoccupy them himself.
64. While allotting rice-lands to peasants, the condition shall not be imposed that they will be allowed to retain possession of the rice-lands already being cultivated by them only if they agree to reclaim uncultivated tracts. They shall not be evicted from the rice-lands already being cultivated by them if they do not agree to do so. However, they shall be permitted to reclaim uncultivated tracts if they are so willing. If anybody evicts any peasant from the lands being cultivated by him on the pretext that the peasant does not agree to reclaim uncultivated tracts, he shall be punished with a fine amounting to one year's rent on the lands, which shall be restored to the peasant.
65. If any chaudhari, mokaddam, jethraiyyat, or resident or non-resident landholder submits a petition to the effect that after the year 1923 (A.D. 1866) he has been kept in detention, or put in fetters or shackles to force him to include in his taxable holding waste and uncultivated lands, or lands which cannot be profitably cultivated, the appropriate government office, or the chief of the Kaushal, Thana, Adalat, or Kumarichok shall punish the revenue-collector or government officer responsible for such inclusion with a fine amounting to five percent of the produce of the lands, and also recover from him the value of the lands so included. The agreement providing

for such forced inclusion of (waste and uncultivated lands in taxable holdings) shall be nullified. The chaudhari, mokaddam, or landholders who have accepted such forced inclusion shall not be liable to pay any fine or any fee in consideration of their complaint having been accepted.

66. If tenants and landholders on Jagir lands which have been assigned to the army, or to bhardars, or to civil and military officers, default in the payment of the stipulated and customary rents and other dues even though the lands have not been damaged by floods or washouts and rendered uncultivable, they may be evicted even if the lands had been allotted to them as their raibandi share. Such eviction shall not be deemed to be an offense. If the tenant files a complaint against such eviction, the arrears of rent due from him shall be recovered, and a fine amounting to  $2\frac{1}{2}$  percent thereof shall be imposed. A fee amounting to ten percent of the arrears of rent so recovered shall also be collected.
67. If tenants and landholders cultivating raikar, birta, guthi, belh, chhap, marwat, phikdar, manachamal, jiuni, rajabandha, petiya-kharcha, mayau, math, and other lands falsely report that the lands have been damaged by floods or washouts, that crops have been destroyed by fire or hailstones, or that irrigation channels were damaged and hence no water was available for irrigation, or that crops were poor or of low quality, then such tenants and landholders shall be evicted, irrespective of whether they are local or non-resident people and even if they had brought the lands under cultivation through their own efforts. If they file any complaint against such eviction, the arrears of rents due from them shall be realized, and a fine amounting to  $2\frac{1}{2}$  percent thereof shall be imposed. A fee of ten percent shall be collected from the person who receives the rents.
68. If tenants and landholders who are cultivating raikar or jafati lands, or rice and other lands allotted to them in the course of a revenue settlement, wrongfully let the lands remain uncultivated, even though these have not been damaged by floods or washouts, and irrigation facilities too have not been dislocated, the owner, jimmawal, and mohinaike shall realize the rents due on lands which have thus been kept uncultivated from such tenants and landholders, and let them cultivate the lands if they are so willing. If they are not willing to cultivate the lands, they shall be made to sign a deed of relinquishment, and the lands shall be reallocated to another person.
69. If a tenant who is cultivating guthi or birta lands does not provide laborers, or pay rents and other dues, as stipulated, the owner may evict him, irrespective of whether he is a local or non-resident person, even if he had brought the lands under cultivation through his own efforts. If the tenant complains against such eviction,

even though he has been evicted according to the law for having defaulted in payments, or misappropriated rents due to his landlord, the arrears of rent shall be recovered from him, and a fine amounting to  $2\frac{1}{2}$  percent, thereof shall be imposed. He shall also be told that the lands cannot be restored to him. A fee amounting to ten percent of the arrears of rent so recovered shall also be collected.

