

I. Introduction¹

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In hierarchical class and caste societies, the criteria for individual freedom and autonomy are structured differently than in modern societies. In South Asia, for instance, the bondage of women, workers, low caste members or impoverished people is often no less than that of slaves. However, “South Asian forms of bondage remain under-represented in this new historiography” (Major 2012: 19), i.e., in the history of slavery in the world, which is dominated by African and North American or transatlantic slavery studies. South Asian slavery differed from this model and was therefore deemed a soft version (Major 2012: 4–5), and the term even regarded on occasion as “an abuse of language” (A. Amos, Law Commissioner, quoted in Chatterjee 1999: 225). British colonialists saw slavery in South Asia as a not so cruel form of work employment and thus did not really enforce the abolition of slavery. It seems that most historians agreed with the assumption that “real” slavery chiefly happened on the American plantations with black African slaves.² To overcome this one-sided view of the history of slavery, it is necessary to consider the specific social and cultural circumstances of slavery in South Asia.³

Generally speaking, slavery is regarded as one of the strongest forms of bondage (and one of the prominent causes leading to human rights movements). However, (debt) bondage, work migration, child labour,

1 The sections “Life and Work of Slaves and Unfree Labourers”, “Economics of Slavery” and “Abolition of Slavery” closely follow Michaels 2018: 200–8.

2 Cf. Mann (2011), Major (2012) and Molfenter (2013).

3 On the history of slavery and unfree labour in India, see Chatterjee (1999), Chatterjee and Eaton (2006), Molfenter (2013), Mann (2015), and K.M. Shrimali’s overview with further references in *Brill’s Encyclopedia of Hinduism* (2018). For the writings that shed light on the history of slavery in Nepal see Vajracārya and Nepāla (VS 2014), Nepālī (VS 2021 and VS 2022), Regmi (1971), Sen (1973), Śreṣṭha (1974), Grhasthī (1984), R. Shaha (1990), Maskey (1996), M.R. Pant (1996 and 1997), D.R. Pant (1997), Kölver (1986), Whyte (1998), Höfer (2004), Pradhan (2009), Stiller (2018), Michaels (2018 and 2019) and Pradhānāṅga (VS 2075).

and enforced prostitution are also forms of bondage, most of which still exist. But slave-like situations are not slavery. What differentiates slavery from these forms of bondage is that slaves are de-socialised, de-personalised, de-civilised, and de-sexualised⁴: they often lose family, caste, home, protection, property, religion, self-confidence and much more. Chattel slavery, in which a slave becomes a property of the owner that can be sold, inherited, pledged or borrowed, and where the owner has almost unrestricted and often violent access to the labour of the slave (see Mann 2015), is not only the oldest, but also the most typical form of slavery. However, Orlando Patterson rightly avoids defining slaves only as a form of “property”. Discussing proprietary rights exercised over persons who are not considered to be slaves, he suggests that slaves belong to a subcategory of “human proprietary objects” (Patterson 1982: 21).

In general, a person can be called a slave if he or she is owned and can be sold to someone else. In Art. 1 of the 1926 Slavery Convention, slavery was defined as: “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (United Nations, n.d.), and the slave trade was defined as including: “all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.” (ibid.)

Nepal is in no way different in these characteristics, but happens to be special in certain regards. To put it briefly, slavery there was more familial, connected with questions of purity and hierarchy, and more related to landownership. That said, we must emphasise that slavery in Nepal was no less cruel and humiliating than anywhere else. The abolition of slavery by Candra Śamśera was the right and necessary step. But before we ask how slavery developed in Nepal, we must elaborate on the forms and definitions of slavery in this Himalayan state.

4 See Meillassoux (1991: 99–115) for a more detailed discussion of the social characteristics of slaves.

Slavery in Nepal: An Overview

Some *dharmaśāstras* and Sanskrit treatises provide information on the forms of slavery and slave labour in ancient Indic culture. *Manusmṛiti* provides a classification of slaves as being sevenfold:

ध्वजाहृतो भक्तदासो गृहजः क्रीतदत्त्रिमौ । पैत्रिको दण्डदासश्च सप्तैते दासयोनयः
॥८.४१५॥

There are seven kinds of slaves: a man captured in war, a man who makes himself a slave to receive food, a slave born in the house, a purchased slave, a slave given as a gift, a hereditary slave, and a man enslaved for punishment.⁵

Nāradaśmṛiti, a *dharmaśāstra* text widespread in Nepal, expands the typology further:

गृहजातस्तथा क्रीतो लब्धो दायादुपागतः । अनाकालभृतस्तद्वदाधत्तः स्वामिना च
यः ॥५.२४॥
मोक्षितो महतश्चर्णात्प्राप्तो युद्धात्पणे जितः । तवाहमित्युपगतः प्रत्रज्यावसितः
कृतः ॥५.२५॥
भक्तदासश्च विज्ञेयस्तथैव वडवाभृतः । विक्रेता चात्मनः शास्त्रे दासाः पञ्चदशा
स्मृतः ॥५.२६॥

One born into a household, one who was purchased, one who was acquired, one who was inherited, one who was supported in time of famine, one who was pledged by his master, one freed from a large debt, one who was obtained by battle, one who was won in a wager, one who came forward and said, “I am yours,” one who gave up world renunciation, a bonded labourer, one who becomes a slave for maintenance, one who takes up with a female slave, and one who sells himself—these are the fifteen slaves mentioned in the texts.⁶

5 Quoted from Olivelle (2005: 189, 743). In contrast to this, Kautīlya’s *Arthaśāstra* mentions of these types of slaves and slave labour: one who has become a slave to secure livelihood (*udaradāsa*), one who is pledged (*āhitaka*), one who has sold oneself (*ātmaṅkrayin*), one who has to work to pay a fine (*daṇḍapraṇīta*), one who is captured in battle (*dhvajāhṛta*), born in the house (*grhajāta*), inherited (*dāyāgata*), obtained as gift (*labdha*), or purchased (*krīta*) (cf. Shrimali 2018 and Olivelle 2013).

6 Quoted from Lariviere (2003: 174, 348).

These verses show the different forms of slavery, service and forced labour. A comparable semantics of slavery is also attested to Nepal: *Nyāyavikāsinī*, a fourteenth-century Newari commentary on the *Nāradasmṛti* establishes largely identical forms with regard to the types of slaves.⁷ Terminology used in Nepali documents distinguishes between “full” slaves (*kamāro/kamārā, kamārī*), domestic servants (*kariyā, cākara, nokara, dāsa, dāsī*), maidservants and attendants (*keṭī, keṭo*), bondservants (*bādhā/bādhā, badhetyānī*), persons subjected to forced or unfree labour (*kāmakara, jhārā, beṭha, begāra*), servants working only for food (*bhatuvā*), forced recruits (*gulāma/gulām*)⁸, and servants in temples (*devabhṛtya, devadāsa, devadāsī*). The exact distinctions between such terms cannot, however, always be described. In the mid-nineteenth century, the Ain-54 systemised the slavery-related terminology which is discussed under the introduction of part III in this volume.

As for the history of slavery in Nepal, epigraphic evidence can be traced back to the seventh-century Licchavi king Narendradeva, an inscription of whom in Bhaktapur mentions assigning slaves to a Vaiṣṇava temple. That said, at present only a few documents concerning slaves and slavery have been found from the Licchavi and Early Malla periods, but many more from the Late Malla and Śāha/Rāṇā periods. Table 1 presents a brief timeline of important events relating to slavery in Nepal.

7 See D. Panta VS 2065 and Ś. Vajracārya VS 2044 for editions of the *Nyāyavikāsinī*.

8 The term *gulām* was also used for persons enslaved during war, as Document 4.1 indicates. On *gulāms* as military slaves in Islamic India, see Jackson (2006: 63–82).

