

Part II

Edition and Translation

Introduction

As mentioned before,¹ the reprint edition of the MA published in 1965 (VS 2022) by the Ministry of Justice, His Majesty's Government of Nepal, is actually the first amended version of the 1854 *Ain* (i.e., MA-ED2). Nevertheless, the MA-ED2 has been referred to as the MA of 1854 by scholars who have dealt with different aspects of the *Ain*.² For example, A. Höfer's study on the caste system of the 1854 MA is based on the first amended version, which was prepared on the basis of a copy of it made between 1865 to 1867.³ J. Fezas's edition of the MA published in 2000 (i.e., MA-ED1) is so far the only publicly available text of the MA of 1854. Although J. Fezas presents the whole text including several Articles of the MA reconstructed on the basis of manuscripts kept in the NAK, his edition suffers, as pointed out by A. Michaels, from having failed to adhere to text-editing methodologies.⁴ For example, he records text variants by using different colours within the main text but does not tell the reader which variant he accepts. Also surprisingly, he changes all *vas* (व) into *bas* (ब), which is a common orthographic practice of Indic manuscripts written in Devanāgarī script. In short, he does not make his editorial principles clear. The MA of 1870 for its part has not so far been edited. Thus, a diplomatic edition of the Articles 'On Homicide' from both versions of the MA will be presented below, recording all the variants and editorial conjectures, emendations and so forth in footnotes, with the aim of making the main text as easily readable as possible.

The following manuscripts and editions have been used to prepare the present editions and translations of the Article 'On Homicide' of 1854's and 1870's MAs.

1 See Part I, 1.2.

2 For example, Edwards 1977: 120–124, K.K. Adhikari 1984 and Vaidya & Manandhar 1985.

3 See Höfer 2004: 1.

4 See Michaels 2005b: 1 fn. 3.

1 MA of 1854

1.1 Edition of the Ministry of Justice (MA-ED2)

Śrī 5 Surendra Vikrama Śāhadevako Śāsanakālamā baneko Mulukī Ain. Kathmandu: Śrī 5-ko Sarakāra, Kānuna tathā Nyāya Mantrālaya, VS 2022 (1965), 712 pp.—Chapter 64 (‘Jyānamārā’): p. 281–291.

This edition was prepared by H. M. G. Nepal, Ministry of Law and Justice, under the guidance of Sūrya Bahādura Thāpā, who later became the prime minister. The editors were aware of two manuscripts: one dating back to 1854 and another from the period between 1865–1967 (VS 1922–1924). Despite having access to the original 1854 copy, the editors decided to base their edition on the amended manuscript copy from 1865–1967.

According to the ministry (MA-ED2, Preface, p. 6), the later copy incorporated provisions that had been both added and deleted during that period. Therefore, it was deemed more appropriate for the publication of the *Ain*. Unfortunately, the main manuscript upon which MA1 is based could not be located. Fezas (2000: xlviii–xlix) suggests that this manuscript may belong to the C series of the NGMPP microfilms.

1.2 Jean Fezas’s edition (MA-ED1)

Le Code Népalais (Ain) de 1853, ed. by Jean Fezas, Torino: Comitato per la Pubblicazione del Corpus Juris Sanscriticum, 2 vols., 2000 (Corpus Juris Sanscriticum, vol. II; Sanskrit Series on Social and Religious Law, ed. by Oscar Botto).

This edition is based on:

1. MsA: This manuscript is believed to be from VS 1912–1918 (1855–1861?).⁵ It is currently preserved in the National Archives, Kathmandu under the Subject Number Ca.La.Na. 28/17. Although it lacks a title page, the catalogue card identifies it as ‘*Aina*.’ The manuscript, written in Devanāgarī script with occasionally faded black ink, is inscribed on fragile Nepalese paper in book form (measuring 34 × 25.5 cm). It begins on page 34r and ends on page 856v, with an unclear table of contents for the different chapters. Several

5 Cf. Fezas 2000: xxxii and xxxiii.

- pages are missing, and there are additional contributions by different scribes, suggesting its use in formulating an amended version.
2. MsB: This manuscript is dated approximately VS 1933 (1876)⁶ and is also housed in the National Archives, Kathmandu under the Subject Number Ca.La.Na. 28/18. It closely resembles MsA and consists of 678 pages. It includes an appendix of 32 pages titled Dhanakuṭā[-]aḍḍāke, which relates to the court of Dhanakuṭā. The manuscript's front page confirms that it was used by Yakṣa Vikrama Rāṇā, the illegitimate son of Bam Bahādura Rāṇā and a brother of Jaṅga Bahādura Rāṇā. Yakṣa Bikram Rāṇā utilized this copy in Dhaṅkuṭā, a significant frontier during the Rāṇā and Śāha periods in eastern Nepal.
 3. A manuscript from Gorkha: This manuscript, which Axel Michaels had microfilmed in 1983 during the NGMPP's first microfilming expedition outside the Kathmandu Valley, is stored under the reel number F 20/3 in the NGMPP. It is considered the oldest recension of the *Ain*, as stated by J. Fezas,⁷ who edited and translated it into French.
 4. Two smaller manuscripts containing Art. 0.1–0.3: The first one, NeBhā. 618, consists of only 135 pages and starts from page 11 with the initial section of the Article 'On Guṭhī Endowments.' The second manuscript, NGMPP Reel number E 1940/3, is part of a private collection and includes three Articles related to the throne, royal affairs, and ammunition.⁸

1.3 Manuscript, VS 1910 (MA 1854-MS1)

This manuscript, dated 1854, is kept in the National Archives, Kathmandu under the accession number (ca. la. nam. 2817). The catalogue card names the manuscript as *Ain* on the cover page. The manuscript is written on Nepalese paper in Devanāgarī script. Each section of the *Ain* has been stamped in attestation at its beginning and end. The size of the manuscript is 34 × 25.4 cm.

6 Fezas 2000: xxxv.

7 Fezas 2001: 11.

8 Fezas 2000: xxxix and xl.

2 MA of 1870

2.1 Manorañjana version, VS 1927 (MA-ED3)

Kathmandu: Manorañjana Press, VS 1927 (1870). 5 pts.: I (248 pp), II (200 pp), III (232 pp), IV (426 pp), and Addenda (132 pp)—Article ‘Jyānāmārāko:’ vol. 4.

2.2 NAK Manuscript 2, undated (MS2)

The manuscript was microfilmed by the NGMPP from a private collector under the running number 24615 and reel numbers E 1223/17 to 1224/1. The text has no title, but the catalogue card names it as ‘Mulukī Ain’ and puts it under the *dharmasāstra* category. The manuscript is incomplete and in many folios the letters are rubbed off. The following folios are missing: 15–16, 111–112, 207–208, 240–243, 298–301, 364–365, 378–379, 439–440, 447–448, 545–550, 567–570, 578–579, 625–626, 649–650, 667–668, 681–682, 687–688, 691–700, 701–744 and 757–794. Page no. 207 is filmed twice. The manuscript is copied on modern Nepalese paper bound in a modern book form 33 × 25 cm. in size.

Editorial Conventions

The texts have been transcribed as faithfully as possible so as to retain the orthographical features. The *nukta*-signs (as in ऋ, ॠ) and middle dots (•) have been silently ignored in the editions.⁹ *Daṇḍas* (|) have been supplied to the text as sentence breakers where necessary. - - - - Instances of such broken lines, whether long or short, are always indicated by three dashes (---). When it comes to word separation in pre-modern Nepalese documents, there is no explicit indication provided. As a result, the conventions of modern Nepali have been applied selectively, mainly for the purpose of enhancing clarity.

Round brackets () in the translation have been used for editorial explanations and square brackets [] for necessary additions.

