

III. Editions and Translations of Selected Articles from the *Ain* of 1854

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Introduction: Slavery and Unfree Labour in the *Ain* of 1854

With the usurpation of power by the Rāṇā aristocracy, the legal system of enslavement underwent full development. The *Ain*, commissioned by Prime Minister Jaṅga Bahādura Rāṇā and enacted during the reign of King Surendra Vikrama Śāha, was promulgated on 6 January 1854.

The *Ain* not only contains several separate articles exclusively concerned with various aspects of slavery (*Ain*-54 Art. 80–86, 161–162), but legal regulations concerning slaves, bondservants, maids and other unfree labourers are found in almost every other field—from land ownership, inheritance and private commercial contracts to the law governing sexual offences and ritual observances. This indicates that social relations of extreme legal and economic dependency were a ubiquitous phenomenon in nineteenth-century Nepal. However, the *Ain* as a legal code is not simply a mirror of the various existing forms of unfree labour, but also an attempt to systematize and standardize them and to reconfigure their relation to key institutions of the Rāṇā order, such as the state, feudal landholdings, religious endowments, the caste system or the household. Thus, a closer look at the semantic field of unfree labour in the *Ain* is, at the same time, a window onto the governmentality of the Nepalese state itself. In that regard, slavery is much more than “just” an extreme form of coercive economic exploitation. It serves as a constitutive feature for a wide array of modes of stratification, institutional settings and social codes, such as lordship, political privilege, honour, kinship relations, caste and gender.²⁰⁹ It is the

209 For an “embedded” view of South Asian slavery which stresses its conceptual and normative interconnections with caste, religion and household and military affairs see Chatterjee (2017).

interplay of slavery with these phenomena which helps to elucidate the peculiarities of Nepal's slavery regime.

Slavery and the Household

In the *Ain*, slavery is closely tied to the institution of the household.²¹⁰ Certainly, belonging to a household primarily meant being the property of a joint family. As family wealth, slaves could be sold (Ain-54 Art. 81), mortgaged (Ain-54 §§ 20.5–6) and passed on as inheritance (Ain-54 § 22.8), or given away as dowry or gifts (Ain-54 § 28.11). However, despite being turned into a commodity, slaves were nevertheless considered to be a part of the household, even though they were situated at the extreme end of a continuum of dependent statuses.²¹¹ A striking example in that regard is Ain-54 § 97.30, which shows that, in the case of their master's death, slaves were affected by death impurity to the same degree as his closest relatives, and thereby assigned a ritual role in the household life.²¹² The passage is not only revealing in that it demonstrates the nexus between slavery, kinship, ritual and the household, but also because it brings together various forms of unfree labour existing within this dependency structure:

If one's master or mistress dies, and the household is polluted by [death] impurity, a servant in servitude, a Khavāsa, a maid, or a male or female slave is fully afflicted by the death impurity. A wage-earning servant, a male or female bondservant, or a servant working for his keep are afflicted by the impurity for 3 days. A servant is not afflicted by the impurity, except when the master or mistress of his household dies, [but not] if any other of the master's [more distant] family members dies for whom a 10-day mourning period is prescribed. (Ain-54 § 97.30)

210 For the relationship of slavery and the household in general see Zeuske (2018: 47–79), for South Asia see Guha (2013: 121ff.).

211 This characterisation follows Eaton (2006: 2–3) who defined South Asian forms of slavery as total dependency within larger societal webs of dependency.

212 Slaves of the *kamāro* category have to observe the full mourning period (*puro juṭho*) of 13 days for their deceased master which is normally only applicable on the death of close family members or that of the king (Ain-54 § 97.1). What the king is for his subjects, and the father is for his sons is the master for his slaves. This example shows how important household related concepts were for the governmental discourse, where a homology is established between the king and the *pater familias* on the one side and the subjects and slaves on the other.

At the apex of the household pyramid was the *khasam* or master. This generic term designated the head of a household. It covered both the role of a family head and that of a master of different categories of servants. Rarely, the term *mālik* (predominantly a designation for government officials) is used synonymously in the same context (e.g., Ain-54 §§ 106.25–27). In regard to bondservants (*bādhā*) and slaves (*kamāro*), the term *dhanī* (“owner”) is also employed, stressing the ownership which the master exercises over them (e.g., Ain-54 §§ 20.7, 12).

Cākara was a generic term for a servant attached to the master’s household, probably on a long-term basis. Two different types of *cākara* are to be distinguished, those working for wages (*darmahādāra cākara*) and those working only for their keep (*mānu khāi cākari garne*). The rarely used term *bhatuvā* (a servant working only for food, Ain-54 § 85.3) seems to be a low category of the latter. In contradistinction to a bondservant (*bādhā*) and slave (*kamāro*), a *cākara* can neither be pledged nor sold and their subordination to the master is of a contractual nature.

The term *keṭī* (“maid”) is often understood as a synonym for a female slave (see e.g., Hamilton 1819: 20). In the *Ain*, however, *keṭī* without any qualification seems rather to be a generic term for any kind of female servant or maid. Thus, if the slavehood of a young unmarried woman is to be expressed, the term *kamārī keṭī* (Ain-54 § 23.6) is used. The otherwise frequently used term *keṭī* occurs only in a few instances in the *Ain*, which indicates that the legally more precise term *kamārī* was preferred.

The term *bādhā* (m.)/*badhetyānī* (f.) refers to a bondservant. There were two forms of bondservitude (Ain-54 § 82.6): The first resulted from a non-usufructuary security-backed loan agreement (*dr̥ṣṭi-bandhaka*), according to which the person put up as a pledge becomes the possession of the creditor only after the debtor fails to pay back the loan. In a usufructuary security-backed loan agreement (*bhoga-bandhaka*), the person put up as a pledge has to do labour at his creditor’s house. A convict from an Enslavable caste unable to pay his fines to the government could be forced to work off his dues (Ain-54 § 35.9). Theoretically, bondservants can reclaim their freedom by paying off the debt (Ain-54 § 80.8); in contrast to slavery, bondservitude is defined as a temporary state. Bondservants can be put up as pledges by their creditors (Ain-54 § 19.8), but in contradistinction to full slaves not sold. Only those persons were eligible to serve as bondservants who were liable for the repayment of a loan agreement, which means

male members of a household who were entitled to a share in the joint property (Ain-54 § 82.7) and had reached the age of maturity (Ain-54 § 82.12). Maybe this regulation was an attempt to restrict the transfer of girls as bondservants, because of the sexual abuse they faced in the creditor's household (see below).

Kamāro (m.)/*kamārī* (f.) designates a “full” slave who is treated as a commodity and can be conveyed as property.²¹³ A *kamāro* was still entitled to hold private property (Ain-54 § 18.8), but his right to bequeath it to his children was considerably restricted (see below).²¹⁴ A slave could become emancipated (*amalekha*) or a free person (*ajāputra*) in one of the following ways: either by being freed by the master (Ain-54 § 82.16), especially slave women taken as concubines by the master (Ain-54 §§ 23.6, 24.2), by being freed on the basis of a court verdict in the case of a master committing extreme atrocities against his slave (Ain-54 §§ 60.4, 67.4), or by fleeing to Surkhet and Morang (Ain-54 §§ 2.64–65).²¹⁵ However, emancipation did not lead immediately to full legal autonomy.²¹⁶ The *Ain* indicates that there were arrangements by which a slave was emancipated, but remained in servitude in his master's household (Ain-54 § 82.16). Despite the differences, bondservitude and slavery were, as extreme forms of bondage, also conceptually linked. Both states were only permissible for members of Enslavable or lower castes (Ain-54 §§ 82.7, 129.10), both were designated as *gyū* (“body”)²¹⁷ (Ain-54 § 40.10–11), in both

213 Occasionally, the term *kariyā* is used instead of *kamāro* to denote a slave (see Ain-54 § 82.9). This term, however, is used also as a qualifier indicating a slave-like status of other types of servants such as a *cākara* (Ain-54 § 97.30) and a *khavāsa* (e.g. Ain-54 § 161.10). Since in such cases *kariyā* is often associated with the term *ghara* (“household”), it can be assumed that it refers to slavery embedded within the household (see e.g. Ain-54 § 161.12).

214 The soteriological importance of the right to pass down one's estate cannot be overestimated. Receiving inheritance was contingent upon performing the funerary rites and paying off the deceased person's debts (Ain-54 § 23.18). Both were preconditions to save the dead from otherworldly damnation. Additionally, passing on one's estate is a constitutive feature in the construction and maintenance of the patrilineal descent group. Limiting or denying that right is, therefore, a strategy to annihilate the slave's identity.

215 The state emancipated the slaves settling there in order to increase cultivation.

216 The term “freedom” is purposely avoided here. The opposite term of the state of servitude (*kariyā*) in the Nepālī discourse would be more adequately described as mastery or lordship (*khasam*), referring to the state of having command over various sorts of dependants either from one's own kin or in the form of servants. R. Eaton (2006: 3) aptly remarks that the equivalent for “freedom” in the pre-modern Indic world would rather be a state of complete detachment from the webs of hierarchy structuring past South Asian societies.

217 This term strikingly expresses the processes of depersonalization, objectification and commodification which a slave or bondservant underwent.

cases the act of release is designated as *amalekha* (emancipation) (Ain-54 § 50.10), and both subjects were dealt with in the same articles (for example, Ain-54 Art. 82).

More enigmatic is the term *Khavāsa*. In historical sources and secondary literature, several, partly contradictory, definitions exist.²¹⁸ The *Ain* distinguishes four types of *Khavāsa*: those who are in servitude (*kariyā*), emancipated *Khavāsa*, *Pasuvā Khavāsa*²¹⁹ (Ain-54 § 126.7) and *Khāna-Khavāsa* (Ain-54 § 31.11). The category of the *Pasuvā Khavāsa* is most probably borrowed from Rajput courts, where *Khavās Pāsbāns* as personal attendants of the rulers could rise to powerful positions through their loyalty and the intimate relationship with their masters.²²⁰ According to the *Ain*, *Khāna-Khavāsas* were recruited among orphans with unclear caste backgrounds. Since the term also refers to a title bestowed by rulers in the Indo-Persian context, one might assume that *Khāna-Khavāsas* were slaves directly serving the king, maybe because their loyalty was assured on the grounds that they had no remaining social ties of any kind.²²¹ In general, the institution of the *Khavāsas* in Nepal evinces the influence of Indo-Persian concepts of slavehood insofar as, within elite households, slavehood was not necessarily identical with low status and deprivation from economic resources. It was also not inevitably a permanent status and therefore master-slave-relations could turn into patron-client-relations. Under favourable conditions slavehood might even have opened certain career paths (Eaton 2006: 6). However, this should not obscure the fact that even such privileged slaves or servants still remained in positions of strong dependency and their lives were at the mercy of their masters. For the sake of a definition, it seems safe to assume that *Khavāsa* was used more as an umbrella term for current or former slaves of the nobility and the offspring born

218 For B. H. Hodgson (1874: 43) they were manumitted slaves of the royalty. S. Lévi (1905/I: 274) defines this class more broadly as consisting of slaves and manumitted slaves of the king, the illegitimate offspring of the royal family, and the illegitimate offspring of Thakuris and slave women. For M. C. Regmi (1995: 39), *Khavāsas* were in general slaves of noble or royal families. Finally, A. Höfer (2004: 104) argues that in the *Ain* *Khavāsas* referred to freed slaves who remained in the service of their master.

219 Probably from Persian *pāsbān* (watchman, sentinel, guard).

220 Chatterjee (2006: 29), for example, reports of a “*khavasa pasvan* (lit. ‘intimate servant’)” of the prince of Krishangarh who wrote poetry.

221 G. Unbescheid (1986: 236) records that, during *Dasāi*, a *Khāna-Khavāsa* functioned as *bhitriyā susāre* (also *dośro dhoke*) of the deity. If one assumes an analogy between the designation of offices and posts in the temple and those in the court, a *Khāna-Khavāsa* might have functioned as a type of royal body guard.

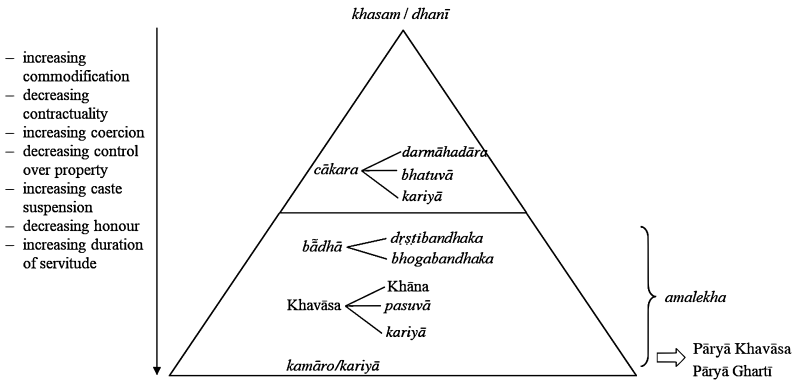


Fig. 2: Dependency Statuses within the Household

of unions of nobles and slave women. A slave owed his or her master absolute loyalty and submission under his authority. Hence, violations of this loyalty entailed the most drastic consequences. For example, sexual intercourse with the master’s wife or daughter was punishable by death, irrespective of the circumstances and the former caste status of the slave (Ain-54 § 161.1). Even the slightest physical act against the master was punished by imprisonment (Ain-54 § 59.16). However, the power a master could exercise over his slave was not absolute and unconditional. If he abandoned a slave during sickness (Ain-54 § 85.1) or subjected him to humiliating practices (Ain-54 § 60.4), a master forfeited his ownership rights and the slave was to be emancipated.

The *Ain* served as an instrument for institutionalising and legalising slavery, but no single, clear-cut legal category for slaves is formulated there. What we find instead are various degrees of enslavement, depending on the extent to which the relationship between master and slave had a contractual component, the extent to which a slave was commodified (sellable, pledgeable and so forth), to which his caste identity and family ties were suspended, and to which it was legitimate to exert physical violence against him, as well as the extent of control he exerted over his property, and also, finally, depending on the duration of a slave’s servitude (see Fig. 2).²²²

222 This resembles the concept of *slaving* employed by M. Zeuske (2018: 23–24), which refers to the various strategies used in history to exercise control over human bodies through the combined effects of disembedding and degrading a person.

Slavery and Kinship

Slavery is often seen as the antithesis of kinship. A slave is forcibly removed from his family and locality, deprived of the possibility to participate in the socio-ritual practices of his former kin group and transplanted into a social environment foreign to him or her. Although slaves could become members of their master's extended household, it was far more difficult to enter into a kinship relation with their master's family. For male slaves it was, in fact, impossible. A slave woman could enhance her status by giving birth to her master's offspring. In such a case she was no longer considered a slave, at least as long as she remained faithful to her owner, and her children were not only free, but also entitled to a diminished share of their father's estate (Ain-54 § 129.8).²²³ If the master was from a Sacred Thread-wearing caste and he took the slave woman as his wife, their sons had the same right to wear the sacred thread as the master's legitimate offspring (Ain-54 § 91.2).²²⁴ This indicates that at least a certain part of the slave population re-entered kinship networks and thereby mainstream society through the institution of concubinage.²²⁵

The *Ain* also deals with family relations among slaves. Slave families were vulnerable and precarious institutions. A slave couple living together was allowed to transfer property to each other (Ain-54 § 28.10). Slave children were entitled to their father's estate, but this legal privilege ceased as soon as the children were sold off to a different household (Ain-54 § 28.11). However, even when father and children were separated, it had at least to be ensured that his children could use his estate to perform his funerary rites.²²⁶ Slaves only regained the full right to pass down their estates after emancipation (Ain-54 § 28.12). The relation of a slave mother to her slave children was only protected up to the time when the child reached the age of eleven. Afterwards,

223 If children were born of a slave woman to a free person who was not her owner, the children were still considered slaves belonging to the owner of the slave mother. It was at the discretion of the owner to sell the children to their father (Ain-54 § 82.2). Free children could only be born into the kin group of the slave woman's master.

224 Cf. Rupakheti (2017: 182).

225 Female bondservants were likewise released from bondage once they became formal consorts of their master (Ain-54 § 129.12).

226 In this case, the major share of the slave's estate belonged to his owner. Again, there is a homology between the master-slave and king-subject relation. As the escheats of the property belong to the state (Ain-54 § 28.9), the escheats of a slave belong to his master (Ain-54 § 28.10).

it was permissible to separate a mother from her children (Ain-54 Art. 83). Interestingly, enslavement did not necessarily mean losing one's family. If a married man was enslaved and his wife consented to continue the marriage with him, they were allowed to live together as husband and wife and the children of such a couple were still considered to be free persons (Ain-54 § 161.9). Weak to non-existing kinship ties and limited inheritance rights among slaves came close to the states of natal alienation and social death what characterise slavery, according to Orlando Patterson (1982). The fact that the *Ain* even touches on the issues about family status and ritual matters among slaves indicates that the slaves that were being considered were most probably “internal” to Nepal, and were not foreigners or war captives from distant places.²²⁷ The regulations concerning slave women suggest the existence of a slave-kinship-continuum where slave consorts and their offspring were integrated as lesser kin into the master's family in order to increase their “wealth-in-people” (Chatterjee 2017; Guha 2013: 122).

Slavery and Caste

The relationship between slavery and caste is similar to that between slavery and household and, partly, kinship. Slavery was entangled with the caste system, rather than being a status in which such social codes are totally suspended. The most visible link between both institutions is the category of the Enslavable castes. Only persons from lower castes could be turned into slaves; the status of being non-enslavable represented an upper-caste privilege and a powerful element in social distinction (see Table 4 for an outline of caste hierarchy in the *Ain*).²²⁸ In that regard, slavery enforced the caste hierarchy, rather than subverting it. Viewed in this light, it is not surprising that enslavement, though a radical degradation in status, did not lead to a complete eradication of a slave's former caste identity. Slaves could, after their emancipation,

227 For the distinction between internal and external slavery, see Zeuske (2018: 50). However, from the documentary sources, one could infer that slave owners and slaves came at least from socially different groups, since the majority of slave owners belonged to the upper castes (see for example, Document 5.4) and enslavability was limited to the members of the lower caste groups.

228 This privilege seems to have been unalienable. Even when a member of a Sacred Thread-wearing caste was degraded to an Enslavable caste, he was still exempted from the punishment of enslavement (Ain-54 § 82.17, see also Rupakheti 2017: 182).

Table 4: The Caste Hierarchy in the *Ain* of 1854ⁱ (* = Ethnic group)**1. Caste group of the “Sacred Thread-wearers” (*tāgādhārī*)**

Upādhyāya Brahmin

Devabhāju (Newar Brahmins)

Brahmins of foreign kingdoms: Terhaūte Brahmin, Bhaṭṭa Brahmin, Marhattā Brahmin, Nāgara Brahmin, Gujarātī Brahmin, Mahārāṣṭrīya Brahmin, Tailaṅgī Brāhmin, Dravidian Brahmin, Brahmin of Madhesa

Asala Rājapūta, Rājapūta, Chetri / Kṣatriya (“warriors”)

Asala Jaisī Brahmin, Jaisī Brāhmin, Dotyāla Jaisī, Jumlī Jaisī, Duī-Liṅga-Jaisī, Tīna-Liṅga Jaisī

High Newar castes such as Tharaghara, Asala Śreṣṭhaⁱⁱ

Hamāla

Bhāṭa / Bhāṭa Jaisī

Some ascetic sects (such as Jogī, Jaṅgama, Sannyāsī, Sebaḍā, Kanaphaṭṭā, Udāsī and Baghara, etc.)ⁱⁱⁱ**2. Caste group of the “Non-enslavable Alcohol-drinkers” (*namāsinyā matuvālī*)**

* Guruṅg

* Magara

* Ghale

* Sunuvāra

* Limbu, Kirātī^{iv}

Newar castes from whose members water is acceptable

- i This table is reproduced from Khatiwoda, Cubelic and Michaels (2021: 32-33). See also Höfer (2004: 10), Khatiwoda *forthc.*; cf. *Ain*-54 § 89.17.
- ii The *Ain* does not extensively classify caste hierarchy amongst Newars. It puts the Hindu Newar priests (Devabhāju) and foreign (i.e., Indian) Brahmins on the same rank (*Ain*-54 § 146.3) and presents a brief hierarchy among the other Hindu Newars (*Ain*-54 §§ 145.7, 8, 9, 10); Tharagharas and Asala Śreṣṭhas are placed at the top of the hierarchy after Devabhājus. Śreṣṭhas are classified as inferior to Tharagharas and Asala Śreṣṭhas and superior to Bāḍā, Udāsa and Jyāpu. Sāلامي, Nakarmī, Chipā, Mālī, Khusalamusala, Duī, Citrakāra and so forth are considered inferior to Bāḍā, Udāsa and Jyāpu. Only Kasāi, Kusle, Kula and Doma are recognised as Water-unacceptable but Touchable, whereas Poḍhyā (Poḍhyā) and Cyāmakhala are considered Water-unacceptable and Untouchable. The *Ain* does not deal with the Buddhist Vajrācāryas and the rest of the Buddhist Newars.
- iii They are ranked equal to Tīna-Liṅga-Jaisī, Dotyāla or Jumlī Jaisī (*Ain*-54 § 151.1).
- iv The caste status of these two groups, which are mentioned only once in the *Ain* (*Ain*-54 § 124.5), is not very clear, as they originally seem to have been grouped as enslavable. Cf. Höfer (2004: 98).

Table 4 (continued): The Caste Hierarchy in the Ain of 1854 (= Ethnic group)*

3. Caste group of the “Enslavable Alcohol-drinkers” (*māsinyā matuvālī*)

* Bhoṭe (ethnic groups who speak Tibeto-Burmese languages)

* Chepān

* Danuvāra

* Hāyu

* Darai

* Kumāla

* Paharī

Ghartī (descendants of freed slaves) from hill regions, also called Pāre/
Pāryā Ghartī

* Lāpacyā (Lepcā)^v

* Mājhi

* Ṭhokryā

* Galahatyā

Newar castes from whose members water is unacceptable

4. Water-unacceptable but Touchable castes (*pāni nacalnā choi chiṭo hālnunaparnyā*) according to Ain-54 § 160.17

Muslim (Musalamāna)

Telī of Madhesa (oil sellers)

Kasāi (butchers)

Kusle (Newar caste who brush and sweep the courtyards of the palaces,
of the houses of high-ranking officials or in the temples, and play musical
instruments in the temples)

Dhobī (washermen)

Kulu (leather-workers)

Christians, Mleccha (European)

Curauṭe (Muslim bracelet sellers, mainly in the Kathmandu Valley)

Kalavāra (brewers, merchants)

* Mecyā^{vi}

v The caste status of this group, only mentioned in Ain-54 § 89.49, is not clear.

vi The members of the Mecyā caste were upgraded to a Water-acceptable caste in 1860 (Ain-54 § 89.49).

Table 4 (continued): The Caste Hierarchy in the *Ain* of 1854 (* = Ethnic group)

5. Untouchable castes (*pānī nacalnyā choi chiṭo hānu parnyā*) according to Ain-54 § 160.17

Sārki (tanners, shoemakers)
Kāmī (blacksmith)
Cunāro / Cunāra
Hurkyā
Damāi (tailors and musicians)
Gāine (singers, players of musical instruments and beggars)
Bādi Bhāḍa (singers, dancers and beggars)
Cyāmakhala (Newar scavengers)
Kaḍārā (stemming from unions between Kāmī and Sārki)

regain a caste identity. The *Ain* classifies ex-slaves into two different caste groups. The first is that of the Pāryā-Ghartīs²²⁹ assigned to the Enslavable castes. A higher status is granted to former Khavāsa slaves, who are treated like members of a Non-enslavable Alcohol-drinking caste (Ain-54 § 126.7). Whether a person was subjected to slavery at all, how he was legally treated as a slave, and his social status after emancipation was thus highly dependent on the caste system.

Slavery, State and the Ruling Classes

Slavery in the *Ain* is not only shaped by the institutions of household and caste, but also placed under strict state control (Rupakheti 2017: 183). This is largely accomplished by the following three measures. First, the state prohibits the enslavement of a person on account of indebtedness. Defaulting on debt-payments could turn a free person into a bondservant (*bādhā*), but not a slave (*kamāro*) (Ain-54 § 82.1).²³⁰

229 The term *ghartī* serves also as a category to classify people of “notorious” origin, such as the offspring of certain incestuous or hypergamous unions (Höfer 2004: 105).

230 Besides enslavement as a punishment, there were only two other legally recognized origins for a person’s slave status in the *Ain*: either a bondservant was turned into a slave before VS 1914 (Ain-54 § 82.1), or the person was born of a union of a slave couple or a slave woman and a free person from outside her owner’s household.

The same passage also indicates that the *Ain* banned self-sale into slavery, but no general rule in that regard can be found in the Code. However, parents who sold their children were heavily fined (*Ain*-54 § 81.3). Second, the only legal method of enslavement regulated in the *Ain* was that of state-enforced punishment for members of Enslavable castes, mostly for offences against the caste hierarchy, such as the intentional contamination of high caste members (e.g., *Ain*-54 § 87.7, 15–16; 90.10–11, 16, 18) or sexual intercourse with upper-caste women (e.g., *Ain*-54 § 105.5, 15; 139.3), but also for criminal offences such as rape (*Ain*-54 § 132.7–8), infanticide (*Ain*-54 § 143.2), arson (*Ain*-54 § 73.4) or theft (*Ain*-54 § 68.38). The ownership of the enslaved criminals was tied to the ownership of the land where the crime was committed. If it had taken place on land under state control, the slaves were managed by the local *amālī* (*Ain*-54 § 86.1), but if it was committed on feudal estates such as *birtā*- or *guthī*-land (*Ain*-54 § 86.2), the slaves came into the possession of the landlords or trustees. This suggests that the *Ain* created a monopoly on slaves and slave labour for the state and the feudal classes and thereby reinforced the tributary labour relations existing already in the form of tenurial arrangements and corvée labour. Third, the *Ain* regulates the ownership and commercial aspects of slavery in great detail. The value of slaves (*Ain*-54 § 82.4) and their labour (*Ain*-54 § 80.10) were fixed so as to calculate damage claims in judicial disputes, and procedures were established for the registration and verification of slave sales at government courts (*Ain*-54 § 81.3, 82.1). These regulations consolidated the property rights of slave-owners and supported the creation of a more secure market in slaves based on verified property titles.

The aim of the *Ain*'s slavery policy is, at least partly, evident. By restricting enslavement to a state-imposed punishment, the *Ain* created a powerful instrument to discipline the lower classes socially and at the same time exploit them economically.²³¹ The creation of a monopoly on slaves through the penal system guaranteed the state's unhindered access to labour and consolidated the dominance of the land-owning classes. However, it is not entirely clear why other roads into enslavement, such as indebtedness or the sale of children, were banned. Was it a strategy to legitimise the slavery system by justifying it as deserved punishment for severe moral transgressions? Or was it an attempt to prevent a massive enslavement of the population that

231 See also Rupakheti (2017: 183).

would have decreased tax income and agricultural expansion by free peasant households, and enriched landlords at the expense of the state treasury?

Slavery, Gender and Honour

Slave women were not only exploited in terms of their labour, but also sexually. The male members of a household were granted impunity for sexual intercourse with a slave woman, except in the case where she had already entered a more formalized relationship with the head of the household (Ain-54 § 129.1). In the laws governing sexual crimes, slave women are treated on a par with women classified as *veśyā*, a term used for “common women” who had several sexual partners, or for prostitutes (Ain-54 § 109.5). This not only reflects the “dishonourable” status of slave women, but also the lack of any substantial legal protection from sexual abuse. The dishonourable, sexually available slave woman served as the counterpart against which the ideal of the chaste, faithful, ritually married wife was constructed.²³² This clearly shows that slavery in the *Ain* is also an intersectional phenomenon which varies in accordance with the interplay of multiple modes of discrimination, such as those based on the slave’s former caste identity or gender. In the context of a patriarchal society, it is not only the status of a woman which is determined by her chastity, but also the honour of her husband or other male relatives, who are responsible for protecting her chastity and avenging any violation of it. In the *Ain*, this concept of honour is enshrined in an aggrieved husband’s right to kill his wife’s paramour (Ain-54 § 134.1)—actually not only a right, but also a duty, since not exercising it could entail the payment of a fine for “unmanliness” (Ain-54 § 141.19). In that sense, the husband of a (former) slave woman who was unable to protect his wife’s chastity also served as the opposite to a man of honour. Even after their emancipation, the dishonourable state of slaves persisted for several generations. Former slaves and their offspring belonging to the Pāryā-Ghartī caste were denied the right to kill their wives’ paramours (Ain-54 § 139.6), and calling a free person a Pāryā-Ghartī was considered a punishable insult (Ain-54 § 56.6). In the *Ain*, the female slave

232 This nexus between slavery, honour and the status of women has recently been explored by D. Graeber (2011: 165–85).

body serves as a discursive object for the consolidation of patriarchal social codes such as chastity and honour and the social hierarchy that rested on them.

Conclusion

The law on slavery is a revealing source for the foundation of the Rāṇā-order both in material and ideological respects. On the one hand, the regulations were intended to increase the control over the lower castes and their labour force exercised by the state and the ruling classes. On the other hand, the conceptual and ideological implications of slavery were equally important. Slavery as a state of institutionalised intersectional marginality served as the extreme reference point through which foundational concepts and institutions of the social order—such as the chain of dependencies in the household, status in kin groups, the caste hierarchy, tributary production relations or gender categories—were established or consolidated.

Editions and Translations of Selected Articles

The texts from the *Ain* of 1854 presented in this section have been transcribed from the book *Śrī 5 Surendra Bikram Śāhadevakā Śāsanakālamā Baneko Mulukī Ain* published by Kānuna tathā Nyāya Mantrālaya in VS 2022. Emendations are partly based on Ain-54-JF.