Table 1: A Timeline of Slavery and Unfree Labour in Nepal.

ca. 643–680	Licchavi king Narendra Deva's inscription at Anantaliṅgeśvara in Bhaktapur assigned 10 male and 20 female slaves to the temple. ⁹
1051 and 1061	Documents archived at Oku Bāhāḥ, Patan formalised debt bondage (Kölver 1986: 434–49).
1313	During the reign of Ānandadeva II, <i>pātra</i> nobles of Gā Bāhāḥ, Patan freed two persons. The document uses the term <i>muktapatra</i> (D.R. Pant 1997: 136).
1637	King Siddhinarasimha Malla made a gift of slaves during the installation of the Kṛṣṇa Temple (D.R. Pant 1997: 136).
1759	Ṭhākura Gīra Gosāi offered a piece of land and a female slave to the Ādiviśveśvara temple of Bisankhu (see Document 1.1).
1766	Pr̥thvīnārāyaṇa Śāha gifted slaves, or gave away seized slaves in exchange for buffalo (D.R. Pant 1997: 137).
1773	Bālakṛṣṇa Deva Śarmā, a Brahmin from Bhirkot, offered two Newar girls to Paśupati as <i>devadāsīs</i> (see Document 1.2).
1776	Joga Nārāyaṇa Malla offered two female slaves to the goddess Bhagavatī of Kabhrepalanchok (see Document 1.3).
1777	Eight female slaves performed self-immolation (<i>satī</i>) when King Pratāpa Śimha Śāha died in November 1777 (see Document 1.4).
1783 (VS 1840)	King Raṇa Bahādura, through a <i>rukkā</i> , exempted a total of 75 households of goldsmiths from Kathmandu from <i>jhārā</i> , <i>beṭha</i> , and <i>begāra</i> for as long as they minted silver coins (DNA_0014_0026).
1790 (VS 1847 Bhādra)	<i>Jhārā</i> , <i>beṭha</i> and <i>begāra</i> systems abolished in Morang district (Regmi 1971: 112 fn. 79, 80).
1793 (VS 1850 Jyeṣṭha)	A royal order was issued to free people of Jumla who had been enslaved after rebelling against Ranjit Kāvāra a year earlier (M. Pant 2002: 84–86).
1803	<i>Jhārā</i> obligations were remitted to all Brahmin inhabitants of Parbat District (Regmi 1971: 104).
1803 (VS 1860 Kārtika)	A ban was imposed on enslaving Brahmins and Rajputs throughout the country (Regmi 1971: 121, RRC 19.145: 137–38).
1804	<i>Hulāka</i> services were first introduced between Kathmandu and the western frontier (see Document 7.2). <i>Hulāka</i> functioned by depending largely on compulsory labourers.

9 The inscription uses the terms *devabhṛtya* and *dāsī* to denote male and female servants (cf. D. Vajrācārya VS 2030: 486 and D.R. Pant 1997: 135).

Table 1 (continued): A Timeline of Slavery and Unfree Labour in Nepal.

1808 (VS 1865)	A <i>rukkā</i> issued by King Gīrvāṇayuddha to Kājī Balavamṭa Rāṇā prevented people from selling their children to Muslims, Madhesis and Bhotyās (Yogī VS 2022: 69).
1809 (VS 1866 Āṣāḍha)	A <i>rukkā</i> was issued to establish <i>hulāka</i> posts along the western route from Kathmandu up to the Yamuna River in Kumaun (see Document 7.2). It ordered to assign twenty families for each post who were required to transport loads for the government.
1813	All Brahmins were exempted from <i>jhārā</i> obligations (Regmi 1971: 104).
1814 (VS 1871 Vaisākha)	A <i>rukkā</i> was issued to establish <i>hulāka</i> posts along the eastern route from Kathmandu up to Vijayapur (see Document 7.3). Sixteen families were assigned to each post to transport loads ordered by the government.
1822 (VS 1879 Āśvina)	A <i>lālamohara</i> issued by King Rājendra declared that the Magars in the areas between Bheri and Mechi should not be punished with enslavement (DNA_0014_0028).
1830 (VS 1887 Kārtika)	Endorsing an earlier order issued in 1773 by King Pṛthvīnārāyaṇa, King Rājendra ordered the Danuvāra creditors of the seven villages ¹⁰ not to enslave persons pledged by debtors (N. Panta et al. VS 2025: 1041).
1834 (VS 1891)	Two <i>lālamoharas</i> issued by the king obligated the people of Bajhang, Bajura and Achham districts to obtain approval from the king before making any slave transactions (Pradhānāṅga VS 2075: 110).
1836 (VS 1893)	A <i>rukkā</i> issued by King Rājendra to the people west of Marsyangdi up to Pyuthana banned the enslavement and bondage of the Magars (see Nepālī VS 2022: 191 and Regmi 1971: 121). The practice was, however, revived in 1846.
1839 (VS 1896 Bhādra)	A royal order by King Rājendra attempted to ban the people of the whole country from selling their offspring into slavery (D.R. Panta VS 2026: 253).
1854 Jan. 6 (VS 1910 Pauṣa śukla 7)	Promulgation of the <i>Ain</i> .
1863 (VS 1920 Kārtika)	A <i>rukkā</i> by King Surendra exempted the Enslavable Newar castes and Limbu (Kirāṭi) from enslavement (Yogī VS 2022: 611 and Höfer 2004: 98).
1885 Nov. 23	Prime Minister Bīra Śamśera imposed a ban on enslavement the day after he took power. No actions were prescribed, however, regarding the persons who were already slaves (see Regmi 2002: 131).

10 The seven villages (*sāta gāū*) include Banepā, Dhulikhela, Khaḍpu, Caukoṭa, Panauti, Sāgā, and Nālā.

Table 1 (continued): A Timeline of Slavery and Unfree Labour in Nepal.

1901 (VS 1957 Phālguna)	Prime Minister Deva Śamśera and Queen Kṛṣṇakumārī Devī emancipated a total of 767 slaves during the former's enthronement ceremony (Daṅgola, Rājavamśī, and Vajrācārya VS 2041: 115–20).
1901 (VS 1958)	Prime Minister Deva Śamśera attempted, with a special order, to emancipate female slaves from Kaski and Lamjung (see Nepālī VS 2021: 16–17 and P.S. Rana 1995: 118). A speech made by him with a similar intention was published in the newspaper <i>Gorakhāpatra</i> (D.R. Panta VS 2026: 255–56). He failed, however, in realising his intentions. He eventually issued an amendment to the <i>Ain</i> that prevented the reselling and pledging of slaves (ibid. 257).
1924 Nov. 28	Prime Minister Candra Śamśera delivered the slave emancipation speech at Tundikhel.
1925 Apr. 13 (VS 1982 Vaiśākha 1)	Candra Śamśera enacted a complete ban on enslavement and enforced the manumission of existing slaves through an amendment to the <i>Ain</i> .
1925	Prime Minister Candra Śamśera formed the Dāsavmocana Aḍḍā to enforce manumission.
1963 January	Nepal signed to commit to the 1926 Slavery Convention Treaty. This treaty, also known as Convention to Suppress the Slave Trade and Slavery, was first signed in 1926 under the auspices of the League of Nations.
2000 Jul. 17	The Government of Nepal decided to outlaw the <i>kamaiyā</i> system, a form of bonded labour, and drafted the Bonded Labour Prohibition Act. The Bonded Labour Prohibition Act came into effect in 2002.
2006 Sept. 10	The <i>kamlari</i> system of indentured labour was banned by the Supreme Court of Nepal.
2008 September	The <i>haliyā</i> system of bonded labour in agriculture was abolished by the Nepalese government.