9 The middle dots (•) sometimes function as word separators, but in many cases are used without any obvious purpose.

Editorial Signs in the Devanāgarī Texts

| | |
|-------|--------------------|
| < > | scribal addition |
| << >> | scribal deletion |
| [] | editorial addition |
| { } | editorial deletion |
| (...) | lacuna, breakage |
| () | uncertain reading |

A. Homicide Law: Editions

Edition of Article 64 of the *Ain* of 1854

ज्यानमाराको

१. [MS1 p. 282] उपाध्याय जैसि ब्राह्मण र तेह्रौत्या भट्ट गैह देसि ब्राह्मण कसैले मानिस मर्यामा¹ ऐनवमोजिमको² अंस सर्वस्व गरि दामल गर्नु ।

२. रजपूत जातले आफ्ना हाडनातामा र आफुभन्दा उपल्ला जातमा करणि चोरि गैह कुरा गर्यामा ऐनवमोजिम मुडिन्या दामल हुन्या कैद हुन्या दंड हुन्या सर्वस्व हुन्या हुन्छ । ज्यान जादैन । जारि गर्यामा साधुको पुसि जार काट्यो भन्या साधुलाइ षत लाग्दैन । रजपूतले मानिस मार्यो भन्या ज्यानको वदला ज्यान काटिन्छ ।

३. उपाध्याय ब्राह्मण जोगि भयाका जैसि वाहुन् जोगि भयाका रजपूत जोगि भयाका मावलिको पत्ता नलाग्याका जोगि भयाका र कसैसित नविग्र्याका उपाध्याका र जैसिका विधुइ दसनाम र जोगि जंगम सेवडाले ल्याइ जन्म्याका सन्तान औ वावु र मावलिको पत्ता नलाग्याका रमता फकिर कान चिर्याका कान फट्टा यस्ताले ज्यान जान्या तक्सिर³ गर्या भन्या ज्यानको वदला ज्यान लिनु । ऐनवमोजिम अंस सर्वस्व गरी दामल गर्नु ।

४. तागाधारि शत्रु गैह मतवालि शुद्र जात इन्हेरुका⁴ सन्तान दसनाम जोगि जंगम सेवडासित मुडियाका र इनैका कन्या विधवा वेस्या दसनाम जोगि जंगम सेवडाले ल्याइ तिनैवाट जन्म्याका सन्तान मुडियाकाले ज्यान मार्या भन्या ज्यानको वदला ज्यान लिनु ।

५. सवै थोक थाहा पाउन्या चतुरो जान्या मुषले बोलन नसकन्या लाटाले हतियार लट्टि हुंगाले हानि मानिस मार्या भन्या ज्यानको वदला ज्यान लिनु । गन्या नगन्या कुराको थाहा नपाउन्या ग्वांगाले मानिस मार्यो भन्या तेस्तालाइ १२ वर्ष कैद गर्नु ।

६. चार वर्ण छत्तिसै जात गैहका सधवा विधवा र ११ वर्षदेपिका कन्याले मानिस मार्या भन्या तेस्ता स्वास्त्रिलाइ दामल गर्नु । सर्वस्व नगर्नु ।

७. आफुले जन्मायाका छोराछोरि मान्या र आफ्नु लोगन्या मान्या चार वर्ण छत्तिसै जातका स्वास्त्रिलाइ दामल गरी हातगोडामा नेल हालि झैलषाना गोलघरमा राषि रोजको चार पैसा सिधा दिनु । बाहिर ननिकालनु ।

1 Throughout all editions, the ligature *ryā/ryo* (**र्या**) has been transcribed as र्यो/र्यो.

2 Throughout editions, both **ऐन** and ऐन्/ऐन have been transcribed as ऐन/ऐन्.

3 MA-ED2 *taktira*.

4 MA-ED2 *inhyerūkā*.

८. [MS1 p. 283] कसैले आफ्ना जगाजमिन नगद जिनिस चौपाया कमारा कमारि गैह्ण मुद्दामा झगरा भै कसैलाइ डेरै⁵ जना मिलि ज्यान मार्याको रहेछ भन्या मारौ भनि मतलव गर्न्या समातन्या १ हान्या १ मार भनि वचन दिन्या १ इ तिन जनाको ज्यानको बदला ज्यान लिनु । इदेपि वाहेक अरु छेकि छेकि कुटाइ मराउन्त्यालाइ दामल गर्नु । अन्यायमा अर्काको ज्यान मार्याको देपि नछुट्याइ हेरिरहन्यामा कुटन्या मान्या भंदा हेरि रहन्या⁶ डेरै रह्याछन् भन्या १६ वर्षदेपि माथिका ६५ वर्षसंमका जानकार जवानलाइ जनहि २०।२० रूपैया दंड गर्नु । कुटन्या मान्या भंदा देषन्या मानिस थोरै रह्याछन् भन्या जानकार हउन् वा वुढावुढि⁷ हउन्⁸ वालष हउन इन्हेरुलाइ षतवात लाग्दैन ।

९. कोहि लोगन्या मानिसले रात दिनका विचमा धनमालका लालचले भयो अरु केहि इविले भयो कसैलाइ मारौ भनि हतियारले हानि रोपि जहर विष पुवाइ ज्यान मान्या भिरभिरका रस्ता पोषरी गैह्णा षाडि इनार पोला जघार साघु झोलंगा पुल पर्षाल डुंगा रूप झ्याल कौसि छानावाट घच्याटि गर्धनि लगाइ षसाउन्त्या वगाउन्त्या यकलास्मा पक्रि पासो लाउन्त्या मुषमा माटो कपडा झारपात गैह्णले वुजो लाउन्त्या गरि मानिस मार्याको रहेछ भन्या इनमा मार भनि वचन दिन्या मान्यालाइ समातिदिन्या जति जना छन् तिन्हेरू हान्या र घच्याटिदिन्या पनि जति जना छन् तिनहेरू मान्या वेलासा सग गयाका भया पनि नगयाको⁹ भया पनि मान्याका पैन्हे मतलवको कुरा उठाइ मार भनि वचन दिन्या र हतियार दिन्या यतिको ज्यानको बदला ज्यान लिनु । भागला भनि विकट वरुया मारोस भनि वरिपरिवाट छेकिदिन्याहरुको ऐनवमोजिमको अंस सर्वस्व गरी दामल गर्नु । अरु मान्याका मतलवमा पस्याका मान्या ठाउमा पनि गयाका हतियार नचलाउन्त्या नछेकन्या नसमात्र्या यस्तायस्ता मतलविहरुलाइ अंस सर्वस्व गरी १२ वर्ष कैद गर्नु । मतलवमा पस्याका मान्या ठाउमा नजान्याहरुलाइ सर्वस्व गरी ६ वर्ष कैद गर्नु । म्यादको रूपैया¹⁰ डवल दिया पनि रूपैया लि नछाडनु । यति¹¹ विहोरा गरी स्वास्त्रि मानिसले ज्यान मार्याको रहेछ भन्या दामल गर्नु । यसै ऐनमा लोगन्या मानिसलाइ दामल् गर्नु भनि लेषियाका षतमा स्वास्त्रि मानिसले गर्याको रहेछ भन्या १२ वर्ष कैद गर्नु । अरु कैद हुन्या कुरामा स्वास्त्रि मानिसको सर्वस्व हुदैन । सर्वस्व नगरी लोगन्या मानिसलाइ लेष्याको कैदको आधि कैद गर्नु । स्वास्त्रिका म्यादका रूपैया दिया लि छाडिदिनु ।

१०. कोहि लोगन्या मानिसले कसैलाइ मारौ भनि हतियारले हान्यो जहर विष पुवायो भीरभिरका रस्ता गैह्णा षाडि पोषरी इनार पोला जघार साघु झोलंगा पुल¹² पर्षाल डुंगा रूप झ्याल कौसि छानावाट घच्याटि षसायी यकलास्मा पक्रि पासो लायो मुषमा माटो कपडा झारपात गैह्णको वुजो लायो र त्यो मानिस मरेन दैवसंयोगले वाच्यो वा गुहार पाइ वाच्यो वा इलाजहरुले वाच्यो भन्या इन्मा मार भनि वचन