Article 11: *jhārākhetālā* (On Forced Labour)

Edition:

१. त्रिती सुनागुठि छाप रैकर घेत पाषामा मोहि कुरियाले लेषतपत्र गरि घेताला भरिया दिन्या गर्याको रहेछ भन्या तेस्तालाई षतवात लागदैन । कबोल लेषपत्र नभयाकालाई कर लगाई घेताला भरिया लियेछ र कोहि कराउन आयो भन्या रोजको १० पैसाका हिसावले मजुरी दिलाई सोही वमोजिम् दंड गर्नु । कबुल वमोजिम् मोहिले दियेन भन्या पोसिदिनु ।

२. अमाली रकमीहरूले आफ्ना काज निमित्त रैतिलाई गुहारि लि काममा नलाउनु । अमाली जागिरदार रकमीले गाउ सहर पुवामा जादा कर लगाई मेजमानी नषानु । रैति प्रजाले पनी नदिनु । ज्याला मजुरि कबुल गर्याको दियेन र जवरजस्तिसित गुहारि भनी काम लगायो केहि दियेन भनी रैति कराउन आयो र सावित ठहूर्यो भन्या मंजुर कबोल गर्याकालाई कबुल वमोजिम् जवरजस्ति गुहारि लिन्यालाई रोजको ४ आना मंजुरी²³³ लाई सोही वमोजिम् जरिवाना गर्नु ।

३. दरि चली आयाका राजकाजका झारा वाहेक जागिरदार अमानत इजारादार ठेकदार फौजदार चौधरि कानुगोइ मुषिया रकमी गैह्र कामदारले आफ्ना निमित्त र पुर्व पश्चिम जान्या जनरल कर्णेल चौतरिया काजी सर्दार भारादार गुरुप्रोहित छोटा वडाका निमित्त वेगारि झारा वेठि नलगाउनु । वेमुनासिव गरि रैति दुनिआलाई झारा वेठि वेगारि लगाई कराउन आया भन्या रोजको १ के चार आनाका दरले ज्याला मजुरी दिलाइदिनु । दिलाया वमोजिम् जरिवाना गर्नु ।

४. आफ्ना पुवा गाउका मानिसहरूलाई भरिया तुल्याई काहि लैजानु पर्यो भन्या जति दिन लाग्छ हीसाव गरि साज विहान घान र रोजको दस पैसा मजुरि दि लैजानु । मजुरी पाइन भनी कराउन आया एसै हिसावले दिलाई दि वीगा वमोजिम् दंड गर्नु ।

Translation:

1. If tenants (*mohī*) and peasants (*kurīyā*) [cultivating] *birtā*, *sunāguṭhī*, *chāpa* land or state-owned irrigated paddy fields or unirrigated highlands provide farm labour or portorage [to their landlords], having issued a written agreement to do so, [the landlords] shall not be held accountable. [If a landlord] forces [the tenants and peasants] to provide him with farm labour and portorage without any verbal or written agreement, and if someone comes to complain about it, the landlord shall be made to pay them wages at the rate of 10 *paisās* per day, and shall be fined an amount equal to that. If the tenants do not provide their landlords [with the services] they agreed to, [such] tenants shall be evicted [from the land].

2. *Amālīs* and *rakama* holders shall not request subjects to carry out work for private purposes. *Amālīs*, *jāgira* or *rakama* holders shall not enjoy generous hospitality from the subjects when they visit the villages, towns or land assigned to them, forcing them to do so. Also, the peasants and subjects shall not give generous hospitality to [such functionaries]. If a peasant comes to complain that [his landlord or a government functionary] has not paid [his wages] as agreed, or has requested services and made him work by force, but has not paid at all for this, and if such an allegation is proven, the person who agreed to the wages [but did not pay them] shall be fined an amount equal to the wages he agreed. The person who forces [peasants] to serve him shall be made to pay them a daily wage of 4 *ānā* per person and shall be fined an amount equal to that.

3. Except for forced labour for state affairs, which has been established and practiced [from times past], a state functionary, such as a *jāgira* holder, revenue collector, *ijārā* holder, contractor, a *caudhari*²³⁴, *kānuḡoi*²³⁵, *mukhīyā*, *rakama* holder or the like, shall not demand [forced labour such as] *jhārā*, *beṭhī*, *begārī* for his personal purposes or for other state officials—irrespective of whether they are low or high in rank—who are stationed from east to west, such as generals, colonels, *cautarīyās*, *kājīs*, *sardāras*, *bhāradāras*, [royal] gurus or priests. If [forced labour such as] *jhārā*, *beṭhī*, *begārī* is demanded from peasants or commoners unlawfully, and if someone comes to complain about it,

234 A headman or landlord vested with revenue-collection rights, especially in the Tarai.

235 A local official responsible for tax collection and record-keeping in the Terai regions.

[the official who demanded forced labour] shall be made to pay them wages at a rate of 4 ānās per day for 1 person and shall be fined an amount equal to [the wages] he has to pay.

4. If [an official] has to take people from the land or villages assigned to him somewhere as porters, he shall calculate the number of days he requires their service, give them food for the morning and evening, pay them a wage of 10 *paisās* per day and take them with him. If someone comes to complain that he has not received his wage, [the official] shall be made to give him [the wage] according to this rate and shall be fined an equal amount.

Article 28: *aputāliko*

(On Property Passed On in the Absence of a Son as Heir)

Edition:

१०. यौटाको कमारो यौटाकि कमारिसित वस्याको छ । दुवै मरि अपुताली पर्यो भन्या कमाराको धन कमारैका धनिको हुन्छ । कमारिको धन कमारिकै धनिको हुन्छ । कमाराले आफ्नी स्वास्त्रीलाइ दियाको धनमाल स्वाम्निकै हुन्छ । अरूले लिन पाउदैनन् ।
११. वावु चाहि षसम्का घर रह्याको छ । छोरा छोरी विकि अनेत्र गयाका र दातव्य दाइजो दि अंतै गयाका छन् । वावु चाहि षसम्का घर मर्यो भन्या वेचि दानदातव्य गरि दि सक्याका छोरा छोरिले वावुको अपुताली षांछु भन्या पाउदैन । विक्याका दाइजो दियाका छोरा छोरिवाट वावु आमाको धनले काजक्या गराइरह्याकामा सयकरा १० रूपैया क्या गन्या छोरा छोरिलाई दि रह्याको षसमले षानु । षसमले पाउछ ।
१२. कमारा कमारि पार भै एका अम्बलमा गै धुरी धुवाइ तिरो भरो गरि वस्याका छन् । पार भयापछि जन्म्याको छोरा छोरि छैनन् । पार नहुदै जन्म्याका कमारा कमारि छोरा छोरि एकै अंवलमा छन् भन्या पनि अर्कै अम्बलमा रह्याछन् भन्या पनि अपुताली उस्का छोरा छोरिले षान पाउछन् । अमालि धनिले पाउदैनन् । सर्कार पनि लाग्दैन ।

Translation:

10. If someone's male slave lives together with someone else's female slave, and if both die leaving their property without a son as heir to, the property of the male slave goes to his owner, and the property of the female slave goes to her owner. Any property given by the male slave to his wife belongs to the wife. No one else shall be permitted to take it.

11. 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 recognised] 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.

12. If a male and a female slave are emancipated, and they go [together] to some administrative district and settle down, establishing a household (*dhuri dhuvāunu*)²³⁶ and paying the levies [there], and if they have no sons and daughters born to them after their emancipation, their sons and daughters born to them before their emancipation shall be permitted to enjoy [what otherwise would be] property for which there is no son as heir to, irrespective of whether they are living in the same or a different administrative district [to the one their parents lived in]. The *amālī* official or their owner shall not receive it, nor shall the government seize it.

Article 80: *bādhā kamārā bhagāunyāko*
(On Letting Slaves or Bondservants Escape)

Edition:

१. कसैका कमारा कमारि कसैले भगाइ मोगलाना पुर्यायो भनि कोहि अदालत् ठाना अमाल्मा फिराद गर्न आयो भन्या रोवकार गर्दा भगायाको ठहर्यो भन्या जस्ले भगायाको छ तेसलाइ झिकाउन लगाइ निम्याकस्मेत् ज्यू सौपाइदिनु । धनिले फेला पारि झिकायो भन्या लाग्याको षर्च र निम्याकस्मेत् भगाउन्यावाट भराइदिनु । झिकाइदिन नसक्या भगाउन्यालाइ अैन वमोजीम ज्यूको वर्षको अैन वमोजीम्को मोल धनिलाइ भराइ मोलका विगा वमोजीम दंड गर्नु । रुपैया नतिर्या अैन वमोजीम् कैद गर्नु ।

२. कसैका कमारा कमारि वाधा वधेत्यानि आफुले भयो अरू कसैलाइ लाइ अह्हाइ भयो चोरि भगाइ लैगि आफ्ना घर्मा लुकाइराष्यो अथवा वाहिर कांहि लैगि लुकाइराष्यो भन्या तेसले राष्याका ठाउवाट मरि भागि गयाका भया पनि अैन वमोजीम्को उस्का घरवाट मर्या भाग्याका दिनसंम्को निम्याक् र मोल् विगो भराइदिनु । मरे भाग्याका रह्याछन् भन्या निम्याक र ज्यूका जिवै फित्ता गराइ मोल् विगा वमोजीम् दंड गर्नु । रुपैया नतिर्या अैन वमोजीम् कैद गर्नु ।

236 Lit. "to make the roof-tree smoky".

३. एकाको कमारो एकाकी कमारी धनिले थाहा नपाइ आफु आफै मतो गरि भाग्याका रह्याछन् भन्या कमाराका धनिले पनि कमारिका धनिलाइ विगो भर्नु पर्दैन । कमारिका धनिले पनि कमाराका धनिलाइ विगो भर्नु पर्दैन । आफ्ना आफ्ना ज्यू फेला पार्याका लिनु । अडा अदालत् ठाना अमाल्वाट पन्न्याको रहेछ भन्या पनि अरू कसैले पक्रि ल्याइदियो भन्या पनि पक्रि ल्याउन्त्यालाइ जिय १ को ५।५ रुपैयाका दर्ले पनाउनि दिलाइ जस्का कमारा कमारी हुं सौपिदिनु ।

४. कसैले अर्काका कमारा कमारि वाधा वधेत्यानि भागि आयाका आफ्ना घरमा आया भन्या फलानाका हुन् भनि थाहा पाया जस्का हुन् उस्लाइ जनाउ दि सौपिदिनु । टाढा रहेछ भन्या तेरा वाधा वधेत्यानि कमारा कमारि जाहा हाम्रा घरमा छन् लिन पठाइदेउ भनि चिठि पवर पठाइ सौपीदिनु । लिन पठायेन भन्या आफ्ना घरवाट मर्या भाग्या भन्या पनि निम्याक् मोल केहि दिनु पर्दैन । षतवात पनि लाग्दैन ।

५. कसैका कमारा कमारी वाधा वधेत्यानिले भागि जात टाटी अरू कसैका घरमा वस्न गयाका रह्याछन् । राषन्याले पनि इ एस्ता वाधा कमारा भगुवा हुन् भनि थाहा नभै राष्याकामा धनिले पत्ता पाइ पक्रन गयो भन्या त्यो वास दि राषन्याले वाधा कमारा जो हो उहि ज्यू सौपिदिया हुन्छ । थाहा नभै राष्याकाको निम्याक् तिर्नु पर्दैन । ज्यू मर्याको भया र उस्का घरवाट पनि भाग्याका भया मोल पनि तिर्नु पर्दैन । दंड पनि हुदैन ।

६. अर्काका कमारा कमारि मेरो हो भनि वेचन्यालाइ वेच्याका कमारा कमारिको ज्मा थैलि लिन्यालाइ भराइ दसौद लि वेच्याका थैलि वमोजीम् दंड गरि कमारा कमारि धनिलाइ विहोराइदिनु । अर्काको वाधा मेरो हो भनि अन्त सारि रुपैया लीयाको भया धनिलाइ वाधा दिलाइ किन्याको थैलि भराइ दसौद लि अर्काको वाधा मेरो हो भनि सान्यालाइ थैलिका विगा वमोजिम् दंड गर्नु । रुपैया नतिर्या मैन्हाका रुपैया ५ का दर्ले कैद गर्नु ।

७. कसैका कमारा कमारिले षसम्ले भन्याको मानेनन् कामकाजमा टेरेनन् विराहाको कामकाज गर्न्या गर्त्या र षसम्ले नकुटि कैद गर्छु भन्यो भन्या अदालत् ठाना अमाल्मा साधनु । अदालत् ठाना अमालवाट पनि आज्ञा वचन् दिनु । नेल ठिगुरा चमौट हाल्नु । भाग्याका कमारा कमारि पक्रियाकालाइ अदालत् ठाना अमाल्मा साधनु पर्दैन । धनिले नेल् ठिगुरा चमौट हालनु । धनिलाइ षतवात लाग्दैन ।

८. ज्यू भोग वाधा लिदा दिदा वाधाले रुपैया तिरि अर्काका घर सर्न लाग्यो भन्या तमसुकमा लेपीयाका मितिमा रुपैया तिरि सर्नु । मिति नआइ अधि पछि रुपैया तिरि सर्न पाउदैन । आफैले थैलि तिरि निषनिन लाग्यो भन्या असार मैन्हा वाहेक जहिले रुपैया तिर्छ थैलि बुझि लि तमसुक फारि साहुले छोडिदिनु ।

९. कसैका वाधा वधेत्यानि आफ्ना मुनासिवले भागी गयाका धनिले फेला पार्यो र वाधा वधेत्यानिले रुपैया तिर्न लाग्या भन्या तेस्को निम्याक् भराउदा थैलिको दोवर नहुंज्याल् दिनको १ आना का दरले निम्याक् भराउनु । थैलिको दोवर् भयछ भन्या निम्याकको हिसाव नगर्नु । थैलिको दोवर भराउनु ।

१०. कमारा कमारि वाधा वधेत्यानिको निम्याक् भराउनु पर्दा जना १ के रोजको २ आना मध्ये षानालाइ १ आना दि वाकि १ आनाको हिसावले भगाइ लैग्यादेपि उस्का घरमा रह्यासंममा ठहर्याको निम्याकको ज्मास्मेत् ज्यू फिर्ता गरि सौपाइदिनु । मोल् भराउनु पर्दा पनि एसै रीतले ठहर्याको निम्याकस्मेत् गरि अैन वमोजिम्को वाधाको

थैलि कमारा कमारीको मोल धनिलाइ भराइदिनु । भगाइ लैग्यापछि धनिका जिम्मा नलागदै मर्याको रहेछ भन्या मर्याका दिन् तकको निम्याक् र अैन वमोजीम्को मोल् भराइदिनु ।

११. कसैको वाधा भागी गयाको पक्रि आयो भन्या धनिले नेल ठिगुरा चमौट् हलाउछु भन्या भाग्याका दिनका निम्याकको ज्मा गरि तेतिसम्ममा अैन वमोजिम नेल हलाउन पाउछ । नेल ठिगुरा चमौट् हलायापछि निम्याक् लिन पाउदैन नतिराउनु । नेल ठिगुरा चमौट् हलाउदीन भन्यो भन्या हिसाव गरि भाग्याका दिनको अैन वमोजीम निम्याक् लिन पाउछ । दिन्छ भन्या भराइदिनु । तिर्न सकेन भन्या तमसुकमा चढाइदिनु ।

Translation:

1. If someone comes to complain at an *adālata*, *ṭhānā* or *amāla* office that such and such a person has aided such and such a person's male or female slaves to escape and has brought them to Mugalāna, and if it is ascertained upon interrogation that he has aided the slaves to escape, the person who has aided them to escape shall be made to bring [them] back and hand them over [to their master] together with [a payment of compensation] for the value of their labour (*nimyāka*) [the master could not enjoy in their absence]. If the master traces them and has them brought back, it shall be arranged that he receives compensation for the expense incurred and the value of their labour from the person who has aided them to escape. If the one who has aided [them] to escape is not able to bring them back, he shall be made to compensate their master for the price of the slaves [depending on their] age, in accordance with the *Ain*,²³⁷ and he shall be fined an amount equal to that. If the amount of the fine is not paid, he shall, in accordance with the *Ain*, be imprisoned.

2. If someone himself steals another's male or female slaves or male or female bondservants or orders someone to do so, or aids them to escape, takes them and hides them at his home, or takes them out somewhere and hides them—irrespective of whether they die at the place where they have been kept by him or flee from there—[the culprit] shall be made to compensate [the master], in accordance with the *Ain*, for the value of their labour up to the day of their death or their escape from his home, and he shall be fined an amount equal to the price [of the slaves]. If they have neither died nor escaped, [the culprit]

237 This is a reference to the *Ain*-54 § 82.4, in which the price of slaves has been regulated depending on their age and gender. For example, a male or female slave who is past the age of 12 and below 50 is priced at 100 and 120 rupees, respectively.

shall be made to compensate the value of their labour, shall be made to return the slaves and shall be fined an amount equal to the price [of the slaves]. If the amount of the fine is not paid, he shall, in accordance with the *Ain*, be imprisoned.

3. If a male slave of one person and a female slave of another person escape without the knowledge of their masters, neither shall the master of the male slave pay compensation to the amount in question to the master of the female slave, nor shall the master of the female slave pay compensation to the amount in question to the master of the male slave. If they are traced, [the masters] shall take their respective slaves back. If they have been arrested either by an *addā*, an *adālata*, *thānā* or *amāla*, or any other person arrests and brings them back, [their masters] shall be made to pay 5 rupees as a reward (*panaunī*) for each slave to the person who arrests them and brings them back, and the male and female slaves shall be handed over to the person to whom they belong.

4. If someone knows that the male or female slave or bondservants who have run off and come to his house belong to such and such a person, he shall notify their owner and hand them over to him. If [the master] is far away, he shall send a letter or a message [to him] stating: “your male or female bondservants or slaves are at our house, send [someone] to take them [back]”, and hand them over [to their master]. If the master does not send anybody to take [the slaves or bondservants back], [the person at whose house they are staying] shall pay neither for the value of their labour nor their price, even if they die or flee from there. He shall not be held accountable.

5. If someone’s male or female slaves or male or female bondservants escape and go to live at someone else’s house, lying about their status (*jāta*) [as slaves or bondservants], and if the one who keeps them without knowing that they are such fugitive bondservants or slaves, and if the master traces them and comes to arrest them, the one who has kept them by providing them with a place to stay shall hand over the slaves or bondservants. Since he has kept them without knowing [that they are fugitive servants], he shall not pay the value for their labour. If the slaves or bondservants die or also escape from his house, he shall neither pay the price [of the slave or bondservant] nor shall he be fined.

6. A person who sells another’s male or female slaves, pretending that they belong to him, shall be made return the total price of the male or female slaves to the buyer, 10 percent [of the total price] shall be collected [as court fee], and [the culprit] shall be fined an amount equal

to the sale price and shall be made to hand over the male or female slaves to their master. If [the culprit] has received money for transferring another person's bondservant to another household, pretending that the bondservant belongs to him, the bondservant shall be returned to the master, the buyer shall get his sales price back, 10 percent of it shall be collected [as a court fee], and person who transferred the bondservant of someone else, pretending that he belonged to him, shall be fined an amount equal to the sales price. If the amount of the fine is not paid, he shall be imprisoned at the rate of 1 month for every 5 rupees.

7. If male or female slaves do not obey their master, do not carry out their tasks, do their work improperly, and if their master declares that he will confine them without beating them, he shall [first] consult an *aḍḍā*, *ṭhānā* or *amāla*. The *aḍḍā*, *ṭhānā* or *amāla* shall give him verbal permission. The master shall put [his slaves] into iron, wooden or leather fetters. If a male or female slave who ran off is arrested, the *adālata*, *ṭhānā* or *amāla* is not required [in order to confine him]. The master shall put him into iron, wooden or leather fetters. [The master] shall not be held accountable.

8. If a person is pledged as a usufructuary mortgage, and if that person intends to move to another person's house, he shall be allowed to do so [only] at the end date of the loan agreement upon repayment of his debt.²³⁸ He shall not be allowed to move upon repayment of his debt before that date arrives, or afterwards. If the bondservant intends to redeem himself by repaying his debt, the creditor shall accept [his payment], shall tear up the loan agreement and let him go whenever he repays his debt, except for the month of Aṣāḍha.

9. If a master traces his male or female bondservants who have run off of their own will, and such male or female bondservants intend to repay their debt, concerning the compensation for the value of labour [the master lost through their escape], [the bondservants] shall be made to pay compensation for the value of their labour at the rate of 1 ānā per day as long as [the compensation] does not reach double the principal sum. If [the compensation] has reached double the principal sum, [further] compensation for the value of his labour shall not be calculated. They shall be made to pay double the principal sum [as compensation for their value of labour].

238 In this case, the bondservant does not pay off his debt himself, but another person who in return takes over the bondservant.

10. 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. A person who has aided a slave or bondservant to escape and taken him with him shall be made to return him, together with the total compensation for the value of labour calculated on the basis of the remaining 1 ānā per day—starting from the day of [the slave's or bondservant's] escape [and continuing] for as long as he kept him at his house. When the price of [a slave or bondservant] has to be compensated, the master shall, in accordance with the *Ain*, be compensated with his credit sum for a bondservant or his sales price for a slave together with the value of their labour, determined according to the above-mentioned rate. 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.

11. If a bondservant who has run off is arrested and returned, and the master wants to have him put into iron, wooden or leather fetters, he shall calculate the total compensation for the value of labour for the days he was on the run, and shall let him be put into fetters for an equivalent period of time. The master shall not be allowed to take the compensation for the value of labour after he has [the bondservant] put into iron, wooden or leather fetters, and [the bondservant] shall not be made to pay [any compensation]. If the master declares that he will not have [the bondservant] put into iron, wooden or leather fetters, he shall, in accordance with the *Ain*, be allowed to take compensation for the value of labour after having it calculated for the days of the bondservant's escape. If [the bondservant] is able to pay, [the master] shall be compensated. If he is unable to pay, it shall be recorded [as an additional debt] in the bond.

Article 81: *kamārā kamāri becatāko*
(On the Sale of Male and Female Slaves)

Edition:

१. कसैका अंस नभै एका घरमा संग वस्याका भाइमा अरू दाज्यूभाइसित सल्लाह नगरि एका भाइले कमारा कमारि चौपाया गैह्व वेचेछ र अरू भाइले हाम्रो अंस यसले वेचि जान्या होइन भनि उजुर गर्‍या भन्या जाहान पाल्दा वेच्याको भया र आफ्ना भागमा आउन्‍या अंस जति वेच्याको भया सदर हुंछ । आफ्ना भागभन्दा बढता भाइसित सल्लाह नगरि वेच्याको रहेछ घरका जहान पालनालाइ वेच्याको पनि रहेनछ भन्या र हामि एकै घरमा थिज्युं हामिसीत सल्लाह नगरि हाम्रो भाग नराषि एसले मात्रै वेचि जान्या होइन भनि घरमा रह्याका भाइले दिन ३५ भित्रमा र पर्देस जान्या भाइले घर आयाका दिन ३५ भित्रमा उजुर गर्‍या भन्या वेचन्यावाट किन्‍याको थैलि फिर्ता गराइ माल भाइहरूलाइ दिलाइदिनु । वेचन्यावाट थैलि उठेन भन्या कपाली तमसुक गराइदिनु । भराइदियाका ज्माको दसौद विसौद लिनु ।
२. कसैले कमारा कमारि चौपाया दोहोरो वेच्यो वंधक राष्यो भन्या ऐन वमोजिम् अगाडिवाला साहुको सदर हुंछ । अगाडीवालालाई विहोराइदिनु । पछाडीवाला साहुको थैलि तिर्नसकन्या रहेछ भन्या विगो भराइ थैली तिर्नसकन्या रहेनछ भन्या कपालि तमसुक गराइदि पछिल्ला साहुका थैलीका विगा वमोजिम् दंड गर्नु । रुपैया नतिर्या मैन्हाका ५ रुपैयाका दरले कैद गर्नु ।
३. मासिन्या जातका छोरा छोरि म मासि दिंछु नेल²³⁹ ठोकिदेउ भनी वावु आमाले भन्या मासन हुदैन । अदालत ठाना अमाल्वाट तेल ठोक्र पनि हुदैन । कसैले तेल ठोकाइदियो भन्या थैलि लिलाम् गरि वेचन्या र तेल ठोकाइदिन्या दुवैलाइ १००।१०० रुपैया दंड गर्नु । रुपैया नतिर्या ऐन वमोजिम् कैद गर्नु । किन्‍याको थैलि भुसिंछ ।
४. कसैले छोरो वाधा राष्ता साहुलाइ दिदा १६ वर्षदिषि माथिका ज्यूलाइ अदालत ठाना अमालमा ल्याइ दिन्याले दिनु लिन्याले लिनु । अदालत् ठाना अमालवाट वाधा पर्या ज्यू जो छ उसलाइ वाधा पन्न राजि छस् कि भनि सोधनु र राजि छु भन्यो भन्या वाधा पस्यावाट²⁴⁰ म वाधा पस्छु भन्या पुसिको मुचुल्का लेषाइ लिनदिन गर्नु । उस्को सहि हलाइ लियाको दियाको सदर हुंछ । करसित वावु आमाले पनि वाधा हालन हुदैन । वावु आमाले करसित वाधा हलाइदिया भनि छोराछोरि कराउन आया वावुका नाउमा कपालि तमसुक गराइदि वाधा लेषियाको ज्यू छाडीदिनु । वावु आमा मर्यापछि कराउन आयो भन्या उसैका नाउमा कपालि तमसुक गराइदिनु ।
५. कसैले वेहकमा अजापुत्र मास्यो भनि कसैका नाउमा कराउन आयो र उसलाइ ल्याइ रोवकार गर्दा ज्यू मास्याको ठहरेन रीसले पोल्याको मात्र ठहर्यो भन्या तेस्ता पोलाहा लोग्न्या मानिसलाइ १०० रुपैया दंड गर्नु । स्वास्नि मानिसले भया ५० रुपैया दंड गर्नु । नतिर्या ऐन वमोजिम् कैद गर्नु ।

239 Read: *tela*.

240 Read: *pasnyābāṭa*.

६. मासिन्या जात्का छोराछोरि कसैलाइ मेरा कमारा कमारि भनि ढाटि छलि वेचन्या अजापुत्र मासिन्या ठहर्छ । तेस्तालाइ ३६० रुपैया दंड गर्नु । नतिर्या मैन्हाका ५ रुपैयाका दरले कट्टि नहुंज्याल् कैद गर्नु । नमासिन्या मतवाली जातकालाइ कमारा कमारि भनि वेच्याको भया ५४० रुपैया दंड गर्नु । तागाधारि जातकालाइ कमारा कमारि भनि वेच्याको भया ७२० रुपैया दंड गर्नु । रुपैया नतिर्या ऐन वमोजिम कैद गर्नु ।

७. कसैले आफ्ना अंसमा आयाका र आफ्ना पौरषले कमायाका कमारा कमारि वेचता आफ्ना हकवाला अंसियार भाइलाइ मैले फलानु कुरो वेचन लाग्या तिम्हेरु लिंछौ भन्या देसिले दियाको थैलि दि तिमि लेउ । तिमीहरू लीदौन भन्या अरूलाइ दिंछु भनु र हकवाला अंसियार भाइले लिंछ भन्या इनले पाउछन् । देसिले पाउदैनन् । अंसियार भाइ भन्या टाढा रह्याछन् आफुलाइ गर्ज पर्दा वेचेछ भन्या वेचन्याले अंसियार भाइलाइ लेषि पठाउनु । किन्याले पनि वेचन्याका हकवाला अंसियार भाइलाइ लेषि पठाउनु र ३५ दिन भित्रमा निषन्न आयो भन्या अलिपत्र भयाको भया पनि उस्को परल् रुपैया सौपि अंसियार भाइले निषनि लिन पाउछ । ३५ दिन संममा थैलि तिर्न आयान भन्या भाइ साछि वस्याका नभया पनि गौराजी षायाको नभया पनि वेच्या किन्याको सदर हुंछ । ३५ दिन नाघ्यापछि आउन्या भाइले निषन्न पाउदैन ।

८. आफु हाकिमि भै कसैका कमारा कमारि किन्दा वेचाउदा ऐन वमोजिमका मोलमा घटाइ किन्यो वेच्यो भनि कमारा कमारीका धनि कराउन आया भन्या घटायाको मोल् हाकिमिवाट धनिलाइ भराइ घटायाका विगा वमोजिम हाकिमिलाइ दंड गर्नु । हाकिमिका मोलाहिजामा लागी ऐन वमोजिमका मोलमा घटाइ मोलपटक गर्या²⁴¹ साछिहरूलाइ जति जना छन् जनहि आधि आधिका दरले दंड गर्नु । दंडका रुपैया नतिर्या ऐन वमोजिम कैद गर्नु ।

९. कसैका कमारा कमारी वेचदा किन्दा हाकिमिदेषि वाहेक अरू रैतिले राजी षुसिसंग ऐन वमोजिमका मोलमा घटीवढी मोलपटक गरी साछि सुर्त्ता राषि परंभट्ट लेषिदियाको रहेछ भन्या किन्याको पाको । कराउन आउन्याको फिराद नसुनु । साछि सुर्त्ता राषि परंभट्ट लेषिदियाको रहेनछ भन्या जवरजस्ति ठहर्छ । जवरजस्तिका ऐन वमोजिम दंड गर्नु ।

Translation:

1. If one of the brothers who are living together in the same household without partitioning the property sells a male or female slave or a quadruped or the like without consulting the other elder and younger 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, and if the brothers who stay at the household make a complaint within 35 days, or the brothers who have gone abroad within 35 days from the day they arrive at home, declaring “We have been living in the same household. He alone should not be allowed to sell without consulting us and without keeping our share”, the seller shall be made to return the purchase sum to the buyer, and the commodity shall be returned to the brothers. If the amount paid cannot be recovered from the seller, he shall be made to issue a loan agreement without security (*kapālī tamasuka*). Ten and 20 percent [respectively] shall be collected from the total amount that was refunded [as a court fee].

2. If somebody sells or pledges a male or female slave or quadruped [at the same time] to two [different persons], [the contract made] with the first creditor shall, in accordance with the *Ain*, be held to be valid and [the sold or pledged commodity] shall be handed over to the first person. [The seller or pledger] shall be made to refund the amount in question to the second creditor if he is able to pay the credit amount, or he shall be made to issue a loan agreement without security if he is not able to pay, and he shall be fined an amount equal to the amount he owes to the second buyer or creditor. If the amount [of the fine] is not paid, he shall be imprisoned at the rate of 1 month for every 5 rupees.