70. If a tenant who is cultivating guthi, birta, bekh, phikdar, marwat, chhap, manachamal, jiuni, petiya-kharcha, kipat, seba-birta and other lands belonging to another person wrongfully lets such lands remain uncultivated, even though these have not been damaged by floods or washouts, and irrigation facilities too have not been dislocated, the owner may realize rents due on the lands which have been kept uncultivated, and evict the tenant. If the owner files a complaint with any government office, adalat, or amal, the arrears of rent shall be recovered from the tenant, and the shortfall, if any, covered by a personal bond. The tenant shall be punished with a fine amounting to one year's rent on the lands for having wrongfully kept them uncultivated. It shall depend on the discretion of the owner whether or not to restore the lands to the tenant.
71. If the saunefagu tax on any land is payable to one person, and the serma tax on the same land to another person, the person who appropriates income from the saunefagu tax only shall not be entitled to appoint or dismiss tenants. Only the person who appropriates income from the serma tax may do so according to the law. If the person who appropriates income from the saunefagu tax only appoints or dismisses tenants, and if anybody complains against such action, the former shall be punished with a fine amounting to one year's rent on the land, and the lands shall be restored to the jurisdiction of the person who appropriates income from the serma tax.
72. If the owner of any category of land, including guthi, birta, bekh, phikdar, marwat, manachamal, chhap, jiuni, petiya-kharcha, math, kipat, seba-birta, rajabandha, nankar, and raikar, desires to resume his lands for personal cultivation, or to dismiss the existing tenant and appoint another according to the law, he may do so only during the following periods in the following regions:
- |                  |   |  |
|------------------|---|--|
| Kathmandu Valley | - | Dashain (Tika) to Chaitra Sudi 15<br>(October to April). |
| Hill Region      | - | Dashain (Tika) to Sripanchami<br>(October to February).  |
| Tarai Region     | - | Sripanchami to Chaitra Sudi 15<br>(February to April).   |



The landowner shall not dismiss his tenants during other periods. If he does so, and the tenant files a complaint, the former shall be punished with a fine amounting to one year's rent on the land from which the tenant has been evicted, and the land shall be restored to the tenant. The owner may dismiss the tenant during the permitted season the following year.

73. If the owner evicts his tenant during the permitted season where so permitted by the law, either to resume the land for personal cultivation or to appoint another tenant and if the tenant complains that he has been evicted during the prohibited season, but inquiries prove that he had been evicted during the permitted season, he shall be punished with a fine amounting to two and a half rupees.
74. If any owner or talukdar realizes the chardam-theiki fee for allotment of his land from two different persons in the same year, and if the second allottee files a complaint before crops are sown, the allotment shall be confirmed in favor of the first allottee, and the owner or talukdar who has realized chardam-theiki fees from two persons in this manner, shall be compelled to refund the amount of such fee, along with the expenses of digging and plowing the land, if the second allottee had already dug and plowed it, and also punished with a fine amounting to ten percent of one year's rent on the land. If any allottee is proved to have filed a complaint after another person had paid the chardam-theiki fee and raised crops on the land for one or two years, the allotment made to him cannot be confirmed merely on the ground that he had paid the chardam-theiki first. Because of his delayed complaint he shall also not be paid the expenses he had incurred on wages. He shall be punished with a fine of two rupees and a half and told that the land cannot be allotted to him.
75. Inasmuch as the law provides that the existing tenant shall be evicted from the land so long as he pays the stipulated rents and other dues, no newcomer shall be given the land merely on the ground that he had paid the chardam-theiki fee to the owner or talukdar. The land shall be reconfirmed in favor of the existing tenant who has been cultivating the land on payment of the stipulated rents and other dues. The owner or talukdar shall be compelled to refund the amount he had obtained as chardam-theiki for lands on which eviction is not permitted, and punished according to the law.

(To be continued).

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Contd...

Patuwaris and Jimidars in Banke  
District

Appointment of Patuwari

From Prime Minister Bir Shumshere to the chief officer and employees of the Banke Mal (Revenue) Office.

Major-Captain Jit Bahadur Khatri Chhetri, Naib Subba Deviraman Upadhyaya, and Kharidar Kehar Man Singh Rajbhandari of the Naya Muluk Bandobast Adda have forwarded the following recommendations on the following matters contained in the report, registered in that office as No. 901 on Jestha Badi 13, 1954 (May 1897), which had been submitted on Baisakh sudi 14, 1954 (May 1897) by Subba Siddhabir Singh of the Banke Mal-Kachahari Office. (The officers of the Naya Muluk Bandobast Adda) have prayed that an order as follows be sent to the chief officer and employees of the Banke Mal-Kachahari Office.

Chaudhari Bhawani Din and Chaudhari Sheo Prasad Singh of Baghaura Tappa have submitted the following report on Baisakh sudi 13, 1953 (May 1896). The report has been counter-signed by Jimidar Prithi Singh and fifteen other Jimidars of the seventeen moujas of this area, as well as by the Kanugoye, Mahabir Lala.