5 Emend. *dherai*; MS1, MA-ED1, -ED2 *dherai*.

6 MA-ED1, -ED2 *heri rahanyāmā*.

7 MA-ED2 *vuḍhā*.

8 MA-ED2 omits *haun*.

9 MS1 omits *nagayāko*.

10 MA-ED2 omits *rupaiyā*.

11 MA-ED2 *yahi*.

12 MA-ED2 *jholagā pula*.

दिन्या मार्नालाइ समातिदिन्या जति छन् तिन्हेरु हांन्या र घच्याटन्या पनि जति छन् तिन्हेरु उस वेलामा सग गयाका भया पनि नगयाका भया पनि पैल्हे मतलवको कुरो उठाइ मार भनि वचन दिन्या यतिको ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । भागला भनि विकट वरुया र मारोस भनि वरिपरिवाट छेकन्याहरुलाइ ऐनवमोजिमको अंस सर्वस्व गरी ६ वर्ष कैद गर्नु । अरु मतलवमा पस्याका मान्या ठाउमा पनि नगयाका हतियार नचलाउन्या नछेकन्या नसमाउन्या यस्ता मतलविलाइ सर्वस्व गरी ३ वर्ष कैद गर्नु । मतलव गरि मान्या ठाउमा नगयाकालाइ र मतलव गर्याछन गर्न नपाइ जाहेर भयो भन्या तेस्तालाइ सर्वस्व गरी १॥ वर्ष गैद गर्नु । म्यादको रुपैया नलिनु । येहि विहोरा स्वास्त्रि मानिसले गर्याको रहेछ भन्या दामल हुन्या षतमा स्वास्त्रि मानिसलाइ १२ वर्ष कैद गर्नु । अरु विहोरामा स्वास्त्रि मानिस्को सर्वस्व हुदैन । सर्वस्व नलिनु । कैदमा लोगन्या मानिसलाइ लेष्याको कैदको आधि कैद गर्नु । स्वास्त्रि मानिसका म्यादका रुपैया दिया लि छाडिदिनु ।

११. [MS1 p. 284] विना हक्मा यक जनामाथि चार जना आइलाग्या र लात्तले लट्टिले कुटपिट गर्या तेसले ज्यू वचाउना निमित्त हतियार काढि पन्साउदा¹³ कोहि मर्यो भन्या तेसलाइ षतवात लाग्दैन । यक जना माथि वेहक्मा ३ जना आइलाग्या लात्तले लाठाले कुटपिट गर्या र तेसले हतियार चलायो र घाउ लाग्यो भन्या षतवात लाग्दैन ।

१२. कोहि लोगन्या मानिसले वा स्वास्त्रि मानिसले सुत्याका वेलामा वा विउझ्यामा¹⁴ लोगन्यालाइ हवस स्वास्त्रिलाइ हवस वालषलाइ हवस मारौं भनि रेटेछ घोचेछ हानेछ पत्थर मुडाले थिचेछ पासो लायेछ मुषमा वुजो लायेछ र ज्यान मरेछ भन्या पनि दैवसंयोगले वाचेछ भन्या पनि वाहुनु र ऐनवमोजिमका भेषधारिलाइ उस्को ऐनवमोजिमको अंस सर्वस्व गरि स्वास्त्रि मानिसलाइ सर्वस्व नगरि दामल गर्नु । अरु जातलाइ ज्यानको वदला ज्यान लिनु¹⁵ ।

१३. कसैले सबुद मानिसलाइ लट्टि हुंगाले हान्यो हान्याको घाउ पाकि निको नभै तेसैका पिडाले मर्यो भन्या तेस्को ज्यू काटिछ । तेस विचमा छेरुवा विफर आठ्या षवट्या [लागी] लडि बगि लोटि दात हुन्याले टोकि मर्यो भन्या घाउ लायासंमको षत लाग्छ । ज्यान मर्यो भनि ज्यानको वदला ज्यान हुदैन ।¹⁶

[13a] [MS1 p. 285] कसैले साबुद मानिसलाइ लट्टि हुंगाले हान्यो हान्याको घाउ पाकि निको नभै तेसैका पिडाले २२ दिनभित्र मर्यो भन्या तेसैका चोटले मर्याको

13 MS1 *pasāudā*.

14 MA-ED2 *viujhāmā*.

15 MA-ED2 *māri dīnu*.

16 The following information is added in the left margin of this section: *19 sāla āṣā. va 14 ro 3 mā kehi meti sacināle arko leṣiyo*---(the another [section] has been written due to the fact that [this section] section was corrected by deleting some [of it] on Tuesday, the 14th dark fortnight of Āṣāḍha in the [Vikrama] year [19]19). The emended section is copied as section 39 in the MS. The MA-ED1 reads the added part: ‘*19 sāla ākhā. b 14 ro 3 mā kehi meti saci* [...] *ḥā-le arko lekhiyo*’. It misinterprets the added part as ‘this section was modified in VS 1918’. However, as mentioned in the added part, this section was amended in VS 1919. The MA-ED2 records only the amended section whereas, the MA-ED1 records the both, the original and modified sections as 13b and 13kh (cf. MA-ED2 §13, MA-ED1 §13b and 13kh).

ठहन्याले काटिन्या जातको ज्यानको बदला ज्यान काटि मारिदिनु । नकाटिन्या जात भया ऐनवमोजिमको अंस सर्वस्व गरी दामल गर्नु २२ दिनदेखि उप्रांत ३ मैहनाभित्र मर्यो भन्या सर्वस्व गरी दामल गर्नु । तेसै घाउको दर्द निको नभै तेसै पिरले ३ मैहना उप्रान्त ६ मैहनाभित्रमा मर्यो भन्या १०० रुपैया दंड गर्नु । रुपैया नतिर्या कैद गर्नु । ६ मैहना उप्रांत मर्याको भया र कुट्याका २२ दिन भित्रै छेरुवा विफर आठ्या पवट्या [लागी] लडि वगि लोटि दात हुन्याले टोकि मर्याको भया ज्यान मर्याको षत लाग्दैन । जाहासम्मको कुटपिट् गर्याको हो उसै ऐनवमोजिम दंड कैद गरी छाडिदिनु ।

१४. कसैले मलाइ कुटपिट गर्यो भनि कुटाइ माग्याले¹⁷ आइ फिराद गर्यो र ऐनवमोजिम कुटन्यालाइ दंड भयापछि कुट्याका पिरले २।४ दिन थलि निको भै आफ्ना काजकाम गर्न हिडन डुलन लाग्यो पछिवाट अरु वेथा लागि २२ दिनभित्रमा मर्यो भन्या निको भै काजकाम गर्न र हिडन डुलन लाग्याका हुनाले कुटन्यालाइ फेरि षतवात लाग्दैन ।

१५. कसैले लात्तले षाद्यो लट्टि हुंगाले हान्यो र थला परी हिडन सकेन तेसैका पिरले २२ दिनभित्रमा मर्यो भन्या तेसैले मर्याको ठहर्छ । मान्याको ज्यानको बदला ज्यान लिनु । उठन नसकि तेसै पिरले २२ दिन नाध्यापछि मर्यो भन्या ज्यानको बदला ज्यान हुदैन । थला पर्न्या गरि कुट्याका वावत ६० रुपैया दंड गर्नु । रुपैया नतिर्या ऐनवमोजिम कैद गर्नु ।

१६. कसैले गाला ठोक्यो हातले कुठाउमा १ चोटदेखि अध्यालो हान्यो तेसैका पिरले थला परि उठन सकेन ७ दिनभित्रमा मर्यो भन्या तेस्को ज्यान मारिन्छ । ७ दिनपछि मर्यो भन्या ज्यानको बदला ज्यान हुदैन । कुट्याका षत वमोजिमको जरिवाना गर्नु । गाला ठोक्याका १।२ दिन थलि हिडन डुलन काम गर्न लाग्या पछि ७ दिनभित्रमा मर्यो भन्या पनि ज्यानको बदला ज्यान हुदैन । कुटपिट्का ऐनवमोजिम दंड गर्नु ।

१७. [MS1 p. 286] ज्यानमारा चोर वावति षतूकि धनिको घर छाडि भाग्याका वाधा कमारा कमारि कसैले यो यस्ता¹⁸ काम कुरो गर्न्या हो भनि पोल्दा पक्रि वाधि नेल ठिगुरा चमौट गैह्र बंधनमा हालि ल्याका मानिस नदिमा भिरमा षाडि ड्याल छााना इनार साघु झोलंगा पुल¹⁹ डुंगावाट फालहालि लडि वगि दौडदा ठक्कर लागि मरोस्ता पनि थुनि राष्याका ठाउमा जहर विष षाडि भयो सेरीइ²⁰ पासो लाइ मर्यो भन्या पनि पक्रि ल्याउन्यालाइ पनि थुन्यालाइ पनि केहि षतवात लाग्दैन ।