3. Children belonging to an Enslavable caste shall not be enslaved if their parents declare: “We sell [them] into slavery, anoint them with oil (*tela thoknu*)”.²⁴² Also [an official of] an *adālata*, *ṭhānā* or *amāla* office shall not anoint them with oil. If someone has them anointed with oil, the sales price shall be confiscated, and the seller and the person who had them anointed with oil shall be fined 100 rupees each. If the amount [of the fine] is not paid, they shall, in accordance with the *Ain*, be imprisoned. The buyer shall lose his purchase price.

4. If someone pledges his son as a bondservant to his creditor, and if his son is past the age of 16, he shall be brought to an *adālata*, *ṭhānā* or *amāla* office, [the father] who gives [his son into bond service] shall hand him over and [his creditor] shall take him into possession. The *adālata*, *ṭhānā* or *amāla* shall ask the prospective bondservant whether

242 The text reads here and in the following *nela thoknu* (“to put into fetter”). We follow here the reading of *Ain-54-JF* § 81.3 *tela thoknu* (“anoint with oil”). According to TND (s.v. *telyāhā*), a slave’s head was anointed with oil on buying. Documents give evidence for this practice. In an emancipation deed from 1892 (VS 1949) it is reported that the anointment with oil on the head completed the enslavement process (see Document 4.8).

he agrees to enter into bond service. If he declares that he agrees, he shall be made to issue a written statement of consent, declaring: “I agree to enter into bond service”, the contract shall be made, and he shall be handed over. The contract shall [only] be considered valid once his signature is obtained. Even a father or mother shall not be allowed to pledge [their child] as a bondservant by use of force. If a child comes to complain that their father or mother has forcibly pledged them as a bondservant, a loan agreement without security shall be drawn under the father’s name and the son or daughter who has been recorded as a bondservant shall be set free. If a child comes to complain after the death of his father or mother, a loan agreement without security shall be drawn under its own name.

5. If somebody comes to complain that such and such a person has enslaved a free person (*ajāputra*), and if [that person] is brought and upon interrogation it is ascertained that [no free person] has been enslaved, but it is only a false accusation made out of anger, such a false accuser shall be fined 100 rupees, if a man; if it is a woman, she shall be fined 50 rupees. If the amount [of the fine] is not paid, [the false accuser] shall, in accordance with the *Ain*, be imprisoned.

6. If somebody falsely and deceitfully sells a son or daughter of someone else belonging to an Enslavable caste, claiming that he or she is his slave, he shall be held accountable for having enslaved a free person, and such a person shall be fined 360 rupees. If the amount [of the fine] is not paid, he shall be imprisoned until the fine is remitted at the rate of 5 rupees for each month. If he has sold [a son or daughter] of someone belonging to a Non-enslavable Alcohol-drinking caste, claiming that he or she is a slave, he shall be fined 540 rupees. If he has sold [a son or daughter] of someone belonging to a Sacred Thread-wearing caste, claiming that he or she is a slave, he shall be fined 720 rupees. If the amount [of the fine] is not paid, he shall, in accordance with the *Ain*, be imprisoned.

7. If someone sells a male or female slave who represents part of his share of the parental property, or whom he acquired by his own achievement, he shall inform his claimants, coparceners and brothers, stating: “I am selling such and such a [slave]. If you want to take him or her, you may pay me the [same] amount as offered by the external party and take him or her. If you do not take him or her, I will give the slave to that other person.” If the claimants, coparceners or brothers want to take [the slave], they shall be entitled to do so, but not the external party. If the coparceners and brothers are far away, and if

[the owner] has sold [the slave] out of necessity, the seller shall write to his coparceners and brothers, and the purchaser, too, shall write to the claimants, coparceners and brothers of the seller [about the sale of the slave]. If they come to buy the slave back (*nikhannu*) within 35 days, they shall be entitled to do so by paying the price paid by the purchaser, even if a deed of relinquishment of title (*alipatra*)²⁴³ has already been issued. If they do not come to pay the amount paid by the purchaser within 35 days, the sale shall be considered valid, even if no brother has witnessed it or has taken earnest money (*gaurānī*) for it. The brother who comes once 35 days have passed shall not be entitled to buy back [the slave].

8. If a master of a male or female slave comes to complain that any government officer responsible [for the sale or purchase of slaves], while purchasing the slave or making him be sold, has done so by reducing the price [below] what is regulated in the *Ain*, such an officer shall be made to pay compensation to the amount by which he reduced [the price] to the master, and he shall be fined an amount equal to that by which he reduced [the price]. Half of such a fine shall be imposed on each witness who, in collusion with the officer, deviated from the price regulated in the *Ain* by reducing it. If the amount [of the fine] is not paid, they shall, in accordance with the *Ain*, be imprisoned.

9. While selling or buying a male or female slave, if any subject, except government officers, has willingly repriced a slave above or below what is regulated in the *Ain*, and a deed of sale (*paramabhāṭṭā*), attested by witnesses, has been issued, [the slave] shall belong to the buyer. Whoever comes to complain shall not be heard. If no deed of sale attested by witnesses has been issued, [the sale of the slave] shall be considered to be an act of coercion, and [the culprit] shall be punished in accordance with the law on coercion.

243 We follow here M.C. Regmi's translation of this term (Regmi 1979: 51), which seems to imply that the slave owner gives up all claims over the slave to the buyer. However, the exact meaning of the term remains unclear.

Article 82: *gyū māsanyā becanyā*
(Enslaving or Selling a Person)

Edition:

१. १४ सालदेपि अघि मासिन्या जातका वावु छोरा भयो अथवा वावु छोरि भयो दाज्यु भाइ भयो दिदि वैन्हि दाज्यु वैह्नी दिदि भाइ भयो कसैका घरमा वाधा वधेत्यानि भै वस्याका छन् । २ जनाका सल्लाहले राजि पुसिसित एक ज्यु मासि कमारा कमारि हुंछौं एक ज्यु आफु सुपि हुंछौं भनि अदालत ठाना अमालमा गै एक जनाले तेल ठोकी गल्याका रह्याछन् भन्या अदालत ठाना अमालमा गै तेल ठोकीयाको हुनाले साहुलाइ र गालि दिन्या वावुलाइ वात लाग्दैन । राजिसित तेल ठोकी गल्याको ज्युमा पर्याको थैलिमा तेहि ज्यु वाधा वधेत्यानि लेपाइ तमसुक गराइदिनु । ज्यु नगालनु भंन्या ऐन भयापछि गालिदिन्या अदालत ठाना अमालका हाकिमलाइ १०० रुपैया दंड गर्नु । अदालत ठाना अमाल नसाधि तेल ठोकाइ लियाको रहेछ भन्या साहुको त्यो थैलि हाकिमले लिनु । रुपैया षाइ गालि दिन्या वावु आमालाइ १०० रुपैया दंड गर्नु । त्यो ज्यु आफु सुपि हुंछ । १६ वर्षदेपि उधोका वालषलाइ राजिनामा लेपाइ अदालत ठाना अमालवाट तेल हलाइ गलाइ दियाको रहेछ भन्या पनि सदर हुदैन । साहुको थैलि भुसिंछ । गालिदिन्या वारिसलाइ र गलाइदिन्या हाकिमलाइ १००।१०० रुपैया दंड गरि कागज फराइ आफु सुपी गराइदिनु ।

२. तागाधारि मतवालि जात गैह्र कसैले अर्काकि कमारि स्वास्त्रि तुल्याइ उसवाट छोरा छोरि पनि जन्म्याका छन् । कमारिका षसमले इन्लाइ थैलि तिरि निषनि लैजान दिदौन वेचदौन भन्या उस्का वावु दाज्यु भाइको कर लाग्दैन । धनिले अन्यत्र वेच्यो वेचन लाग्यो भन्या उसवेलामा देसिले दियाको थैलि गनी वावु दाज्यु भाइले निषनि लैगि अमलेष गराउछौं भन्या पाउछन् । देसिले पाउदैनन् । ऐल्है थैलि पुर्याउन सकीन तमसुक भाषा गरिदेउ भन्या थैलि तिरिकन मात्रै आफु सुपि गराउन पाउंछ । भाषा तमसुक हुदैन । धनिले वेचता उस्का वावु दाज्यु भाइ टाढा रह्याछन् । पछि थाहा पाइ निषन आया देसिले दिया वमोजिम्को थैलि गनि छोरो भया जन्मघरवाट अन्त सर्यापछि जैह्लेसुकै पनि निषन पाउंछन् । छोरि रहिछ भन्या ११ वर्षको उमेर नहुंजि मात्रै निषन पाउछ । ११ वर्ष नाच्यापछि निषन पाउदैन । किन्याले आफनु परल थैलि लि वावु दाज्यु भाइलाइ निषन दिनु । आमा वावु दाज्यु भाईहरूले हाम्रो भाइ छोरा हो भनि निषनि लैगि अमलेष गरायापछि घर सारि अन्त वेचन पाउदैनन् । आफु सुपि हुन्छन् । वेच्यो भन्या अजापुत्र मासन्या ठहर्छ । तेस्तालाइ किन्याको थैलि फिर्ता गराइ ३६० रुपैया दंड गर्नु ।

३. कसैले दर्माहा दि चाकर राष्याको छ दिन मैन्हा वर्षको कवुल् छैन भन्या आफुले चाकरि गर्यासम्मको दर्माहा लि छोडि जान पाउछ । वर्ष मैन्हा दिनको कवुल् गरि चाकर राष्याको भया कवुल् वमोजिम् चाकरि गर्नु पर्छ । छाडि जान पाउदैन । अरु ठाउमा बढता दर्माहा पाइन्छ भन्या पनि जान पाउदैन । कवुल् पुग्यापछि छोडि जान पाउछ । वोल् कवुल् नपुग्दै भागि नासि गयो भन्या जति दिन काम छोड्याको छ उत्तिको दर्माहा नदि तेसै चाकरि गराउनु । चाकरि गराउन्याले कवोल् वमोजिम् मिति मितिको दर्माहा मजुरि माग्दा दियन र नालिस् गर्न आयो भन्या जति मैन्हाको

दर्माहा वालि²⁴⁴ रह्याको छ उत्तिको कबुलभन्दा बढता मैन्हाको १ रुपैयास्मेत थप गरि दिलाइदिनु । पछि राजीले वस्छ भन्या पनि छाड्छ भन्या पनि वरुयाको घुस ।

४. कमारा कमारिका झगरामा अदालत् ठाना अमालवाट मोल् भराउनु पर्दा ३ वर्षदेपि उधोका कमाराको २० कमारिको २५ तिं वर्षदेपि माथि ६ वर्षसंमका कमाराको ३० कमारिको ३५ छ वर्षदेपि माथि १२ वर्षसंमका कमाराको ५० कमारिको ५५ वाह् वर्षदेपि माथि ४० वर्षसंमका कमाराको १०० कमारीको १२० चालिस् वर्षदेपि माथि ५० वर्षसंमका कमारा कमारीको ६०।६० पचास् वर्षदेपि माथि ६० वर्षसंमकाको ५० रुपैयाका हिसावले भर्नु भराउनु गर्नु । कसैले मेरा कमारा कमारी हुं भनि समायो रोवकार गर्दा सावित् गर्न सकेन भन्या एसै उमेरका दर वमोजिमले दंड गर्नु । दंडको चौथाइ जिताउरि लिनु ।

५. कमारा कमारी नगद जिनिस् जवाहेर चौपाया अनाज गैहृका झगरामा कागजपत्र केहि निस्केन । देपन्या जान्या साछि रह्याछन् । अरू विहोराले छिनेन । दुवै झगरियाले साछिका सिरमा दिया भन्या सिरवंदि लेषाइ साछिलाइ हरिवंस भकाइ वक्या वमोजिम् छिनिदिनु । हान्यालाइ विगा वमोजिम दंड गर्नु । जितन्यावाट दंडको चौथाइ जिताउरि लिनु । दंडका रुपैया नतिर्या मैन्हाका ५ रुपैयाका दर्ले कैद गर्नु । जिताउरिका रुपैयालाइ जौन माल् जित्याको छ उसैवाट लिनु ।

६. साहुले वाधा लिंदा दिंदा अदालत् अमाल् साछि गरि ज्यू वाधामात्र लेषि लिनु दिनु गर्नु । घर वाधा नलेषनु । आफुले दृष्टि भोग वाधा लेष्याको ज्यू साहुका घर मर्यो भन्या पनि असामीका घर मर्यो भन्या पनि उस्का अरू भाइ जहान पक्रि लिन पाउदैन । आफुले वाधा लेषि लियाको ज्यू मर्यापछि उस्का अरू भाइ जहान् पक्रयो भनि कराउन आया पक्रन्यालाई पक्र्याका विगा वमोजिम दंड गर्नु । रुपैया नतिर्या ऐन वमोजिम् कैद गर्नु ।

७. वाधा वरुया जातका कसैले वावु आमाले पायाका रिनमा छोरा पनि रह्याछन् । छोरी पनि रह्याछन् भन्या छोरिले अंस नपाउन्त्या हुनाले अदालत अमाल् साछि गरिकन पनी छोरि वाधा कसैले नलिनु । अदालत् ठाना अमाल् साछि राषि लियाको रहेछ भन्या साछि वरुया अदालत अमाल्वालालाइ १० रुपैया वाधा लिन्या दिन्या साहु असामीलाई ५।५ रुपैया दंड गरि वाधा तमसुक फराइ वाधा दिन्या जो हो उसैका नाउमा कपालि तमसुक गराइदिनु । छोरि वैन्हि आफु सुषि हुंछन् ।

८. कमाराले ज्यान जान्या तक्सीर गर्यामा ज्यान लिनु । दामल् हुन्या तक्सिर गर्यामा दामल् गर्नु । दंड हुन्या कुरा गर्यामा कैद गर्नु । कैदका रुपैया तिर्या ऐन वमोजिम् गर्नु । सर्वस्व हुन्या कुरा गर्यामा कमाराको सर्वस्व हुदैन । सर्वस्व नगर्नु ।

९. वावु आमा पार भयाका छन् । छोरा एकै अम्बल्मा छन् वा अर्के अम्बल्मा छन् । आफु पार भयापछि कोहि छोरालाइ आफुले निषन्थो कोहि छोरा करिया छन् र वावु आमा मर्या भन्या तीन्को धन पेवामा काजकृया गरिरह्याकामा निषनिन्या चाहिका थैलिसंमको धन् कमारैमा रह्याका छोराको भाग दि बढता भयाका धनमा निषनियाकालाइ र कमातनैमा रह्याका छोराहरूलाइ वरावर वाडिदिनु । निषनिन्या चाहिका थैलि जति पुगेन भन्या त्यो धन आफु सुषि भयाको छोराले पाउदैन । कमातनैमा रह्याका छोराहरूले पाउछन् । घर्ति भयापछि जन्म्याका छोरा रह्याछन्

भन्या वावु आमाको काजकृया गरि रह्याको कमारा हउन् सवै छोराले वरोवर गरि पान पाउछन् ।

१०. ढेरै जाहान हुन्या कसैले यौटाका नाउमा वाधाको तमसुकु गर्याको रहेछ । घरका सल्लाहले वाधाले वाधा लेषियाको चाहि घरमा वसि अकै ज्यू सट्टा गै धनिको काम गर्याको रहेछ वा आलो पालो गरि काम गर्दा रह्याछन् । तेस्तैमा धनिको काम गन्या मरेछ भन्या लेषियाको ज्यूलाइ साहुले काम लाउन पाउछ । लेषियाको ज्यू मर्यो भन्या आफ्नु वाधा लेषियाको ज्यू मर्यापछि सट्टा काम गर्न वस्याकालाइ र अरू जाहान्लाइ समाउन पाउदैन । समायो भन्या सयकरा १० रुपैयाका दरले दंड गर्नु ।

११. कसैले अजापुत्रलाइ कमारा कमारि हुन् भनि वेचता अजापुत्र हो भनि जानि जानि कमारा कमारि हो भनि कागज लेषिदिन्या र अपत्यार भै वेचाउन्या साछि वस्याहरूलाइ १००।१०० रुपैया दंड गर्नु । अजापुत्र भनि थाहा नपाउन्या वेचता किन्दा कागज लेषिदिन्या साछि वस्याहरूलाइ जनहि २०।२० रुपैया दंड गर्नु । रुपैया नतिर्या ऐन वमोजिम कैद गर्नु । थाहा पाइ किन्याको थैलि भुसु गराइ उसै विगा वमोजिम दंड गर्नु । थाहा नपाइ किन्याको थैलि तिर्न सक्न्या रहेछ भन्या तिराइदिनु । तिर्न सक्न्या रहेनछ भन्या उसैका नाउमा कपालि तमसुकु गराइ छाडिदिनु ।

१२. १६ वर्ष मनिकालाइ वाधा लिन्या दिन्यालाइ १०।१० रुपैया दंड गर्नु । १६ वर्ष नाध्याकालाइ कर लगाइ अदालत ठाना अमाल साछि नराषि वाधा लिन्या दिन्यालाइ पनि ५।५ रुपैया दंड गर्नु । १६ वर्ष मनिकालाइ वाधा हाल्दा साछि वस्या अमालीलाइ ५ रुपैया दंड गर्नु ।

१३. छोरा रह्यानछन् छोरिमात्र रह्याछन् र १६ वर्ष नाध्याका छोरिले वावु आमाले षायाका रीनमा पुसिराजीले हामी वाधा पस्तछौ भनि अदालत ठाना अमालमा राजिनामा लेषिदिया भन्या राजिनामा लेषाइ लि वाधा लियाको सदर हुन्छ । १६ वर्ष नपुग्याकालाइ राजिनामा लेषाइ वाधा लियाको भया पनि सदर हुदैन । लेषाइ दिन्या अदालत ठाना अमालवालालाइ ५ लिन्या दिन्या साहु असामीलाइ ५।५ रुपैया दंड गरि तमसुकु फराइ आमा वावुकै नाउमा कपालि तमसुकु गराइदिनु ।

१४. कसैका कमारा कमारिले हामी अजापुत्र हुँ भनि अदालत ठाना अमालमा फिराद गर्न आया भन्या तिन्का माइति मावलि कोहि आइ हाँप्ना एस्ता हुन् अजापुत्र हुन् इन्ले हार्या दंड र जित्या जिताउरि जो पर्याको हामि बुझाउला भनि तिन्लाइ ली कोहि वारिस अधि सर्यो भन्या तिन्को दोहोरो कुरा सुनि नीसाफ गर्दा अजापुत्र ठहर्यो भन्या कमारा कमारि हुन् भन्यालाइ विगा वरावर दंड गरि तिन्वाट दंडको चौथाइ जिताउरि लि छोडिदिनु । अजापुत्र ठहरेनन् कमारा करीन्यै²⁴⁵ ठहर्यो भन्या अजापुत्र हुन् भन्यालाइ विगा वरावर दंड गर्नु । रुपैया नतिर्या ऐन वमोजिम कैद गर्नु । अजापुत्र भन्या अर्को वारिस्वाला उस्कामा वलि ससुरालि पुर्षा दाज्यू भाइ गैह नाता कोहि निस्केन उसैका घरका कमारा कमारि आफैले अजापुत्र हुँ भनि झगरा गर्न आयाका रह्याछन् भन्या अधिदेपी आफुले भोग गर्याका कमारा कमारि रह्याछन् भन्या अजापुत्र हुँ भनि आफ्ना षसम्का नाउमा फिराद गर्याको नसुनु । पनाउनी जियको ५।५ रुपैया वक्साउनी लि षसम्का जिम्मा लाइदिनु । भोग नगर्याकालाइ मेरा कमारा कमारि हुन् भनी धनिले समातेछ र हामी अजापुत्र हुँ भनि फिराद गर्न

आयाका रद्दाछन् भन्या पत्रपात्र गाउघरका साछि सुर्ता राषि निसाफ हेरिदिनु ।
कमारा कमारि ठहर्या दंडको चौथाइ जिताउरि लि धनिका जिम्मा सौपदिनु²⁴⁶ ।
अजापुत्र ठहर्या विगा वमोजिम दंड गर्नु ।

१५. कसैका हेरै भाइ रद्दाछन् । तिन्मा १६ वर्ष नाध्याका एकालाइ वावु आमाले
अदालत अमाल साछि गरि आफ्ना षुसिले वाधा वस्याको रहेछ । तेस्लाइ वावु आमा
दाज्यू भाइले साहु तिरि निषनि लैगया भन्या एका घर संग छदाका अरू साहु पनि
भाग अनुसार तेस्ले तिर्नु पर्छ । आफ्नु पेवा कमाइले हवस् वा साहु रिझाइ हवस् आफ्नु
निषनीन्याले अरू साहु तिर्नु पर्दैन । आफ्नु अंस भन्या लिन पाउछ । अरू साहु जति
छन् घर वरुया भाइले तिर्नु पर्छ । निषनि गयाकालाइ अरू साहुले समाउन पाउदैन ।

१६. कसैले कमारा कमारिलाइ पार गर्दा हाडपार भयो कामपार भयाको छैन भन्या
विहोरा गरि साछि सुर्ता राषि कागजपत्र भयाको रहेछ भन्या कागज वमोजिम कमारा
कमारिले पनि काम छोडि अंत जान पाउदैनन् । षसमले पनि विक्रि गरि रुपैया षान
पाउदैनन् । एस्ता कुरामा कसैले अदालत् ठाना अमालमा कराउन आया भन्या वेचि
षान त पाउदैनस् काम छोडन त पाउदैनस् भनि ठोकिदिनु ।

१७. ब्राह्मण लगायत् तागाधारि जात गैह्रका कोहि मानिस मासिन्या जात पानि
नचलन्या जात छिटो हालनु पर्न्या जातसित करणि भात पानीमा भजि उहि जात
भयाकाले षतवात गर्यामा ज्यू पनि मासन हुदैन । वाधा लिन पनि हुदैन । ज्यू मासेछ
भन्या अजापुत्र मासिन्याका ऐन वमोजिम् दंड सजाय गर्नु । घटि जातमा मिलि घटि
जातैका स्वास्त्रि राषि उन्वाट जन्म्याका संतान्ले षतवात गर्यामा जौन जातका
आमावाट जन्म्याका छन् उसै जातलाइ लेष्याका ऐन वमोजिम् दंड सजाय गर्नु ।

१८. अर्काका १२ वर्ष मनिका वालष छोरा छोरिहरुलाइ ललाइ फकाइ वारिसवाला
वावु आमा दाज्यू भाइ दिदि वैन्हि मावलिलाइ थाहा नदि चाकरि गर्न भनी अर्कालाइ
सौपिदियाको रहेछ । उस्का वारिसवालाले सोध षोज गर्दा आफुले सौप्याको कुरो
नकहि दवायाको ठहर्यो भन्या तेस्तो लोग्न्या मानिस् भया ५० स्वास्त्रि मानिस् भया
२५ रुपैया दंड गरि वालष झिकाइ वारिसवालाका जिम्मा गरिदिनु ।

१९. तागाधारि जात नमासिन्या जात कोहि अर्काकि कमारिसित वसि जन्म्याका
छोराले अरू कसैको करणि गरेछ वा अरू षतवात गरेछ भन्या उस्का वावु काका
दाज्यू भाइ कसैले हाप्पो संतान हो भनि निषनि तागाधारिको छोरो भया जनै दियाको
नमासिन्या मतवाली जातको छोरो भया आफु सुषि गरायाको रहेछ भन्या कमारो
घर्ति ठहरदैन । तेस्तालाइ जौन जात भयाको छ उसै जातलाइ लेष्याका ऐन वमोजिम
गर्नु । निषनि लैगयाको रहेनछ कमार्तनैमा रहेछ भन्या ठुला जातको विर्य हो तापनि
कमारै ठहरछ । कमारैका ऐन वमोजिम् गर्नु । अधि कमार्तन् छदैमा षतवात गरि
कमाराका ऐन वमोजिम् गरिसक्याको रहेछ । पछि वावुकाका दाज्यू भाइले निषनि
लैगि तागाधारिको भया जनै दियेछ अरू जात भया आफु सुषि अम्लेष गरायाको रहेछ
भन्या पति अधि कमारो छदा कमाराका ऐन वमोजिम्को सजाय गर्न्या अडा अदालत्
अमालवालालाइ वात लाग्दैन ।

Translation:

1. If a father and son, a father and daughter, an older and younger brother, an older and younger sister, an older brother and younger sister or an older sister and younger brother who belong to an Enslavable caste [began to] live as bondservants at someone's house before [VS 19]14, and after consulting each other, the 2 persons willingly and of their own volition [decide] that one of them will be enslaved—become a slave—and the other become free, and if they accordingly go to an *adālata*, *ṭhānā* or *amāla* office and the one [who agrees to be enslaved] enters [into slavery] by having [his head] anointed with oil,²⁴⁷ neither their creditor nor a father who gives [his child] into slavery shall be held accountable, inasmuch as [the future slave] went to the *adālata*, *ṭhānā* or *amāla* and was anointed with oil. The price paid for the bondservant who enters of his own will [into slavery] by having [his head] anointed with oil shall be written down and a [new] loan agreement shall be drawn up. If the *hākima* of an *adālata*, *ṭhānā* or *amāla* gives any person into slavery after the enactment of the regulation prohibiting such enslavement, he shall be fined 100 rupees. [If a creditor] takes [such a person as a slave], having had [his head] anointed with oil, without consulting the *adālata*, *ṭhānā* or *amāla*, the *hākima* [of such an office] shall seize the sum owed to the creditor. The father or mother who takes money and gives [their child] into slavery shall be fined 100 rupees. That [enslaved] person shall be freed. If it happens that a child who is below the age of 16 is enslaved—even if [an official] of an *adālata*, *ṭhānā* or *amāla* has had a deed of consent issued and oil has been poured [on the child's head]—the act shall not be held to be valid. The sum owed to the creditor shall be cancelled; both the guardian who gave him into slavery and the *hākima* who permitted it shall be fined 100 rupees each. The document shall be torn up and [the enslaved person] shall be freed.

2. If someone belonging to any of the Sacred Thread-wearing or Alcohol-drinking castes or the like keeps a female slave of someone

247 *Tela ṭhokī/hālī galnu* (“to be melted/dissolved through applying oil”): The context suggests that this phrase denotes a legal ritual during the process of enslavement of a free person or of buying a slave. This meaning could also be inferred from an emancipation deed issued in VS 1949 (see Document 4.8) which records the enslavement of a girl through oil being applied to her forehead (*kapālmā tel ṭhokī*). The term *galnu* might refer to the dissolving of the family ties of the enslaved person. However, the exact meaning of the phrase remains obscure.

else as his wife, and if children, too, are born [to her], the father of such children or his other coparceners (*dājyūbhāi*) shall have no right [to redeem them], if the master [of the slave woman] declares that he neither allows [them] to redeem [the slave children] by paying their price, nor does he sell them [at all]. If the master sells them to someone else, or is about to do so, then at that moment the father or his coparceners shall have the right to take them if they declare their willingness to buy them back and emancipate them, after paying the price offered by a third party (*desi*). [In such a case] the third party shall not get them. Even if they declare that they are unable to pay that price at the moment and request [the master] to issue a loan agreement with a deadline [for the payment of the price], they shall be allowed to free them only if they pay the price [directly]. A loan agreement with a deadline may not be issued. If the father or the coparceners are far away at the time when the master sells [the slave children], and the father or coparceners come to redeem them once they learn of [the sale], they shall be allowed to redeem the [slave] boys through the payment of the purchase price paid by the third party at any time after they have been shifted from the household where they were born to a different household. In the case of slave girls, they shall be allowed to redeem them as long as they are not past the age of 11. They shall not be allowed to redeem them once they are past the age of 11. The purchaser shall allow the father or his coparceners to redeem them for the purchase amount he has paid. Once the paternal grandparents or uncles [of the enslaved children] redeem and emancipate them on the grounds that [the father of the slave children] is their brother or son, they shall not be allowed to sell [those children] and shift to a different household. [Such children] shall become free. If they sell them, it shall be considered to be the enslavement of a free person (*ajāputra*), and they shall be made to return the purchase amount to the buyer and be fined 360 rupees.

3. If someone keeps a servant on a wage basis, and if it has not been agreed for how many days, months or years [the contract should last], [such a servant] shall be allowed to leave at any time, receiving a wage for the entire period he has served. If someone keeps a servant, agreeing how many years, months or days [the contract should last], [the servant] shall serve according to the agreement, and shall not be allowed to leave [before the termination of the contract]. Even if he can get higher wages at other places, he shall not be allowed to leave. He shall be allowed to leave once the agreement expires. If he

escapes before the agreement expires, he shall be made to serve without wages for as many days as he has left his work [before the expiry of the agreement]. If a person who keeps a servant does not pay the agreed wages on the specified dates, though he is requested to do so, and if the servant comes to complain, he shall be made to pay the due wages or rent for the outstanding months, together with the additional payment of 1 rupee for each month in addition to what has been agreed upon. Afterwards, it shall be at his pleasure as to whether he willingly continues working [there] or quits.

4. Concerning a dispute [on the price] of a male or female slave, if an *adālata*, *ṭhānā* or *amāla* orders someone to pay the price [for a male or female slave], it shall be determined as follows: [1] 20 rupees for a slave boy below the age of 3 years, [2] 25 rupees for a slave girl [of the same age], [3] 30 rupees for a male slave from 3 to 6 years of age, [4] 35 rupees for a female slave [of the same age], [5] 50 rupees for a male slave from 6 to 12 years of age, [6] 55 rupees for a female slave [of the same age], [7] 100 rupees for a male slave from 12 to 40 years of age, [8] 120 rupees for a female slave [of the same age], [9] 60 rupees for a male or female slave from 40 to 50 years of age, and [10] 50 rupees [for a male or female slave] from 50 to 60 years of age. If someone seizes a certain male or female, claiming that they belong to him, but fails to prove his claim upon interrogation, he shall be fined according to the rates mentioned, based on the age [of a male or female slave]. One-fourth of the amount of the fine shall be collected as a winning fee.