Causes of Enslavement

Several factors could lead a person into slavery in pre-modern Nepal. Original enslavement mainly arose from five causes: the caste system or belonging to an Enslavable caste, being born of slave parents, punishment, impoverishment, and capture in war or rebellion. A growing enforcement of caste hierarchy caused a certain class of people to fall into the lowest strata of society and underprivileged legal positions. The *Ain* of 1854 (hereafter called *Ain* or *Ain-54*) placed a vast number of communities into the legal status of Enslavable castes (*māsinyā jāta*). These people of low caste status were subjected to enslavement as a punishment for criminal offences, such as rape, infanticide, and theft,

for contaminating persons of upper-caste status, or for having sexual intercourse with upper-caste women. This punishment was severe, corresponding approximately to capital punishment, and indeed sometimes explicitly imposed as a substitute when capital punishment was ruled out. The offering of alcohol or cooked rice to a person of upper-caste status could lead to enslavement (whereas the consumption of alcohol would lead a person of upper-caste status to caste degradation). Thus, it is stated in the *Ain*:

If someone makes a Sacred Thread-wearing caste member consume an alcoholic drink, knowing that he is from such a caste, his share of property shall be confiscated and he shall be enslaved. If he does so unwittingly, having been deceived into letting [the other] consume [the drink], [that is,] if the Sacred Thread-wearing caste member has lied about his caste status [in order to] consume it, the one who let him consume shall not be held accountable. The one who consumed shall be degraded into an Alcohol-drinking Śūdra caste. (Ain-54 § 31.9)

Persons could also be born as slaves by being the offspring of slave parents. Legislative attempts were made, however, to limit the age at which a person could be enslaved, or when a slave child could be transferred to another master. Art. 83 of the *Ain* deals with such a question of how to deal with minors or children born of slaves. It prohibits separating the children of a slave from their mother if they are under eleven years of age. However, we find several pieces of documentary evidence that show that children were still sold (Documents 2.3, 2.4, 2.6), distributed in property partitions (Document 2.4), and pledged (Documents 3.2, 3.3, 3.5). The *Ain* also established a minimum age for bondservitude: “The persons who offer or accept [children] below the age of 16 years as bondservants shall be fined 10 rupees each.” (Ain-54 § 82.12) It is interesting to note that all of the documents mentioned above except Document 3.3 are dated after the promulgation of the *Ain*. It may thus be assumed that the rule declared in the *Ain* was not easily enacted outside of the central administrative region because these documents, with the exception of Documents 3.2 and 3.3, were issued outside of the Kathmandu Valley. The *Ain* nevertheless sets down the values of child slaves in case of legal disputes (see Table 2).

Impoverishment and dire circumstances are universal causes of indebtedness and eventually slavery. Defaulting on debt payments

Table 2: Prices of Slaves According to the *Ain* of 1854 (Ain-54 § 82.4).

Category	Amount
Slave-boys below three years of age	Rs. 20
Slave-girls ditto	Rs. 25
Slave-boys aged between three years and six years	Rs. 30
Slave-girls ditto	Rs. 35
Slave-boys aged between six years and twelve years	Rs. 50
Slave-girls ditto	Rs. 55
Slave-boys aged between twelve years and forty years	Rs. 100
Slave-girls ditto	Rs. 120
Slaves of either sex aged between forty years and fifty years	Rs. 60
Slaves of either sex aged between fifty years and sixty years	Rs. 50

led a person into debt bondage, as defined in the 1956 Supplementary Convention on Slavery:

... the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined. (quoted in Bales 2005: 59)

In most cases, the peasants of pre-modern Nepal did not own any property they could pledge, and could only pay off their debts through bonded labour or slavery. The *Ain* of 1854 tried to prevent turning a bondservant into a slave, but it still allowed such transition for the persons who entered into bondservitude before 1857 (Ain-54 § 82.1). The majority of the Nepali population, especially in rural Nepal, depended for their livelihood on rented lands for farming. Traditionally, the crop yield was shared equally between the tenant and the state or landlord under a system called *adhīyā*. At the beginning of the nineteenth century, a new system called *kuta* was introduced, in which lands were assigned on a contract basis.¹¹ This caused the tenants to sink into debt, either because they had to in order to obtain a contract for better lands,

11 See Regmi (1971: 86–89) and Stiller (2018: 60–65) on the *kuta* system and its implication for increasing bondage.

or in the case that their crops failed. Thus, although the *kuta* system was supposed to bring advancement and dynamism into the agricultural economy, it failed to consider the economic security of the tenants, which led to growing debt and bondage.

There were also cases of voluntary enslavement, usually resulting from extreme poverty. Document 4.9 is a typical example of a person selling herself out of desperation. In the document, Kārto, the slave-to-be, admits:

With the famine that occurred this year in the village, all [those] people died through a lack of food. Since there are no supplies in our house, we too are about to die of hunger. I will be the donor of my own body and will stay in your house as a slave for the rest of my life. (Document 4.9)

We already find people offering themselves up to slavery in earlier documents,¹² and it also conforms to one of the slave categories, *ātmano vikretā*¹³, mentioned by Nārada, and on a palm-leaf roll from 1051 (NS 172):

After Varmmaṇa [...] as debtor [?] of the interest that [consists] of his own body has been declared to be in a state of bondage (*bandhakatva*) for a period of five years, (he shall receive) the gold. [...] The interest per year for [his] enjoyment (i.e., his pay) [a certain quantity of] [...] oil. (Translated from Kölver 1986: 436)

Even though bondservitude and slavery were theoretically different, both were forms of extreme unfreedom and dependence. Bondservitude must be considered temporary slavery, yet in reality it often amounted to life-long enslavement, because the circumstances were such that a bondservant could hardly repay his debts. Ludwig F. Stiller has rightly remarked that:

12 See for example, the deeds edited by Mahesh Raj Pant (1996, 1997).

13 See Lariviere (2003: 174).

The very acceptability of bondage as a temporary solution to [economic] inequities suggested even further unfortunate consequences. The step from bondage to real slavery is very short, and this step, too, was taken with increasing frequency in early nineteenth-century Nepal. (Stiller 2018: 66)

Thus, the pledging of human lives in cases of debt was common in pre-modern Nepal. A debtor could pledge himself (Document 3.5) or his son (Documents 3.2 and 3.4) or a slave (Documents 3.1 and 3.6) or a house servant (Document 3.3). Documents 3.4 and 3.5 present a typical example of the miserable circumstances of a bondservant. Kamāne Bhoṭe, pledged as a bondservant by his own father in the year 1900, ran away from the house of the creditor. He was eventually captured after two and a half years and a heavy compensation was added to the original debt amount, and thus he had to agree to (re)assign himself as a bondservant:

[For this money,] I agree to remain, according to the rule, a bondservant in the house of the creditor. From now on I will remain throughout [all] eight *praharas* (i.e., around the clock) in the house of the creditor and work [for him]. (Document 3.5)

Kamāne Bhoṭe was seemingly in a position with no way out, and it may be assumed that he remained a bondservant for the rest of his life. As Regmi (1971: 118) states, a bondservant could hardly exercise his right to free himself on payment of the loan, because he was seldom in a position to work for his own economic ends.

In other cases, people were enslaved as prisoners of war or rebels. Document 4.1 (DNA_0012_0065) presents an example of a family from Patan enslaved by King Pṛthvīnārāyaṇa during his conquest of the Kathmandu Valley.¹⁴ We also know from a royal order of 1793 that some people in Jumla were enslaved when they rebelled against Ranjit Kāvāra (M. Pant 2002: 84–86). Further study is required to discover more instances of enslavement in war and to understand what uses the enslaved were put to.

14 For other documents regarding enslavement in wars, see Vajrācārya and Nepāla (VS 2014: 27), N. Panta et al. (VS 2025: 1038–40) and D.R. Pant (1997: 13).

People could also be donated as slaves to temples (Documents 1.1–1.3).¹⁵ In these cases, the girls or women had to work for the temples. Sexual obligations, such as work as temple prostitutes, as reported from India, cannot be proven for Nepal. However, in Document 1.2, the donor of two slave girls to Paśupati temple declares that the priest should have no authority over the girls, which might be taken to indicate that exploitation did exist.

With the regulation of legitimate and illegitimate enslavement (see for example, Ain-54 Art. 81 and 84), the state guaranteed the legal security of slave owners and of slaves. It laid down punishments for the officials of various magistracies and district offices if and when they illegally permitted enslavement. It was prohibited for anyone to manipulate caste status in order to facilitate enslavement. Nevertheless, the distinction alone between Enslavable and Non-enslavable castes in the caste hierarchy given in the *Ain* served as an instrument of repression and exploitation of the peasantry and lower castes.