१८. अर्कालाइ वेहकमा मारौ भन्या मतलव गरी पक्रन्या वाधन्यामा काटिन्या जातलाइ काटि मारीदिनु²¹ । नकाटिन्या जातलाइ दामल गर्नु । हाकिमका मर्जि आज्ञा र अडा अदालत अमालवाट पक्रन पठायकालाइ पक्रि ल्याउदा²² अर्काले विचमा चोट छोडि मारेछ भन्या मान्यालाइ ऐनवमोजिमको सजाय गर्नु । पक्रन्यालाइ षतवात लाग्दैन ।

१९. अडा अदालत अमालवाट र हाकिमका मर्जि आग्याले जगाजमिन नगद जिनि स चौपाया कमारा कमारि लिनदिन गैह्रका कुरामा लिन पक्रन पठायकालाइ

17 MA-ED2 *kuṭṇyāle*.

18 MA-ED1, -ED1 *yastoi*.

19 Emend. *jholamgā pula*; MS1, MA-ED1, -ED2 *jholamgā*.

20 MS1, MA-ED1 *seri*.

21 MA-ED1 *mārī dinu*; MA-ED2 *kāṭi dinu*.

22 MA-ED2 *pakrīlyāundā*.

प्यादा सिपाहिले पक्रि ल्याउदा विचमा पक्रि ल्यायाकालाइ कसैले कुटपिट् गरि ज्यान मरेछ भन्या ब्राह्मणले रहेछ भन्या ऐनवमोजिमको अंस सर्वस्व गरी दामल गर्नु । अरु जातले भया ज्यानको बदला ज्यान लिनु । पक्रन्या र पक्रि ल्याउन्या प्यादा सिपाहिलाइ षतवात लाग्दैन । हाकिम अडा अदालत अमालले नभनि पक्रि ल्यायाकालाइ अकाले चोट छाडि मार्याको रहेछ भन्या जति जनाले चोट छोड्याको छ उति जनालाइ काटिन्या जातलाइ ज्यानको बदला ज्यान लिनु । नकटिन्या जातलाइ ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । पक्रन्या पक्रि ल्याउन्याको ज्यू जादैन । ऐनवमोजिमको अंस सर्वस्व गरी लि छाडिदिनु²³ ।

२०. अर्काको ज्यान मारी कोहि मानिस लट्टा सिवाना नाधि मध्येस भोटतरफ भागि गयो भन्या तेस्तालाइ मध्येसतिर गयाको भया रजिडंसित भनि भोटतरफ गयाको भया भोटका मोष्यकाजिसित भनि जाहा झिकाइ ज्यानको बदला ज्यान लिनु । विराना मुलुकमा गै ज्यान मार्न विराना मुलुकमा गै समाउन पनि हुंदैन ।

२१. कसैले मानिसलाइ मार्न लाग्यो र साधुले गुहार देउ भनि गुहार माग्दा षवर सुनि गुहार नदिन्याहरुमा मानिस हेरि औवल्लाइ २५ दोयमलाइ २० सिमलाइ १५ चहारलाइ १० रुपैया दंड गर्नु । रुपैया नतिर्या ऐनवमोजिम कैद गर्नु ।

२२. राजा वजिर र देस देसवाट आयाका उकिलवकिल²⁴ सनबंधि कुरा वाहेक कसैले कसैका ज्यान मार्यो भन्या ज्यान मान्यो र ज्यान मार्नाको मतलव गर्न्याहरुलाइ ऐनवमोजिम सजाये गर्नु । ज्यान मार्नाका मतलवमा नपस्याका ज्यान मारिया पछि थाहा पाइ दवाउन्यामा आफ्ना आमावावु स्वास्त्रि सहोदर दाज्यूभाइ दिदिवैहिन छोराछोरि सासुवुहारीले दवायामा यतिलाइ षतवात लाग्दैन । गाउका जानकार द्वार्या मु [p. 286] षिया थरि नाइक्या महान्या प्रधान मिझार ज्येठा बुढा गौरं कटुवाल्याहरुले दवायाको भया ऐनवमोजिमको अंस सर्वस्व गरी १ वर्ष कैद गर्नु । अरु गाउका दुनिजां रैतिले सुनि दवायाको भया ऐनवमोजिमको अंस सर्वस्व गरी छोडिदिनु²⁵ ।

२३. कसैले कसैलाइ ज्यान मारौ भन्या मतलव गर्याछन्²⁶ भन आयो र उसले पोल्याकालाइ झिकाइ रोवकार गर्दा मानिस मार्नाको मतलव गर्याको केहि ठहरेन रिसले पोल्याको ठहरो भन्या तेस्ता पोलाहा लोग्न्या मानिसलाइ सर्वस्व गरी २ वर्ष कैद गर्नु । म्यादका रुपैया नलिनु । स्वास्त्रि मानिसलाइ २० रुपैया दंड गर्नु । नतिर्या कैद गर्नु ।

२४. सर्कारका देउढिमा पहरा बरुया षजानामा पहरा बरुया हुकुमले र कमानले अरु जगामा पालो पहरा बरुया नगद जिनिस् चौपाया मानिस्को पहरा बरुया औ रमन विककट्मा पालो बरुया मानिसलाइ कसैले वंदुक तिर हतियार चलायो र घाउ लागि पालो बरुयाको ज्यान मरेछ भन्या पनि मरेनछ भन्या पनि तेस्ता हतियार चलाउन्यालाइ काटि ज्यान मारीदिनु । रगत मात्रै आयाको भया पनि काटि मारिदिनु²⁷ । हतियार भन्या चलायेछ रगत भन्या आयाको रहेनछ भन्या दामल गर्नु ।

23 MA-ED1 *chādi dinu*; MA-ED2 *chodi dinu*.

24 MA-ED1 *ukila vakila*; MA-ED2 *ukil vakil*.

25 MA-ED1 *chodi dinu*; MA-ED2 *chādi dinu*.

26 MA-ED1 *garyā chan*; MA-ED2 *garyākā chan*.

27 MA-ED1 *kāṭi māri dinu*; MA-ED2 *kāṭidinu*.

२५. लालमोहर दस्पतले अधिदेषि बंद भयाको वाटामा जसले घुस घाई षर्षुसामत मायामोलहिजा पछि लागि ज्यू मान्या मानिसलाई उम्काउछ उसलाई दामल गर्नु । चोरी गरि आउन्त्यालाई उम्कायो भन्या जति चोरि गरी भाग्याको छ उम्काउन्त्यावाट उति विगो लिनु । चोर फेला पर्यो भन्या तेरो विगो यसैवाट उठाइ ले²⁸ भनि सौपिदिनु । अरु कुरो गरि भाग्याकालाई उम्काउन्त्यालाई भाग्यालाई जौन सजाय जौन विगो तिर्नु भनि लेषियाको छ सोहि सजाय गर्नु ।

२६. हुकुमले रह्याका चौकि पहरामा कसैले हतियार चलाइ चौकिदारलाई काटि मिचि गयो भन्या त्यो काटिन्या मानिस मरोस् तपनि घा मात्रै लागि वाचोस् तापनि चौकिमा हतियार चलाउन्त्यालाई ज्यानका सजायमा दामल गर्ना जातलाई²⁹ दामल गर्नु । काटिन्या जातलाई काटि मारिदिनु ।

२७. हुकुमले पहरा चौकि वस्याका ठाउमा जान हुंदैन भनि चौकिदार पहरावालले रोकदा पहरावाल र चौकिदारमाथि हतियार झिक्को बंदुक ताक्यो भन्या तेसलाई पहरावालाले र चौकिदारले काटि मारिदिनु । षतवात लाग्दैन ।