"Sheo Sahay Lala, a Patuwari of one of the seventeen moujas, died in the month of Marga 1953 (November 1896). He was childless. None of his relatives are living inside the frontiers (of this kingdom). His funeral rites were performed by Becham Lala, resident of Bhagawanpur mouja in the tappa of Baghaura, a nephew on his maternal side. Our inquiries revealed that Becham Lala is capable of discharging the functions of a Patuwari and keeping accounts and records. He is a resident of the territory of Nepal, and an honest person. We have, therefore, employed him to collect land taxes and keep accounts and records from the year 1953 (A.D. 1896). We pray that he be appointed in the vacant post of Patuwari. We are willing to have him so appointed. If it is proved later that we have falsely reported that none of Sheo Sahay Lala's relatives are living inside the frontiers of Nepal, or that Becham Lala is not capable of discharging the functions of a Patuwari, and of keeping accounts and records, or if we later declare that we are not willing to have him appointed as a Patuwari, we undertake any liability according to the law."

The report submitted by the Banke Mal-Kachahari Office continued: "On receiving this petition, this office summoned the wife of the deceased Sheo Sahay Lala for inquiries. She confirmed that her deceased husband had no sons, and that his nephews, Lal Bahadur and Ram Charan Lala, were living in the mouja of Tulsipur in Nanpara

district beyond the frontiers and functioning as Patuwaris there. In addition, she stated that Bechan Lala, a nephew of the deceased Sheo Sahay Lala on his maternal side, had been brought up by him since childhood, and had performed his funeral rites on his death. She added: "Bechan Lala is now looking after me. I have designated him as my heir after my death. I am willing to have Bechan Lala appointed Patuwari in the vacancy caused by the death of my husband. If my statements that my husband had no sons or other relatives, or that none of his relatives are living inside Nepal are false, I am willing to undertake any liability according to the law."

Section 3 of the regulations issued in the name of the Banke Mal-Kachahari Office states: "In case any Kanugoye or Patuwari cannot discharge his functions in a satisfactory manner, or dies, or runs away, so that his post falls vacant, or in case he resigns, a report shall be obtained in accordance with the regulations in the names of Chaudharis and Jimidars for appointing another person, and if after inquiries the Kanugoye, in the case of a Patuwari, and the Chaudhari, in the case of a Kanugoye, finds that there is no relative who is capable of keeping accounts and records, he shall select an honest hillsman, or, if no such person is available, any other person who is living inside the territories of Nepal and is capable of discharging the prescribed functions, and submit a report accordingly."

On the basis of the report submitted by the Chaudharis, and the other relevant information mentioned above, the Banke Mal-Kachahari Office recommended that Bechan Lala be appointed as Patuwari in the vacancy caused by the death of Sheo Sahay Lala.

This recommendation was endorsed by the Naya Muluk Bandobast Adda and the Muluki Adda. It was finally endorsed by Prime Minister Bir Shumshere on Ashadh Sudi 4, 1954 (June 1897).

(The total revenue assessment in these moujas, and the emoluments of the Patuwari, were as follows. The figures refer to rupees and annas. A rupee then consisted of sixteen annas).

<u>Mouja</u>	<u>Total Revenue Assessment</u>	<u>Emoluments of Patuwari</u>
	Rs	Rs
<u>Under Chaudhari Bhawani Din</u>		
Haihara	152/10½	4/3½
Laxmanpur	176/9½	4/11¾
Khodawa	327/8½	8/14¼

Ranipur	80/4 $\frac{1}{4}$	2/3 $\frac{1}{4}$
Tikangarh	53/5 $\frac{1}{2}$	1/7 $\frac{1}{4}$
Kashipur	73/8 $\frac{3}{4}$	2/4
Sampur	295/7 $\frac{3}{4}$	8/4
Narenapur	719/12 $\frac{1}{2}$	19/10 $\frac{1}{4}$
Gegale	882/4 $\frac{1}{4}$	26/10 $\frac{3}{4}$
Maheshpur	292/2 $\frac{3}{4}$	7/10 $\frac{1}{4}$
Maharajnagar	115/14 $\frac{1}{2}$	3/2 $\frac{3}{4}$
<u>Under Chaudhari Sheo Prasad Singh</u>		
Kashipur	224/2 $\frac{1}{2}$	6/1 $\frac{1}{2}$
Gobardhanpur	67/11 $\frac{1}{2}$	1/13 $\frac{1}{2}$
Chhetripur	45/2 $\frac{3}{4}$	1/3 $\frac{1}{2}$
Hariharpur	49/15 $\frac{1}{4}$	1/5 $\frac{3}{4}$
Rajpur	13/6 $\frac{1}{4}$	3/5 $\frac{3}{4}$
Salapur	87/8	3/6 $\frac{1}{2}$