Formalities and Procedures of Enslavement

Enslavement entailed certain formalities and rituals. According to the *Ain* and documentary evidence, a person entered into slavery after having his/her head anointed with oil (*tela ṭhokī gāl̄nu*, Ain-54 § 82.1, *kapālamā tela ṭhokī*, Document 4.8) by the master, and it was required that the enslaved had to sign a deed of agreement or relinquishment (*rājīnāmā*, Document 4.8). In the case of a bondservant, a man could only be bonded when he was above the age of sixteen and had signed a deed of agreement (Ain-54 §§ 81.4, 82.13). However, such a *rājīnāmā* deed by a slave or a bondservant has not been found yet, and it can only be assumed that they were rarely drawn up in practice. Usually in the loan agreements, the debtor, not the bonded, gave his agreement to the local authorities in written form, as for instance, “For this money, I have handed over Kamāne Bhoṭe, the eldest son of my youngest wife, as a bondservant” (Documents 3.4). Apparently, an objection by the one who was to be enslaved was possible: “In case this slave says: ‘I am not to be sold. I am a free person (*ajāputra*),’ I shall prove [him wrong]” (Document 2.4).

15 It cannot clearly be determined from these documents whether the persons were slaves already before they were donated or their enslavement was the result of donations.

In cases where ownership of a slave was transferred, a *paramabhata* deed formalising the transference had to be issued by the former owner (Documents 2.3–2.10). These *paramabhata*s followed a certain formality. The diplomatics involved in such transaction deeds, based on the documents prepared in the early twentieth century, were as follows:

- Invocation in the upper margin, usually the syllable “*śrī*”
- In the body text:
 - Name and address of the seller
 - Name and age of the slave; the slave’s caste is not mentioned
 - Reason for selling (occurs occasionally)
 - Name and address of the purchaser
 - Price of the slave
 - Declaration of physical intactness of the slave; epilepsy and leprosy are usually mentioned
 - Declaration that the slave is not pledged elsewhere
 - Declaration to return the money in case of fraud; the *Ain* is usually referred to here
 - Declaration that the deed has been written willingly, without any force
 - Declaration that the witnesses are valid
- In the eschatocol:
 - Name of the scribe and the place where the deed has been signed
 - The date with chronological details: year, month, fortnight, solar/lunar day and weekday
- Witnesses (usually in the left margin); includes at least one official
- Seals, signatures or fingerprints; the deeds contain at least one signature or fingerprint from the seller. Some contain a seal of the witnessing official.

Similarly, the diplomatics of the deeds of debt bondage written in the nineteenth and twentieth centuries can be presented as (based on Documents 3.1 to 3.6):

- Invocation in the upper margin, usually the letter “*śrī*”
- In the body text:
 - The date with chronological details: year, month, fortnight, solar/lunar day and weekday¹⁶

16 Documents 3.4 and 3.5 have dates written in the eschatocol.

- Name and address of the creditor
 - Name and address of the debtor
 - Loan amount; the type of currency usually named is silver currency
 - Reason for taking out loan
 - Mention of interest rate (in the case of a non-usufructuary pledge)
 - Mention of the date of repayment
 - Declaration of the name (and occasionally age) of the pledged person
 - In the case of an usufructuary pledge, a mutual agreement is stated: the creditor shall not demand interest for the amount of the loan, and the debtor shall not ask for the value of daily labour (*nimeka*) of the bondservant
 - Declaration that in case of default, either the pledged person can be transferred to the creditor (in the case of non-usufructuary pledges), or the ownership of the pledged slave is transferred automatically
 - Declaration that the deed has been written willingly without any force
 - Declaration that the witnesses are valid
- Witnesses (usually in the left margin)
- Seals, signatures or fingerprints; except for Document 3.2, all others contain signatures or fingerprints of the debtor as well as witnesses.

Life and Work of Slaves and Unfree Labourers

One can distinguish between three forms of unfree labour in pre-modern Nepal: agricultural and household work in slavery; bondservitude in private households; and state-enforced work, expressed in forced labour, such as *jhārā*, *beṭha* and *begāra*, and *hulāka* (postal service) systems. Corresponding to this, there were several types of slave owner: members of the royal family, aristocrats or rich masters who bought or inherited slaves, agriculturists who kept slaves for working the fields, traders who reared slaves for trade and profit, and government officials (*amālīs*) who, according to the *Ain*, could own certain kinds of slaves.

In all cases, slaves had to work around the clock, “should be present at all eight *praharas*” (= 24 hours, Documents 3.5 and 4.5), cultivate the land, till fields, cut wood and grass, feed and herd animals, collect

water or firewood, wash clothes, and carry loads. They were subject to commercial transactions at any time, and were placed on a par with four-footed animals (Ain-54 § 81.1 and 81.2)

The fate of the slaves was full of humiliations. Sexual abuse and violence against them were common. The accommodation and care provided to them by the masters were of the minimum. The extremes of humiliation experienced by slaves can be seen from a section in the *Ain*:

If a master has put human excrement into the mouth of his male or female slave, the master shall not be entitled to get such a slave back. An *adālata*, *ṭhānā* or *amāla* office shall emancipate such a slave and set him or her free after taking 10 rupees from him or her. (...) If [the master] has put human excrement on other body parts except the mouth, he shall not be accused and held accountable. (Ain-54 § 60.4)

In contrast to this, a few of the slaves and servants owned by the palace and the families of the ruling class could attain a relatively favourable status, sometimes even honour and power. One such example is the Khavāsa.¹⁷ Some Khavāsas rose to positions of remarkable power during the early Śāha and Rāṇā epochs.¹⁸ Similarly, some freed slaves were even allowed to wear the sacred thread (*janai*) and be integrated into the twice-born caste (Document 4.3).

A major portion of the slave population in Nepal was engaged in domestic services or in farming for households. They were counted as family property that could be sold, inherited or given away. However, regardless of being commodified, the slaves were closely tied to the household and considered a part of it. An exceptional familial situation for a slave is expressed in Candra Śamśera's abolition speech: "there are households where but for certain limitations, the distinction between master and slave is practically abolished" (Candra Śamśera 1925: 9). One such example of a slave's relation to the household kinship and ritual can be found in Ain-54 § 97.30 which prescribes that upon the death of his master, a slave should observe the full impurity period, just like the close kin. The *Ain* mandates that slaves were fed

17 See the detailed discussion on Khavāsas under the introduction of part III in this volume.

18 See Regmi 1987: 166–72 for a list of successful people from the Khavāsa community.

and cared for by their masters, also when they fell sick or became old and were no longer able to work. It tried to ensure that the master guaranteed the health and security of the slaves:

If a master removes a male or female slave or a male or female bondservant who has fallen sick from his house, takes them to a [burning] *ghāṭa*, wayside public shelter or crossroads, and abandons them there without leaving them in anyone's care, and they survive and recover, the master shall not be allowed to recapture them. They shall become free. (Ain-54 § 85.1)

It also guaranteed a higher social status for female slaves who bore children from the masters, and assured that such children became free persons:

If [a master] has kept an unmarried slave girl of his own household [as a wife], and if he has had offspring born [of her], he shall not be permitted to sell the slave. If he sells, the seller shall be made to return the original amount to the buyer. The slave becomes a freed person. (Ain-54 § 129.2)

If a slave woman—after she has started living with her master as his wife—does not run off with another person, the offspring born [to her] from his semen—irrespective of who they are—shall not be considered slaves. They shall not be sold. (...) The offspring shall, in accordance with the *Ain*, be provided with their share of property. (Ain-54 § 129.8)

Due to the closeness of the servants to their master and his family, most of whom were of upper castes,¹⁹ and in order to protect the purity of the household, in some cases domestic slaves could only come from certain castes, which ruled out untouchable castes (see Caplan 1980: 178). Francis Hamilton (1819: 234) reports that slaves of high Rajput families could come from the Brahmin caste and were not degraded by being called *keṭā*, a term generally used to denote male

19 Document 5.3 supports the high-caste origin of slave owners: out of 99 slave owners, 44 were Brahmins and 33 Kṣatriyas or Chetrīs.

slaves.²⁰ The household slaves were sometimes superior to the people of a free but untouchable caste in terms of socio-economic status.