5. If, in a dispute concerning male or female slaves, cash, goods, jewellery, quadrupeds, grain or the like, no documentary evidence is found, [but] there are witnesses who know [of the ownership], and if the case cannot be settled by any other means, [then] both litigants give [the case] into the hands of the witnesses; [the litigants] shall be made to issue a *sirabandī* certificate, [the jury members] shall be made to take the oath on the *Harivaṃśa* and the case shall be decided according to the statement [given by the witnesses]. The litigant who loses the case shall be fined an amount equal to the amount in dispute, and $\frac{1}{4}$ of the amount of this fine shall be collected from the winning party as a winning fee. If the amount of the fine is not paid, [the losing party] shall be imprisoned at the rate of 1 month for every 5 rupees [of the fine]. The winning fee shall be realised from the goods [for which the winning litigant claimed] and won.

6. When a creditor accepts a person as a bondservant, only this person him- or herself shall be recorded as a bondservant [in the deed],

naming an *adālata* or *amāla* as witnesses. None of his or her household [members] shall be recorded as a bondservant. If a person who has been accepted as a usufructuary or non-usufructuary mortgage (*bādhā*) by [the creditor] himself [dies], irrespective of whether he dies in the creditor's or debtor's house, [the creditor] shall not seize his other coparceners and household members. If someone comes to complain that [a creditor] who has accepted a person as bondservant has seized the coparceners or family members of that bondservant after he dies, [the creditor] who has seized [the deceased bondservant's family members] shall be fined according to the amount he claimed. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned.

7. If parents who belong to a caste whose members are allowed to enter into debt bondage take a loan, and if they have both sons and daughters, the creditor shall not accept the daughter as a bondservant, even if [the deed] has been witnessed by an *adālata* or *amāla*, because the daughter is not entitled to a share in the paternal property. If it becomes apparent that [a creditor] has accepted a daughter as a bondservant, naming an *adālata*, *thānā* or *amāla* as witnesses, the official from the *adālata* or *amāla* who witnessed [the deed] shall be fined 10 rupees. Both the creditor who accepted her as a bondservant and the debtor who gave her into bondservanthood, shall be fined 5 rupees each, and the deed confirming the debt bondage shall be torn up. [The creditor] shall be made to issue a loan agreement without security (*kapālī tamasuka*) [to the debtor] who gave her into bondservanthood. Such a daughter or sister becomes a free person.

8. If a slave commits a crime that mandates the death sentence, he shall be executed. If he commits a crime that mandates the punishment of *dāmala*, he shall be punished by *dāmala*. If he commits a crime that mandates a fine, he shall be imprisoned. If he pays the amount set in lieu of the prison term, action shall be taken according to the *Ain*. If a slave commits a crime that mandates confiscation of his property, his property cannot be confiscated. [One] shall not confiscate his property.

9. If parents have been freed from slavery, and if their sons are living in the same or different jurisdictions [as slaves], and if the parents redeem some of their sons from slavery, while others remain in servitude (*kariyā*), and if [the parents] die [in the meantime], from the remnant of their personal property after meeting the funeral expenses, the amount equal to what was paid for redeeming [the freed sons] shall [first] be given to the sons who are still in slavery. The remaining

property shall then be distributed equally among the free and unfree sons. If the value of the property [left by the deceased parents] is not equal to what was paid for redeeming [the free sons], the free sons do not receive any property. The sons who are still in slavery shall receive it. If [the deceased parents] had begotten any sons after they were freed from slavery, all sons, regardless of whether they are slaves or free, shall be permitted to enjoy the paternal property left after meeting the funeral expenses.

10. If someone with several members in his family has executed a deed of debt bondage recording the name of one of his family members [as a mortgage], and if, by mutual consent, the person who has been recorded as bondsman [in the deed] stays at home and another member of the family goes in his stead to work for the creditor, or if they work for the creditor in rotation, and the person who is working for the creditor [at the moment] dies, the creditor may oblige the person whose name has been recorded [in the deed] to work for him. If the person who has been recorded as bondsman [in the deed] dies, the creditor shall not be permitted to seize the person who had been working on behalf of the deceased person, or any other member of [the deceased's family]. If [the creditor] seizes such a person, he shall be fined 10 per cent [of the credit sum].

11. If someone sells a free person (*ajāputra*), [lying] that he or she is a slave, the persons who wittingly prepare the sales deed stating that he or she is a slave, the main person responsible for the sale, and the witnesses shall each be fined 100 rupees. If a person is sold [into slavery] or purchased without knowing that he or she is a free person, the persons who prepare the sale deed and the witnesses shall each be fined 20 rupees. If they do not pay the amount of the fine, they shall, in accordance with the *Ain*, be imprisoned. If someone buys a person knowing that [he or she is not a slave], the purchase amount shall not be compensated, and [the purchaser] shall be fined an amount equal to the purchase sum. If someone unwittingly buys [a free person as slave], [the seller] shall be made to return the purchase sum to the buyer, if he is able to repay. If [the seller] is not able to return it, he shall be made to issue a loan agreement without security (*kapālī tamasuka*) [in favour of the purchaser] and be let off.

12. The persons who offer or accept [children] below the age of 16 years as bondservants shall be fined 10 rupees each. The persons who offer or accept persons who are past the age of 16 years as bondservants by force, without having [the deed] witnessed by an *adālata*,

ṭhānā or *amāla*, shall be fined 5 rupees each. If an *amālī* witnesses [the deed confirming] that a person below the age of 18 has been given into debt bondage, he shall be fined 5 rupees.

13. If a person has no son, but only daughters, and if a daughter who has passed the age of 16 years signs a document of consent at an *adālata*, *ṭhānā* or *amāla*, stating that she, by her own will and volition, enters into debt bondage for a loan taken by her parents, it shall be valid to accept her as a bondservant once the deed of consent signed by her is received. If [the daughter] has not passed the age of 16 years, it shall not be valid even if [the creditor] accepts her as a bondservant after she is made to sign the deed of consent. The official concerned of the *adālata*, *ṭhānā* or *amāla* who made her sign [the deed of consent] shall be fined 5 rupees, and the creditor and debtor shall each be fined 5 rupees. The loan deed shall be torn up, and a deed without security for the loan shall be issued to her parents.

14. If someone's male or female slave comes to lodge a complaint at an *adālata*, *ṭhānā* or *amāla*, claiming that he or she is a free person, and if a member of his or her paternal or maternal family or any authorised person comes forward to verify [the claim], stating: "The person concerned is a free person. If he or she loses the case, I will pay the fine, and if he or she wins it, I will pay the winning fee", and if, upon hearing both parties, it is ascertained that the complainant is a free person, the person who claims that the complainant is a slave shall be fined an amount equal to the purchase amount [of the illegally enslaved person], and $\frac{1}{4}$ of the amount of the fine shall be collected as winning fee, and [both] shall be let off. If it is not ascertained that [the complainant] is a free person, but a slave, then the [complainant] who claims that he or she is a free person shall be fined an amount equal to what was paid for him or her. If he or she does not pay the amount of the fine, he or she shall be imprisoned according to the *Ain*. If no authorised person, such as someone from his or her maternal family or someone of his or her in-laws, from among the seniors (*purkhā*) or coparceners, comes forward to confirm the claim that the complainant is a free person, and if it is found that he or she has made such a claim that he or she is a free person on his or her own in order to quarrel [with the master], and if such a slave has been in the master's possession for a longer period of time, his or her complaint against the owner shall not be heard. Such a slave shall be returned to the master's authority after a *baksāunī* fee of 5 rupees per head has been collected from him for recovering the slave. If someone seizes a person, arguing that he or she is his slave, but who

has not been in his possession, and if that person [who is seized] lodges a complaint stating that he or she is a free person, the case shall be decided [by investigating] the documented [evidence] and summoning the witnesses of the area. If it is proved that the complainant is a slave, he or she shall be handed over to the owner, after $\frac{1}{4}$ of the amount of the fine has been collected as a winning fee. If [the complainant] is proven to be a free person, [the person who seized him or her] shall be fined an amount equal to the value [of the illegally enslaved person].

15. If one of several brothers who are past the age of 16 years is given into [debt bondage] by his parents, naming an *adālata* or *amāla* as witnesses, and he becomes a bondservant of his own volition, and if his parents or coparceners repay the debt and redeem him, he must repay his share of the loans which accrued while he was living in the joint household. If he redeems himself by repaying the debt through his own personal property or earnings, or by winning the favour of the creditor, he is not required to repay other debts [of his household]. He shall be permitted to receive his share from the joint property. The debts due to other creditors shall be repaid by his brothers who are living in the joint household. Other creditors shall not be permitted to seize such a person who has redeemed himself.

16. When someone emancipates a slave, if a deed [of emancipation] is prepared, citing witnesses along with the particulars that he or she is emancipated from slavery (*hāḍapāra*), but not freed from servitude (*kāmapāra*), in accordance with such a deed [of emancipation] neither the male or female slave shall be permitted to leave work and go somewhere else, nor shall the owner be permitted to sell [such a slave] and enjoy the sales proceeds. If someone comes to lodge a complaint at an *adālata*, *ṭhānā* or *amāla* concerning such matters, the case shall be decided to the effect that the owner shall not be permitted to sell such a slave and the slave shall not be permitted to quit work.

17. If someone from a Brahmin caste, including any of the Sacred Thread-wearing castes, has sexual intercourse with a person belonging to an Enslavable, Water-unacceptable or Untouchable caste, or else becomes contaminated by such a person with respect to cooked rice or water, and thereby becomes [a member] of the latter's caste [as punishment], and if such a person commits a crime [that mandates enslavement], he shall neither be enslaved nor shall he be accepted as a bondservant. If anyone enslaves him, that person shall be punished according to the *Ain*, as applicable to someone who enslaves a free person. If a creditor accepts such a person as a bondservant, he shall

lose his credit sum and be fined an equal amount. If such a person who has been placed in one of these lower castes keeps a woman of a lower caste, and if their children commit a crime, they shall be fined and punished according to the *Ain*, as laid down for the members of their mother's caste.

18. If someone entices someone else's children, who are below the age of 12 years, without the knowledge of their guardians such as their parents, brothers, sisters, maternal relatives or the like, and hands them over to someone into servitude, and if it is ascertained that [such an enticer] when asked by the guardians of these children does not admit that he handed them over to someone in servitude, but conceals it, such a person—if it is a man—shall be fined 50 rupees, and 25 rupees, if it is a woman. The children shall be summoned and handed over to their rightful guardians.

19. If someone from a Sacred Thread-wearing or Non-enslavable caste lives together with someone's female slave, and if a son born to them has illicit sexual intercourse, or else he commits any other crime, such a slave boy shall not be considered a Ghartī [for the imposition of punishment], if his father, paternal uncles, brothers [or the like] have already redeemed him, on the grounds that he is their offspring and they have provided him with the sacred thread, if his father is from a Sacred Thread-wearing caste, or have freed him, if his father is from a Non-enslavable Alcohol-drinking caste. Such a son shall be punished according to the *Ain*, as laid down for the respective caste to which he belongs. If such a son has not been redeemed [by his father or family member], and is still in servitude, he shall be considered a slave, although he is born from the semen of a person belonging to a high caste. He shall be [punished] in accordance with the *Ain*, as applicable to a slave. If such a son has previously committed a crime while he was in servitude, and he has already been punished according to the law applicable to a slave, and if his father, paternal uncles, brothers [or the like] later redeem him and provide him with the sacred thread, if his father is from a Sacred Thread-wearing caste, or emancipate him, if his father is from any other caste, the official of the respective *aḍḍā*, *adālata* or *amāla*, who previously punished him according to the law applicable to a slave, when he was still a slave, shall not be held accountable.

Article 83: *bālakha ra āmā chuṭyāi becanyā*
(On the Sale [of Slaves] That Separates Children
from Their Mother)

Edition:

१. कसैका घरमा ११ वर्ष मुनिका छोरा छोरि भयाकि कमारि छ । भाइ अंस गर्दा कसै भाइपट्टि आमा परि कसै भाइपट्टि ११ वर्ष मुनिका छोरा छोरि पर्न गया भन्या छोरा छोरि ११ वर्ष मुनिका भया पनि आफ्ना आफ्ना अंसमा पर्याका ज्यू छुट्याइ लैजानु हुन्छ पत् लाग्दैन । छोरि वैन्हिहरूलाइ दाइजो दातव्य दियाका ज्यू ११ वर्ष नाघ्यापछि लैजानु षत लाग्दैन ।

२. कसैका ११ वर्ष मुनिका छोरा छोरी भयाकि कमारि घरमा छ । धनिले थामन नसकी ११ वर्ष मुनिका छोरा छोरिलाइ हवस् वा आमालाइ हवस् छुट्याइ साहुलाइ सौप्यो भन्या साहुले छोरा छोरिको ११ वर्षको उमेर नभै आमा छोरा छोरि छुट्याइ लैजान हुदैन । छुट्याइ लैजान्या साहुलाइ र पुसिले सौपन्या असामीलाइ १०।१० रूपैया दंड गर्नु । तिन्को ११ वर्षको उमेर नाघ्यापछि आफुलाइ लेषिदियाका ज्यू लैजान हुन्छ षतवात लाग्दैन ।

३. कमारा कमारि दान वक्स पाउन्याले कमारिका ११ वर्ष मुनिका छोरा छोरि रह्याछन् भन्या छोरा छोरि पायाका भया पनि आमा चाहि पायाकि भया पनि छोरा छोरिका ११ वर्षको उमेर नहुंज्याल् आमा छोरा छोरि छुट्याइ लैजान हुदैन । एस्ता छोरा छोरि छुट्याइ आमालाइ लैगयो वा आमा छुट्याइ छोरा छोरि लैगयो भन्या दिन्या दातालाइ र पाइ लैजान्या दुवैलाइ ५।५ रूपैया दंड गरि आमा छोरा छोरि यकै ठाउमा रषाइदिनु । छोरा छोरिको ११ वर्षको उमेर नाघ्यापछि आफुले पायाका ज्यू छुट्याइ लैजान्यालाइ षत लाग्दैन ।

४. कसैले कमारि वेचता कमारिका ११ वर्ष मुनिका छोरा छोरिस्मेत रह्याछन् भन्या एकै ठाउमा वेचनु हुन्छ । ११ वर्ष मुनिका छोरा छोरि छुट्याइ आमा एकातिर वेच्यो वा आमालाइ छुट्याइ एस्ता छोरा छोरि मात्र यकातिर वेच्यो भन्या वेचन्यालाइ २० जानि जानि किन्यालाइ १० रूपैया दंड गरि वेचन्याले वेच्याका ज्यूको थैली फीर्ता ल्याउछ तापनि किन्याले अरू ज्यूको मोलस्मेत् तिरि लिंछ तापनी ११ वर्ष मुनिका छोरा छोरि र आमालाइ यकै घरमा रषाइदिनु ।

Translation:

1. If there is a female slave who has children below the age of 11 in a household, and, during the partition of the joint property amongst the brothers, the slave mother falls under the property of one brother, and her children below the age of 11 under that of another brother, it is allowed to separate them and take the slaves falling under their

respective share, even though the children are below the age of 11.²⁴⁸ No one shall be held accountable. If [the slave children] are given to the sisters or daughters as a dowry or gift, they shall be taken when they are past the age of 11. No one shall be held accountable.

2. If there is a female slave who has children below the age of 11 in a household, and if the master, being unable to keep them, hands over the children below the age of 11 or the mother to his creditor, thus separating [them from each other], the creditor shall not be allowed to separate the children from their mother as long as they are under the age of 11. The creditor who separates them and takes them away and the debtor who willingly hands them over shall be fined 10 rupees each. The creditor shall be permitted to take the slaves who have been signed over to him once [the slave children] are past the age of 11. No one shall be held accountable.

3. If someone receives a male and female slave as a gift (*dāna*) or present (*bakasa*), and if the female slave has children below the age of 11, [the recipient]—irrespective of whether he or she has received the mother or the children—shall not be allowed to separate the children from their mother and take them, as long as [the children] are not past the age of 11. If the recipient separates the children from their mother and takes her away or separates the mother from her children and takes them away, both the person who has received [the slaves] and taken them away and the person who gave them away [as a gift] shall be fined 5 rupees each, and mother and children shall be kept at one place. Someone who separates [a slave mother and her children from each other] once the children have passed the age of 11 shall not be held accountable.

4. If someone sells a female slave who has children below the age of 11, he is allowed to sell [the mother together with her children] to the same household (*ekai thāu*). If he separates the children below the age of 11 from their mother and sells her to one household or he separates the mother from her children and sells only them to another household, the seller shall be fined 20 rupees and the one who knowingly buys them shall be fined 10 rupees. The [slave] children below the age of 11 and their mother shall be kept at the same household, irrespective of whether the seller returns the purchase amount [to the buyer and takes

248 The age restriction for a child being separated from a slave mother is 11 years. If the ownership of the child is transferred within a family after partition of property, no age restriction exists. This is most probably due to the fact that in such a case the child might still live in the vicinity of its mother.

back the slaves] or the buyer also pays the price for those [slaves being sold into another household] and takes them.

Article 84: *svāsni becanyāko* (Selling a Wife)

Edition:

१. तागाधारि जात कसैले आफ्ना अैनले जार हान हुन्यासंमका स्वास्त्रि वेचि अर्कालाइ सौपेछ र तेस स्वास्त्रिको जात भात गयाको रहेनछ भन्या प्रायश्चित्त गर्नु पर्दैन । स्वास्त्रिको जात भातस्मेत् गयाको भया वेचन्या तागाधारिको जनै झिकि उस्को अंस सर्वस्व गरि जात वाहेक गरि छाडिदिनु । यस्ता स्वास्त्रि वेचन्याको हातको भात चल्दैन पानि मात्रै चल्छ । स्वास्त्रि तेसैसीत वस्छे भन्या पनि वस्तीन भन्या पनि अैन वमोजिमको आफ्नु अंस लि जान पाउछे । अंत पोइल गै भन्या जार काटन पाउदैन । काट्या ज्यानको वदला ज्यान हुंछ ।

२. तागाधारि जात नमासिन्या मतुवालि जात पानी चलन्या मासिन्या जात गैह कसैले भातवाट विग्रि वेस्या भयाका र मासिन्या नमासिन्या जातका राप्याका स्वास्त्रिलाइ कमारि भनि वेचन्या अजापुत्र मासन्या ठहर्छ । तेस्ता तागाधारि जातका छोरि वेस्या भयाका र नमासिन्या मतुवालि जातका छोरि ल्यायाका स्वास्त्रि वेचन्यालाइ ५४० रुपैया मासिन्या जातका ल्यायाका स्वास्त्रि वेचन्यालाइ ३६० रुपैया दंड गर्नु । किन्याले जानि जानि किन्याको ठहर्या त्यो मोलको थैलि अदालत अमालवाट लि जानि किन्यालाइ अजापुत्र वेचन्याका दंडको आधि दंड गर्नु । थाहा नपाइ किन्यालाइ थैलि कपालि गराइदिनु । जात बुझि²⁴⁹ किन्या वेकुफ ठहर्छ । यस्तालाइ २० रुपैया दंड गर्नु । स्वास्त्रि आफु पुसि हुंछे । यस्ता स्वास्त्रि अर्कासीत पोइल गया जार हान पाउदैनन् । काट्या ज्यानको वदला ज्यान हुंछ । मुसलमान् वाहेक अरू पानि नचलन्या जात र छोइ छिटो हालनु पर्न्या जातले स्वास्त्रि वेच्यो भन्या किन्याले फलानाकि स्वास्त्रि हो भनि जानि जानि किनेछ भन्या थैलि लिलाम् गरि किन्या वेचन्या दुवैलाइ मासिदिनु । थाहा नपाइ किनेछ भन्या वेचन्याको ज्यू मासियापछि थैलि भुस हुंछ । स्वास्त्रि आफु सुपि हुंछे । जात नबुझि किन्या वेकुफ ठहर्छ । यस्तालाइ ५ रुपैया दंड गर्नु । मुसलमान जातले स्वास्त्रि वेच्या अजापुत्र मासन्या ठहर्छ । तेस्तालाइ ३६० रुपैया दंड गर्नु ।

३. तागाधारि जातका अैनले जार हान हुन्यासंमका स्वास्त्रि जानि जानि किन्यालाइ किन्याकि स्वास्त्रिको करणि गराइ हवस् भात षुवाइ हवस् जातस्मेत् लियेछ भन्या किन्याको अंस सर्वस्व गरी छाडीदिनु । स्वास्त्रि आफु सुपि हुंछे । जानि जानि किनेछ जात भातमा विग्र्याकी रहिनछ भन्या किन्याको थैलि भुस गराइ १०० रुपैया दंड गर्नु । थाहा नपाइ कमारि हो भनी भोरमा किनेछ स्वास्त्रिले पनि म एस्ता जात कि हुं भनि जाहेर गरीनछ र स्वास्त्रि जात भात करणिमा विग्रिछ भन्या थैलि कपाली गराईदिनु । जात नबुझि किन्या वेकुफ ठहर्छ । एस्तालाइ २० रुपैया दंड गर्नु । स्वास्त्रि आफु सुपि हुंछे ।

249 Read: *jāta nabujhī* (Ain-54-JF).

४. कसैले आफ्ना स्वास्त्रि वेचतामा यो फलानाकी स्वास्त्रि हो भनि जानि जानि साछि वरुया कागज लेषन्या गौराइ षान्यामा तागाधारि जातका जार हान हुन्यासंमका स्वास्त्रि भया ३६० तागाधारि जातका वेस्या भयाका स्वास्त्रि र मासिन्या²⁵⁰ जातका स्वास्त्रि भया २७० पानि चलन्या मासिन्या जातका स्वास्त्रि भया १८० मुसल्मानका भया पनि १८० रुपैया पानी नचलन्या र छोइ छिटो हालनु पर्न्या जात भया २० रुपैया दंड गर्नु । फलानाकि स्वास्त्रि भनि थाहा नपाइ साछि वरुया कागज लेषन्या गौराजी षान्यालाइ नबुझि वस्याका हुनाले तागाधारि जातकी भया २० तागाधारि जातका वेस्या भयाका र नमासिन्या जातकी भया १५ रुपैया पानि चलन्या मासिन्या जातकी भया १० पानि नचलन्या जात र छोइ छिटो हालनु पर्न्या जातकी भया ५ रुपैया दंड गर्नु ।

५. नमासिन्या मतुवाली जातले आफ्ना स्वास्त्रि वेचि अर्कालाइ सौपेछ भन्या अजापुत्र मासिन्या ठहर्छ । तेसलाइ ५४० रुपैया दंड गर्नु । मासिन्या जातले भया ३६० रुपैया दंड गर्नु । किन्याले जानी जानि किनेछ भन्या थैलि भुस गराइ उसै वमोजिम दंड गर्नु । थाहा नपाइ किन्यालाइ थैलि कपाली गराइदिनु । दंड हुदैन ।

Translation:

1. If someone belonging to a Sacred Thread-wearing caste sells his wife, and her status is such that her husband may, in accordance with the *Ain*, kill her paramour, and if she does not lose her caste status and the right of consuming cooked rice with her fellow caste members, she must not observe penance (*prāyaścitta*). Such a wife retains her caste status. The seller shall be set free after his share of property has been confiscated. If [the wife] loses her caste status and the right of consuming cooked rice with her fellow caste members, the sacred thread of a seller belonging to a Sacred Thread-wearing caste shall be removed, his share of property shall be confiscated and he shall be set free, after he has been excluded from his caste. Cooked rice from the hands of such a person who has sold his wife may not be accepted. Only water may be accepted. The wife—irrespective of whether she continues to live with him or not—shall be permitted to take her share of property and leave. If she runs off with another man, her husband shall not be permitted to kill his wife's paramour. If he kills him, he shall be executed—taking life for life.

2. If someone belonging to a Sacred Thread-wearing, a Non-enslavable Alcohol-drinking, a Water-acceptable Enslavable caste or the like sells his wife, declaring her a slave on the grounds that she has been deprived of the right to consume cooked rice with her fellow caste

members and has become a common woman [through illicit sexual intercourse], or if he sells a concubine from an Enslavable or a Non-enslavable caste, he shall be regarded as a person who has enslaved a free person. Such a person who sells a woman who has become a common woman and belongs to a Sacred Thread-wearing caste, or who sells a concubine belonging to a Non-enslavable Alcohol-drinking caste, shall be fined 540 rupees. If he has sold his concubine and she belongs to an Enslavable caste, he shall be fined 360 rupees. If it is ascertained that the buyer has knowingly bought such a woman, the purchase sum for her shall be confiscated by an *adālata* or *amāla* office and the buyer shall be fined half of what is applicable to someone who has sold a free person. If he buys the woman without knowing [about her caste status], [the seller] shall be made to issue a loan agreement without security (*kapālī tamasuka*) [for the purchase amount he paid]. The person who buys her without knowing about her caste status shall be considered foolish, and he shall be fined 20 rupees. The woman shall become a free person. If such a woman runs off with another man, her husband shall not be permitted to kill his wife's paramour. If he kills him, he shall be executed—taking life for life. Except for Muslims, if someone belonging to a Water-unacceptable or an Untouchable caste sells his wife, and if the buyer does not know that she is the wife of that person, the purchase amount shall be confiscated, and both buyer and seller shall be enslaved. If he buys her without knowing about it, [the buyer] loses his purchase sum once the seller has been enslaved. The woman shall become a free person. The person who buys her without knowing her caste status shall be considered foolish, and he shall be fined 5 rupees. If some belonging to a Muslim caste sells his wife, he shall be regarded as someone who has enslaved a free person. Such a culprit shall be fined 360 rupees.

3. If someone knowingly buys the wife of a person belonging to a Sacred Thread-wearing caste who, in accordance with the *Ain*, bears the right to kill his wife's paramour, and if he deprives her of her caste status by having illicit sexual intercourse with her or by feeding her cooked rice, such a buyer shall be set free after his share of property has been confiscated. The woman shall become a free person. If he buys her knowing [that she is the seller's wife] and if she does not lose her caste status through cooked rice [and illicit sexual intercourse], the buyer shall lose his purchase amount and he shall be fined 100 rupees. If he buys her without knowing [that she is the seller's wife] under the impression that she is a slave, and if the woman, too, does not inform

him that she belongs to such and such a caste, and if she loses her caste status through cooked rice and illicit sexual intercourse, [the seller] shall be made to issue a loan agreement without security for the purchase sum. The person who has bought her without knowing her caste status shall be considered foolish and he shall be fined 20 rupees. The woman shall become a free person.

4. If someone sells his wife, those persons who witness the sale, who write down the sales deed and who accept the earnest money—knowing that she is [the seller's] wife—shall be fined 360 rupees if she belongs to a Sacred Thread-wearing caste and her husband bears the right to kill his wife's paramour. If she is a woman belonging to a Sacred Thread-wearing caste and has become a common woman, or if she belongs to a Non-enslavable caste, [the culprits] shall be fined 270 rupees. If she is a woman belonging to a Water-acceptable or an Enslavable caste, [the culprits] shall be fined 180 rupees. If she is a Muslim woman, [the culprits] shall be fined 180 rupees. If she is a woman belonging to a Water-unacceptable or an Untouchable caste, [the culprits] shall be fined 20 rupees. If the woman belongs to a Sacred Thread-wearing caste, those persons who witness the sale, who write down the sales deed and who accept the earnest money without knowing that she is [the seller's] wife shall be fined 20 rupees, on the grounds that they unknowingly did so. If she belongs to a Sacred Thread-wearing caste and has become a common woman, or if she belongs to a Non-enslavable caste, they shall be fined 15 rupees. If she belongs to a Water-acceptable or an Enslavable caste, they shall be fined 10 rupees. If she belongs to a Water-unacceptable or an Untouchable caste, they shall be fined 5 rupees.

5. If someone belonging to a Non-enslavable caste sells his wife, he shall be regarded as someone who enslaves a free person. He shall be fined 540 rupees. If someone belonging to an Enslavable caste does so, he shall be fined 360 rupees. If the buyer knows [about her caste status], he shall lose his purchase amount and be fined an [amount] equal [to that]. If the buyer does not know about it, [the seller] shall be made to issue a loan agreement without security [for the purchase sum]. He shall require no fine.

Article 85: *birāmī cākara nikālanyā*
(On Removing Sick Slaves)

Edition:

१. कसैका कमारा कमारि वाधा वधेत्यानिमा रोग लाग्याकालाइ धनिले आफ्ना घरवाट निकालि कसैका जिम्मा नगरि घाट पाटि दोवाटोमा लैगी फाल्याका वाचि आया भन्या धनिले समाउन पाउदैन । आफु सुषी हुन्छन् । अदालत ठाना अमाल्वाट छुट्टि भयो कर लाग्दैन भन्या सनद गराइ अमलेष गराइदिनु । घरवाट निकालि षान पीन दि सहिसम्भार गर्त्याको रहेछ भन्या ति कमारा कमारी वाधा वधेत्यानि छुट्टि हुदैनन् । धनिले लैगी कज्याउन पाउछ ।
२. आफ्ना घरमा वास दि राष्याकालाइ वेराम भयाका वषत्मा घरमा वस्तु हुदैन भनि कसैले ननिकाल्नु । वेरामि भयाकालाइ घरवाट निकालन्या घरका धनिलाइ १० रुपैया दंड गर्नु ।
३. कसैका घरमा भतुवा राष्याको छ तेस्लाइ हैजा अठ्या विफर षवट्या रोग भयो भनि रोग ल्याग्यामा²⁵¹ घरवाट निकाल्दिन्या सह्यारसंभार नगरि अलपत्र फालन्यालाइ २० रुपैया दंड गर्नु ।
४. कसैले कमारा कमारी वाधा वधेत्यानिलाइ भारी वोकाइ पर्देस लग्याको वाटमा वेरामी भयो भन्या तेझ्नाइ षान्या पिन्या कुरो दि कसैका जिम्मा गरि छोडिआयाको रहेछ पछि वाचि आयो भन्या षसमूले चलन् गर्न पाउछ । वेरामी हुदा कसैका जिम्मा नगरि षर्च नदि अलपत्रमा पारि उसै छोडिआयाको पछि वाचि आयो भन्या आफु सुषि हुन्छ । धनिको कर लाग्दैन । अदालत ठाना अमाल्वाट छुट्टि भयो कर लाग्दैन भन्या सनद गराइ अमलेष गराइदिनु ।

Translation:

1. If a master removes a male or female slave or a male or female bond-servant 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. An *adālata*, *ṭhānā* or *amāla* office shall emancipate them by issuing a deed (*sanada*) stating that they are free and shall not be under [anybody's] control. If it turns out that, after removing them from the house, [the master] provided the male or female slave or male or female bondservant with food and drink and took good care of them, they shall not be freed. The master shall take them and put them [back] to work.