२८. लोग्न्या मानिस कसैले कसैलाई ज्यान मारनाका मतलव गरी जहर पुवाउन भनि तयार हुन्या र हतियार लि छिडि गौडा वथान्यालाई पक्रि सावित गर्ना ज्यान लियाको रहेनछ मतलव मात्रै गर्नाको रहेछ भन्या मारनाको मतलव गर्ना सबैलाई ६³⁰ वर्ष कैद गर्नु । हतियार चलाइ ज्यान वाच्याको रहेछ भन्या हतियार चलाउन्त्यालाई हान्याका घाको लमाइ रोप्याका घाको³¹ गैह्रो नापि जति अंगुलको घाउ लाग्याको छ यक अंगुलका घा भया ७ वर्ष २ अंगुलका घा भया ८ वर्ष जति अंगुलका घाउ [MS1 p. 287] यसै रिट् दिन वढाइ उति वर्ष कैद गर्नु । मतलवमा जान्या हतियार नचलाउन्त्यालाई ६ वर्ष मात्रै कैद गर्नु । जहर भन्या पुवायेछ ज्यान भन्या मरेनछ भन्या १२ वर्ष कैद गर्नु । इन्हेरुले कैदका रुपैया डवलका हिसावले तिर्छु भन्या पनि तिरि जान पाउदैनन् । म्यादका रुपैया लि छोड्या भन्या ति छोडन्या अदालत ठाना अमालका हाकिमलाई उहि षतुकिका कैदवमोजिम कैद गर्नु । सावित गर्दा ज्यान मर्याको रहेछ भन्या मतलव दिन्या र ज्यान मान्यालाई ज्यानको वदला ज्यान मारीदिनु ।

२९. स्वास्त्रि मानिस कसैले कसैलाई ज्यान मारनाको मतलव गरी जहर पुवाउन तयार हुन्या र हतियार लि छिडि गौडा वथान्यालाई पक्रि सावित गर्दा ज्यान मार्याको रहेनछ मारनाको मतलव मात्र गर्नाको रहेछ भन्या मतलव गर्ना स्वास्त्रि मानिस सबैलाई ३ वर्ष कैद गर्नु । हतियार चलाइ ज्यान वाच्याको रहेछ भन्या हतियार चलाउन्त्यालाई हान्याका घाउको लमाइ नापि रोप्याका घामा गैह्रो नापि जति अंगुलको घा लाग्याको छ यक अंगुलको घा भया ४ वर्ष २ अंगुलको घा भया ५ वर्ष जति अंगुलको घा छ यसै रितले वढाइ उति वर्ष कैद गर्नु । मतलवमा जान्या हतियार नचलाउन्त्यालाई मतलवको ३ वर्ष मात्रै कैद गर्नु । जहर भन्या पुवायेछ ज्यान भन्या मरेनछ भन्या १२ वर्ष कैद गर्नु । इनहरुले म्यादका रुपैया डवलका हिसावले तिर्छु भन्या पनि तिरि जान पाउदैनन् । म्यादका रुपैया लि छोड्या भन्या ति छोडन्या अदालत ठाना अमालका

28 MA-ED2 *uthāile*.

29 MS1 omits *jātalāi*.

30 MA-ED2 9.

31 MA-ED1, -ED2 *ghāmā*.

हाकिमलाइ उहि षतुकिका कैदवमोजिम कैद गर्नु । सावित गर्दा ज्यान मार्याको रहेछ भन्या मतलव दिन्या र ज्यान मान्या स्वास्त्रि मानिसलाइ दामल गर्नु ।

३०. ज्यान जान्या तक्सिर गर्न्या षतुकिहरुको ज्यान मारु पर्दाको ज्यान काटिदिनु । कि फासी दिनु अरु थोक सजाय गरी ज्यान नमानु । यति २ कुरोदेपि वाहेक अरु सजाय गराइ ज्यान मराउन्त्या वजिरलाइ १०००० रुपैया जर्रीवाना गर्नु ।

३१. कसैले कसैलाइ लाठा हुंगा लट्टि हात लात गैहले कुट्पिट् गर्यो । कुट्यापछि केहि दीन थलि हिडन डुलन कामकाज गर्न लाग्यो पछि अरु वेथा लागि २ दिन भित्रमा मर्यो भन्या आफ्ना कालले मर्याको ठहर्छ । कुटन्यालाइ ज्यान मार्याको तक्सिर लाग्दैन । कुट्पिट्का ऐनवमोजिम दंड सजाय गर्नु ।

३२. कोहि मानिस भिर पोषरी इनार पोला साघु झोलंगा पुल³² रुप झ्याल कौसि छानावाट र गैह्लाषाडिमा षसि लोटि वगि डुवि लडि मर्यो अथवा आफैले फालहालि लडि वगि डुवि मर्यो अथवा आफैले पासो लाइ वा हतियार चलाइ हत्या गरी मर्यो अथवा ठक्कर लागि लोटि भारि स्मेत् लडि मर्यो अथवा आफैले जहर विष षाइ वा अंवल लागु चिजहरु षाइ वेहोस भै मर्यो अथवा वन जादा {र}³³ हुंगो लड्याको लागि मर्यो अथवा अकस्मात् केहि वेथा र घाउ जाहेर नभै मर्यो वा सुत्याको सुत्यै मर्यो अर्का कसैले हतियार चलाइ काटि मारिदियो³⁴ यस्ता गैह विहोराले मर्याका मानिसलाइ रिस [MS1 p. 288] ले अत्तो लगाई फलानाले मर्यो भनि पोलन आया भन्या जसलाइ पोल्याको हो उसलाइ ल्याइ रोवकार गर्दा साछि गुहाइ देषाइ सावित गर्न सकेन यहि लेषियाको विहोराले कालले मर्याको र आफै हत्या गरी मर्याको वा अरुले मार्याको दैवागत परि अकस्मात् मर्याको ठहर्यो वा मर्यो भन्याका मानिस ज्यूदो रहेछ भन्या तेस्ता पोलाहालाइ ५ वर्ष कैद गर्नु । म्यादको दोवर दिया पनि लि नछाडनु । कैद गर्नु । स्वास्त्रि मानिसले यहि विहोराको कुरा पोल्याको रहेछ भन्या सावित गर्न सकिन भन्या तेस्ता पोलाहा स्वास्त्रि मानिसलाइ २॥ वर्ष कैद गर्नु । म्यादका रुपैया दोवर दिया लि छाडिदिनु ।

३३. कसैले कसैलाइ कुटपिट गर्यो कुटिन्या मानिस थलियाको थियेन वा थलि निको भै काममा लाग्याको थियो कुटियाका २२ दिन नाध्यापछि अरु वेथा लागि मर्यो भन्या पछि तैले कुट्याका पिरले २२ दिनभित्रमा मर्यो भनि पोल्या रोवकार गर्दा २२ दिन नाध्यापछि मर्याको ठहर्यो भन्या अधि कुट्पिट् हुदा जहासम्म भयाको हो उति कुरो मात्र गरी पोलन्या पोलाहालाइ १॥ वर्ष अधि भया भन्दाको कुरो वढाइ रिसले पोलन्यालाइ २॥ वर्ष कैद गर्नु । म्यादका रुपैया डवल दिया लि छाडिदिनु स्वास्त्रि मानिसले भया यसैको आधि कैद गर्नु ।

३४. दुइ जना मानिस³⁵ मात्रै पर्देस गयाका वा वन मेला गैहामा गयाका थिया तेस्तैमा पोला तर्दा भिरका रस्ता हिडदा पौरि³⁶ षेलदा हुंगो मुढो लागि लडि वगि सगै भयामा हवस अधिपछि भयामा हवस यक जना मर्यो सग जान्याले मर्याका घरमा आइ यस्ता रितले फलानु मर्यो भनि सुनायो मर्याका जहानले संका गरि यसैले दगा