In most of the case, however, slavery meant social death and is not just some form of work system. The slaves lost their caste names, they were alienated from their families and often their hometowns, they lost their ritual status, and became the “children” of their master. They were not allowed to freely integrate the ritual worship of their ancestors into their lives. But the dramatic aspect was not so much the loss of freedom, but rather the loss of kinship. Even when a slave’s father died, his children did not inherit his entire property, but only a part of it to cover the costs of the funeral:

If a [slave] father lives at his owner’s house, but his sons and daughters have gone somewhere else, having been either sold or given away as a gift or dowry, and if the father dies at the house of his owner, the sons and daughters who have been sold or given away as a gift or dowry shall not receive their father’s property, for which there is no [legally recognized] son as heir. The sons and daughters who were sold or given away as a dowry shall carry out the funeral rites from their father’s and mother’s wealth. From whatever remains, 10 rupees per 100 shall be given to the sons and daughters who perform the funeral rites, and the owner shall enjoy the rest; the owner shall receive it. (Ain-54 § 28.11)

A *lālamohara* from King Raṇa Bahādura Śāha informing Dalamardana Śāha and others of his father’s death and the *satī* of eight slave girls (Document 1.4) proves that slaves were regarded as property even beyond death.

Although slavery in Nepal might be considered unique and “soft” in nature, it was no different to slavery anywhere else, for slaves were freely bought and sold as human chattels, alienated from their natal kin or place, and were absolutely dependent on their masters. Moreover, a person’s enslavement not only affected the individual, but also consequent generations, even after they had been freed.

20 According to the regulations of 1803, the enslavement of Brahmins was prohibited (Régmi 1971: 121). The slave Brahmins reported by Hamilton may have been enslaved before the enforcement of that regulation.

Unfree Labour: *Jhārā* and *Hulāka*

Every adult male, except those exempted by royal order, was subjected to forced or unpaid labour by the state (Regmi 1971: 103). Apart from the government, such compulsory and unpaid labour was also exacted in different forms by land holders (*birtāvāla*) and government employees (*jāgiradāra*). The most common forms of such labour were *jhārā*, *beṭha* (or *beṭhi*) and *begāra*. The distinguishing features of these forms of labour are, however, vague. *Jhārā* is the term most widely used to denote unpaid or forced labour in general. *Beṭha* appears to derive from the Sanskrit term *viṣṭi*, meaning compulsory work. *Begāra*, for its part, comes from a Persian term meaning a forced labourer subjected to either individual or public service (Wilson 1855, s.v. *begar*). Rishikesh Shah identifies *beṭha* and *begāra* as two forms of *jhārā*, *beṭha* being unpaid labour for farms, and *begāra* being labour for such purposes as portage, construction and digging (R. Shaha 1990/I: 207). M.C. Regmi, however, defines the terms differently: *jhārā* as the requisition of labour from each family for public purposes, *beṭha* as the exaction of unpaid labour on a customary basis, and *begāra* as the requisition of labour for emergencies (Regmi 1965: 53).²¹

There is another term, *baikara*, that often occurs together with *jhārā*, *beṭha* and *begāra* in the documents. It is not, however, a form of labour *per se*, but an obligation under which the residents had to supply provisions to the state officials for free. Moreover, it seems that in some places *jhārā* could also be exacted in cash as an annual levy (see Document 7.4).

The Documents 7.4 and 7.5 demonstrate that the *jhārā* labourers were unpaid and their labour could be exacted either by request (*guhāra*) or by force (*dapko*). The labourers not only had to work under unfavourable conditions, they sometimes had to remain away from home for several months, and even bring their own supplies and tools. Beatings and punishment were common if people did not work according to expectations. A document from 1805 records porters having their noses cut as punishment of failing to carry military supplies (RRS 5.4: 77).

Documentary evidence shows that early Śāha rulers used the *jhārā* system for forced recruitment during wars. Rishikesh Shah emphasizes that the Śāha king's campaign of expansion by war was largely

21 For the system of *beṭha* and *begāra* in Himachal Pradesh of India, see Negi (1995).

conducted by forced recruitment (R. Shaha 1990/I: 207). One piece of documentary evidence of forced recruitment tells us of King Pṛthvīnārāyaṇa, who ordered *jhārā* recruits to attack Makwanpur against the forces of Mir Qasim (N. Panta et al. VS 2025: 986). Similarly, a document from 1814 mentions the state's recruitment of the people in the area between Bheri and Marsyangdi as *jhārā* for a military operation led by Amara Siṃ Thāpā (see RRC 41.568: 555–56).

Despite its strong presence throughout the Śāha and Rāṇā periods, the topic of forced labour is only sparsely dealt with in the *Ain*. In a mere four paragraphs, Art. 11 of the *Ain* stipulates that a landlord is not allowed to exact forced labour from his tenants without a legal contract and without making a payment, and that a government official should not employ such labourers for private purposes and outside of his jurisdiction, and only for state-managed activities.

Compulsory labour was also the basis for the growth and efficient functioning of the *hulāka* system (see Documents 7.1–7.3, 7.6) throughout the early Śāha and Rāṇā periods. This system consisted of relays of porters along designated routes who carried mail and supplies for the palace, the government and the military. The porters were of two kinds, namely *kāgatya hulākīs* and *thāpalyā hulākīs*. *Kāgatya hulākīs* were assigned to transport mail, and *thāpalyā hulākīs* to transport goods. Unlike other *jhārā* labourers, the *hulākī* porters stood in a relatively privileged position. They were provided with some *jāgira* lands and exempted from certain levies. However, exploitation of these porters' labour by government officials and wayfarers was so common that the rulers had to issue directives at various times forbidding such abuse. At places, the exploitation was so harsh that some villages along routes were desolated. Documents 7.1–7.3, 7.6 show the state's efforts to prevent such exploitation of the *hulākī* porters.

The system of unpaid and forced *jhārā* provided the government with much-needed manpower for portage, construction and other services. With this system, the government ensured that it never ran out of free or cheap labour. M.C. Regmi opines that, due to the availability of *jhārā* labour, slaves were not utilized at the governmental level:

The system of compulsory and unpaid labor made it possible for the government to meet its need for portage and other services without spending money... This explains why slavery, although a recognized institution during this period, was not utilized at the governmental level. (Regmi 1971: 117)

Be that as it may, given the harsh circumstances, lack of freedom and use of force, the *jhārā* and *hulāka* services can be seen as akin to slavery.

Economics of Slavery

The main advantage of enslavement for slave-holders was cheap labour, required mostly in an agricultural society based on a landowning system that brought debt and impoverishment to peasants. Brahmins and other upper caste members became not only landowners, but also money-lenders. For most of the poor tenants belonging to the Enslavable castes, there was hardly any way out from being enslaved or becoming bondservants. The alternative was to run away, resulting in mass migrations to northern India, Darjeeling, Sikkim and Bhutan. The statistics for 1870 from Darjeeling alone speak volumes: there were 32,350 Nepalis, 32,080 of whom belonged to the *matuvālīs* (“alcohol-drinking castes”) and untouchables (Pradhan 2009: 211–12). This situation had a considerable impact on the state economy.

Regardless of the cause of original enslavement, the slaves in Nepal were transferred from owner to owner mainly through inheritance, pledging, gifting, and purchasing, as can be seen from Documents 1.1–1.3, 2.1–2.10, 3.1, 3.3 and 3.6. A faulty transaction over a slave sometimes became the cause of family conflict. Document 2.1, for instance, concerns conflicts that arise from selling a slave without consulting one’s brothers. The *Ain* has a section to regulate such a conflict:

If one of the brothers who are living together in the same household sells a male or female slave or a quadruped or the like without consulting the other brothers, and the other brothers make a complaint that he is not allowed to sell their share, [the sale] shall be valid if he has sold [the property] in order to support the family, or if he has sold only that much of the inheritance which would have fallen under his share. If he has sold more than his share without consulting his brothers, and if it was not sold for the support of the family members of the household, [...] the seller shall be made to return the purchase sum to the buyer, and the commodity shall be returned to the brothers. (*Ain*-54 § 81.1)

Apart from being sold, inherited and gifted, slaves also changed hands as pledges (see Documents 3.1, 3.3, and 3.6). A slave’s ownership could

be transferred permanently to the creditor in the case of default. A loan agreement of 1919 states:

[I,] the debtor, Lāl Bāhādura Khatrī Chetrī by name, resident of Rasputra Village, have received 142 current silver *mohararupaiyās* from the creditor Vīra Bāhādura Khatrī Chetrī, resident of the same village. I have borrowed this money to repay Hirā Siṃ Thāpā. [...] I solemnly promise to return the same amount [of money] as borrowed on the 12th of the month of Jyeṣṭha in the coming year [VS 19]77. If this promise is broken, [Vīra Bāhādura] shall take in his ownership, on that same date, the pledged male slave Rave, [...] considering this deed as valid [in] itself, without [any need] for a separate *paramabhṭṭā* to be written. (Document 3.6)

Nepal presumably did not have an open slave market where one could sell or buy slaves. The market was partly controlled by the state. The state, through the *Ain*, fixed the price of slaves in cases of dispute. It also tried to keep track of slave transactions by making it mandatory for the seller of a slave to sign a sales deed and that an official should stand witness to the deed (see *Ain-54 Art. 81*).