(The revenue assessment on these seventeen moujas thus totalled Rs 3657/7 $\frac{1}{2}$ , and the Patuwari's emoluments to Rs 102/9 $\frac{1}{2}$ . The latter figure included Rs 14/4 $\frac{1}{2}$ , which had been deducted from the emoluments of the Chaudharis and Jimidars and added to the emoluments of the Patuwari to bring them to the level of emoluments paid in the eastern Tarai region).

Regmi Research Collections, vol. 61, pp. 107-21.

#### Appointment of Jimidars in Banke

From Prime Minister Bir Shumshere to the chief officer and employees of the Banke Mal (Revenue) Office.

Major-Captain Jit Bahadur Khatri Chhetri, Naib Subba Deviraman Upadhyaya, and Kharidar Kehar Man Singh Rajbhandari of the Naya Muluk Bandobast Adda have forwarded the following recommendations on the following matters contained in the report, registered in that office as No. 981, on Ashadh Sudi 9, 1954 (June 1897), which had been submitted on the same date by Subba Siddhabir Singh of the Banke Mal-Kachahari Office. (The officers of the Naya Muluk Bandobast Adda) have prayed that an order as follows be sent to the chief officer and employees of the Banke Mal-Kachahari Office.



The following order had been sent to the Banke Mal-Kachahari Office on Poush Badi 14, 1935 (December 1878) from Kathmandu: "In case it is necessary to appoint a new Chaudhari or Jimidar, a person who is trusted by the Mal and Amini Offices shall be selected for appointment as Chaudhari, and a person who is acceptable to the ryots and approved by the Chaudhari shall be selected for appointment as Jimidar. A report shall then be submitted (to Kathmandu) for confirming that appointment, or for appointing another person, and action shall be taken as ordered. No person shall be so appointed without referring the matter (to Kathmandu). Regulations to this effect have already been promulgated in the name of the Banke Mal-Kachahari Office. Chaudharis shall be appointed in accordance with these regulations. In the case of Jimidars, revenue collection will be delayed if appointments in the Naya Muluk region are made only after obtaining approval (from Kathmandu). You are, therefore, ordered to appoint capable and responsible persons as Jimidars with the approval of the Chaudhari, and have such Jimidars collect the revenue. Submit a report (to Kathmandu) regarding such appointments of Jimidars, along with the recommendation of the Chaudhari, through the Naya Muluk Bandobast Adda. In case you do not do so, we shall punish you with a fine at our discretion."

Section 4 of regulations issued in the name of the Banke Mal-Kachahari Office in the year 1947 Vikrama (A.D. 1890) prescribes: "In case arrears of payment are due from any Chaudhari or Jimidar, and another person is willing to undertake liability for such arrears, such defaulting Chaudhari or Jimidar shall be made to sign a bond relinquishing his position. In order to fill up vacancies in the posts of Chaudharis and Jimidars who die, run away, or relinquish their posts in this manner, a notification shall be issued directing the nearest relative, if any, or else any other capable and responsible person, residing inside the territories of Nepal, to apply within a period of fifteen days. In case the nearest relative files his claim, or, if there is no such relative, a person selected by the ryots and trusted by the Chaudhari for appointment as Jimidar, and a person trusted by the Mal and Amini Offices for appointment as Chaudhari, preferably a well-to-do hillman, or, if no such person is available, a responsible and well-to-do person who is residing inside the territories of Nepal, shall be selected in accordance with appropriate orders and regulations. Reports shall then be submitted (to Kathmandu for confirmation of the appointments), clearly indicating the emoluments (Khangl) payable to such Chaudhari or Jimidar."

The report of the Banke Mal-Kachahari Office continued: "Eleven Chaudharis of different tappas of this district have reported that the following Jimidars of the following moujas are dead, or have relinquished their holdings by executing bikata deeds, or signed deeds of relinquishment of office effective the year 1952 Vikrama (A.D. 1895).

The Chaudharis have prayed that the following persons, who are capable of discharging the functions of a Jimidar and are residing inside the territories of Nepal, be appointed to fill up the vacancies. Notifications prescribing a time-limit of fifteen days were then issued to enable relatives or other persons to file their claims.