2. No one shall remove [a servant] who has been kept at one's house, providing him with a place to stay when he falls sick, stating that he should not stay at the house [anymore]. The master of the household shall be fined 10 rupees if he removes [a servant] who has fallen sick from his house.

3. If someone keeps a servant working only for food (*bhatuvā*) at his home, and [such a servant] suffers from cholera, Aṭhyā fever, smallpox or emaciation, the person who removes him from the house and throws him into destitution (*alapatra phālnu*), without taking care of him and without offering support on the grounds that he suffers from such a disease, shall be fined 20 rupees.

4. If someone takes male or female slaves or male or female bondservants to a foreign territory to carry his loads, and [such slaves or bondservants] fall sick on the way, and if [the master] provides them with food and drink and leaves them under somebody's care and returns, and thereafter [the slaves or bondservants] survive and return, the master shall be allowed to make use of them. If the master, while [the slaves or bondservants] are sick, does not leave them under anyone's care, and does not make provisions for their expenses, and returns leaving them destitute and abandoned, and thereafter [the slaves or bondservants] survive and return, [such slaves or bondservants] shall become free, and shall not be under the control of their master. An *adālata*, *thānā* or *amāla* shall emancipate them by issuing a deed stating that they are free and shall not be under [anybody's] control.

Article 86: *māsinyā jyū amālile linyāko*

(On the Amālī's Right to Take Slaves into His Possession)

Edition:

१. मासिन्या जातका लोग्ग्या स्वान्नि मानिस् कसैले मासिन्या षतवात गर्याको कुरो जाहेर भै भागी अरू अम्बल्मा गै वस्याका रह्याछन् भन्या कायल्नामा भयाको भया जौना अम्बल्वाट विराव गरि भाग्याका छन् उसै जगाका कायल्नामा लेषाउन्या अमालिले पाउछ । षत जाहेर भयापछि कायल्नामा हुन नपाइ भाग्याका रह्याछन् र पछि पत्ता लाग्यो भन्या उसै जगाका पछि पत्ता लगाइ पक्रन्या अमालिले पाउछ । भागी गै वस्याका जगाका अमालिले कायल्नामा गरायाको भया पनि लिन पाउदैनन् । मासिन्या षतवात गर्याको कुरो प्रकास नहुदै उस् ठाउवाट अरू अम्बल्मा गै वस्याका रह्याछन् र पछि कुरो जाहेर भयो भन्या जाहा गै वस्याका छन् उसै ठाउका अमालिले

लिन पाउछ । षतवात जाहेर नभै गयाकामा मेरा अम्बल्का कुरिया हुन् म पाउन्त्या हुं भनि अधि ति वस्याका ठाउका अमाली द्वार्याले लिन पाउदैनन् । नलिनु ।

२. गुठि विर्ता वितलव वेषमाना चावल् फिगढार²⁵² मरौट् छाप जगाका मासीन्या षत्मा पर्याका चाक चकुइ उस ठाउवाट भागी गै गुठि विर्ता वितलव गैह् जगामा वस्याका रह्याछन् भन्या जौन जगाका हुन उसै जगाका धनिले पाउछन् । रैकर पुवा जगामा गै वस्याका रह्याछन् भन्या विर्ता वितलववालाहरूले अधि कायेलनामा गर्याको भया उसैले पाउछन् । कायेलनामा गर्याको रहेनछ भन्या अदालत्को हुंछ ।

३. स्वास्त्रि जातले पेट बोक्न्याको छ । तेसै स्वास्त्रिले चोरि गरि अर्का जातमा करणि गराइ मासी भन्या गर्भ रह्याको वालष पनि मासिंछ । गर्भवाट अधि जन्म्याको रहेछ भन्या आमाका षत्मा छोरा छोरि मासिदैनन् ।

४. कमाराले भोत्था चेपाङ् मास्त्रि दनुवार हायु दरै कुमाल् पहरि गैह् मासिन्या जातका छोरी बुहारिको करणि गर्यो भन्या गुठि विर्ता सर्वाक माफि जगा वेष छाप गैह्का कागजका मालिक् र इजारा ठेकदार द्वार्याका कमाराले करणि गरी चाक चकुइ पर्याका दुवै ज्यू सर्कारिया हुंछन् । अदालत ठानावाट बुझिलिनु । दुनिजा रैतिका कमाराले विरायामा चकुइ पर्याको अमालि ठेकदार द्वार्या वेष विर्ता छाप सर्वाक माफि जगाका धनिले लिनु । पर्जाका छोरि बुहारि विराउन्त्या कमारालाइ अदालत् ठाना अमालवाट अैन् वमोजीम् कैद गर्नु । षसम्ले म्यादका रुपैया तिरि लैजांछ भन्या अैन वमोजीम् रुपैया लि उसैका जिम्मा गरि छाडीदिनु ।

५. हाड फोरा परि मासिन्या षत्मा र चाक चकुइ परि दंड हुन्या षत्मा एका अम्बलको चाक एका अम्बलकि चकुइ पर्या भन्या जस् जस्का अंवलमा पर्याका हुन् उसै उसै अंवलवाट लिनु ।

६. मासिन्या जात गैह्का जार काटि मासियाकि स्वास्त्रि जार भागी जादा अर्का अवलमा गै काटि डल्लो गल्यो भन्या हाम्रा अम्बलमा डल्लो गल्यो भंन्याले पाउदैन । जाहाका कुरिया हुन् उसै अंवलकाले पाउछन् ।

७. मासिन्या जातले १ फेरा मासिन्या षत गरि अैन वमोजिम् मासियापछि छुटि अकरीया भैरह्याका मानिसले फेरि मासिन्या षत गर्यो भन्या फेरि पनि मासिदिनु ।

८. जागीर्दार जागीर्दारका पुवा जागीरका दुवैतर्फका जगामा पर्याको झगराको मेरा जगावाट झगरा छिन्यापछि आम्दानि मेरो हुंछ भनि दियेन भनि कोहि कराउन आया दुवै झगरिया आफ्ना अंवलका भया तिनको अैन वमोजीम्को आम्दानि पनि उसै जगाका अमालिको हुंछ । उइतर्फका²⁵³ कुरिया रह्याछन् र एकापट्टिका अमालि द्वार्याहरू मात्रै भै झगरा छिन्याको भया आम्दानीको छैटि लि उपर आम्दानी जौना अम्बल्का कुरिया हुन् उसै अम्बलका अमालिलाइ सौपिदिनु ।

Translation:

1. If a man or a woman who belongs to an Enslavable caste flees to another jurisdiction and settles there after it becomes known that he or

252 Read: *phikdāra*.

253 Read: *duitarphakā*.

she has committed a crime that mandates enslavement, and if a confession had [earlier] been obtained, then [the *amālī* officer] of the jurisdiction from which he or she fled after committing the crime—the *amālī* that drew up the confession—shall take him or her into his possession. If the person flees after the crime has become known, but with no confession having been obtained, and if information [regarding the crime] becomes known [more widely], the *amālī* of that jurisdiction that apprehends [him or her] after such information has been made known shall take him or her into possession. The *amālī* of the jurisdiction to where the person flees and settles shall not take him or her into possession, even though it obtains a confession. If the person flees from that place and settles in another jurisdiction before the crime that mandates enslavement becomes known, and if the matter becomes known [later], the *amālī* of the place where the person went and settled shall be permitted to take him or her into possession. If they flee before the crime becomes known, the *amālī* or *dvāre* officer of the place where they lived before shall not be entitled to take them into possession on the grounds that they are tenants from his jurisdiction and he is the one to capture them. He shall not take them into possession.

2. If [a man and a woman who live as tenants] on *guṭhī*, *birtābitalapa*, *bekha*, *mānācāmala*, *phikadāra*, *marauṭa* or *chāpa* land commit a [sexual] offence that mandates enslavement, and the *cāka* and *cakū* flee from that place and settle on *guṭhī* or *birtābitalapa* land or the like, the owner of that land to which they belonged [before they fled] shall have custody [of the offenders]. If they flee and settle on state-owned or *khuvā* land, the owners of the *birtābitalapa* land shall have custody if a confession has earlier been obtained. If no confession has [earlier] been obtained, the *adālata* office shall have custody.

3. If a woman is pregnant and she treacherously has illicit sexual intercourse with a man from a different caste, the child in her womb shall also be enslaved. If children are born [before their mother is enslaved for her crimes], such children shall not be enslaved for their mother's crime.

4. If a slave has illicit sexual intercourse with the daughter or daughter-in-law [of someone] belonging to an Enslavable caste, such as Bhoṭe, Cepāṅga, Mājhī, Danuvāra, Hāyu, Darai, Kumāla, Paharī or the like, and if that slave who has had illicit sexual intercourse belongs to the owner of *guṭhī*, *birtā*, tax-exempted, *bekha*, *chāpa* land or the like, or to an *ijārā* or *ṭheka* holder, both the *cāka* and *cakū* shall become government property. The *adālata* or *ṭhānā* office shall take them into

possession. If a slave belonging to a commoner has such illicit sexual intercourse, the *amālī*, *ṭheka* holder or *dvāre* or the owners of *bekha*, *birtā*, *chāpa* and tax-exempted land shall take the woman (*cakuī*) into possession. A slave who has illicit sexual intercourse with the daughter or the daughter-in-law of [someone belonging to] a Parjā caste shall, in accordance with the *Ain*, be imprisoned by an *adālata*, *ṭhānā* or *amāla*. If his master pays the amount set in lieu of his prison term and takes him back, he shall be set free and handed over to his master, the amount being accepted in accordance with the *Ain*.

5. Concerning a case of incest which mandates enslavement or the punishment applicable to a *cāka* and *cakuī*, if the *cāka* belongs to one jurisdiction and the *cakuī* to another, the respective jurisdiction shall take the respective offender into possession.

6. If a woman from an Enslavable caste or the like, who has been enslaved after her paramour was killed [by her husband], runs off with [another] paramour and they flee to another jurisdiction and [the paramour] is killed on that soil (*ḍallo galnu*), [the official concerned of that jurisdiction] shall not be allowed to take [the woman] into possession on the grounds that [the paramour was killed] on the soil of his jurisdiction. The [respective official] of the jurisdiction where they lived as tenants [before they fled] shall take her into possession.²⁵⁴

7. If someone from an Enslavable caste commits a crime that mandates enslavement and, thus, is enslaved in accordance with the *Ain*, and if once he is freed and not in servitude [any more], he commits again a crime that mandates enslavement and he shall again be enslaved.

8. If there is a dispute concerning *khuvā* or *jāgira* land belonging to two different *jāgira* holders, and if the [respective] *amālī* comes to complain that [one of the *jāgira* holders] does not give him the income [generated from the case] on the grounds that the income should belong to him because the case was settled on his land, and if both litigants are from [the *amālī*'s] jurisdiction, the income in accordance with the *Ain* shall belong to the *amālī* of that land. If tenants from two different [jurisdictions are in dispute], and if the dispute is settled by only the *amālīs* or *dvāres* of one jurisdiction, 1/2 of the income shall be given to [the *amālīs* or *dvāres*] who settled the case and the remaining income shall be handed over to the respective *amālīs* of the jurisdictions to which the tenants belong.

254 The exact meaning of this section is unclear, especially since the meaning of the phrase *ḍallo galnu* (“a clod that dissolves”) remains obscure to us.

Article 97: *āsauca bārnyāko* (On Observing Impurity)

Edition:

३०. आफ्ना षसम् षस्मिनिहरू मरि घरमा जुठो पर्यो भन्या करिया चाकर षवास्या केटि कमारा कमारिहरूलाइ पुरो जुठो लाग्छ । दर्माहादार चाकर वाधा वधेत्यानि मानु षाइ चाकरि गरि वरुया एस्ता चाकरहरूलाइ ३ दिन जुठो लाग्छ । आफ्ना घरका षसम् षस्मिनि वाहेक षसंका अरु दसाहा भाइ मर्यामा चाकरलाइ जुठो लाग्दैन ।

Translation:

30. If one's master or mistress dies, and the household is polluted by [death] impurity, a servant in servitude, a Khavāsa, a maid, or a male or female slave is fully afflicted by the death impurity. A wage-earning servant, a male or female bondservant, or a servant working for his keep are afflicted by the impurity for 3 days. A servant is not afflicted by the impurity, except when the master or mistress of his household dies, [but not] if any other of the master's [more distant] family members dies for whom a 10-day mourning period is prescribed.

Article 118: *māsinyā matuvālīko*

(On [incest among] Enslavable Alcohol-drinking Castes)

Edition:

आफ्ना हाडनातामा करणि गर्न्या मासिन्या मतुवाली जात गैह्र पानी चलन्याको तपसिल

१. सधवा भया पनि विधवा भया पनि वेस्या भया पनि आफुलाई जन्माउन्या आमाको करणि गर्न्या मासिन्या मतुवाली जातका गैह्रलाइ काटि मारिदिनु ।

२. आफ्ना एका वावुवाट जन्म्याका दिदि वैन्हि र आफुले जन्मायाका छोरिको करणि गर्न्या मासिन्या मतुवालि जात गैह्रलाइ ऐन वमोजिमको सर्वस्व गरि दामल् गर्नु ।

३. आफ्ना हाडमा ५ पुस्तासम्मका आफुलाइ जन्माउन्या आमा आफ्ना एका वावुवाट जन्म्याका दिदि वैन्ही आफुले जन्मायाको छोरि र भाउज्यू नाता पर्न्या वाहेक अरु ११ वर्ष नाध्याका कन्या सधवा विधवाको करणि गर्न्या मासिन्या मतुवाली जात गैह्रका लोग्न्या स्वास्त्रि दुवैलाई मासिदिनु ।

४. आफ्ना हाडमा ५ पुस्तादेपि माथि आफुदेपि १४ पुस्तासम्मका ११ वर्ष नाध्याका कन्या र विधवाको करणि गर्न्या मासिन्या मतुवाली जात गैह्रका लोग्न्यालाइ १५ स्वास्त्रिलाई १० रुपैया दंड गरि छुट्याइदिनु । ५ पुस्तादेपि माथि करणि गर्न्याको ज्यू मासिदैन ।

५. आफ्ना १४ पुस्तादेपि माथिका हाडनातामा करणि गर्न्या मासिन्या मतुवाली जात गैह्लाका लोग्ग्यालाई १२ रुपैया स्वास्त्रिलाइ ८ रुपैया दंड गर्नु ।
६. मासिन्या मतुवालीमा पानि चलन्या जातसम्मका कसैले आफ्ना हाडका ५ पुस्तादेपि उभोका सधवा स्वास्त्रिको करणि गर्यो भन्या विहा गरि ल्यायाका र विहाको रित गरि ल्यायाका स्वास्त्रिको २० रुपैया विहा षर्च साधुलाइ भराई दि लोग्ग्यालाई २० हाडफोरा पर्नाले स्वास्त्रिलाई १० रुपैया दंड गर्नु । विहाको रित नपुर्याइ ल्यायाका आफ्ना जात भातमा चल्याका स्वास्त्रिको करणि गर्न्यालाई विहा षर्च पर्देन । लोग्ग्यालाई १० स्वास्त्रिलाइ १० दंड गर्नु । जात भातमा नलियाका घरमा ल्याइ राष्याका स्वास्त्रिको करणि गर्न्या लोग्ग्यालाई १० स्वास्त्रिलाइ ५ रुपैया दंड गरि छुट्याईदिनु । रुपैया नतिर्या ऐन वमोजिम् कैद गर्नु ।
७. मासिन्या मतुवाली जात गैह्ले विधवा भाउज्यू नाता पर्न्याका मनोमानले करणि गर्यो भन्या करणि गर्न्या गराउन्या दुवैलाई राजषत लाग्दैन । सधवा भाउज्यू नाता पर्न्याको करणि गर्यो भन्या अधिदेपि जार हात्र्या जातलाई साधुले जार काटन नहुनाले ऐन वमोजिम् अंस सर्वस्व गरि लिंछ तापनि वस्यका गाउ सहरवाट नीकाली दिंछ तापनि केहि नगरि उसै छाडछ तापनि साधुको पुसि । साधुले सजाय नगरि षत माफ गरि छाड्याकाको जात जादैन । म सजाय गर्दिन भनि अडा गौडा अदालत् ठाना अमाल्मा भन आयो भन्या जारि गर्न्याको ऐन वमोजिम् अंस सर्वस्व गरि दसौद ली उपर साधुलाइ सौपिदीनु । करणि गर्न्यालाई ६ मैन्हा कैद गर्नु । म्यादको रुपैया दिया लिनु । साधुले सजाय नगरि जारिको षत माफ गरि छोड्यो भन्या राजषत लाग्दैन जात जादैन । अधिदेपि जार नहानि आउन्या जातका लोग्ग्या स्वास्त्रि दुवैलाई मासिदिनु ।
८. आफुले जन्मायाका छोरिका छोरि नाति²⁵⁵ र ऐनले जार हात्र हुन्यासम्मका नातीन्या वुहारिको करणि गर्न्या मासिन्या मतुवाली जात गैह्लाई राजषत लाग्ग्याले करणि गर्न्या गराउन्या दुवैलाई मासिदिनु ।
९. भांजा भांजि पट्टीका नातामा सधवा भया पनि विधवा भया पनि कंन्या भया पनि आफ्ना वावुवाट जन्म्याका दिदि वैन्हिका छोरि भंजि र ऐनले जार हात्र हुन्या भांज्या वुहारिको करणि गर्न्या मासिन्या मतुवालीजात गैह्लाई राजषत लाग्ग्याले लोग्ग्या स्वास्त्रि दुवैलाई मासिदिनु ।
१०. मावलि पट्टीका नातामा आमालाइ जन्माउन्या वज्यू आमाका सहोदर वज्यू आमा जन्म्याका एका वावुवाट जन्म्याका दिदि वैन्हि सानि ठुली आमा र मामाका जार हात्र हुन्या सम्मका स्वास्त्रि माइज्यूको करणि गर्न्या मासिन्या मतुवाली जात गैह्लाई राजषत लाग्ग्याले लोग्ग्या स्वास्त्रि दुवैलाई मासिदिनु ।
११. मावली पट्टीका नातामा आमाका सौतिन्या आमाका छोरि सानि ठुली आमा र आमाकि आमाका एका वावुवाट जन्म्याका दिदि वैन्हि बज्युहरूको करणि गर्न्या मासिन्या मतुवाली जात गैह्लाई सधवा भया साधुलाइ २० रुपैया विहा षर्च भराइ लोग्ग्यालाई २० स्वास्त्रिलाइ १० रुपैया दंड गर्नु । कंन्या विधवा भया राजषत लाग्ग्याले करणि गर्न्या लोग्ग्यालाई १५ रुपैया स्वास्त्रि लाइ १० रुपैया दंड गर्नु ।

१२. ससुराली पट्टिका नातामा आफ्ना स्वास्त्रिकि आमा सासु आफ्ना ससुराले विहा गरि ल्यायाका स्वास्त्रि सासु ससुरालाइ र साधुलाइ²⁵⁶ जन्माउन्त्या बुढि सासु ऐतिको करणि गर्न्या मासिन्या मतुवाली जात गैह्लाड करणि गर्न्या र करणि गराउन्त्या दुवैलाइ मासिदिनु ।

१३. आफुलाइ दिक्षा मंत्र सुनाउन्त्या गुर्मा र गुरुका ऐनले जार हात्र हुन्त्या स्वास्त्रि गुर्माको करणि गर्न्या मासिन्या मतुवाली जात गैह्लाका लोग्न्त्या स्वास्त्रिलाइ मासिदिनु ।

१४. आफुलाइ जन्माउन्त्या वावु आफ्ना एका वावुवाट जन्म्याका दाज्यू भाइ आफुले जन्मायाका छोरालाई करणि दिन्या आफ्ना ससुरालाइ करणि दिन्या स्वास्त्रिहरूमा नमासिन्या जातका स्वास्त्रि भया ३ वर्ष कैद गर्नु । म्यादका रुपैया तिर्या ली छाडनु । मासिन्या जात पानि नचलन्त्या जात छोइ छिटो हालनु पर्न्या जातका स्वास्त्रिलाइ मासिदिनु ।

१५. मासिन्या जातमा पानि चलन्त्या नचलन्त्या गैह्ला जातले आफ्ना एका वावुवाट जन्म्याका ज्येठा कांछा वावुका छोरिका छोरि भांजिहरू र आफ्ना एका वावुवाट जन्म्याका दाज्यू भाइका छोरिका छोरि नातिनीहरूको करणि गरेछ भन्त्या सधवा भया ऐन वमोजिम् साधुको पुसि । कन्या र विधवा भय²⁵⁷ करणि गर्न्या गराउन्त्या लोग्न्त्या स्वास्त्रि दुवैलाइ मासिदिनु । एति नाता वाहेक अरू गोटिया भाइहरूका छोरिका छोरिको करणि गरि भातमा वोरेछ भन्त्या सधवा भया ऐन वमोजिम् साधुको पुसि । ११ वर्ष नाच्याका कन्या विधवा भया नाता नलाग्न्या कुटुंबका कन्या विधवाको करणि गर्न्यालाइ लेष्याका ऐन वमोजिम् सजाय गर्नु । भातमा वोर्याको नभया षतवात लाग्दैन ।

Translation:

The regulations applicable to someone belonging to an Enslavable Alcohol-drinking Caste who commits incest within blood relations:

Particulars

1. Someone belonging to an Enslavable Alcohol-drinking caste who commits incest with his natural mother, shall be executed—irrespective of whether she is married, widowed or a common woman.

2. Someone belonging to an Enslavable Alcohol-drinking caste who commits incest with his sister, begotten by his father himself, or with his daughter he himself has begotten, shall be punished by *dāmala* after his share of property has been confiscated, in accordance with the *Ain*.

3. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with an unmarried girl, married woman or widow of his blood relations who shares with him a common ancestor up to

256 Read: *sāsulāi*.

257 Read: *bhayā*.

5 generations back, who is past the age of 11 and who is not his natural mother, nor a sister his father himself has begotten, nor a daughter he himself has begotten, nor an older brother's wife, both such a man and woman shall be enslaved.

4. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with an unmarried or widowed woman of his blood relations who has passed the age of 11 and who shares with him a common ancestor from more than 5 generations back and up to 14 generations, such a man and woman shall be fined 15 and 10 rupees respectively and they shall be separated from each other. Someone [belonging to an Enslavable Alcohol-drinking caste] who commits incest [with a woman] who, in his family tree, is related to him more than 5 generations back shall not be enslaved.

5. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with a person of his or her blood relation who shares a common ancestor from more than 14 generations back, such a man and woman shall be fined 12 and 8 rupees respectively.

6. Among the Enslavable Alcohol-drinking castes, if someone from whom water may be accepted commits incest with a married woman of his blood relations who shares a common ancestor more than 5 generations back, and who has entered marriage or has been wedded according to the marriage rites of her caste, he shall be made to pay 20 rupees to her aggrieved husband for the marriage expenses and shall be fined 20 rupees. Since it is incest, such a woman shall be fined 10 rupees. If he commits incest with such a woman, who has been brought in without being wedded according to the marriage rites of her caste, and who has been accepted to consume cooked rice with [her aggrieved husband's] fellow caste members, he shall not need to compensate [her aggrieved husband] for the marriage expenses. Both such a man and woman shall be fined 10 rupees each. If he commits incest with such a woman who has been brought in and kept in the house, but has not been accepted to consume cooked rice [with her aggrieved husband's] fellow caste members and to perform caste rituals with them, such [an adulterer] shall be fined 10 rupees and she shall be fined 5 rupees. They shall be separated from each other. If they do not pay the amount of the fine, they shall, in accordance with the *Ain*, be imprisoned.

7. If someone belonging to an Enslavable Alcohol-drinking caste has consensual sexual intercourse with the widow of his older brother, both parties shall not be held accountable for committing a heinous crime (*rājakhata*). If he has sexual intercourse with his older

brother's ritually married wife, since her aggrieved husband, although he belongs to a caste bearing the right to kill his wife's paramour, is not permitted to kill his wife's paramour [in such a case], it shall be up to the will of the aggrieved husband whether he, in accordance with the *Ain*, confiscates his wife's paramour's share of property, or exiles him from the village or city where he lives, or whether he lets his wife's paramour off without doing any such. If such an aggrieved husband lets his [wife's paramour] off, giving him an excuse for his crime and without punishing him, [the adulterer] shall not lose his caste. If such an aggrieved husband comes [to government offices] and declares that he will not punish his wife's paramour, the *aḍḍā*, *gauḍā*, *adālata*, *ṭhānā* or *amāla* offices shall, in accordance with the *Ain*, confiscate the share of property of such [an adulterer], shall collect 10 percent of [the total value], and give it to that aggrieved husband. The adulterer shall be imprisoned for 6 months. If he pays the amount in lieu of his prison term, it shall be accepted. If the aggrieved husband forgives his wife's paramour and lets him off without punishing him, [the latter] shall not be held accountable for committing a *rājakhata*. He shall not lose his caste. Both such a man and woman, if they belong to a caste whose members do not bear the right to kill their wives' paramour [in such a case of adultery], shall be enslaved.

8. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with his granddaughter, who is daughter of the daughter he himself has begotten, or his granddaughter-in-law, whose husband bears the right to kill his wife's paramour according to the *Ain*, both the man who committed incest and the woman who let him do so shall be enslaved, because it is a *rājakhata*.

9. Among nephews and nieces, if someone belonging to an Enslavable Alcohol-drinking caste commits incest with his niece, who is the daughter of his sister fathered by the same father as he is, or with his niece-in-law who is the wife of his nephew bearing the right to kill his wife's paramour according to the *Ain*—irrespective of whether she is married, widowed or unmarried, both shall be enslaved, because it is a *rājakhata*.

10. Among the maternal relations, if someone belonging to an Enslavable Alcohol-drinking caste commits incest with his grandmother who gave birth to his mother, or with his maternal aunt fathered by the same father of his mother, or with his maternal uncle's wife whose husband bears the right to kill his wife's paramour, both shall be enslaved, because it is a *rājakhata*.

11. Among the maternal relatives, if someone belonging to an Enslavable Alcohol-drinking caste commits incest with his maternal aunt who is the daughter of the stepmother of his mother, or grandmother who is the daughter fathered by the same father of the mother's mother (i.e. grand-aunt), and she is married, he shall be made to pay 20 rupees to her aggrieved husband for the marriage expenses, and both such a man and woman shall be fined 20 and 10 rupees, respectively. If such a woman is unmarried or widowed, the man shall be fined 15 rupees and woman shall be fined 10 rupees, because it is a *rājakhata*.

12. Among the family from the bride's side, if someone belonging to an Enslavable Alcohol-drinking caste commits incest with his mother-in-law who gave birth to his wife, with a co-wife of his father-in-law who has entered marriage, with his grandmother-in-law who gave birth to his father and mother-in-law, both such a man who committed incest and the woman who let him do so shall be enslaved, because it is a *rājakhata*.

13. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with his female guru who gave him the initiatory mantra, or with the wife of his guru who gave him the initiatory mantra and who bears the right to kill his wife's paramour according to the *Ain*, both shall be enslaved.

14. Among the women, any who lets her natural father, her brother whom her father himself has begotten, her son whom she herself has begotten or her father-in-law commit incest with her, if she belongs to a Non-enslavable caste, she shall be imprisoned for 3 years. If she pays the amount in lieu of her prison term, it shall be accepted and she shall be set free. If such a woman belongs to an Enslavable, Water-unacceptable [but Touchable] or Untouchable caste, she shall be enslaved.

15. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with his niece born to the daughter of his paternal uncle, who is born from the same grandfather, or with his granddaughter born to the daughter of his brother, who is born from the same father, and she is married, it shall, in accordance with the *Ain*, be up to the will of her aggrieved husband [as to whether he punishes his wife's paramour or not]. If she is unmarried or widowed, both such a man who committed incest and the woman who let him do so shall be enslaved. If such a person has illicit sexual intercourse with a woman among his relatives or clan members other than the ones mentioned above, and if he has contaminated his fellow caste members through cooked rice after the illicit sexual intercourse, and if she is married, it shall, in accordance

with the *Ain*, be up to the will of her aggrieved husband [as to whether he punishes his wife's paramour or not]. If she is unmarried or widowed and is past the age of 11, he shall be punished in accordance with the regulation applicable to someone who has sexual intercourse with an unmarried or widowed woman who is not among his relatives [or clan members]. If he has not contaminated [his fellow caste members] through cooked rice, he shall not be held accountable.