32 MA-ED1, -ED2 *jholamgā*.

33 The conjugation *ra* is superfluous here.

34 MA-ED1 *māri diyo*; MA-ED2 *māryo*.

35 MS1 omits *mānisa*.

36 MA-ED1, -ED2 *pauḍi*.

गरी हाम्रा फलानालाइ मारिदियो भनि कराउन आयो रोवकार गर्दा साछि गुहाइवाट भयो अथवा २ जनाको इवि लाग पर्याको केहि देपियेन आफ्ना कालले मर्याको ठहर्यो भन्या २ जना मात्रै भयाका संकामा पोल्याको रहेछ भन्या घरका जहानले रहेछ भन्या षत लाग्दैन । अरुले रिसले पोल्याको रहेछ भन्या तेस्ता पोलाहालाइ २॥ वर्ष कैद गर्नु । म्यादका रुपैया डवल दिया लि छाडिदिनु । अरु स्वान्नि मानिस भया १॥ वर्ष कैद गर्नु ।

३५. जाड रक्सि अरक अफिम भाग धतुरो गैह लागु कुरो पाई अर्कालाई गालि गर्यो कुटपिट गर्यो या अंगभंग गर्यो भन्या कुटपिट अंगभंगका ऐनवमोजिम सजाय दंड गर्नु । ज्यान मारेछ भन्या मुडिन्या जात भया ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । काटिन्या जात भया ज्यानको वदला ज्यान काटि मारिदिनु ।

३६. कोहि बौल्हायाका मानिसले मानिस मार्यो भन्या त्यो बौल्हायाको मानिस गर्न्या नगर्न्या कुराको थाहा पनि पाउदो रहेनछ जात जान्या अभक्ष गैह पनि षादो रहेछ निर्वाण भै हिडदो पनि रहेछ भन्या ऐनवमोजिम अंस सर्वस्व गरि दामल

गर्नु । गर्न्या [MS1 p. 289] नगर्न्या कुराको पनि थाहा पाउदो रहेछ अभक्ष गैह पनि षादो पनि रहेनछ निर्वाण भै हिडदो पनि रहेनछ भन्या तेस्ता बौल्हाले मानिस मार्या मुडिन्या जातलाइ ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । काटिन्या जातलाइ ज्यानको वदला ज्यान काटि मारिदिनु । अधि अभक्ष गैह षायाको रहेनछ आफुले मानिस मार्या पछि अभक्ष गैह षायाको ठहर्यो भन्यो तेस्ले ज्यू वचाउनका लागि षायाको ठहर्छ तेस्ता मुडिन्या³⁷ जातलाइ ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । काटिन्या जातलाइ काटि मारिदिनु ।

३७. कोहि मानिस छेरुवा आठ्या षवट्या रोगले पत्र्याको रहेछ वा जरो अतिसार आउ रगत वाथ सुल धौकि³⁸ गैह वेथा लाग्याको रहेछ लडि लोटि ठक्कर लागि वा अधिवाट अर्का कसैले कुटपिट गरी थलियाको रहेछ भन्या यस्ता गैह रोगले काम गर्न नसकन्या गरि थलियाको रोगिलाइ कसैले कुटपिट गरि ज्यान मारेछ भन्या यकै चोट हान्याको भया पनि तेसैले मार्याको ठहर्छ । रोगले मर्याको ठहर्दैन । मान्या मुडिन्या जात भया ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । काटिन्या जात भया ज्यानको वदला ज्यान काटि मारीदिनु । कुटिन्याको ज्यान मर्याको रहेनछ भन्या कुटपिटका ऐनवमोजिममा दोवर वढाइ दंड कैद गर्नु ।

३८. कोहि षटिरापटिरा³⁹ भै ओछ्छानमा पर्न्या गरी थलियाको रोगिलाइ कसैलि कुटपिट गरी ज्यान मर्यो भन्या यक चोट मात्रै हान्याको भया पनि तेसैले मार्याको ठहर्छ । रोगले मर्याको ठहर्दैन । मान्या मुडिन्या जातलाइ ऐनवमोजिमको अंस सर्वस्व गरी दामल गर्नु । काटिन्या जातलाइ ज्यानको वदला ज्यान काटि मारिदिनु । कुटिन्याको⁴⁰ ज्यान मर्याको रहेनछ भन्या कुटपिटका ऐनवमोजिममा दोवर दंड कैद गर्नु ।

३९. कसैलाइ अधि यकाले कुटपिट गर्याको रहेछ कुट्याको दर्द निको नभै तेसै कुटिन्या मानिसलाइ अधिल्लाले ८ घडिदेपि पछि⁴¹ २२ दिनभित्रमा अर्का कसैले

37 MS1 *mudimā*.

38 MA-ED2 *vāki*.

39 MA-ED1 *khatirā paṭirā*.

40 MS1, MA-ED1 *kāṭinyāko*.

41 MA-ED1 *ghaḍi-pachi-deṣi*; MA-ED2 *ghaḍi pachi deṣi*.

कुटपिट गरी कुटिन्या मानिस मरेछ भन्या अधिवाट कुटन्यालाइ कुटपिट गर्यासम्मको घत लाग्छ। कुटपिटका ऐनवमोजिमको दंड कैद गर्नु। पछिवाट कुटन्यालाइ ज्यान मार्याको वात लाग्छ। मुडिन्या जात भया ऐनवमोजिमको अंस सर्वस्व गरी दामल गर्नु। काटिन्या जातलाइ ज्यानको वदला ज्यान काटि

मारिदिनु। ज्यान मर्याको रहेनछ भन्या कुटपिटका ऐनवमोजिममा दोवर वढाइ दंड कैद गर्नु।

४०. [MS1 p. 290] फलानाले फलानालाई ज्यान लिनका लागि फलानु कुरो गर्यो भनि कराउन आयो र रोवकार गर्दा पोल्याको मात्रै ठहुर्यो भन्या ज्यानसंबन्धका कुरामा पोलाहाले कचहरीमा कागज लेषि सहि समेत हालिदियाको भया ज्यानसंबन्धिका पोलाहाले लेष्याका ऐनवमोजिम गर्नु कागज लेषि सहि हाल्याको रहेनछ वेडि कर्पन पनि पर्याको रहेनछ र यस्कुरामा कायेल गराउन सक्तिन भन्यो भन्या गालि गर्याको ठहर्छ। तेस्तालाइ ज्यानसंबन्धको कुरो भया २० दामल हुन्या कुरा भया १५ रुपैया दंड गर्नु। रुपैया नतिर्या ऐनवमोजिम कैद गर्नु।

४१.⁴² ज्यान मार्यो भन्या मुद्दामा अडा गौडा अदालत अमालमा पक्रि आइ कायेल भयाका मानिस इटाचपलिमा आउदा इजहार लेषन्या देषन्या जाँन्या गुहाइ तेसरले लेष्याको जमान वेदि प्रमाण र वापतिले वक्याका कुराको मुष मिल्यो भन्या ति गुहाइ तेसर झिकाउनु पर्देन। वापतिलाइ ऐनवमोजिम गर्नु। गुहाइ तेसरले लेष्याका जमानवंदि प्रमाणको वेहोरा र वावतिले भन्याको कुरा मिलेन फरक पर्यो भन्या चाहिन्या मानिस प्रमाण झिकाइ रोवकार गरि जो ठहर्छ ऐनवमोजिम गर्नु।

42 The MA-ED1 and MA-ED2 extend up to section 41, while the MS1 only goes up to section 40.

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ज्यानमाराको

[1] पहरामा मिचन्याको

१. [MS2 p. 514] सरकारका देउडीमा पहरा बरुया षजानामा पहरा बरुया हुकुम्ले र कमानले अरु जगामा पालो पहरा बरुया नगद जिनीस चौपाया मानीसको पहरा बरुया औ रमन् विकटमा पालो बरुया मानीसलाइ कसैले बंदूक तिर हतियार चलायो र घाउ लागी पालो बरुयाको ज्यान मरेछ भन्या पनी मरेनछ भन्या पनी तेस्ता हतियार चलाउन्त्यालाइ काटि ज्यान मारिदिनु । रगत्मात्रै आयाको भया पनि काटिदिनु । हतियार भन्या चलायेछ रगत आयाको रहेनछ भन्या दामल गर्नु⁴³ ।

२. हुकुम्ले रह्याका चौकी पहरामा कसैले हतियार चलाइ चौकीदारलाइ काटि मिची गयो भन्या त्यो काटिन्या मानीस मरोस्त⁴⁴ पनि घा मात्रै लागी वाचोस्ता पनी चौकीमा हतियार चलाउन्त्यालाइ ज्यानका सजायमा दामल गर्ना जातलाइ दामल गर्नु⁴⁵ (र) काटिन्या जातलाइ काटि मारिदिनु ।