"In response, Jimidar Raghbir Kurmi filed his claims to the following moujas:

1. Dunduwa mouja in Karkando tappa, under the jurisdiction of Chaudhari Lalata Prasad.
2. Ganeshpur mouja in Daunihar tappa, under the jurisdiction of Chaudhari Ram Jiawan Kurmi.
3. Banakatti and Dayalpur moujas in Rajahat tappa, under the jurisdiction of Chaudhari Mishri Tharu.
4. Rajha and Dharmapur moujas in Karkando tappa, under the jurisdiction of Chaudhari Lalata Prasad, where Raghbir Kurmi has actually been functioning as a Jimidar.

"However, complaints had been filed against Jimidar Raghbir Kurmi at the Banke Amini Office according to which he had:

- (a) Collected taxes on land belonging to one person from another person, and
- (b) Collected taxes twice on the same land.

"Action against Jimidar Raghbir Kurmi for these offenses, as recommended by the Banke Amini Office, has been approved (from Kathmandu), and it is necessary to take such action against him with regard to the Jimidaris of Rajha and Dharmapur.

"In the case of the other moujas, no relatives (of the previous Jimidars) filed their claims within the prescribed time-limit of fifteen days. It was, therefore, necessary to appoint new persons as Jimidars in these moujas. There will be delay in collecting revenue for the year 1953 Vikrama (A.D. 1896) if appointments are made only after obtaining /

"In accordance with the order of Poush Badi 14, 1935 (December 1878), therefore, (the Banke Mal-Kachahari Office) appointed the following persons as Jimidars in the following moujas. Reports submitted by the Chaudharis, and other relevant documents, were enclosed (The enclosures comprised 134 documents). The appointments were then referred to the Naya Muluki Bandobast Adla for confirmation on Magh Badi 8, 1953 (January 1897).

/approval (from Kathmandu). Collections for the year 1952 Vikrama (A.D. 1895) have been made in full.

Contd...

"On Ashadh Badi 14, 1954 (June 1897), the Naya Muluk Bandobast Adda returned the documents to the Banke Mal-Kachahari Office, directing that separate reports be submitted for appointments in vacancies caused by death, relinquishment, or transfer, or of appointment of relatives in cases where direct heirs were not available. However, it is not appropriate to submit separate reports in this manner, because notifications had been issued collectively on the basis of reports submitted by Chaudharis."

Particulars of the moujas were as follows:

- (1) Among five moujas under the jurisdiction of Chaudhari Bhawani Din, the sons or relatives of four deceased persons were appointed as Jimidars in  $3\frac{1}{2}$  moujas, and one mouja was subdivided.
- (2) Among  $2\frac{1}{2}$  moujas under the jurisdiction of Chaudhari Sheo Prasad Singh,  $\frac{1}{2}$  mouja was registered in the names of two relatives of the deceased Jimidar, one mouja was relinquished (bikata) in favor of another person, and one mouja was subdivided.
- (3) Among  $7\frac{1}{4}$  moujas under the jurisdiction of Chaudhari Arjun Singh,  $4\frac{1}{4}$  moujas were registered in the names of six sons and relatives, and  $3\frac{1}{2}$  moujas were relinquished in favor of two other persons.
- (4) Among  $10\frac{3}{4}$  moujas under the jurisdiction of Chaudhari Ram Jiawan, five moujas were registered in the names of three sons and relatives, and three moujas were relinquished in favor of one other person.
- (5) One mouja under the jurisdiction of Chaudhari Ram Shrup Tharu was transmitted to the heir.
- (6)  $\frac{1}{2}$  mouja under the jurisdiction of Chaudhari Madhoram Dhir was similarly transmitted to the heir.
- (7) Among two moujas under the jurisdiction of Chaudhari Kanhaiya Lal, one mouja was transmitted to five heirs, and one mouja was relinquished in favor of two other persons.
- (8) Out of  $1\frac{13}{16}$  moujas under the jurisdiction of Chaudhari Lalata Prasad, one mouja was transmitted to the heir,  $\frac{1}{2}$  mouja was relinquished in favor of another person,  $\frac{5}{16}$  mouja was subdivided in favor of one person.
- (9) Out of  $1\frac{1}{2}$  moujas under the jurisdiction of Chaudhari Ram Sarup Kurmi, one mouja was transmitted to the heir, and  $\frac{1}{2}$  mouja was relinquished in favor of another person.
- (10) Out of  $3\frac{7}{8}$  moujas under the jurisdiction of Chaudhari Ram Autar Tharu,  $\frac{3}{8}$  mouja was transmitted to the heir, and  $3\frac{1}{2}$  moujas were relinquished in favor of other persons.