The inter-state slave trade was especially strong in the Tarai and the west of Nepal, extending into Garhwal, where estimates arrived at some 200,000 slaves sold on to India during the Gorkhali occupation that lasted a decade.²² A contemporary observer writing in 1808 described this market as follows:

Many hundreds of these poor wretches, of both sexes, from three to thirty years of age, are annually disposed of in the way of traffic. These slaves are brought down from all parts of the interior of the hills and sold at ... from ten to one hundred and fifty rupees each. (Atkinson 1974: 620)

According to Lionel Caplan, “there was, until the beginning of the nineteenth century, a flourishing trade in the export of slaves to both India and Tibet” (Caplan 1980: 172). Slaves were bought in Bihar and the North-Western Provinces for 4–5 rupees and sold in Nepal for 30–40 each (Sen 1973: 161). During the 1866–67 famine in Champaran and

²² On slavery in Garhwal, see Atkinson (1974: 620), Pradhan (2009: 195), and Regmi (1971: 120).

other districts, parents sold their children to Nepal. Jaṅga Bahādura Rāṇā did not prevent this, but later ordered the slaves' release (Sen 1973: 161f.). They were taken to the British Residency and then returned to India. The first batch consisted of 450 slaves, but many other slaves went undetected and were kept hidden.

The sale of slaves and the modalities of payment were precisely listed in the *Ain*. Thus, in cases of dispute, the price for a male slave aged between twelve and forty years was set at 100 rupees, and that for a female slave at 120 rupees (see Table 2).

Foreign travellers' accounts provide some light on the trends in slave prices in the nineteenth-century Nepal. Francis Hamilton (1819: 235) mentions the price of a male slave in the early nineteenth century as 15 rupees and of a female as 20 rupees. A. Campbell reports the following prices from the Kathmandu Bazaar in 1836: "Full grown male slaves Rs. 80 each. Full grown female slaves Rs. 100 each. Boy slaves Rs. 40 each. Girl slaves Rs. 50 each" (Campbell 1837: 90, quoted from Sen 1973: 160 fn. 8). Daniel Wright (1877: 45) mentions prices similar to the *Ain*, but adds that later in the century the price of a female slave was raised to Rs. 150–200, one and a half times to twice that of a male.

The price of slaves as mentioned in the documents (Table 3) shows how it changed during the nineteenth and early twentieth century. Slaves were sold at considerably higher prices just before the abolition in 1924. The prices on the market and the standardized prices of the *Ain* diverged significantly. The higher market prices suggest that the state did not control private transactions and that standardized prices were applicable in cases of litigation and the government's handling of financial affairs relating to slaves. Thus, in the documents of 1898 issued by Deva Śamśera (Documents 4.10 and 4.11) the following prices are given: female slave, aged 21, price: 120 rupees; male slave, aged 45, price: 45 rupees; female slave, aged 42, price: 60 rupees; male slave, aged 8, price: 41 rupees and 1 *sukā*; male slave, aged 12, price: 41 rupees and 1 *sukā*; and female slave, aged 2, price: 25 rupees. Document 4.10 specifically mentions that these prices are in accordance with the *Ain*: "[we issue here an order that] the total price of the listed 7 slaves—452 *mohararupaiyās* 2 *sukās* according to [Section] 16 of the [Article on] Enslaved castes (*gyū māsiyākā jātakā*) in the *Ain*." The prices remained unchanged in the amended *Ain* of 1870 (see *Ain*-70: 224).

Apart from fixing the price of a slave in litigation, the state, through the *Ain*, regulated the value of the daily labour (*nimeka*) of a slave or bondservant, and the cost per day of food for him or her in cases when

Table 3: Prices of Slaves in Documents between 1806–1923.

Document no./ ID	Year (CE)	Locality	Number/sex/age of the slave(s)	Price
4.2 (PN_0002_0030)	1806	unknown	1 F	15 <i>rupaiyā</i>
2.1 (E_2824_0044)	1833	Unknown	1 M, 1 F	101 <i>rupaiyā</i>
2.2 (E_1448_0037)	1841	Bhaṅgāratāra, Kathmandu	3 F	101 <i>moru</i>
4.8 (E_3446_0032)	1892	Sāmā Gāū, Aṭhārasayakholā	1 F (14 y)	25 <i>moru</i>
4.9 (L_1200_0016)	1892	Sāmā Gāū, Aṭhārasayakholā	1 F (18 y)	35 <i>moru</i>
4.10 (K_0614_0021)	1898	Kāgatī Gāū, Nuwakot	1 M (45 y), 1 F (42 y), 1 F (21 y), 1 F (17 y), 1 F (2 y), 1 M (12 y), 1 M (8 y)	45, 60, 120, 120, 25, 41 ¼, 41 ¼ <i>moru</i>
2.3 (K_0348_0037)	1908	Vaḍahare, Sinchupālcok	1 F (29 y), 1 son (9 y), 1 son (7 y), 1 daughter (4 y)	201, 101, 99, 99 <i>moru</i>
2.4 (K_0282_0008)	1909	Khairā Gāū, Pyuthana	1 M	172 ½ <i>moru</i>
2.5 (K_0281_0049)	1910	Madanapura, Pyuthana	1 M, 2 F	483 ½ <i>moru</i>
K_0281_0051	1914	Dhum Gāū, Pyuthana	1 F (16 y)	120 <i>moru</i>
K_0282_0007	1915	Khairā Gāū, Pyuthana	1 F (21 y)	301 <i>moru</i>
K_0282_0001	1917	Gajula Gāū, Pyuthana	1 F and 2 sons	360 <i>moru</i>
2.6 (K_0282_0002)	1917	Leghā, Pyuthana	1 F (9 y)	330 <i>moru</i>
2.7 (K_0282_0020)	1919	Bāḍikoṭ, Pyuthana	1 F (19 y)	418 <i>moru</i>
2.8 (K_0282_0047)	1919	Kārki Dāḍā, Pyuthana	1 M, 2 F	541 <i>moru</i>
K_0281_0058	1920	Purkoṭ	1 F (12 y)	326 <i>moru</i>
K_0281_0044	1923	Dhāirekarka, Pyuthana	1 M (13 y)	200 <i>moru</i>
2.9 (K_0282_0003)	1923	Arghā Arjuṃ, Pyuthana	1 M, 1 F	665 <i>moru</i>
2.10 (K_0282_0004)	1923	Bāḍikoṭ, Pyuthana	1 F (15 y)	301 <i>moru</i>
K_0282_0005	1923	Bāḍikoṭ, Pyuthana	1 M (19 y)	240 <i>moru</i>

the master had to be compensated (Ain-54 § 80.9–10): one *ānā* (1/16 rupee) as the value of labour, and one *ānā* for the food.

When the value of labour of a male or female slave or bondservant has to be compensated, from 2 *ānās* for one [slave or bondservant] for 1 day, 1 *ānā* is counted for food. (...) If [the slave or bondservant] dies after he was aided to escape and taken away, and before he is returned to his master's responsibility, [the culprit] shall be made to pay [the master] compensation for the value of labour until the day of [the slave's or bondservant's] death, together with an amount equal to the sales price or credit sum, respectively. (Ain-54 § 80.10)

Document 3.5 issued in 1906 gives a typical example of how this rule was enacted in a case of a runaway bondservant, Kamāne Bhoṭe, who had to state in the bond:

I agree that [an amount of] 34 *mohararupaiyās* and 80 *paisās* be added to the principal, as calculated according to the *Ain*, at the rate of 4 *paisās* per day as compensation for loss caused to the creditor's work for [a period of] 2 years and 5 months. (Document 3.5)

The typical value of labour of a slave or bondservant in the nineteenth century can thus be calculated as approx. 2 rupees (*mohararupaiyā*) per month and 23 rupees per year, a rupee being equivalent to 64 *paisās*.