Article 124: *hādanātākā vesyā bhayākāko karaṇi garnyā māsinyāko*

(On [Incest] by a Member of an Enslavable [Alcohol-drinking Caste with a Relative Who Has Become a Common Woman])

Edition:

१. मासिन्या मतवालि जात गैह्ले आफ्ना हाडमा ४ पुस्तासंमका दाज्यू भाइ काका वाज्या छोरा नाति पन्याका छोरि फुपु वज्यू दिदि वैन्हि छोरि भतिजि नातिनि पनातिनि पन्या र आफ्ना साक्षात् दिदि वैन्हिका छोरि भांजि आफ्ना आमालाइ र वावुलाइ जन्माउन्त्या वज्यू आमाका सहोदर दिदि वैन्हि सानि ठुलि आमा आफ्नि स्वास्त्रिलाइ जन्माउन्त्या सासु आफुलाइ मंत्र सुनाउन्त्या गुर्मा एतिमा आफ्ना षसंको सत्य छोडि अर्कासित पोइल गयाकालाइ जति सुकै लिंग परि करणि गर्त्या पनि लोग्न्यालाइ मासिदिनु । करणि दिन्या स्वास्त्रि नमासिन्या जातकि रहिछ भन्या वेस्या हुंछे । मासिन्या जातकि रहिछ भन्या मासिदिनु ।

२. मासिन्या मतवालि जात गैह्ले आफुलाइ जन्माउन्त्या आमा वाहेक अरू वावुले अैनले जार हानं हुन्या संमका ल्यायाका सौतिन्या आमा आफुलाइ मंत्र सुनाउन्त्या गुरुका स्वास्त्री गुर्मा आफ्नि आमाका विमातृ पट्टिका दिदि वैन्हि सानि ठुलि आमा ससुरालाइ र सासुलाइ जन्माउन्त्या वुढि सासु ससुराले अैनले जार हान्न हुन्यासंमका स्वास्त्री सौतिन्या सासु यतिमा आफ्ना षसंको सत्य छोडि अर्कासित पोइल गयाका स्वास्त्रिको आफु तेश्रो परि कर्णि गर्न्यालाइ लोग्न्या रहेछ भन्या जार हान्या जातको अैन वमोजिम साधुको षुसि । लोग्न्या रहेनछ वा जार हानेन भन्या राजषत् लाग्नाले २० रुपैया चौथो परि कर्णि गर्न्यालाइ १५ जतिसुकैसित विग्याकि भया पनि चौथोदेषि युढो परि कर्णि गर्न्यालाइ अधिदेषि जार हान्या जात रहेछ भन्या १० रुपैया दंड गरि छुट्याइदिनु । जात जादैन ।

३. मासिन्या जातमा पानि चल्न्या गैह्ल जातका आफ्ना हाडमा ४ पुस्तादेषि युढो ७ पुस्तासंमका दाज्यू भाइ काका वाज्या छोरा भतिजा पन्याका छोरि फुपु वज्यू दिदि वैन्हिको छोरि नातिनि पनातिनि नाता पन्या स्वास्त्रीहरूमा आफ्ना षसंको सत्य छोडि अर्कासित पोइल गयाकाको आफु तेश्रो परि कर्णि गर्त्यो भन्या लोग्न्या रहेछ भन्या अधिदेषि जार हानि आयाका जातलाइ जार हान्या जातको अैन वमोजिम साधुको षुसि । लोग्न्या रहेनछ भन्या र जार हानेन भन्या अधिदेषि जार नहान्या जात

रहेछ भन्या राजषत् लाग्नाले १५ रुपैया चौथो लिंग परि कर्णि गर्न्यालाइ १० रुपैया जतिसुकैसित विग्र्याकि भया पनि पाचौ लिंग देषि युढो परि कर्णि गर्न्यालाइ ५ रुपैया दंड गरि छुट्याइदिनु । ७ पुस्तादेषि युढोका आफ्ना पसंको सत्य छोडि अर्कासित पोइल गयाका स्वास्त्रीको कर्णि गर्न्यालाइ राजषत् लाग्दैन ।

४. मासिन्या मतवालि जात गैह्ले आफ्ना हाडका ७ पुस्तासंमका काका वाज्या भाइभतिजा छोरा नातिहरूले विहा गरि ल्यायाको दियो कलस पूजि ल्यायाका जारि गरि ल्यायाका कन्या विधवा ल्यायाका र आफ्ना साक्षात् माइजू भांज्या वुहारिहरूमा आफ्ना सषसंमको²⁵⁸ सत्य छोडि अर्कासित पोइल गयाका स्वास्त्रीहरूसित आफु तेश्रो परि कर्णि गर्यो भन्या लोग्न्या रहेछ भन्या जार हांन्या जातको अैन वमोजिं साधुको पुसि । लोग्न्या नरहेछ²⁵⁹ भन्या र जार हानेन भन्या राजषत् लाग्नाले १५ रुपैया आफु चौथो लिंग परि कर्णि गर्न्यालाइ १० रुपैया जतिसुकैसित विग्र्याकि भया पनि पाँच लिंगदेषि युढो कर्नि गर्न्यालाइ ५ रुपैया दंड गरि लोग्न्या स्वास्त्री छुट्याइदिनु । ७ पुस्तादेषि युढोका आफ्ना पसंको सत्य छोडि अर्कासित पोइल गयाका स्वास्त्रीको कर्णि गर्न्यालाइ पनि राजषत् लाग्दैन ।

५. लिंनु किराति जात वाहेक तागाधारि जात र नमासिन्या मतवालि जात मासिन्या जात पानि नचल्न्या जात छोया छिटो हालनु पर्न्या जातले आफ्ना वाबुले विहा गरि लायाका कन्या ल्यायाका विधवा ल्यायाका जारि गरी ल्यायाका अैनले जार हांन हुन्यासंमका स्वास्त्री सानि आमाहरू अर्कासित विग्र्याका विग्र्याको जाहेर भै कर्णि गरेछ भन्या अैन वमोजिं अंस सर्वस्व गरि लोग्न्या स्वास्त्री छुट्याइदिनु । एस्ताका हातको भात चल्दैन । पानि चल्छ । पानिको मात्र पतिया दिन²⁶⁰ । छुट्यायापछि फेरि पनि कर्णि गर्यो भन्या जति फेरा कर्णि गर्छ उत्तिपल्ट १०।१० रुपैया दंड गरि छुट्याइदिनु ।

Translation:

1. If someone belonging to an Enslavable Alcohol-drinking caste commits incest with a woman from his blood relations, sharing with him a common ancestor up to 4 generations back, and who, being unfaithful to her husband, has run off with another man, and who is the daughter, paternal aunt, grandmother, sister, niece, granddaughter or great-granddaughter of a male member of his family, [such as] parental uncles, grandfathers, sons or grandsons, or a niece who is the daughter of his full-sisters, the grandmother who gave birth to his father or mother, a maternal aunt who is the full-sister of his mother, the mother-in-law who gave birth to his wife or the female guru who gave him the initiatory mantra, such [an incestuous man] shall be enslaved irrespective of whatever numbers of men with whom she had committed adultery [before him]. If such a woman, who has let him commit incest with

258 Read: *śasamako*.

259 Read: *rahenacha*.

260 Read: *dimu*.

her, belongs to a Non-enslavable caste, she shall become a common woman. If she belongs to an Enslavable caste, she shall be enslaved.

2. If someone belonging to an Enslavable Alcohol-drinking caste commits, as her third [sexual] partner, incest with a woman who has run off with another man without remaining faithful to her husband, and who is not his natural mother, [but] the co-wife of his father, and his father bears the right to kill his wife's paramour; or the wife of his guru who gave him the initiatory mantra, or a maternal aunt who is the half sister of his mother, or the grandmother-in-law who gave birth to his father-in-law or mother-in-law or co-wife of his father-in-law and the latter bears the right to kill his wife's paramour, and if such a woman has a husband belonging to a caste whose male members have the right to kill their wives' paramour, it shall, in accordance with the *Ain*, be her aggrieved husband's decision [whether he kills his wife's paramour]. If she has no husband or her aggrieved husband does not kill his wife's paramour, the culprit shall be fined 20 rupees, because it is a heinous crime (*rājakhata*). If he has committed incest with such a woman as her fourth sexual partner, he shall be fined 15 rupees. If he has committed incest with her as her fifth sexual partner or beyond, he shall be fined 15 rupees if he belongs to a caste whose members have always borne the right to kill their wives' paramours, and they shall be separated from each other, irrespective of the number of other men with whom she had illicit sexual intercourse before. They shall not lose their caste status.

3. If someone belonging to an Enslavable Alcohol-drinking caste commits, as her third [sexual] partner, incest with a woman who has run off with another man without remaining faithful to her husband, and who is the daughter, paternal aunt, grandmother, sister, granddaughter or great granddaughter of one or more of the male members of his family (*dājyūbhāi*) within his blood relations, [such as], paternal uncles, grandfathers, sons or nephews sharing with him a common ancestor from 4 generations up to 7 generations back, and if such a woman has a husband belonging to a caste whose members have always borne the right to kill their wives' paramours, it shall, in accordance with the *Ain*, be her aggrieved husband's decision [whether he kills his wife's paramour]. If such a woman has no husband or her husband does not kill his wife's paramour, or if such an aggrieved husband belongs to a caste whose members have not always borne the right to kill their wives' paramours, such [an incestuous man] shall be fined 15 rupees, because it is a *rājakhata*. If he has, as her fourth sexual partner, committed

incest with such a woman, he shall be fined 10 rupees. If he has committed incest as her fifth sexual partner or beyond, he shall be fined 10 rupees and they shall be separated from each other, irrespective of whatever numbers of other men with whom she had illicit sexual intercourse before him. If he has sexual intercourse with such a woman, who shares with him a common ancestor more than 7 generations back, and who has run off with another man without remaining faithful to her husband, he shall not be held accountable for committing a *rājakhata*.

4. If someone belonging to an Enslavable Alcohol-drinking caste commits, as her third [sexual] partner, incest with [a] a woman who has run off with another man without remaining faithful to her husband and who is the wife of one of the male members of his family—[such as] parental uncles, grandfathers, brothers, nephews, sons or grandsons sharing with him a common ancestor up to 7 generations back—and this wife has been brought [into the household] by ritual marriage or by worshipping the lamp (*diyo*) and the water vessel (*kalaśa*) [only], or she has been taken as a wife by a [family member as her] paramour, or who, being an unmarried or widowed woman, was taken as a concubine; [b] or with a maternal aunt, the wife of his mother's brother, or [c] with the wife of his nephew and if such a woman has a husband bearing the right to kill his wife's paramour, it shall be her aggrieved husband's decision [whether he kills his wife's paramour or not]. If such a woman has no husband or her husband does not kill his wife's paramour, such [an incestuous man] shall be fined 15 rupees, because it is a *rājakhata* crime. If he has committed incest with such a woman as her fourth [sexual] partner, he shall be fined 10 rupees. If he has committed incest with her as her fifth sexual partner or beyond, he shall be fined 5 rupees and they shall be separated from each other, irrespective of whatever numbers of other men with whom she had illicit sexual intercourse before him. If he has sexual intercourse with such a woman, who shares with him a common ancestor more than 7 generations back, and who has run off with another man without remaining faithful to her husband, he shall not be held accountable for committing a *rājakhata*.

5. If someone belonging to a Sacred Thread-wearing, Non-enslavable Alcohol-drinking, Enslavable Alcohol-drinking, Water-unacceptable but Touchable or an Untouchable caste, excluding Limbu and Kirāti castes, commits incest with his co-mother who has entered into marriage with his father, or who has been taken by his father as a paramour, or who, being an unmarried or widowed woman, was taken as a concubine by his father, and if his father bears the right to kill his

wife's paramour, and if the culprit committed incest with such a woman while being unaware that she had committed adultery with somebody else [before], his share of property shall, in accordance with the *Ain*, be confiscated, and [such an incestuous] man and woman shall be separated from each other. Cooked rice from the hands of such [a culprit] shall not be acceptable. Water may be accepted; he shall be granted expiation with respect to water only. If such [a culprit] again commits incest [with his co-mother] after they have been separated, he shall be fined 10 rupees for each time he commits incest with her and they shall be [again] separated from each other.

Article 129: *kamārī svāsnī rākhanyā*
(On Keeping Slave Women as Wives)

Edition:

१. तागाधारी जार हान्या जातका कन्या कमारि स्वास्त्री तुल्याइ घर्मा जाहेर गरि राष्याको पारस्मेत् गरि दियाको रहेछ भन्या जाया जन्म भयाको हवोस् नभयाको हवस् तापनि तेस्ता स्वास्त्रिमा साक्षात् छोरा भतिजाका²⁶¹ दाज्यू भाइहरू पर्या भन्या पनि अरू कसैले कर्णि गर्यो भन्या जार काटन हुदैन । जनै झिकि अैन वमोजिं अंस सर्वस्व गरि लिन्छ तापनि तेसै छाडछ तापनि साधुको पुस । कमारि स्वास्त्री राष्याको रहेछ पार गरि दियाको छैन कमार्तन् गर्दै रहिछ भन्या तेस्तामा ३ पुस्तासम्मका पर्या पनि षतवात लाग्दैन ।

२. आफ्ना घर्कि कन्या कमारि आफैले राषि जाया जन्म भयाको रहेछ भन्या त्यो कमारि वेचन हुदैन । कसैले वेच्यो भन्या किन्याको थैलि वेचन्यावाट भराइदिनु त्यो कमारि आफु सुषि हुंछे । वेचन्यालाइ विगा वमोजिं दंड गर्नु । रुपैया नतिर्या अैन वमोजिं कैद गर्नु ।

३. आफ्ना घर्कि कन्या कमारि आफुले स्वास्त्री तुल्याइ राष्याको रहेछ पार गरि दियाको रहेनछ भन्या तेस्ता स्वास्त्री अर्कासित पोइल गै भन्या वेचि रुपैया लिन पाउदैन । त्यो कमारि स्वास्त्री आफु सुषि हुंछे । जससित पोइल जांछे लैजान्यावाट ३०० रुपैया भराइ लिन पाउछ । दसौद लि अदालत अमालवाट भराइदिनु । एस्ता स्वास्त्रीतिर आफुवाट जन्म्याका छोरा छोरी वेचन हुदैन । वेचेछ भन्या किन्याको थैलि कपालि गराइदि वेचन्यालाइ विगा वमोजिं दंड गर्नु । किन्याले फलानाका छोरा छोरी हुं भनि जानि जानि किन्याको रहेछ भन्या थैलि लिलाम गरि लिनु ।

४. अर्कासित विग्र्याकि आफिन कमारि स्वास्त्री राष्याकि छ जाया जन्म पनि भयाको छ त्यो कमारि अन्त पोइल गै भन्या वेस्या हुंछे । वेचि रुपैया लिन पाउदैन । त्यो कमारि आफु सुषि हुंछे । जससित पोइल जांछे लैजान्यावाट २०० रुपैया भराइ लिन

पाउछ । दसौद लि अदालत् ठाना अमालवाट भराइदिनु । एस्ता स्वास्त्रीतिर आफुवाट जन्म्याका छोरा छोरि वेचन हुदैन । वेच्याको रहेछ भन्या किन्त्याको थैलि कपालि गराइदि वेचन्यालाइ विगा वमोजिं दंड गर्नु । किन्त्याले फलानाको छोरो हो भनि जानि जानि किन्त्याको रहेछ भन्या थैलि लिलां गरि लिनु ।

५. आफ्ना घरकि कन्या कमारि आफैले स्वास्त्री तुल्याइ राष्याको छ जाया जन्म पनि भयाको छैन भन्या तेस्ता कमारि स्वास्त्री अरू कसैसित विग्र्या भन्या त्यो कमारि आफ्नै घरमा राषछ तापनि अरूलाइ वेचछ तापनि षसम्को पुस् ।

६. अधिवाट अर्कासित विग्र्याकि आफ्नि कमारि आफैले स्वास्त्री तुल्याइ राष्याकि छ तेसवाट आफ्नु जाया जन्म भयाको छैन भन्या तेस्ता कमारिलाइ वेच्या उठायको सदर हुंछ । एस्ता कमारिमा वावु छोरा दाज्यू भाइ मर्या भन्या पनि षत्वात् लाग्दैन ।

७. वेस्या कमारि छ षसम् पनि कर्णि गर्छ अरूलाइ पनि कर्णि गराउछे भन्या तेस्ता कमारिवाट जन्म्याका संतान् कमारा कमारि नै हुंछन् । कमारिले फलानाका छोरा छोरि भन्याको सदर हुदैन ।

८. आफ्ना कमारि षसमसित वस्यापछि अर्कासित पोइल गयाकि रहिनछ भन्या तेसवाट षसम्का विर्यले जन्म्याका सन्तान् जोसुकै भया पनि कमारा कमारि ठहर्दैनन् । सुकि विक्रि गर्न हुदैन । कसैले कमारा कमारि भनि वेच्यो भन्या किन्त्याको थैलि वेचन्यावाट तिर्न सकन्या रहेछ भन्या धन् तिराइदिनु । तिर्न नसक्या कपालि तमसुक गराइदिनु । ति कमारिवाट जन्म्याका संतान् अकरिया हुंछ । वेचन्या वावु दाज्यू भाइ छोरालाइ वेच्याका थैलि वमोजिम् दंड गर्नु । रुपैया नतिर्या अैन वमोजिम् कैद गर्नु । अैन वमोजिम्को अंसस्मेत् दिलाइदिनु ।

९. कसैले ११ वर्ष माथिका वेस्या कमारि स्वास्त्रीलाइ मनोमान गराइ²⁶² जमात वाधि हुल् उठि वलजफसग कर्णि लियो भन्या ३० रुपैया दंड गर्नु रुपैया नतिर्या कैद गर्नु ।

१०. साहुका कर्जा वावत् साहुकै घरमा वस्याकि वाधा पर्या जातका छोरिलाइ कसैले कर्जा तिरि निषनि स्वास्त्रि तुल्याइ घरमा राष्यापछि त्यो वध्येत्यानि अर्का लोग्न्यासग गै भन्या थैलि तिरि निषनि ल्याइ स्वास्त्री तुल्याउन्याको थैलि तेसैलाइ जसले विगार्यो उसैवाट भराइदिनु । उसलाइ पनि छोडि अरूसित गै भन्या त्यो स्वास्त्री वेस्या ठहर्छे । थैलि पाउदैन ।

११. आफुले वाधा लियाकि वध्येत्यानि वाधा नवस्तेमा हवस् वा आफुले वाधा लियापछि हवस् आफुभन्दा अधिवाट २ जना पोइ भयाका रह्याछन् । तेस्तेमा वाधाका धनिले आफु तेश्रो लिंग परि कर्णि गरेछ भन्या धनिले कर्णि गर्यो भने थैलि भूस हुदैन । आफ्नु परल थैलि लिन पाउछ ।

१२. कन्या र आफ्ना षसम्का सत्यमा रह्याका सधवा विधवा वध्येत्यानिको धनिले कर्णि गरेछ भन्या एस्ता वध्येत्यानि आफुले स्वास्त्रि तुल्यायापछि धनिले थैलि लिन पाउदैन । थैलि भुस गराइ वध्येत्यानिवाट दसौद लि तमसुक फराइ अम्लेष गराइ छुटाइदिनु ।

Translation:

1. If [a master]—belonging to a Sacred Thread-wearing caste having the right to kill their wives' paramours—keeps an unmarried slave girl as a wife, and if he has informed [his household] about it at his house, and if he has emancipated her, and if his direct son, nephew, uncle, brother or any other person has illicit sexual intercourse with her, [the aggrieved husband]—irrespective of whether any offspring has been born to her by him or not—shall not be permitted to kill his wife's paramour. The aggrieved husband of such a slave woman shall be allowed, at his own will, [to decide] whether he, in accordance with the *Ain*, removes [the paramour's] sacred thread and confiscates his share of property, or he lets [the culprit] go. If [the master] has kept the slave woman as a wife and has not emancipated her, and if she has still been doing the tasks assigned to her [as a slave], [the culprit] shall not be held accountable, even if he is [a blood relative of her master traceable back to] within the 3rd generation.

2. If [a master] has kept an unmarried slave girl of his own household [as a wife], and if he has had offspring born [to 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. The seller shall be fined according to the amount in question. If the amount of the fine is not paid, he shall, in accordance with the *Ain*, be imprisoned.

3. If [a master] has kept an unmarried slave girl of his own house as a wife, and if he has not emancipated her, and if such a wife runs off with another man, [the master] shall not be permitted to sell her. The slave becomes a freed person. [The master] shall be allowed to take compensation of 300 rupees from the person with whom she has run off. An *adālata* or *amāla* office shall charge 10 percent [of the total amount as a court fee] and shall hand [the remaining amount] over to [the master]. The master shall not sell his offspring born to such wife and receive money [for it]. If he has sold [any], the seller shall be made to issue a loan agreement without security (*kapālī tamasuka*) to the buyer for the paid price. The seller shall be fined in accordance with the amount in question paid. If the buyer knows that [the child] is the son or daughter of such and such a person and buys him or her, the amount paid by him shall be confiscated.

4. If [a master] has kept a slave girl as a wife who has [previously] had illicit sexual intercourse with someone else, and if the former has

offspring born to her, and if such a slave woman runs off with another man, she shall be [considered] a common woman. [The master] shall not be permitted to sell her and receive money. The slave woman becomes a freed person. [The master] shall be allowed to take compensation of 200 rupees from the person with whom she has run off. An *adālata* or *amāla* office shall charge 10 percent [of the total amount as a court fee] and shall hand [the remaining amount] over to [the master]. The master shall not sell his offspring born to such a wife. If he sells any, the seller shall be made to issue a loan agreement without security (*kapālī tamasuka*) to the buyer for the paid price. The seller shall be fined in accordance with the amount in question paid. If the buyer knows that [the child] is the son or daughter of such and such a person and buys him or her, the amount paid by him shall be confiscated.

5. If [a master] has kept an unmarried slave girl of his own house as a wife, and if he has not emancipated her, and if no offspring has been born to her, and if such a slave woman has illicit sexual intercourse with someone else, the master shall be allowed at his own will [to decide] whether he keeps that woman at his house or sells her to someone else.

6. If [a master] has kept a slave woman as a wife who has previously had illicit sexual intercourse with someone else, and if he has no offspring born to her, the sale of such a slave woman shall be considered valid. Even if [the master's] father, son or brother had illicit sexual intercourse with her, [the culprit] shall not be held accountable.

7. If a slave is a common woman, and if her master has sexual intercourse with her and she also has let someone else have illicit sexual intercourse with her, the offspring born to her shall become slaves. If the slave woman claims that the offspring are sons or daughter of such and such [a man], it shall not be considered valid.

8. 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. If someone sells them, stating that they are male or female slaves, the amount paid by the buyer shall be recovered from the seller, if he is able to return the amount. If the seller is not able to return the amount, he shall be made to issue a loan agreement without security. The offspring born to such a female slave shall become freed persons. If [the master's] father, brother or son sells [such offspring], [the seller] shall be fined in accordance with the amount of sale in question. If the amount of the fine is not

paid, he shall, in accordance with the *Ain*, be imprisoned, and the offspring shall, in accordance with the *Ain*, be provided with their share of property.

9. If someone assembles a gang and rapes a slave woman without her consent, who is past the age of 11 and who is a common woman, he shall be fined 30 rupees. If the amount of the fine is not paid, he shall be imprisoned.

10. If a woman who belongs to a caste whose members may be made bondservants has been living at her creditor's house as a bondservant for debt, and if a person repays her debt and keeps her as wife at his house, and if such a bondservant runs off afterwards with a third person, the amount which the [first] person paid to repay her debt and kept her as a wife shall be compensated by the [third] person with whom she has illicit sexual intercourse. If she also leaves the [third] person and runs off with someone else, such a woman shall be considered a common woman and [the man who cleared her debt]²⁶³ shall not get back the amount he paid for her.

11. If [a creditor] has taken a woman as a bondservant, and if she has already had two husbands before or after becoming his bondservant, and if her creditor, as her third sexual partner, has sexual intercourse with her, his credit shall not be nullified. He shall be permitted to recover his standing credit.

12. If a creditor has sexual intercourse with a female bondservant who is either an unmarried girl, a married woman who has remained faithful to her husband, or a widow—the creditor shall not be permitted to recover his credit after keeping such a female bondservant as his wife. His credit shall be nullified. Ten percent of [the total credit] shall be taken from that female bondservant [as a court fee] and she shall be freed (*amalekha*), after the loan agreement has been torn apart.

263 It is not entirely clear whether it is the man who initially cleared the bondservant's debt or the second man, with whom she ran off, who is not entitled to receive the paid amount back.

Article 139: *māsinyā jātako jāri garnyā*
(Adultery Committed with a Woman from an Enslavable Caste)

Edition:

१. जार हांन्या मासिन्या मतवालि जातले आफ्ना हाडनाता वाहेक अरू मासिन्यै जातको जारि गर्यो र साधुले विहा षर्च षाइ हवस वा टागमनि छीराइ हवस उसै छाड्यो भन्या जारीका षतमा साधुले छाड्यापछि राजषत लाग्दैन । ज्यू पनि मासिदैन ।
२. तागाधारि जात र मतवालि नमासिन्या जात गैह्ले मासिन्या पर्जा जातका सधवा स्वास्त्रिको करणि गर्यो भन्या लोग्न्यालाइ जार हांन्या जात वाहेक २० रुपैया विहा षर्च भराइ २० रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु । जार हांन्या जातका विहा षर्च लिन र अैन वमोजिम जार हांन साधुको पुसि ।
३. मासिन्या जातले मासिन्या जात गैह्ल कसैको जारि गर्यामा साधुले जार काटि ज्यान् मार्यो भन्या त्यो स्वास्त्रि मासिन्छे । अदालत ठाना अमालवाट लिनु । साधुले जार हांन्यापछि घा लागि जारि गर्न्याको ज्यू वाच्यो भन्या स्वास्त्रि मासिन । जारि गर्न्यैले विहोर्न पाउछ । साधुको चोट षपि ल्यायाका एस्ता स्वास्त्रि अर्काले लैगयो भन्या जार हांन्या जातले जार हांन पाउछ । जार नहांन्या जातलाइ २० रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु । विहा षर्च पाउदैन । स्वास्त्रि तेसैसित वस्छे भन्या पनि वस्तिन भन्या पनि उसैको पुसि । पछि लैजान्या लोग्न्याको कर लाग्दैन ।
४. पार्या घर्तिले भोटे चेपाडः दहै माझि हायु दनवार कुमाल पहरि गैह्ल मासिन्या जातका सधवाको करणि गर्यो भन्या तेस घर्तिवाट साधुलाइ २० रुपैया विहा षर्च भराइ २० रुपैया दंड गर्नु । ज्यू मासिदैन । त्यो स्वास्त्रि तेसैसित वस्छे भन्या विहा षर्च र दंड तिरि राषन पाउछ । स्वास्त्रिले वस्तिन भन्या पुसि उसैको हुंछ । लोग्न्याको कर लाग्दैन ।
५. पार्या घर्तिका आफ्ना जातको रित गरि ल्यायाका सधवा स्वास्त्रिको कसैले करणि गर्यो भन्या लोग्न्याले स्वास्त्रि लैगयो स्वास्त्री लैगयापछि विहा षर्च पाउदैन । २० रुपैया दंड मात्रै गर्नु । साधुले स्वास्त्रि लैगयेन भन्या ३० रुपैया विहा षर्च भराइ २० रुपैया दंड गर्नु । आफ्ना जातको रित नपुर्याइ ल्यायाका ताला कुचि सौपि राष्याका स्वास्त्रिको करणि गरेछ भन्या १० रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु । तेससित वस्नु अर्कासित जानु स्वास्त्रिको पुसि । लोग्न्याको कर लाग्दैन ।
६. पार्या घर्तिको कसैले जारि गरि लैगयामा पार भयाका ३ पुस्तासम्मका घर्तिले जार काट्यो भन्या ज्यान्को वदला ज्यान् जान्छ । पार भयाका ४ पुस्ता र ५ पुस्ताकाले जार काट्यो भन्या अैन वमोजिमको अंस सर्वस्व गरि दामल गर्नु । पार भयाका ६ पुस्तादेषि माथिकाले जार काट्यो भन्या मासिदिनु ।
७. मासिन्या आठ वाह्ल लिन्या चाक चकुइ पन्या विहा षर्च लिन्या जार पनि हांन्या जातहरूका लोग्न्या स्वास्त्रिलाइ कसैले मासिन्या षतको कुरा पोल्यो र पुर्पक्ष गर्दा पोल्याको ठहर्यो भन्या पोलन्यालाइ १ वर्ष कैद गर्नु । म्यादका रुपैया तिर्छ भन्या अैन वमोजिम लि छाडिदिनु ।

८. जार नहान्या मासिन्या मतवालि जातका विवाहिता स्वास्त्रिलाइ कसैले फलानासित पोइल गै भनि पोल्यो र पुर्पक्ष गर्दा पोल्योको ठहर्यो भन्या पोलन्यालाइ १५ रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु ।

९. मासीन्या जात गैहले आफुले मासिन्या षतवात गरि मासियो । नमासिदैमा विह्या²⁶⁴ गर्याकि स्वास्त्रि अन्त पोइल गै भन्या मासियाका मानिसले जार हानं हुदैन । हान्यो भन्या ज्यानको वदला ज्यान् लिनु ।

१०. पानी नचल्ल्या र छोइ छिटो हालनु पर्न्या जातमा जार हान्या जातले पानी नचल्ल्या जातको जारि गर्यो र साधुले जार हान्यो भन्या स्वास्त्रि चकुइ पर्छे । मासिदिनु । जार हान्दीन विहा षर्च लिंछु भनि अदालत ठाना अमाल्मा भन आयो भन्या ३० रुपैया विहा षर्च भराइ १५ रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु । विहा षर्च लियापछि स्वास्त्रि मासिन्न ।

११. मासीन्यै मासिन्या जातमा एका जातका सधवा स्वास्त्रिलाइ अरू जात कसैले जारि गरि लैगयो भन्या उस्का लोग्न्यालाइ २० रुपैया भराइ लोग्न्यालाइ १२ स्वास्त्रिलाइ ८ रुपैया दंड गर्नु । ११ वर्षदिषि उभोकि कंन्या विधवाको कसैले करणि गर्यो । यो हाम्रा भात नचल्ल्या हो भातमा पारि दियो भनि कोहि कराउन आयो भन्या ५ रुपैया दंड गर्नु । रुपैया नतिर्या अैन वमोजिम कैद गर्नु ।

१२. मासीन्या जातका अैनले जार हानं हुन्यास्मका सधवा स्वास्त्रिको तागाधारि जात र नमासिन्या मतवालि जातले करणि गरेछ र साधुले जार काट्छु भन्या अधि उस्का पिता पुषदिषि जार हानि आयाका जातले अैन वमोजिम् जार काटन हुन्छ । षत लाग्दैन । जार नहानि आयाका जातले काटन पाउदैन । काट्यो भन्या ज्यान्को वदला ज्यान काटि मारिदिनु । तल्ला जातसित गयाकि हवस् उपल्ला जातसित गयाकि हवस जार काटियापछि करणि गराउन्या स्वास्त्रिलाइ मासिदिनु ।

१३. पानी नचल्ल्या र छोइ छिटो हाल्नु पर्न्या जातका अैनले जार हानं हुन्यासम्मका स्वास्त्रिको तागाधारि जात नमासिन्या मतवालि जात मासिन्या पानि चल्ल्या जात गैह कसैले करणि गरेछ भन्या अैन वमोजिम सजाय हुन्छ । साधुले जार काटन पाउदैन । कसैले काटेछ भन्या ज्यान्को वदला ज्यान् काटि मारिदिनु ।

Translation:

1. If someone from an Enslavable caste who bears the right to kill his wife's paramour, commits adultery with a [married] woman from an Enslavable caste who is not his blood relative, and if the aggrieved husband of that woman has let her paramour off [without killing him] after taking the marriage expenses from him or after [insulting him] by forcing him to crawl between [the aggrieved husband's] legs, her paramour, after he has been let off by the aggrieved husband, shall neither be held accountable for committing a heinous crime (*rājakhata*), nor shall he be enslaved.