३. हुकुमले पहरा चौकी बस्याका ठाउमा जान हुदैन भनी चौकीदार र पहरावालले रोकदा पहरावाल र चौकीदारमाथी⁴⁶ हतियार झिक्यो बंदुक ताक्यो भन्या तेसलाइ पहरावालले र चौकीदारले काटि मारिदिनु षतवात लाग्दैन ।

४. लालमोहोर दस्खतले अधिदेषी बंद भयाका वाटामा जक्षे घुस षाइ षर्षुसाम्त माया मोलाहिजा पछि लागी ज्यू मान्या मानिसलाइ उम्काउछ उसलाइ दामल गर्नु । चोरि गरि आउन्त्यालाइ उम्कायो भन्या जति चोरि गरि भाग्याको छ उम्काउन्त्यावाट उति विगो लिनु । चोर फेला पर्यो भन्या तेरो विगो एसैवाट उठाइले भनी सौपीदिनु । अरु कुरो गरि भाग्याकालाइ उम्काउन्त्यालाइ भाग्न्यालाइ जौन सजाय जौन विगो तिर्नु भनी लेषियाको छ सोही सजाय गर्नु ।

[2] [MS2 p. 515] भवितव्य परि ज्यान मार्यामा र घा लाग्यामा गर्न्या ऐन

१. रातका विचमा जनावरहरु केही भनि हान्दा मानिसलाइ लागी मर्यो भन्या मर्याको र मान्याको अधिपछिको ज्यू जमीन् स्वास्त्रि धनमाल चौपाया गैह्र केही कुराको पनि इवि लाग झगडा⁴⁷ पर्याको रहेनछ भन्या भोर ठहर्छ हान्यालाइ ज्यान मार्याको वात लाग्दैन । हान्यावाट मर्याको क्रियाषर्च ५० रुपैया दिलाइ मान्याला १ तिर्थ गराइ औवलवाट १५ दोयमवाट १० सिम्वाट ५ चाहारवाट २ रुपैयाका दरले धर्माधिकारलाइ गोदान दिलाइ भोरमा ज्यान मार्यावावत् पतिया गराइदिनु ।

२. जंगलमा सिकार पेलदा वनको मृग हो जनावर हो भनि तहकित नगरि बंदूककाढले हान्दा मानिसलाइ लागी मर्यो भन्या मर्याको र मान्याको अधिपछिको इवि लाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । हान्यावाट मर्याको क्रियाषर्च

43 MA-ED3 *ainabamojimo amśa sarvasva gari dāmala garnu.*44 MA-ED3 *marostā.*45 MA-ED3 *ainabamojimo amśasarvasva gari dāmala garnu.*46 MS2 *caukidātamāthi.*47 MS2 *jhaga.*

५० रुपैया दिलाइदिनु । ज्यान मार्याको वात लाग्दैन । ज्यू मर्याको रहेनछ घा मात्र लागेछ भन्या घाषर्च १० रुपैया हांन्यावाट दिलाइदिनु । अरु वात लाग्दैन ।

३. पसुपंछीलाइ हांदा फलफुलहरु झार्न भनि हुंगा लट्टि झटाराले हान्दा मानिसलाइ लागी मर्नगयो भन्या मर्याको र मान्याको अधिपछिको कोइ⁴⁸ इविलाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । ज्यान मार्याको वात लाग्दैन । हांन्यावाट कृयाषर्च⁴⁹ ५० रुपैया दिलाइदिनु । ज्यान मर्याको रहेनछ घा मात्र लागेछ भन्या घाषर्च १० रुपैया हांन्यावाट⁵⁰ दिलाइदिनु अरु वात लाग्दैन ।

४. सहर-गाउभित्र सहर-गाउका नजीक मानीस हिडन्या डुलन्या जगा गल्लि वाटामा मानिस नहटाइ⁵¹ गोलिको टप् खान्या तजवीज नराषी हांदा मानिसलाइ लागी मर्यो भन्या मर्याको र मान्याको⁵² अधिपछिको इविलाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । हांन्यावाट कृयाषर्च⁵³ १०० रुपैया दिलाइदिनु ज्यान मार्याको वात⁵⁴ लाग्दैन । ज्यान⁵⁵ मर्याको रहेनछ घा(उ) मात्र लागेछ भन्या घाषर्च ५० रुपैया दिलाइदिनु अरु वात⁵⁶ लाग्दैन ।

५. धनु कमान् वंदुक पेस्तबल हान्दा तिर काढ गोलि टप् खायो (अथवा) मार हांदा खुकुरि तरवार भांञ्चि⁵⁷ खुस्क (वा) उछिट्टि मानिसलाइ लागी मर्न गयो भन्या मर्याको र मान्याको अधिपछिको इवि लाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । हांन्यावाट ५० रुपैया कृयाषर्च⁵⁸ दिलाइ ५ रुपैया गोदान धर्माधिकारलाइ दिलाइ पतिया गराइदिनु । ज्यान मार्याको वात लाग्दैन । ज्यान मर्याको रहेनछ घा मात्र लागेछ भन्या १० रुपैया घाषर्च दिलाइदिनु अरु वात लाग्दैन ।

६. [MS2 p. 516] रुख मुढो काट्ता वञ्चरो⁵⁹ पुकुरि पुर्पा चुपि (इत्यादि) पुस्की मानिसलाइ लागी ज्यान मर्यो भन्या मर्याको र मान्याको अधिपछिको इवि लाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । हांन्यावाट २० रुपैया कृयाषर्च⁶⁰ दिलाइ ५ रुपैया गोदान धर्माधिकारलाइ दिलाइ पतिया गराइदिनु⁶¹ ज्यान मार्याको वात लाग्दैन । ज्यान मर्याको रहेनछ घा मात्र लागेछ भन्या ५ रुपैया घाषर्च दिलाइदिनु अरु वात लाग्दैन ।

७. काट्याको⁶² रुप ढलि हांगा काट्ता हांगा षसि मुढो गीडदा मुढो ढली⁶³ उछिट्टि काठ धिच्याउदा लडाउदा काठले मिचि रुप ढालदा काठ धिच्याउदा पोरिया वारि⁶⁴

48 MA-ED3 omits *koi*.

49 MA-ED3 *kriyākharca*.

50 MS2, MA-ED3 omit *hāṃnyāvāṭa*.

51 MS2 *nahatāi*.

52 MS2 *māko*.

53 MS2 *kriyākharca*.

54 MS2 *bāṭa*.

55 MA-ED3 omits *jiyāna*.

56 MS2 *bāṭa*.

57 MS2, MA-ED3 *bhācai*.

58 MA-ED3 *kriyākharca*.

59 MS2 *becaro*.

60 MA-ED3 *kriyākharca*.

61 MA-ED3 *dharmādhikāralāi patiyā garāi patiyā garāidinu*.

62 MS2 *kāṭyāṃko*.

63 Emend. *dhali*; MS2 *dhāli*; MA-ED3 *dhali*.

64 MA-ED3 *bābari*.

जोतषन गर्दा वाटो कुलो घर देवल वनाउदा काहन्ला⁶⁵ फाड्दा हुंगा डल्लो इट्⁶⁶ काठ लडि थामन⁶⁷ नसकी घर्कि⁶⁸ लडी पुस्कि मानिसलाइ लागी मर्यो भन्या र चौपायालाइ लागी मर्यो भन्या मर्याको र मान्याको अधिपछिको इवि लाग केहि पर्याको रहेनछ भन्या भवितव्य ठहर्छ । लडाउन्याले कृयाषर्च⁶⁹ दिनु पर्दैन पतिया गर्नु पनि पर्दैन । खतवात पनि केहि लाग्दैन ।

८. लोगन्यास्वान्नि केटाकेटिहरुलाइ लि घोला जघाँर तार्दा⁷⁰ तान्याका वलले नपुगी थामन नसकी हात पुस्कि षोलामा लडी वगी डुवि मानिस मर्यो भन्या षोलो तान्याको र मर्याको अधिपछिको इवि लाग केही पर्याको रहेनछ भन्या भवितव्य ठहर्छ । समाति तान्यालाइ षतवात लाग्दैन । क्रियाखर्च दिनु पतिया गर्नु पनि पर्दैन ।