From an economic point of view, the use of slavery was doubtful at best. The state had in any case easy access to labour by means of *jhārā*, and this avoided the need to care for the serfs all their lives. However, these profits could not compensate for the great damage done. An economically damaging result of employing peasants on forced labour was reduced crop yields.²³ Overall, slavery in the nineteenth century was more likely to contribute to a stagnant economy. In private households belonging to rich landlords and nobles, slaves or servants were not necessarily kept for profit, but to build or maintain social prestige. The number of servants in a household symbolised its reputation.

Unfree labour and impoverishment in parts of Nepal led farmers to leave their country to start a new life elsewhere in Nepal or abroad. These people were the first migrant workers. Nepalis already formed

23 See Regmi (1971: 109–12) for a discussion on adverse impact of forced and unpaid labour on the social and economic life of the peasantry.

a major population in Darjeeling in 1872 (see Pradhan 2009: 211–12), and in Sikkim by the end of the nineteenth century, and also in southern Bhutan, not to mention the countless Nepalese workers in India or the Gorkha soldiers recruited in the First and Second World Wars. These migrants worked as guards, as mercenaries or watchmen, as farm labourers, as tea pickers, in coal mines, as domestic helps, or even as prostitutes.

It is well known that the problem of such migrant workers has widened and become a modern form of “slavery”, even though not in a strict sense. It is estimated that 4 to 5 million Nepalis now work abroad, about half of them in India, the rest in Gulf states, Malaysia, and some other East Asian countries. About two million or 7.4 percent of the population worked as migrant workers abroad, according to the population census of 2011 (see M. Shrestha 2017: 28). By now, every third household has one member working abroad. The foreign exchange earned through labour migration has become Nepal’s biggest source of income alongside tourism. In 2018/19, migrant workers contributed almost 26 percent of the gross domestic product with their remittances. It may no longer be slavery in any official sense, but the tense situation on the labour market, the impoverishment of the peasantry, and the fact that many people in Nepal cannot live from what they earn through their work have remained.

Emancipation of Slaves

Nepali Documents use various terms to denote the emancipation or the freed state of a slave, such as *amalekha* (Documents 4.10, 4.11 5.2–5.4, and various articles of the *Ain*), *akariyā* (Ain-54 §§ 86.7, 129.8), *pāra* (Documents 4.2, 4.3, 4.4, 4.7 and 4.9), *pāraparchinā* (Document 4.8), *jiupāra* (Document 4.8) or *jiyapāra* (Document 4.6), *hāḍapāra* (Document 4.6 and Ain-54 § 82.16), and *kāma(kara)pāra* (Document 4.6 and Ain-54 § 82.16). These terms indicate different forms and stages of emancipation. However, exact distinctions between these terms are hard to determine.

Amalekha is the generic term used in pre-modern Nepal to refer to the manumission of both slaves and bondservants. Another widely used term is *pāra* (free, release), and *pārapatra* for an emancipation deed. A slave, however, could be freed to different degrees. The *Ain* states that a slave could be freed from enslavement, but may still not be freed from servitude (Ain-54 § 82.16). The *Ain* and various documents

use the term *hāḍapāra* for such a conditional emancipation. The term *hāḍa* (“bone”) has the connotation of blood kinship (*hāḍanātā*). Thus, *hāḍapāra* may be understood as an act of disassociating a slave from his enslavable status. Furthermore, Document 4.9 mentions “purifying the bones” (*hāḍa cokho garāī*), while Document 4.8 writes of “purifying the caste” (*jātabhāta śuddha garnu*) of a slave, both intending to remove a slave from the status of enslavable. When a slave is additionally freed of his obligations to serve the master, he is designated as being *kāmapāra* (“released from labour”). Another term, *jiu-/jyūpāra* is also used in the documents. The *Ain* and the contemporary legal documents used the term *jyū* (“body”) to designate slaves and bondservants in depersonalized and commodified terms. Hence, *jyūpāra* may be understood as the de-commodification of a slave and recognition (again) of him as a person.

According to the *Ain*, a slave could be emancipated in multiple ways: by being freed by the master’s own will, by being taken by the master as a concubine (in the case of a slave woman), by being freed by court order because of the master’s atrocities, when a master fails to provide care for a sick slave, and by fleeing to certain parts of the country. There are plenty of examples of rulers, as well as lay people, freeing their slaves (Documents 4.1–4.11). These examples of emancipation include liberation by the lay slave owners either during their lifetimes or posthumously, sporadic acts of pardon by kings and prime ministers, and manumission by the state. Some liberated their slaves at religious sites as a pious act. Documents 4.2 and 4.4 record such liberations carried out at Paśupati. As a ritual of freeing, the slave placed a traditional porter’s basket (*ḍoko*) on his or her back, securing it with a strap (*nāmlo*) across his or her forehead. As soon as the master had cut the strap through, the slave was free (see Document 4.4 and Maskey 1996: 34). It might also be interesting to mention a manner of freeing a slave in medieval times: the master took a jar filled with water from the shoulders of his slave and smashed it (see Malla 2000, s.v. *dharhapvaṃ*). A similar emancipation ritual can be found in the *Nāradaśmṛti* (see Lariviere 2003: 175, 351).

Document 4.7 is an example of how slaves were sometimes freed for being loyal to the rulers, in this case when they informed the ruling Rāṇās of their owner’s traitorous contact with rebel Rāṇās.

Some documents, dating to 1822–1836, show how, area by area, starting from Myagdi, Magars obtained royal permission to be non-enslavable (Lecomte-Tilouine 2009: 297, DNA_0014_0028). Such

legal attempts to prohibit slavery, however, were limited only to certain occasions, regions or groups. There were, for instance, mass liberations on the occasion of the coronations of Deva Śamśera and Candra Śamśera. King Rājendra Śāha even issued one such order banning the people of the entire country from selling their offspring (D. Panta VS 2026: 253), but his weak position meant that the order could not be imposed. Jaṅga Bahādura Rāṅā likewise decided to liberate all the slaves who had fled to India for more than a year and who then had returned to the Tarai provinces of Morang and Surkhet (Ain-54 § 2.64).

D.R. Pant (1997: 137–39) considers a number of documents relating to the subject of slavery. One of the documents, issued in 1768 by Pṛthvīnārāyaṇa Śāha, mentions that the king freed a certain Dhanadatta Nevāra of Lubhu, who had earlier been seized by him.²⁴ A report from 1852 found at the National Archives of Nepal lists a total of 947 slaves from the far west of Nepal freed in that year.²⁵ Of these, 88 were the children of free persons. The rest, some 859 persons, most probably all female, were freed because of their marital relations with free persons.

Many such manumission documents can be found from the period of the later Śāha rulers and throughout the Rāṅā period. Perhaps the most notable such ruler is Deva Śamśera, who, during his very short rule, ventured some measures to weaken slavery. He ruled as the prime minister of Nepal for only 114 days, from 5 March to 27 June 1901, and during this time, he made some attempts to abolish slavery, emancipating a total of 767 slaves alone during his enthronement ceremony.²⁶ Afterwards he attempted to emancipate all female slaves in Kaski and Lamjung, districts over which he had direct authority. As Perceval Landon mentions, he also planned to emancipate slaves in Kathmandu (Landon 1928/II: 81). Given opposition of the slave owners, however, he did not succeed in either of these undertakings. He nevertheless did manage to issue an order on the 10th day of the dark fortnight of Āṣāḍha in VS 1958, banning the buying, selling, pledging as security and donating of slaves (Nepālī VS 2021: 16–17).

24 For the edition and analysis of this particular document, see Vajrācārya and Nepāla (VS 2014: 27) and N. Panta et al. (VS 2025: 1038–40).

25 Pradhānāṅga (VS 2075: 112–13) provides a list containing the number of freed slaves in different districts of the far west.