2. If someone from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste commits adultery with a married woman of an Enslavable Parjā caste, such a person—if he belongs to a caste of which the members may not be killed by an aggrieved husband—shall be made to pay [the aggrieved husband] 20 rupees for the marriage expenses, and shall be fined 20 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned. If he belongs to a caste the members of which may be killed by an aggrieved husband, it shall be at the pleasure of that aggrieved husband as to whether he takes the marriage expenses from her paramour or kills him.

3. If someone from an Enslavable caste commits adultery with the wife of a person who also belongs to an Enslavable caste, and the aggrieved husband kills her paramour, such a woman shall be enslaved. The *adālata*, *ṭhānā* or *amāla* office shall take her into possession. If her paramour survives the attempt at killing by the aggrieved husband with injuries, the woman shall not be enslaved. Her paramour, who committed adultery with her, shall be permitted to take her away. If someone else takes such a wife away, who has been brought [into the household by her paramour] bearing the injury given [by the first aggrieved husband], he, if he belongs to a caste [whose members] bear the right to kill their wives' paramours, shall be permitted to kill his wife's [second] paramour. If her [second] paramour belongs to a caste the members of which may not be killed by an aggrieved husband, he shall be fined 20 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned. The aggrieved husband does not receive the marriage expenses. It shall be at the pleasure of that woman as to whether she lives together with him or not. She shall not be forced to do so by her second aggrieved husband.

4. If a Pāre Ghartī man commits adultery with a woman from any of the Bhoṭe, Cepāṅga, Darai, Mājhi, Hāyu, Danuvāra, Kumāla or Paharī castes, [whose members] may be enslaved, he shall be fined 20 rupees and be made to pay 20 rupees as compensation for the aggrieved husband's marriage expenses. He shall not be enslaved. If such a woman wants to live together with her adulterer, he shall be permitted to keep her after paying the aggrieved husband for the marriage expenses and paying a fine. If such a woman declares that she does not want to live together with her adulterer, it shall be at her pleasure to decide. She shall not be obliged to do so by her adulterer.

5. If someone commits adultery with a Pāre Ghartī man's wife, and this wife has been brought [into the household by the latter] performing his caste's customs, and if the aggrieved husband takes such a woman [back], he does not receive the marriage expenses from the adulterer. The adulterer shall only be fined 20 rupees. If the aggrieved husband does not take such a wife back, the adulterer shall be fined 20 rupees and he shall be made to pay 30 rupees to the aggrieved husband as compensation for his marriage expenses. If such [an offender] commits adultery with such a wife who has been brought [by her husband into his household] without performing his caste's customs, but she has been kept [by him at the household as a wife,] handing the key and sweeping-brush of the household over to her, [her adulterer] shall be fined 10 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned. It shall be at the pleasure of that woman as to whether she lives together with her adulterer or she runs off with someone else. She shall not be obliged [to stay with him].

6. If someone commits adultery [with the wife] of a Pāre Ghartī man and takes her away, and if [the aggrieved Pāre Ghartī], belonging to the 3rd generation after [his forefathers'] emancipation, kills his wife's adulterer, he shall be executed—taking life for life. If [an aggrieved Pāre Ghartī] who belongs to the 4th or 5th generation after emancipation kills his wife's adulterer, he shall be punished by *dāmala*, after his share of property has been confiscated, which is his according to the *Ain*. If [the aggrieved Pāre Ghartī] belongs to the 6th generation or more after emancipation and kills his wife's adulterer, he shall be enslaved.

7. If someone accuses a man or woman of committing the crime [of illicit sexual intercourse] which results in the enslavement [of the accused person], who belongs to a caste whose members may be [punished by] enslavement, whose members may take [compensation] of 8 or 12 [*ānās*] [from the wife's paramour], and may be declared as *cāka* or *cakuī*, who may take marriage expenses [from their wives' paramours] or [else] may bear the right to kill their wives' paramours, and if it is ascertained upon the trial that the accuser made [a false] accusation, he shall be imprisoned for 1 year. If he pays the amount of the fine [set in lieu of the prison term], it shall, in accordance with the *Ain*, be accepted and he shall be set free.

8. If someone accuses a married woman, the wife of a person belonging to an Enslavable caste whose members do not bear the right to kill their wives' adulterers, of having run off with such and such a man, and if it is ascertained upon the trial that the accuser made [a

false] accusation, he shall be fined 15 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned.

9. If someone who belongs to any of the Enslavable castes commits a crime which results in enslavement and is thereby enslaved, and if his wife, with whom he was married before his enslavement, runs off with another man, the aggrieved husband who is enslaved shall not be permitted to kill her adulterer. If he does so, he shall be executed—taking life for life.

10. Amongst the persons from the Water-unacceptable [but Touchable] and Untouchable castes, if a person who bears the right to kill his wife's adulterer commits adultery with a married woman from a Water-unacceptable [but Touchable] caste, and if the aggrieved husband kills her adulterer, the wife becomes a *cakuī*, and she shall thus be enslaved. If the aggrieved husband comes to an *adālata*, *ṭhānā* or *amāla* and states that he will not kill her adulterer, but takes the marriage expenses from him, the adulterer shall be made to pay 30 rupees to the aggrieved husband for the marriage expenses and shall be fined 15 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned. Such a woman shall not be enslaved after the aggrieved husband has taken marriage expenses [from her adulterer].

11. Amongst the persons from the Enslavable castes, if a married woman of one caste is taken away by a person of another caste after he has committed adultery with her, [the adulterer] shall be made to pay 20 rupees to her [aggrieved] husband. That woman and her adulterer shall be fined 12 and 8 rupees [each]. If someone [from among the Enslavable castes] comes to complain that “such and such a person [from among the Enslavable castes] has had sexual intercourse with such and such an unmarried girl or widowed woman from among us. Cooked rice [touched by him] is unacceptable [for us]. He contaminated [our unmarried girl or widowed woman] through cooked rice”, [the offender] shall be fined 5 rupees. If he does not pay the amount of the fine, he shall, in accordance with the *Ain*, be imprisoned.

12. If someone from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste commits adultery with a married woman from an Enslavable caste whose status allows her husband to kill her adulterer according to the *Ain*, and if the aggrieved husband wants to kill her adulterer, he—whose father and forefathers have always had the customary right to kill their wives' adulterers—shall, in accordance with the *Ain*, be permitted to kill his wife's adulterer. He shall not

accrue blame [by doing so]. That person whose [father and forefathers] were never allowed to kill their wives' adulterers, shall not be allowed to kill his wife's adulterer. If he does so, he shall be executed—taking life for life. That woman who has sexual intercourse with her adulterer, irrespective of whether it is sexual intercourse with a person of a caste inferior or superior to her own, shall be enslaved after her aggrieved husband kills her adulterer.

13. If someone from any of the Sacred Thread-wearing or Non-enslavable Alcohol-drinking castes or the Enslavable castes from whose members water is acceptable, has sexual intercourse with a married woman from a Water-unacceptable [but Touchable] caste or Untouchable caste, he shall, in accordance with the *Ain*, be punished, but the aggrieved husband shall not be permitted to kill his wife's adulterer. If someone does so, he shall be executed—taking life for life.

Article 145: *misāṣatko*

(On Illicit Sexual Relations [among Newars])

Edition:

१. षतवातमा अधिदेषि मासिआयाका नेवार जात गैहमा पानि चलन्या सम्मका नेवार जातले मासिन्या षत गर्यामा इन्हेरुलाइ नमासिन्या नेवार जातका सरह सजाय गर्नु । अव उप्रान्त ज्यू नमासनु । कसैले मास्यो भन्या अजापुत्र मासन्यालाइ लेप्याका ऐन वमोजिम दंड सजाय गर्नु । पानि नचलन्या नेवार जातलाइ मासिन्या षतमा मासिन्छ ।

Translation:

1. Among the Newar castes whose members have been punished by enslavement for [certain] crimes in the past, if [such caste members] commit a crime punishable by enslavement, they shall be punished like subjects from Non-enslavable Newar castes, if they belong to a Newar caste from whom at least water is acceptable. From now on, they shall not be enslaved. If [anyone] enslaves them, he shall be punished in accordance with the regulations laid down for someone who enslaves a free person (*ajāputra*).²⁶⁵ Subjects who belong to a Water-unacceptable Newar caste shall be enslaved if they commit a crime punishable by enslavement.

265 See Ain-54 § 81.6.

Article 153: *ghaṭi badhi jātamā karaṇi garnyā māsinyāko*
(Sexual Intercourse with Members of Enslavable Alcohol-
drinking Castes)

Edition:

१. मासिन्या मतवालि जातले उपाध्या असल जैसि, रजपुत क्षत्रि तागाधारि जातका ११ वर्ष नाध्याका कन्या विधवाको राजि षुसिले करणि गरि भातमा वोर्याको रहेनछ भन्या १॥ वर्ष कैद गरि मासिदिनु । भातमा स्मेत् वोरेछ भन्या ३ वर्ष कैद गरि मासिदिनु । म्यादको डवल दिया लिनु । भोरमा पन्यालाइ पतिया गराइदिनु ।
२. मासिन्या मतवालि जातले देवभाजु तेहौत्या भट्ट मर्हट्टा नागर गुज्राति माहाराष्ट्र तैलंगि द्राविण मधिस्या देसि ब्राम्हण र विराना राजका अरू गैह ब्राम्हणका ११ वर्ष नाध्याका कन्या विधवाको राजि षुसिले करणि गरि भातमा वोरायाको रहेनछ भन्या १ वर्ष कैद गरि मासिदिनु । भातमा स्मेत् वोरेछ भन्या २ वर्ष कैद गरि मासिदिनु । भोरमा षान्यालाइ पतिया गराइदिनु ।
३. मासिन्या मतवाली जातले दशनाम जोगि जंगम संन्यासि सेवडा वैरागि कानफट्टा नानक उदासि वधर गैह भेष धारि र ३ लिंग देषिका जैसि डोट्याल जैसि जुमलि जैसि जात गैहका ११ वर्ष नाध्याको कन्या विधवाको राजि षुसिले करणि गरि भातमा वोरायाको भया पनि नभया पनि मासिदिनु । भोरमा षान्यालाइ पतिया गराइदिनु ।
४. मासिन्या मतवालि जातले नमासिन्या मतवालि जातका ११ वर्ष नाध्याका कन्या विधवाको राजि षुसिले करणि गर्या भातमा पार्या पनि नपार्या पनि मासिदिनु । कैद हुंदैन ।
५. मासिन्या मतवालि जातले आफु मिल्दा मासिन्या मतवाली जातका अैनमा सजाय लेषियाका हाडनाता वाहेकमा र अरू कुटुम्बका ११ वर्ष नाध्याका कन्या विधवाको राजि षुसिले करणि गरि भातमा वोर्याको रहेनछ भन्या षतवात लाग्दैन । भातमा वोर्यो भनि कोहि कराउन आया ५ रुपैया दंड गर्नु ।

Translation:

1. If an Enslavable Alcohol-drinking caste member has consensual sexual intercourse with an unmarried girl or widow who is past the age of 11 and belongs to an Upādhyāya [Brahmin], Asala Jaisī, a Rajapūta, Kṣatriya or any other Sacred Thread-wearing caste, and if he has not contaminated [any of her fellow caste members] through cooked rice, he shall be imprisoned for 1½ years and then be enslaved. If he has contaminated [any of her fellow caste members] through cooked rice, he shall be imprisoned for 3 years and then be enslaved. If he pays double the fine in lieu of his prison term, it shall be accepted. Anyone who is accidentally [contaminated] shall be granted expiation.

2. If an Enslavable Alcohol-drinking caste member has consensual sexual intercourse with an unmarried girl or widow who is past the age of 11 and belongs to the Devabhājus, Tehraūte, Bhaṭṭa, Marahattā, Nāgara, Gujarātī, Mahārāṣṭra, Tailaṅgī, Draviḍa, Madhise, Deśī Brahmins or to any other Brahmin caste from foreign kingdoms, and if he has not contaminated [any of her fellow caste members] through cooked rice, he shall be imprisoned for 1 year and then be enslaved. If he has contaminated [any of her fellow caste members] through cooked rice, he shall be imprisoned for 2 years and then be enslaved. Anyone who has accidentally eaten cooked rice [from his hands] shall be granted expiation.

3. If an Enslavable Alcohol-drinking caste member has consensual sexual intercourse with an unmarried girl or widow who is past the age of 11 and belongs to an [ascetic group such as] Daśanāmī, Jogī, Jaṅgama, Sannyāsī, Sebaḍā, Vairāgī, Kanaphattā, Nānaka, Udāsī, Baghara or the like, who has put on the robe, or a Tīna-Liṅga-Jaisī, Doṭyāla or Jumlī Jaisī or the like, he shall, irrespective of whether or not he has contaminated [any of her fellow caste members] through cooked rice, be enslaved. Anyone who has accidentally eaten cooked rice [from his hands] shall be granted expiation.

4. If an Enslavable Alcohol-drinking caste member has illicit consensual sexual intercourse with an unmarried girl or widow who is past the age of 11 and belongs to a Non-enslavable Alcohol-drinking caste, he shall, irrespective of whether or not he has contaminated [any of her fellow caste members] through cooked rice, be enslaved. He shall not be imprisoned.

5. If an Enslavable Alcohol-drinking caste member has consensual sexual intercourse with an unmarried girl or widow who is past the age of 11 and belongs to a caste whose status is similar to his, or who is his distant relative, but no blood relative, and for whom punishment is written down in this *Ain's* [regulations] for Enslavable Alcohol-drinking castes, and if he has not contaminated [any of his fellow caste members] through cooked rice, he shall not be held accountable. If someone comes to complain that he has been contaminated through cooked rice, [the culprit] shall be fined 5 rupees.

Article 161: *kamārāko karaṇi*
(On [Illicit Sexual Intercourse with] a Slave)²⁶⁶

Edition:

१. कमाराले आफ्ना षसम्का स्वास्त्रि छोरि वुहारिको करणि गरेछ भन्या जवरजस्तिले भया पनि षुसि राजिले भया पनि तेस्ता कमारालाइ काटि मारिदिनु ।
२. कमारा कमारि गैह्रका हाडनातामा करणि सनबंधका कुरा परि आयामा भोद्व्या प्रजाका सरह वमोजिमका सजाय निसाफ गर्नु ।
३. मासिन्या जातकि छोरि आफुभंदा ठुला जात र आफु मिल्दा जातसंग करणि गरेको रहेछ । पछिवाट आफु वरावरका जातमा माइतिले रित नषाइ उसै लैगि स्वास्त्रि ल्यायाको रहेछ । त्यो पज्यानि कमारासित विग्रि भन्या मासिन्न । वेस्या ठहर्छे । पानि चल्न्या जातसंग²⁶⁷ भन्या वेस्या भयाकि हो ता पनि मासिन्छे ।
४. मासिन्या जातकि छोरि आफुभन्दा ठुला जात र आफु मिल्दा जातसंग करणि गर्याको रहेछ । पछिवाट आफु वरावरको कुटुम्बले आफ्ना जातको रित गरि विहा गरि लैगि दाल भात आफ्ना जात भाइले षायाको रहेछ भन्या त्यो स्वास्त्रि कमारासंग र पानि नचलन्या जातसंग विग्रि भन्या तेस्ता स्वास्त्रिलाइ मासिदिनु ।
५. मासिन्या जातकी कन्या विहा नगरि माइत घर वस्याकि आफुभंदा पल्ला जात र आफु वरावर जातसित करणि भै पछिवाट कमारासित करणि भयाको रहेछ भन्या पज्यानि पनि मासिन्न । कमारालाइ पनि दंड कैद पर्देन । त्यो पज्यानि वेस्या ठहर्छे ।
६. नमासिन्या मतवालि जातका विधवा र कन्यालाइ मासिन्या जातले करणि गर्यो भन्या तेस्तालाइ मासि आफ्ना अमालिले छिन्यो भन्या अमालको हुन्छ । अमालिले छिन्न नसकि अदालत ठानामा आयो भन्या अदालत ठानाको हुन्छ ।
७. मासिन्या जातकि कन्या अरूसंग नविग्रि कमारासित विग्री भन्या मासिन्छे ।
८. कसैका वाधा वधेत्यानिले मासिन्या षत गरि मासियो भन्या जौना अम्बलका वाधा वधेत्यानि हुन् उसै अम्बलका अमालिले पाउछन् । वाधा वधेत्यानिका वावु आमा वस्याका ठाउका अमालिले पाउदैनन् । वाधा वधेत्यानिको थैलि साहुको पर सारि मासियाका ज्यू अमालिले लिनु ।
९. मासिन्या जातले मासिन्या षत् गरि मासियो । नमासिंदै अघि विहा गर्याकि उसकी स्वास्त्रि रहिछ । लोग्न्या षतवातले मासियो तापनि विहाइतै लोग्न्या हो म तेसै लोग्न्यासितै जान्छु भन्या जान पाउछे । षतवात लाग्दैन । तेस स्वास्त्रिवाट जन्म्याका सन्तान अजापुत्रहरू ठहर्छन् । उससित षुसले वस्छे भन्या वस्त्र पाउछे । षुसि राजिले अर्कासित पोइल गै भन्या लैजान्यालाइ षतवात लाग्दैन ।

266 Ain-54 gives only *kamārāko* as title for this Art., whereas it is *kamārāko karaṇi* in Ain-54-JF. Since this Art. deals with sexual offenses of slaves and not with the topic of slavery in general and is situated among other Articles dealing with sexual offences, we take the heading from Ain-54-JF.

267 Om., read: *bigryā* (Ain-54-JF).

१०. ब्राह्मण लगायेत् चार वर्ष छत्तिसै जातका कमाराले र घरमा करिया भै रह्याका षवास्याले तागाधारि जात गैहका ११ वर्ष मनिका कन्या विधवा सधवाको करणि गर्न्या जवरजस्ति ठहर्छ । सधवाको करणि गर्न्या अैन वमोजिम् साधुको पुसि । कन्या र विधवाको करणि गर्न्या षवास्या र कमारालाइ काटि मारिदिनु ।

११. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष मनिका कन्या विधवा सधवाको करणि गरेछ भन्या कमाराले करणि गर्दा स्वास्तिका जात मिल्दाले विहावरी गर्न्या रहेनछन् तेस्का हातको भात षाजा चलन्या रहेनछ गलज्या पनि नहुन्या रहिछ भन्या करणि गर्न्या जवरजस्ति ठहर्छ । सधवा भया जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र कन्या विधवाको करणि गरेछ भन्या तेस्ता षवास्या र तागाधारि जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको चौवर दिया रुपैया लिनु । म्याद पुग्यापछि षसमका जिम्मा गरि छोडिदिनु । नमासिन्या मतवालि र मासिन्या जातका कमारालाइ दामल गर्नु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातका कमारालाइ काटि मारिदिनु ।

१२. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष मनिका कन्या विधवा सधवाको करणि गरेछ भन्या कमाराले करणि गर्दा स्वास्तिको प्रायश्चित्त गरि भात षाजामा चलन्या रहेछ । जाति मिल्दाले विहावरी गर्न्या रहेनछन्²⁶⁸ । गलज्याको प्रायश्चित्त गरि जातमा आउन्या रहिछ भन्या जवरजस्ति ठहर्नाले सधवाको करणि गर्न्या जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र कन्याको करणि गरेछ भन्या षवास्या र तागाधारि जातका नमासिन्या मतवालि जातका कमारालाइ ६ वर्ष कैद गर्नु । मासिन्या जातका कमारालाइ १२ वर्ष कैद गर्नु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातका कमारालाइ काटि मारिदिनु ।

१३. कमाराले र घरमा करिया भै रह्याका षवास्याले मासिन्या पर्जा जातका ११ वर्ष मनिका कन्या सधवा विधवाको करणि गरेछ भन्या जवरजस्ति ठहर्छ । सधवाको करणि गरेछ भन्या जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र कन्या विधवाको करणि गर्न्या षवास्या र तागाधारि जात नमासिन्या मतवालि जातका कमारालाइ ६ वर्ष कैद गर्नु । मासिन्या जातका कमारालाइ ७ वर्ष कैद गर्नु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातका कमारालाइ दामल गर्नु । जवरजस्ति हुनाले स्वास्ति मासिन ।

१४. कमारा र घरमा करिया भै रह्याका षवास्याले पानि नचलन्या छोया छिटो हालनु नपर्न्या जातका ११ वर्ष मनिका सधवा विधवा कन्याको करणि गरेछ भन्या जवरजस्ति ठहर्छ । सधवाको करणि गरेछ भन्या जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र कन्याको विधवाको करणि गरेछ भन्या षवास्या र तागाधारि जात नमासिन्या जात मासिन्या जातका कमारालाइ करणि गरि उस्का हातको भात पानि षाइ आफु मिल्दालाइ भातमा र अरूलाइ पानिमा वोरेछ भन्या ७ वर्ष कैद गरि उसै जातको १ अक्षर वाजा गालामा षोदि पानि वाहेक गरि षसम्का जिम्मा गरि छाडिदि²⁶⁹ । करणि गरि आफुले तेस्का हातको भात पानि

268 Read: *rahechan* (Ain-54-JF).

269 Read: *chāḍidīnu*.

षायाको रहेनछ भन्या ६ वर्ष कैद गरि म्याद पुग्यापछि षसम्का जिम्मा गरिदिनु । पानि चलछ । पतिया दिनु । पानि नचलन्या जातमा छिटो हालनु नपर्न्या जातले करणि गरेछ भन्या ७ वर्ष कैद गर्नु । छिटो हालन पर्न्या जातले भया ८ वर्ष कैद गर्नु । म्यादको चौवर दिया रुपैया लिनु । म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । जवरजस्ति हुनाले स्वास्त्रि मासिन ।

१५. कमाराले र घरमा करिया भै रह्याका षवास्याले छोया छिटो हालनु पर्न्या जातका ११ वर्ष मनिका कन्या सधवा विधवाको करणि गरेछ भन्या जवरजस्ति ठहर्छ । करणि गर्न्या षवास्यार तागाधारि नमासिन्या मतवालि जात छोया छिटो हालनु नपर्न्या जातका कमाराले करणि गरि अरूलाइ पानिमा र आफु मिल्दालाइ भातमा वोरेछ भन्या ७ वर्ष भात पानिमा वोरेको नभया ६ वर्ष कैद गरि उसै जातको १ अक्षर वाजा गालामा षोदि पानि वाहेक गरि षसम्का जिम्मा गरि छाडिदिनु । छोया छिटो हालनु पर्न्या जातका कमारालाइ ७ वर्ष कैद गर्नु । म्यादको चौवर दिया रुपैया लिनु । नतिर्या कैद गरि म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । जवरजस्ति हुनाले स्वास्त्रि मासिन्न ।

१६. ब्राह्मण लगायेत् वार वर्ण छत्तिस जातका कमाराले घरमा करिया भै रह्याका षवास्याले तागाधारि जात गैहका ११ वर्ष नाघ्याका कन्या विधवा सधवालाइ लागु पुवाइ वाधि मुष थुनि २।३ जाना मिलि करणि गर्यो वा एति कुरा गरि एकलैले करणि गर्यो भन्या जवरजस्ति ठहर्छ । सधवा भया अैन वमोजिम् साधुको पुसि । विधवा र कन्या भया करणि गर्न्या षवास्यार कमारालाइ दामल गर्नु ।

१७. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष नाघ्याका कन्या र सधवा विधवालाइ लागु पुवाइ होस् वाधि हवस् मुष थुनि २।३ जना मिलि करणि गर्यो वा एति कुरा गरि एकलैले करणि गर्यो भन्या जवरजस्ति ठहर्छ । सधवा भया जार हान्या जातको अैन वमोजिम् साधुको पुसि । विधवा कन्या भया जार नहान्या जातका सधवाको करणि गरेछ भन्या तेस स्वास्त्रिलाइ षवास्यार कमाराले करणि गर्यापछि जात मिल्दाले विहा गर्न्या रहेनछ तेस्का हातको भात षाजा चलन्या रहेनछ गलज्या पनि हुन्या रहिनछ भन्या त्यो षवास्यार तागाधारि जातको कमारा भया ६ वर्ष नमासिन्या मतवालि जातको कमारो भया ८ वर्ष मासिन्या जातको भया १२ वर्ष कैद गर्नु । म्यादको चौवर दिया रुपैया लिनु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातको कमारो भया दामल गर्नु ।

१८. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष नाघ्याका कन्या र सधवा विधवालाइ लागु पुवाइ वाधि मुष थुनि २।३ जना मिलि करणि गर्यो वा एति कुरा एकलैले करणि गरि गर्यो भन्या जवरजस्ति ठहर्छ । सधवा भया जार काटन्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र विधवा कन्या भया तेस स्वास्त्रिलाइ कमाराले करणि गर्यापछि जात मिल्दाले विहावारि गर्न्या रह्याछन् प्रायेश्चित्त गरि भात षाजा चलन्या रहेछ गलज्याको प्रायेश्चित्त गरि जातमा आउन्या रहिछ भन्या षवास्यार तागाधारि जातको कमारो भया १॥ वर्ष कैद गर्नु । नमासिन्या मतवालि जातको कमारो भया २ वर्ष मासिन्या जातको कमारो भया ३ वर्ष कैद गर्नु । म्यादको दवल् दिया लिनु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातको कमारो भया दामल गर्नु ।

१९. कमाराले र घरमा करिया भै रह्याका षवास्याले मासिन्या जातका ११ वर्ष नाघ्याका कंन्या र विधवा सधवालाइ लागु पुवाइ वाधि मुष थुनि २।३ जाना मिलि करणि गर्ग्या वा एति कुरा गरि एकैले करणि गर्ग्यो भन्या जवरजस्ति ठहर्छ । सधवा भया जार हान्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र विधवा कंन्याको करणि गर्ग्या षवास्या र तागाधारि जातको कमारो र नमासिन्या जातका कमारालाइ ३ वर्ष मासिन्या जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको डवल् दिया लिनु । पानि नचलन्या र छोया छिटो हालनु पर्न्या जातका कमारालाइ दामल गर्नु । जवरजस्ति ठहर्नाले स्वास्त्रि मासिन्न ।

२०. कमाराले र घरमा करिया भै रह्याका षवास्याले पानि नचलन्या जातमा छोटो छिटो हालनु नपर्न्या जातका ११ वर्ष नाघ्याका कंन्या विधवा सधवालाइ लागु पुवाइ वाधि मुष थुनि २।३ जना मिलि करणि गर्ग्यो वा एति कुरा गरि एकैले करणि गर्ग्यो भन्या जवरजस्ति ठहर्छ । सधवा भया जार हान्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा विधवा कंन्याको करणि गर्ग्या षवास्या र तागाधारि नमासिन्या मासिन्या जातका कमाराले करणि गरि आफु मिल्दालाइ भातमा र अरूलाइ पानिमा वोरेछ भन्या ३ वर्ष कैद गरि उसै जातको १ अक्षर वाजा गालामा षोदि पानि वाहेक गरि छाडिदिनु । करणि गरि आफुले उस्का हातको भात पानि षायाको रहेनछ भन्या १ वर्ष कैद गरि म्याद पुग्यापछि षसम्का जिम्मा गरिदिनु । पानि चल्ल्छ । पतिया दिनु । छोटो छिटो हालनु नपर्न्या जातका कमाराले भया ६ वर्ष कैद गर्नु । छिटो हालनु पर्न्या जातका कमारालाइ ७ वर्ष कैद गर्नु । म्यादको डवल् दिया लिनु । जवरजस्ति ठहर्नाले स्वास्त्रि मासिन्न ।

२१. कमाराले र घरमा करिया भै रह्याका षवास्याले भया छिटो हालनु पर्न्या जातका ११ वर्ष नाघ्याका कंन्या सधवा विधवालाइ लागु पुवाइ वाधि मुष थुनि २।३ जना मिलि करणि गर्ग्यो वा एति कुरा गरि एकैले करणि गर्ग्यो भन्या जवरजस्ति ठहर्छ । जार हान्या जातका सधवा भया अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा र कंन्या विधवाको करणि गर्ग्या षवास्या र तागाधारि नमासिन्या मासिन्या छोटो छिटो हालनु नपर्न्या जातका कमाराले करणि गरि आफ्ना जातलाइ भातमा र अरूलाइ पानिमा वोरेछ भन्या ३ वर्ष भात् पानिमा वोरेको रहेनछ भन्या १ वर्ष कैद गरि उसै जातको १ अक्षर वाजा गालामा षोदि पानि वाहेक गरि छाडिदिनु । छिटो हालनु पर्न्या जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको डवल् दिया लिनु । जवरजस्ति हुनाले स्वास्त्रि मासिन्न ।

२२. ब्राह्मण लगायेत् चार वर्ण छत्तिसै जातका कमाराले र घरमा करिया भै रह्याका षवास्याले तागाधारि जात गैहका ११ वर्ष नाघ्याका कंन्या सधवा विधवा को राजि पुसिले करणि गर्ग्या सधवा भया अैन वमोजिम् साधुको पुसि । विधवाको र कंन्याको करणि गर्ग्या षवास्या र कमारालाइ दामल गर्नु ।

२३. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष नाघ्याका सधवा विधवा कंन्याको राजि पुसिले करणि गरेछ भन्या सधवा भया जार हान्या जातको अैन वमोजिम् साधुको पुसि । जार नहान्या जातका सधवा विधवा कंन्याको कमाराले करणि गरि स्वास्त्रिका जात मिल्दाले विहावरि गर्ग्या रहेनछन् तेस्का हातको भात षाजा चलन्या रहेनछ गलंज्या पनि नहुन्या रहिछ भन्या तेस्ता षवास्या र तागाधारि जातका कमारालाइ ३ वर्ष कैद गर्नु । म्याद पुग्यापछि