(11) Out of 11 <sup>1/2</sup> mu of rice which the jurisdiction of  
 Chaudhari Mohd. Wars, 7 <sup>1/2</sup> mu was transferred  
 to five heirs, 2 heirs were completing in favor  
 of these other persons, and one heir was assigned  
 as heir of one person.

(12) <sup>1/2</sup> mu was transferred to Chaudhari  
Mohd. Wars as heir of one heir.

The five heirs mentioned above had the same rights  
and interests in the land, which were finally confirmed  
by Prime Minister Shri Shri Chand Shah on July 11, 1954  
(Number 1079).

Joint Survey Collection, Vol. 64, pp. 100-01.

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### APPOINTMENT OF SHRI. CHAND PANDIT AS JAMINDAR-BAJI

From King Rajendra Chandra Shah to Raja Jung Bahadur  
 of Kathmandu, son of Ranodra Bahadur, and grandson of Raja  
 Pradip.

"We hereby appoint you as jamindar-baji, with a  
fixed assignment of 11,000 muris of rice-lands, a share  
assignment of Rs 2,500, and an additional assignment of  
Rs 2,000. Again an annual allowance daily was and  
other privileges of our court and remain in  
force."

In accordance with this royal order, 1,000 muris  
of rice-lands were actually assigned to Raja Jung Bahadur.  
These had previously been assigned to Raja Jung Bahadur.  
In line of the remaining 2,500 muris, such revenue was  
assigned as follows, at the rate of Rs 20 per 100 muris  
of rice-lands:

1. Such revenue from lands, previously assigned to Shri  
Chand Pandit, Shri Chand Pandit - Rs 1,000/10.
2. do. from lands, previously assigned to Shri Pandit  
Vijaya Pandit - Rs 275/5/4.
3. do. previously assigned to Raja Manoj Shah  
Rs 2,000/10/0
4. Revenue and other revenue from lands, previously  
assigned to Shri Chand Pandit - Rs 2,500.
5. Revenue from lands and lands, previously assigned  
to the Ministry (Revenue) - Rs 415/7/4.

As per order No. 1079 (September 1954).

Joint Survey Collection, Vol. 64, p. 117.

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Appendix Particulars

1. Royal order to Kapardar Mirchandani Poojee: In the year 1938 Vikram (A.D. 1925), the following posts in the 2nd Garuh Paltan, stationed in Dadi, had been allotted: The jemadars, eight jemadars, eight wealdars, and 107 privates. The Jaisir lands which had been allotted for these posts shall now be assigned to the employees of the Kapardar factory as follows:

Designation	No.	Total Ac.	Total Amount Rs.
Patila	1	100	100
Jemadar	7	175	350
Major	1	100	100
Kote	1	100	100
Subedar	1	50	100
Subedar	1	50	50
Headman	1	14	114
Amildar	1	20	200
Wagon (personal)	1	50	1,700
Walla	1	50	50
Wagon-Jemadar	1	50	50
Pipa	25	25	1,050
Driver	1	20	20
Carpenter	4	20	120
Shed (Leather work)	1	20	44

Wagh Shed 22, 1934

(January 1940).

7/12/40

2. Royal order to Wama Singh Bhabha: Assign Jaisir lands and Khara revenues as follows to the 107 officers and employees as listed below of the 2nd Kapardar factory at Dadiwad (in accordance with effect from the year 1938 Vikram (A.D. 1925):

Designation	Qty.	Size-length (approx.)	Total Area (approx.)	Value at Market 12/31/1913	Value at Market 12/31/1914	Value at Market 12/31/1915
Slats	1	700	700	275	50	225
Joist	1	200	1,200	300	117	450
RAJOT	1	400	400	100	25	125
Gate	1	400	400	100	25	125
Aspen	1	40-	400	100	x	125
Shed	2	200	400	150	x	150
Trencher	1	200	200	50	x	50
Trailer	4	200	1,120		x	700
Amalgar	1	200	1,040		x	200
Spade	43	200	8,600		x	2,100
Wedge	1	200	200		x	50
Pipe-Joist	2	200	400		x	100
Pipe	45	140	11,200		x	3,000
Choppers	2	150	300		x	40
Shovel	1	100	100		x	25
Shovel	1	100	100		x	100

made Sept 11, 1900 (August 1911).

Best Research Collections, vol. 24, pp. 306-07.

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