26 The slaves emancipated during the ceremony are listed in Ḍaṅgola, Rājavaṃśī, and Vajrācārya (VS 2041: 115–20).

Mass liberations were first enacted on 13 April 1925, when Prime Minister Candra Śamśera issued the legal prohibition on slavery through an amendment to the *Ain*. From then on, trading in slaves was punishable by seven years in prison. For these liberated slaves (*amalekha*, *gharī*), Candra Śamśera assigned a village named Bhikṣākhorī, and renamed it as Amlekhgunj (“the place of liberated slaves”) on 15 June 1929.²⁷ This place, lying in the jungle in the Tarai, had been the end station of the Indian railway since 1927, and the liberated slaves received land there to cultivate for themselves. Although this sounded good and Candra Śamśera was praised for his act, the reality was apparently different for the resettled slaves. They were probably needed there to cut timber for Indian railway sleepers. However, the resettlement programme was a failure because no more than an estimated sixty households were founded, probably because the place was in the middle of a malaria district, but above all because the *gharīs* were not recognised socially there. In general, liberated slaves had to face great difficulty in forming a community or a caste, find marriage partners, or integrate into the world of work. Many had greater problems after liberation than before, because they found work and housing only on the margins of society.²⁸

In an attempt to tackle the problems freed slaves faced in the transition period after liberation, Candra Śamśera had earlier proposed to keep the freed slaves for seven years in the service of their masters (C.S.S. Rana 1925: 47, cf. Document 6.10). However, it is not clear whether this was actually enacted.

Reintegration of freed slaves in a caste society was certainly not easy. However, in some cases, slave status was not necessarily an impure status, so that some slaves could re-join their castes. In Document 4.3 it is clearly said to the emancipated slave Gajakesara: “Wear the sacred thread, mindful of proper conduct. Become associated with fellow members of your own caste”. In Document 4.1, King Girvāṇayuddha Vikrama Śāha (r. 1799–1816) also allows an emancipated Newar slave, together with his offspring, to re-join his community.

27 Whyte (1998), cf. Daṅgola, Rājavaṃśī, and Vajrācārya (VS 2041).

28 See Whyte (1998) for an understanding of the economic and social realities of the freed *gharīs*.

Abolition of Slavery



Fig. 1: The Assembly at Tundikhel in which Prime Minister Candra Śamśera Called for the Abolition of Slavery. Source: C.S.S. Rana (1925: 38).

On 28 November 1924, Prime Minister Candra Śamśera assembled the senior officials and military in Tundikhel Square in the centre of Kathmandu (Fig. 1). With him was eighteen-year-old King Tribhuvana. Candra mounted the platform under a large tree and had the palace guru, Hemraj Pande, read a long “call for the liberation of slaves and the abolition of slavery in the country.” This began with the following words:

Gentlemen, to-day we meet to consider a delicate and difficult question. The world progresses and with it there is change, not only in our mode of living in our relations with our neighbours, in our methods of administration and our people have now come much more to the fore than ever before. That alone should be an incentive to retain untarnished our reputation as a brave people, as a just people, as a humane people; in short as the fit progeny of our forefathers, the heroes of a hundred battles, ever the champions of the weak and oppressed. Yet there rests on us, according to the present standard of the civilized world, a stigma, a slur on our name which diminishes its lustre. They say we yet nurture the hated institution of slavery; we, who are so fiercely jealous of our independence, retain in vile bondage some of our own people and abandon them

from generation to generation to continue in that state without lifting a little finger to sweep away a custom unworthy of our glorious tradition. (C.S.S. Rana 1925: 1)

These sentences are followed by a long explanation as to why Candra Śamśera proposed to his people to give up slavery. He claimed that Hindu tradition condemned slavery (which is not true, as there has always been slavery in Hindu kingdoms). He described the hopeless and desperate perspective of the slaves and the unworthy situation faced by some seventy-year-old slaves under much younger “masters” in multi-generational households, and he detailed how little slave ownership ultimately yielded. Thus, it cost 410 rupees to raise a slave child until he or she could be used as a worker at the age of sixteen or sold for the price of 120 rupees. If, however, one had lent that sum at ten percent, the lender would have received 1100 rupees during the same period. As evidence, the Appeal is accompanied by extensive tables based on the 1923 census, showing that, at that time, there were 51,519 slaves, corresponding to just over one percent of the population, and 15,719 slave owners. Finally, he announced that his government would pay compensation for each freed slave.

This speech by Candra Śamśera was only an appeal (“*spīca*” in the Nepālī version), carefully addressed to slaveholders and to the international public, who applauded the Prime Minister for his step. At the same time, Candra is said to have been praised by slaves, for it was rumoured among them that he himself had married a slave, but the question of whether Candra Śamśera abandoned slavery for moral or humanitarian reasons may have a different answer when, in 1923, Candra signed a peace and friendship treaty with the British, which recognized Nepal as an independent nation. In 1924, the League of Nations established a commission to abolish slavery. The fluent English-speaking Prime Minister knew about this and probably wanted to impress the League of Nations, and he later wrote an English version of his appeal of November 28th. Candra was praised for his act of abolishing of slavery by the international press and influential personages (see Document 6.10).

Interestingly, Candra Śamśera asked the help of Hugh J. Wilkinson-Guillemard, the first British envoy to Nepal, to invest 1,111,200 Rs. in Government Promissory Notes. The money was intended for establishing the Slave Emancipation Fund (Documents 6.1–10). The income of 5 percent tax-free interest generated from holding the Government Promissory Notes was probably used for the emancipation.

In January 1963, Nepal signed to commit to the 1926 Slavery Convention Treaty. However, the system of bonded labour and forced labour survived up to the recent past. Different forms of unpaid or meagrely paid labour systems—such as *kamaiyā* for the agricultural and domestic activities, *kamlari* in which female children work as domestic servants to the landlords, and *haliyā* agricultural bonded labour practice—were only recently legally abolished. The *kamaiyā* system, primarily existing in western Nepal, was abolished by law on 17 July 2000, and the debts were cancelled. The *kamlari* system was declared illegal on 10 September 2006. Similarly, in September 2008, the government of Nepal banned the practice of *haliyā*.

Conclusion

To conclude, we can say that slavery and unfree labour had a damaging impact on the economic activity of the eighteenth- to early-twentieth-century Nepal (Regmi 1971: 123), even though the number of officially recorded slaves there might have been less than in other slaveholding societies.²⁹ It is also noteworthy that Nepal did not regularly import great numbers of foreign slaves and that the slaves there were generally from within its own society. Slavery was predominantly confined to the agricultural sector and to the households. Enslavement largely took place on the basis of poverty, punishment, and by birth. Slaves often were kept in the households and (extended) families, and the measures to enforce their stay were not as necessary as in industrial forms of slavery. As Indrani Chatterjee (1999) aptly argued, the history of slavery in India (and Nepal) was interwoven with the history of family and power, rather than solely with exploitation of labour for economic purposes.

Moreover, the extent of slavery and labour exploitation in Nepal was not primarily the result of a high land-to-labour ratio. This is contrary to the Nieboer-Domar hypothesis³⁰ which argues that the use of slavery or bonded labour becomes a necessary alternative when there is an abundance of land and shortage of labour. Instead, the state, its

29 The emancipation speech by Candra Śamśera mentions the slave population of Nepal as amounting to less than 1%, 51,419 slaves for a Nepalese population of 5,573,788 (C.S.S. Rana 1925: 35). For a list of slave systems and the proportion of slaves and their population, see Patterson (1982: 353-64).

30 See Nieboer (1900), Domar (1970) and Patterson (1977).

politics, the caste system and an unjust land distribution were the major factors here.

All in all, enslavement in pre-modern Nepal must be seen as the deprivation of rights of the rural population and the enslavable ethnic minorities, as well as the so-called impure castes. The regulations exploited the Brahmanical ideas of purity and impurity to economically ruin and socially isolate—by means of moral offences and debt bondage—a population already made poor and marginalised. This above all affected the ethnic minorities, who traditionally did not follow the Brahmanical purity regulations. Thus, the regulations relating to slavery in the *Ain* were designed to increase control of the people of certain castes and to create a monopoly on slave labour for the state and the feudal classes.

Agricultural debt, and the pressure of high taxes, are the reasons for the impoverishment and enslavement of the small farmers in Nepal. This situation, intolerable for so many, already led in the nineteenth century to a great exodus of labourers. The agricultural proletariat preferred to work in the coal mines and on the tea plantations of India, just as the modern rural population seeks its fortune by preference in the Gulf States.