षसका²⁷⁰ जिम्मा गरि छाडिदिनु । नमासिन्या मासिन्या मतवालि जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको चौवर दिया लिनु । पानि नचलन्या र छिटो हालनु पर्न्या जातका कमारालाइ दामल गर्नु ।

२४. कमाराले र घरमा करिया भै रह्याका षवास्याले नमासिन्या मतवालि जातका ११ वर्ष नाघ्याको कन्या सधवा विधवाको राजी पुसिले करणि गरेछ भन्या सधवा भया जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहांन्या जातका कन्या सधवा विधवाको करणि गरेछ भन्या इनुले करणि गरि स्वास्त्रिका हातको भात षाजा चलन्या रहेछ जात मिल्दाले विहावरि गर्न्या रहेछन् गलंज्याको प्रायश्चित्त गरि जातमा आउन्या रहीछ भन्या षवास्या तागाधारि जात र नमासिन्या मतवालि जातका कमारालाइ ३ वर्ष मासिन्या जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको डवल दिया रुपैया लिनु । म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । पानि नचलन्यालाइ र छोया छिटो हालनु पर्न्या जातका कमारालाइ दामल गर्नु ।

२५. कमाराले र घरमा करिया भै रह्याका षवास्याले मासिन्या जातका ११ वर्ष नाघ्याका कन्या सधवा विधवाको राजि पुसिले करणि गरेछ भन्या सधवा भया जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहांन्या जातका सधवा विधवा कन्याको करणि गरेछ भन्या तेस्ता षवास्या तागाधारि जात र नमासिन्या मतवालि जातका कमारालाइ १ वर्ष कैद गर्नु । मासिन्या जातका कमारालाइ ६ वर्ष कैद गर्नु । म्यादको डवल दिया लिनु । पानि नचलन्या र छिटो हालनु पर्न्या जातका कमारालाइ दामल गर्नु । स्वास्त्रिलाइ मासिदिनु । वेस्या भयाकि स्वास्त्रि रहिछ भन्या मासिन्न । करणि गर्न्या षवास्या र कमारालाइ पनि वात लाग्दैन ।

२६. कमाराले र घरमा करिया भै रह्याका षवास्याले पानि नचलन्या छोया छिटो हालनु नपर्न्या जातका ११ वर्ष नाघ्याका सधवा विधवा कन्याको राजि पुसिले [करणि गरेछ] । करणि गर्न्या षवास्या र तागाधारि जात नमासिन्या मासिन्या जातका कमारालाइ करणि गरि आफुले उस्का हातको भात पानि षाइ आफु मिल्दालाइ भातमा र अरूलाइ पानिमा वोरेछ भन्या १॥ वर्ष कैद गरि उसै जातको १ अक्षर वाजा गालामा षोदि पानि वाहेक गरि षसम्का जिम्मा गरि छाडिदिनु । करणि गरि आफुले उस्का हातको भात पानि षायाको रहेनछ भन्या १ वर्ष कैद गर्नु । म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । पानि चल्छ । पतिया गराइदिनु । पानि नचलन्या जातमा छिटो हालनु नपर्न्या जातले करणि गर्त्या ४ वर्ष छिटो हालनु पर्न्या जातले भया ६ वर्ष पानिमा पार्या ७ वर्ष कैद गर्नु । म्यादको चौवर दिया लिनु । म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । स्वास्त्रि मासिंछे ।

२७. कमाराले र घरमा करिया भै रह्याका षवास्याले छिटो हालनु पर्न्या जातका ११ वर्ष नाघ्याका कन्या विधवा सधवाको राजि पुसिले करणि गरेछ भन्या सधवा भया जार हांन्या जातको अैन वमोजिम् साधुको पुसि । जार नहांन्या जातका सधवा र विधवा कन्याको करणि गरेछ भन्या तेस्ता षवास्या र तागाधारि जात नमासिन्या मतवालि जात मासिन्या मतवालि जात पानि नचलन्या जातका कमाराले करणि गरि आफु मिल्दालाइ भातमा र अरूलाइ पानिमा वोरेछ भन्या १॥ वर्ष कैद गर्नु । भात पानिमा वोर्त्याको रहेनछ भन्या १ वर्ष कैद गरि उसै जातका १ अक्षर वाजा

गालामा षोदि पानि वाहेक गरि षसम्का जिम्मा गरि छाडिदिनु । छिटो हालनु पन्या जातका कमाराले करणि गर्या ४ वर्ष कैद गर्नु । म्याद पुग्यापछि षसम्का जिम्मा गरि छाडिदिनु । स्वास्त्रि मासिछे ।

२८. आफ्ना घरका वाधा कमाराले आफ्नै षसम्का स्वास्त्रि छोरि वुहारिहरूको करणि गरू भनि फकाउनाको आसये गरेछ वा फकाउन लायेछ भन्या २ वर्ष घर वाहेकका अरू षस्मिनी पन्याको करणि गरू भनि फकाउनाको आसये गरेछ वा फकाउन लायेछ भन्या १ वर्ष कैद गर्नु । म्यादका रुपैया दिया लि छाडनु ।

२९. कसैले कमारो छदामा मासिन्या जातकि छोरिको करणि गर्याको रहेछ । जाहेर भयाको रहेनछ । पछि पार भै घर्ति भयापछि उहि करणि जाहेर भयो भन्या सधवाको करणि गर्याको भया अैन वमोजिम् साधुको पुसि । कन्या विधवाको करणि गर्याको रहेछ भन्या ज्यू मासिदैन । करणि गरि भात्मा वोरि दियो भनि कराउन आया तेस घर्तिलाइ २० रुपैया दंड गर्नु । भातमा वोर्याको रहेनछ भन्या षतवात लाग्दैन ।

Translation:

1. If a slave has illicit sexual intercourse with his master's daughter or daughter-in-law, such a slave shall be executed—irrespective of whether it was rape or consensual.

2. If any legal dispute arises regarding incest of male or female slaves within their blood relations, the punishment and judgment shall be delivered which are applicable to Bhoṭe Parjā.

3. If an unmarried girl belonging to an Enslavable caste has illicit sexual intercourse with [a man] whose caste status is higher than or similar to her own, and if she, later on, has been taken as wife by [another man] from a caste similar to her own, without the maternal side accepting the customary gifts (*rita khānu*) [from that man], and if such a Parjā woman has illicit sexual intercourse with a slave, she shall not be enslaved. She shall be regarded as a common woman. If the illicit sexual intercourse was with a man belonging to a Water-acceptable caste, she shall be enslaved, even if she is a common woman.

4. If an unmarried girl belonging to an Enslavable caste has illicit sexual intercourse with [a man] whose caste status is higher than or similar to hers, and if she, later on, has been married by [another] man from a caste similar to hers by following the customs of their own caste, and if [the bridegroom's] fellow caste members (*jāta bhāī*) have consumed cooked lentils and rice from [their] hands, and if such a woman has illicit sexual intercourse with a slave or a man belonging to a Water-unacceptable caste, she shall be enslaved.

5. If an unmarried girl belonging to an Enslavable caste who has been living at her parental house has illicit sexual intercourse with [a

man] whose caste status is higher than or similar to hers, and if, later on, she has illicit sexual intercourse with a slave, she shall neither be enslaved nor shall the slave be fined or imprisoned. She shall be regarded as a common woman.

6. If someone belonging to an Enslavable caste has illicit sexual intercourse with a widow or an unmarried girl belonging to a Non-enslavable caste, such a person shall be enslaved, and he shall become [the property] of the *amāla* office, if the dispute is settled by the *amālī* official of the respective place. If the *amālī* is unable to settle the dispute, and it is forwarded to an *adālata* or *ṭhānā* office, he shall become the property of the *adālata* or *ṭhānā*.

7. If an unmarried girl belonging to an Enslavable caste has illicit sexual intercourse with a slave and not with someone else, she shall be enslaved.

8. If a male or female bondservant has been enslaved for committing a crime which is punishable by enslavement, the *amālī* of the respective place shall be entitled to take him or her into possession. The *amālī* of the place where the bondservant's parents live shall not be entitled to own the bondservant. The *amālī*, having paid the debt to the creditor, shall take the enslaved bondservant.

9. If someone belonging to an Enslavable caste has been enslaved for committing a crime which is punishable by enslavement, and if he has a wife whom he married with before being enslaved, she shall be permitted to live with him if she declares: "Although my husband is enslaved because of his crime, I will live with him since he is my ritually married husband." She shall not be held accountable. Offspring born to her shall be regarded as free persons. If she prefers to live with him, she shall be permitted to do so. If she, at her own will, runs off with another man, she shall not be held accountable.

10. If a slave from any of the Four Varṇas or Thirty-six castes, including Brahmins or a Khavāsa who has remained a domestic servant (*kariyā*), has illicit sexual intercourse with any unmarried, widowed or married girl below the age of 11 belonging to a Sacred Thread-wearing caste, it shall be considered rape. If it has happened with a married girl, the aggrieved husband shall decide in accordance with the *Ain* [whether he kills his wife's paramour or not]. The slave or Khavāsa who has illicit sexual intercourse with an unmarried girl or a widow shall be executed.

11. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, widowed or married girl

below the age of 11 belonging to a Non-enslavable Alcohol-drinking caste, it shall be considered rape if men equal to her caste will not marry her, if her fellow caste members will not accept cooked rice from her hands, and if she is not pregnant. If she is married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual intercourse with a married girl whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried or widowed girl, such a Khavāsa or slave of a Sacred Thread-wearing caste shall be imprisoned for 6 years. If he pays four times the amount of the fine in lieu of his imprisonment, it shall be accepted. He shall be handed over to the custody of his master after the prison term is over. The slave belonging to a Non-enslavable Alcohol-drinking or Enslavable caste shall be punished by *dāmala*. The slave [or Khavāsa] belonging to a Water-unacceptable but Touchable or an Untouchable caste shall be executed.

12. If a slave or a Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, widowed or married girl below the age of 11 belonging to a Non-enslavable Alcohol-drinking caste, it shall be considered rape if the girl may be accepted for cooked rice by her fellow caste members after she undertakes penance, if men equal to her caste may marry her, and if she may regain her caste status after undertaking penance for her pregnancy. If he has illicit sexual intercourse with a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain*. If he has illicit sexual intercourse with a married girl whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried girl, such a Khavāsa or a slave from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste shall be imprisoned for 6 years. The slave belonging to an Enslavable caste shall be imprisoned for 12 years. The slave or [Khavāsa] belonging to a Water-unacceptable but Touchable or an Untouchable caste shall be executed.

13. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, married or widowed girl below the age of 11 belonging to an Enslavable caste, it shall be considered rape. If he has illicit sexual intercourse with a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual intercourse with

a married girl whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried or widowed girl, such a Khavāsa or slave from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste shall be imprisoned for 6 years. The slave belonging to an Enslavable caste shall be imprisoned for 7 years. The slave [or Khavāsa] belonging to a Water-unacceptable but Touchable or an Untouchable caste shall be punished by *dāmala*. Since it is a rape, the woman shall not be enslaved.

14. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with a married, widowed or unmarried girl below the age of 11 belonging to a Water-unacceptable but Touchable caste, it shall be considered rape. If he has illicit sexual intercourse with a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual intercourse with a married girl whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried or widowed girl, and if he has consumed cooked rice and water from her hands after the illicit sexual intercourse, and if he has contaminated fellow caste members equal to him through cooked rice and others through water, he shall be imprisoned for 7 years, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water together with his fellow caste members, and he shall be handed over to his master's custody. If he has not consumed cooked rice and water from her hands after the illicit sexual intercourse, he shall be imprisoned for 6 years and shall be handed over to his master's custody after his prison term is over. Water may be accepted from his hands, thus he shall be granted water expiation. Among the Water-unacceptable castes, if [a slave] belonging to a Water-unacceptable but Touchable caste has illicit sexual intercourse [with a woman of a caste equal in status to his own], he shall be imprisoned for 7 years. If [a slave] belonging to an Untouchable caste has illicit sexual intercourse [with a woman belonging to a Water-unacceptable but Touchable caste], he shall be imprisoned for 8 years. If four times the amount of the fine is paid in lieu of his imprisonment, it shall be accepted. [Such a culprit] shall be handed over to his master's custody after his prison term is over. Since it is a rape, the woman shall not be enslaved.

15. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, married or widowed girl

below the age of 11 belonging to an Untouchable caste, it shall be considered rape. If a Khavāsa or the slave from a Sacred Thread-wearing, Non-enslavable Alcohol-drinking or [Water-unacceptable but] Touchable caste has contaminated fellow caste members equal to him through cooked rice and others through water after the illicit sexual intercourse, he shall be imprisoned for 7 years. If he has not contaminated [others] through water, he shall be imprisoned for 6 years, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water together with his fellow caste members, and he shall be handed over to his master's custody. The slave who belongs to an Untouchable caste shall be imprisoned for 7 years. If four times the amount of the fine is paid [in lieu of imprisonment], it shall be accepted. If the amount of the fine is not paid, he shall be imprisoned and be handed over to his master's custody after his prison term is over. Since it is a rape, the woman shall not be enslaved.

16. If a slave belonging to any of the Four Varṇas and Thirty-six castes, including Brahmins, or a Khavāsa who has remained a domestic servant, has illicit sexual intercourse with an unmarried, widowed or married woman belonging to a Sacred Thread-wearing caste and who is past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a married woman, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If she is a widow or an unmarried woman, the Khavāsa or slave shall be punished by *dāmala*.

17. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, married or widowed woman belonging to a Non-enslavable Alcohol-drinking caste and who is past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If she is widowed or unmarried or married [to a man] of a caste not bearing the right to kill his wife's paramour, such a Khavāsa or slave from a Sacred Thread-wearing caste shall be imprisoned for 6 years if fellow caste members equal in status to that woman will not marry her, if her fellow caste members will not accept cooked rice from her hands and if she is not pregnant. If the slave belongs to a Non-enslavable Alcohol-drinking caste, he shall be imprisoned for 8 years. If he belongs

to an Enslavable caste, he shall be imprisoned for 12 years. If he pays four times the amount of the fine [in lieu of imprisonment], it shall be accepted. If the slave belongs to a Water-unacceptable but Touchable or an Untouchable caste, he shall be punished by *dāmala*.

18. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, married or widowed woman belonging to a Non-enslavable Alcohol-drinking caste and who is past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If she is a woman married [to a man] of a caste not bearing the right to kill his wife's paramour, or is widowed or unmarried, such a Khavāsa or slave from a Sacred Thread-wearing caste shall be imprisoned for 1½ years, if men of equal status to her caste status may marry her after the illicit sexual intercourse, if she may be accepted for cooked rice by her fellow caste members after she undertakes penance, and if she may re-join her caste after undertaking penance for her pregnancy. If such a slave belongs to a Non-enslavable Alcohol-drinking caste, he shall be imprisoned for 2 years, and if he belongs to an Enslavable caste, he shall be imprisoned for 3 years. If he pays twice the amount of the fine in lieu of the prison term, it shall be accepted. If he belongs to a Water-unacceptable but Touchable or an Untouchable caste, he shall be punished by *dāmala*.

19. If a slave or a Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, widowed or married woman belonging to an Enslavable caste and past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If she is a woman married [to a man] of a caste not bearing the right to kill his wife's paramour, or is widowed or unmarried, such a Khavāsa or the slave from a Sacred Thread-wearing or Non-enslavable caste shall be imprisoned for 3 years. If he belongs to an Enslavable caste, he shall be imprisoned for 6 years. If he pays twice the amount of the fine in lieu of the prison term, it shall be accepted. If he belongs to a Water-unacceptable but Touchable or an Untouchable caste, he shall be punished by *dāmala*. Since it is a rape, the woman shall not be enslaved.

20. If a slave or Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried girl, widow or married woman belonging to a Water-unacceptable but Touchable caste and past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If a Khavāsa or a slave from a Sacred Thread-wearing, Non-enslavable or Enslavable caste has illicit sexual intercourse with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with a widow or unmarried girl, and if he has contaminated fellow caste members equal in status to him through cooked rice and others through water, he shall be imprisoned for 3 years, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water together with his fellow caste members and he shall then be set free. If he has not consumed cooked rice and water from her hands after the illicit sexual intercourse, he shall be imprisoned for 1 year and shall be handed over to his master's custody after his prison term is over. Water may be accepted from his hands, thus he shall be granted water expiation. If the slave belongs to a [Water-unacceptable but] Touchable caste, he shall be imprisoned for 6 years, and if he belongs to an Untouchable caste, he shall be imprisoned for 7 years. If twice the amount of the fine is paid in lieu of his imprisonment, it shall be accepted. Since it is a rape, the woman shall not be enslaved.

21. If a slave or a Khavāsa who has remained a domestic servant has illicit sexual intercourse with an unmarried, widowed or married woman belonging to an Untouchable caste and past the age of 11 by intoxicating her, by tying her up or by gagging her, whether jointly with 2–3 people or alone, it shall be considered a rape. If she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If a Khavāsa or a slave from a Sacred Thread-wearing, Non-enslavable, Enslavable or a Touchable [but Water-unacceptable] caste has illicit sexual intercourse with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried or widowed woman, and if he has contaminated fellow caste members equal in status to him through cooked rice and others through water, he shall be imprisoned

for 3 years—if he has not contaminated them through cooked rice and water, for 1 year—, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water together with his fellow caste members, and he shall be set free. If the slave belongs to an Untouchable caste, he shall be imprisoned for 6 years, and if twice the amount of the fine is paid in lieu of his imprisonment, it shall be accepted. Since it is rape, the woman shall not be enslaved.

22. If a slave belonging to any of the Four Varṇas and Thirty-six castes, including Brahmins, or a Khavāsa who has remained a domestic servant, has illicit consensual sexual intercourse with an unmarried girl, a married woman or widow belonging to a Sacred Thread-wearing caste and past the age of 11, and if she is a married woman, the aggrieved husband shall decide [how he punishes his wife's paramour]. The Khavāsa or the slave who has had illicit sexual intercourse with a widowed or unmarried woman shall be punished by *dāmala*.

23. If a slave or a Khavāsa who has remained a domestic servant has illicit consensual sexual intercourse with a married woman, widow or an unmarried girl past the age of 11 and belonging to a Non-enslavable Alcohol-drinking caste, and if she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual intercourse with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with a widowed or an unmarried woman, such a Khavāsa or slave from a Sacred Thread-wearing caste shall be imprisoned for 3 years, if men of castes equal in status to her caste will not marry her, if her fellow caste members will not accept cooked rice from her hands, and if she is not pregnant. After his prison term is over, he shall be handed over to his master's custody. The slave belonging to an Enslavable or a Non-enslavable Alcohol-drinking caste shall be imprisoned for 6 years. If he pays four times the amount of the fine [in lieu of imprisonment], it shall be accepted. The slave belonging to a Water-unacceptable but Touchable or an Untouchable caste shall be punished by *dāmala*.

24. If a slave or a Khavāsa who has remained a domestic servant has illicit consensual sexual intercourse with an unmarried, married or widowed woman who is past the age of 11 and belongs to a Non-enslavable Alcohol-drinking caste, and if she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved

husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with an unmarried girl or widow, such a Khavāsa or slave from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste shall be imprisoned for 3 years, and if he belongs to an Enslavable caste, for 6 years, if her fellow caste members may accept cooked rice from her hands, men of a caste equal to her caste in status may marry her, and if she may re-join her caste after she undertakes expiation for her pregnancy. After his prison term is over, he shall be handed over to his master's custody. If he pays twice the amount of the fine [in lieu of imprisonment], it shall be accepted. He shall be handed over to his master's custody after his prison term is over. The slave belonging to a Water-unacceptable but Touchable or an Untouchable caste shall be punished by *dāmala*.

25. If a slave or a Khavāsa who has remained a domestic servant has illicit consensual sexual intercourse with an unmarried, married or widowed woman past the age of 11 and belonging to an Enslavable caste, and if she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain*. If he has illicit sexual intercourse with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with a widowed or an unmarried woman, such a Khavāsa or slave from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking caste shall be imprisoned for 1 year. The slave who belongs to an Enslavable caste shall be imprisoned for 6 years. If he pays twice the amount of the fine [in lieu of imprisonment], it shall be accepted. The slave who belongs to a Water-unacceptable or an Untouchable caste shall be punished by *dāmala*. The woman shall be enslaved. If the woman is a common woman, neither the Khavāsa nor the slave shall be held accountable.

26. If a slave or a Khavāsa who has remained a domestic servant has illicit consensual sexual intercourse with a married woman, widow or unmarried girl who is past the age of 11 and belongs to a Water-unacceptable but Touchable caste, and if he has contaminated fellow caste members equal to him in status through cooked rice and others through water, such a Khavāsa or slave from a Sacred Thread-wearing, Non-enslavable or Enslavable caste shall be imprisoned for 1½ years, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water together with his

fellow caste members, and he shall be set free and be handed over to his master's custody. Water may be accepted from his hands, he shall be granted expiation with respect to water. If the deed has been committed by a slave who belongs to a Water-unacceptable but Touchable caste, he shall be imprisoned for 4 years, and if it was committed by a slave who belongs to an Untouchable caste, he shall be imprisoned for 6 years. If he has contaminated the woman through water, he shall be imprisoned for 7 years. If he pays four times the amount of the fine [in lieu of imprisonment], it shall be accepted. He shall be handed over to his master's custody after his prison term is over. The woman shall be enslaved.

27. If a slave or a Khavāsa who has remained a domestic servant has illicit consensual sexual intercourse with a married woman, widow or unmarried girl who is past the age of 11 and belongs to an Untouchable caste, and if she is a woman married [to a man] of a caste bearing the right to kill his wife's paramour, the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he has illicit sexual intercourse with a married woman whose husband belongs to a caste not bearing the right to kill his wife's paramour or with a widowed woman, such a Khavāsa or slave from a Sacred Thread-wearing or Non-enslavable Alcohol-drinking, Enslavable Alcohol-drinking or Water-unacceptable but Touchable caste shall be imprisoned for 1½ years, if he has contaminated fellow caste members equal in status to his caste through cooked rice and others through water. If he has not contaminated [anyone] through cooked rice or water, he shall be imprisoned for 1 year, the first letter of the caste [name] of that woman shall be branded on his left cheek, he shall be deprived of his right to drink water with his fellow caste members, and he shall be set free and be handed over to his master's custody. If the slave who belongs to an Untouchable caste has such illicit sexual intercourse, he shall be imprisoned for 4 years. He shall be handed over to his master's custody after his prison term is over.

28. If a bondservant or a slave tries to convince his master's wife, daughter or daughter-in-law to have illicit sexual intercourse with him or if he asks somebody else to persuade her [on his behalf] for this purpose, he shall be imprisoned for 2 years. If he has tried to convince someone else other than his master's wife for this purpose or he asks somebody else to convince her, he shall be imprisoned for 1 year. If he pays the amount in lieu of his prison term, it shall be accepted and he shall be set free.

29. If someone has illicit sexual intercourse with a woman belonging to an Enslavable caste when he is still a slave, and if it has not been reported before, and if such illicit sexual intercourse is reported after he has been emancipated and has become a [member of the] Ghartī caste, and if the woman is married [to a man], the aggrieved husband shall decide in accordance with the *Ain* [how he punishes his wife's paramour]. If he had illicit sexual intercourse with an unmarried or widowed woman, he shall not be enslaved [again]. If [the woman] comes to complain that he has contaminated her through cooked rice after the illicit sexual intercourse, such a Ghartī shall be fined 20 rupees. If he has not contaminated her through cooked rice, he shall not be held accountable.

Article 162: *bādhāko karaṇi*

(On [Illicit Sexual Intercourse with] Bondservants)²⁷¹

Edition:

१. पानि चलन्या जातका वाधाले आफु वाधा वस्याका घरका षस्मीनि छोरि वुहारि स्वास्त्रिको जवरजस्ति करणि गरेछ भन्या जवरजस्ति करणि गर्न्याका ऐन वमोजिम् मा डेढो वढाइ कैद गर्नु । कन्या विधवा सधवा स्वास्त्रिको षुसि राजिले करणि गर्न्याको भया जौना जातका वाधाले जौना जातका षस्मीनि स्वास्त्रिको करणि गर्न्याको छ उसै जातकालाइ लेष्याका ऐन वमोजिम्मा डेढो वढाइ कैद गर्नु । ११ वर्ष मनिका कन्या विधवाको करणि गरेछ भन्या डवलुका दरले कैद गर्नु ।
२. पानि चलन्या जातका वाधाले आफु वाधा वस्याका घरका षसम्का छोरि वुहारि स्वास्त्रि वाहेके अरूको करणि गर्न्याको भया ११ वर्ष मनिका हुउन् माथिका सधवा विधवा कन्याको जवरजस्ति करणि गर्न्याको भया ११ वर्ष माथिका स्वास्त्रिलाइ राजिषुसिले करणि गर्न्याको भया पनि जौना जातका वाधाले जौना जातका स्वास्त्रिको करणि गर्न्याको छ उसै जातलाइ लेषियाका ऐन वमोजिम् दंड सजाय कैद गर्नु ।
३. पानि चलन्या²⁷² छोरि हालनु नपन्या जातका वाधाले आफ्ना षसम्का स्वास्त्रि छोरि वुहारिको जवरजस्तिले करणि गर्न्या पनि राजि षुसिले करणि गर्न्या पनि ऐन वमोजिम्को अंस सर्वस्व गरि दसौद लि उपर तेसै स्वास्त्रिलाइ दिलाइ करणि गर्न्यालाइ दामल गर्नु ।

271 Ain-54 gives only *bādhāko* as title for this Art., whereas it is *bādhāko karaṇi* in Ain-54-JF. Since this Art. deals with the sexual offences of bondservants and not with the topic of debt bondage in general and is situated among other Articles dealing with sexual offences, we take the heading from Ain-54-JF.

272 Read: *nacalanyā* (Ain-54-JF).

४. पानि चलन्या²⁷³ छोया छिटो हालनु नपन्या जातका वाधाले आफ्ना षसम्का स्वास्त्रि छोरि वुहारि वाहेक अरू जातका स्वास्त्रिको जवरजस्तिले करणि गर्याको भया पनि षुसि राजिले भया पनि करणि गर्न्यालाइ जौना जातका स्वास्त्रिको करणि गर्याको छ उसै जातका स्वास्त्रिको करणि गर्न्यालाइ लेष्याका ऐन वमोजिम् दंड सजाय कैद गर्नु ।
५. छोया छिटो हालनु पन्या जातका वाधाले आफ्ना षसम्का स्वास्त्रि छोरि वुहारिको जवरजस्तिले करणि गरोस् षुसि राजिले करणि गरोस् करणि गर्न्यालाइ काटि मारिदिनु ।
६. छोया छिटो हालनु पन्या जातका वाधाले आफ्ना षसम्का स्वास्त्रि छोरि वुहारि वाहेक अरू जातका स्वास्त्रिको जवरजस्तिले करणि गर्याको भया पनि षुसि राजिले भया पनि करणि गर्न्यालाइ जौना जातका स्वास्त्रिको करणी गर्याको छ उसै जातका स्वास्त्रिको करणि गर्न्यालाइ लेष्याका ऐन वमोजिम् दंड सजाय कैद गर्नु ।
७. वाधाले आफु वाधा वस्याका घरका षस्मीनि छोरि वुहारिहरूमा २।३ जना स्वास्त्रिको करणि गर्या जौना जातका वाधाले जौन् जौन् जातका स्वास्त्रिको करणि गर्याको छ उसै जातका करणिका ऐन वमोजिम् सजाय गर्नु ।

Translation:

1. If a bondservant belonging to a Water-acceptable caste rapes his master's wife, daughter or daughter-in-law of the house where he is living as a bondservant, he shall be imprisoned by increasing [the term] to 1½ times that which is laid down in the *Ain's* [Art.] "On Rape".²⁷⁴ If he has illicit consensual sexual intercourse with an unmarried, widowed or married woman [of his master's house], the bondservant shall be imprisoned by increasing [the term] to 1½ times that which is laid down in the *Ain* for the respective castes, depending on the respective caste status [of the offenders].²⁷⁵ If he has such an illicit sexual intercourse with an unmarried girl or widow below the age of 11, he shall be imprisoned for twice the term.

2. If a bondservant belonging to a Water-acceptable caste has illicit sexual intercourse with a woman other than his master's daughter, daughter-in-law or wife [from the household] where he is living as a bondservant, irrespective of whether he rapes a married woman, widow or unmarried girl below or past the age of 11 or has consensual illicit sexual intercourse with a married woman past the age of 11, he shall be fined and imprisoned in accordance with what is laid down in the *Ain* for the respective castes.

273 Read: *nacalanyā* (Ain-54-JF).

274 See Ain-54 Art. 132–133.

275 See Ain-54 Art. 146–160.

3. If a bondservant belonging to a Water-unacceptable but Touchable caste rapes his master's wife, daughter or daughter-in-law, or if he has illicit consensual sexual intercourse with her, his property shall, in accordance with the *Ain*, be confiscated. Ten percent of [the confiscated property] shall be taken and be given to the woman. He shall be punished by *dāmala*.

4. If a bondservant belonging to a Water-unacceptable but Touchable caste rapes a woman other than his master's wife, daughter or daughter-in-law, or if he has illicit consensual sexual intercourse with her, he shall be fined and imprisoned in accordance with what is laid down in the *Ain* for the respective caste of the woman.

5. If a bondservant belonging to an Untouchable caste rapes his master's wife, daughter or daughter-in-law, or if he has illicit consensual sexual intercourse with her, he shall be executed.

6. If a bondservant belonging to an Untouchable caste rapes a woman other than his master's wife, daughter or daughter-in-law, or if he has illicit consensual sexual intercourse with her, he shall be fined and imprisoned in accordance with what is laid down in the *Ain* for the respective caste of the woman.

7. If a bondservant has illicit sexual intercourse with 2–3 women among his master's family, be it the wife, daughter or daughter-in-law of the house where he lives as a bondservant, then, depending on his caste the bondservant shall be punished in accordance with what is laid down in the *Ain* for illicit sexual intercourse for the respective castes.