९. श्री ५ सर्कारका हुकुम्ले परापुर्वदेषी वन्द भयाका गौडा वाटामा र गढि किल्लामा थापियाका सोला फ्याङ् सोला फड्क्या⁷¹ दर्जन् धराप गैह्रमा मानिस चौपाया गैह्र परि मर्यो भन्या थापन लाउन्या थापन्या कसैलाइ केही षत लाग्दैन कृयाषर्च⁷² घाषर्च केहि दिनु पर्दैन । प्रायश्चित्त दण्ड पतिया केही पर्दैन⁷³ ।

१०. वाघ भालु वदेल गैह्रले मानिस चौपाया अन्नवालिहरु केही नषाइ सिकारका निमित्त सोला गैह्र कसैले नथापनु । सोला थापेछ र तेस सोलामा मानिस परि मर्यो भन्या सोला थापन्यालाइ ऐनवमोजिमको अंस सर्वस्व गरि तेस्को दसौद लि उपर सर्वस्व मर्याका कृयाषर्च⁷⁴ वापत् भराइ दि ६ वर्ष कैद गर्नु । म्यादका रुपैया दिया लि छाडनु । ज्यान मरेन घा मात्रै लाग्यो भन्या ५० रुपैया घाषर्च दिलाइ ५० रुपैया दंड गर्नु । चौपायाहरु मात्र परेछ भन्या तेस चौपायाको पंचकृतिमोल⁷⁵ विगो धनिलाइ भराइ उसै विगावमोजिम दण्ड गर्नु ।

११. [MS2 p. 517] वाघ⁷⁶ भालु वदेल⁷⁷ गैह्रले मानिसहरु षायामा गाउ घरमा उर्दि दि सोला फ्याङ्⁷⁸ सोला फड्क्या दर्जन् धराप गैह्र थापेछ र⁷⁹ आफु विकट वस्याको रहेनछ र⁸⁰ तेस्मा उर्दि दियादेषी वाहेकका अरु मानिस परि मर्यो भन्या सोला थापन्यावाट मर्याको कृयाखर्च २५ रुपैया भराई २५ रुपैया दंड गर्नु । ज्यान मरेन घा मात्र लाग्यो भन्या घाषर्च १२ रुपैया दिलाइदिनु दण्ड पर्दैन । उर्दि पाउन्या मानिस पर्यो भन्या घाषर्च कृयाषर्च⁸¹ पनि केही भर्नु पर्दैन दण्ड पतिया पनि पर्दैन ।

65 MS2 *kālhā*.

66 MS2 *ita*.

67 MS2 *thāmana*.

68 MS2 *carki*.

69 MA-ED3 *kriyākharca*.

70 MS2 *tardā*.

71 MS2 *phutkyā*.

72 MA-ED3 *kriyākharca*.

73 MA-ED3 *prāyaścittaḍaṇḍa paṇi kehi pardaina*.

74 MA-ED3 *kriyākharca*.

75 MA-ED3 *pañcakritimola*.

76 MA-ED3 *bāga*.

77 MS2 *badila*.

78 MS2 *paphyān*.

79 MA-ED3 *omits ra*.

80 MA-ED3 *omits ra*.

81 MS2 *kriyākharca*.

१२. वाघ⁸² भालु वदेल⁸³ गैह्ले मानिस षायको रहेनछ अन्नवालि र चौपायाहरु मात्र षायामा गाउ घरमा उर्दि दि सोला गैह्ल थापेछ आफु विकट वस्याको रहेनछ र तेस्मा उर्दि दियादेपि वाहेकका अरु मानिसहरु⁸⁴ परि मर्यो भन्या थापन्यावाट मर्याको कृयाषर्च ५० रुपैया भराइ ५० रुपैया दण्ड गर्नु । ज्यान मरेन घा मात्र लाग्यो भन्या घाषर्च २५ रुपैया दिलाइदिनु दण्ड पर्देन । उर्दि पाउन्या मानिस परि मर्यो भन्या १२ रुपैया कृयाषर्च भराइदिनु । घा मात्र लाग्यो भन्या ६ रुपैया घाषर्च दिलाइदिनु दण्ड⁸⁵ पतिया पर्देन ।

१३. वाघ भालु वदेल गैह्ले मानिस चौपाया अन्नवालीहरु षायामा गाउघरमा उर्दि दि सोला गैह्ल थापेछ र तेस्मा चौपायाहरु पर्यो भन्या सोला थापन्यालाइ षतवात लाग्दैन ।

१४. वाघ भालु वदेल गैह्ले⁸⁶ मानिसहरु षायामा गाउघरमा उर्दि केही नदी वाटा पध्येरा वारि करासा गैह्लमा सोला गैह्ल थापेछ आफु विकट पनि वस्याको रहेनछ र तेस्मा मानिस परि मर्यो भन्या सोला थापन्याको ऐनवमोजीम्को अंस सर्वस्व गरि तेस्को दसौद लि उपर सब⁸⁷ सर्वस्व मर्याको कृयाषर्च⁸⁸ वावत् भराइ दि ६ वर्ष कैद गर्नु । म्यादका रुपैया दिया लिनु । ज्यान मरेन घा मात्र लाग्यो भन्या ५० रुपैया घाषर्च दिलाइ ५० रुपैया दंड गर्नु ।

१५. वाघ भालु वदेल गैह्ले मानिसहरु षायामा गाउघरमा उर्दि केही नदि वाटा पध्येरा वारि करासा गैह्लमा सोला गैह्ल थापेछ आफु विकट⁸⁹ वस्याको रहेनछ र तेस्मा चौपायाहरु पर्यो भन्या सोला थापन्यालाइ खतवात लाग्दैन ।

१६. वाघ भालु वदेल⁹⁰ गैह्ले मानिस षायको रहेनछ अन्नवालि र चौपाया मात्र षायामा गाउघरमा उर्दि केही नदि वाटा पध्येरा वारि करासा गैह्लमा सोला गैह्ल थापेछ आफु विकट पनि वस्याको रहेनछ र तेस्मा मानिस परि मर्यो भन्या सोला थापन्याको ऐनवमोजीम्को अंस सर्वस्व गरि तेस्को दसौद लि उपर सबै सर्वस्व मर्याको कृयाषर्च⁹¹ वावत् भराइ दि ६ वर्ष कैद गर्नु । म्यादका रुपैया दिया लि छाडनु । ज्यान मरेन घा मात्र लाग्यो भन्या ५० रुपैया घाषर्च भराइ ५० रुपैया दण्ड गर्नु ।

१७. [MS2 p. 518] वाघ भालु वदेल गैह्ले मानिस षायको रहेनछ अन्नवालि र चौपाया मात्र षायेछ⁹² र गाउघरमा उर्दि केही नदी वाटा पध्येरा वारि करासा गैह्लमा सोला गैह्ल थापेछ र आफु विकट पनि वस्याको रहेनछ र तेस्मा चौपायहरु पर्यो भन्या तेस चौपायाको पंचकृति⁹³ मोल विगो धनिलाइ भराइ उसै विगावमोजिम् दंड गर्नु ।

१८. कृयाषर्च र घाषर्च भरायाका जम्माको दसौद लाग्दैन नलिनु ।

82 MS2 *bāga*.

83 MS2 *banela*.

84 MA-ED3 *mānisa*.

85 MS2 omits *daṇḍa*.

86 MS2 *grāihra*.

87 MA-ED3 omits *sava*.

88 MA-ED3 *kriyākharca*.

89 MS2 *vakāṭa*.

90 MS2 omits *vadela*.

91 MA-ED3 *kriyākharca*.

92 MA-ED3 *khāecha*.

93 MA-ED3 *pañca kriti*.

[3] [MS2 p. 519] अन्नपानि वन्द गरि थुन्याको

१. कसैले सुना चादी कसन्तमन् नगद जिनीस जवाहेर {जगाहेर}⁹⁴ जग्गा जमीन् चौपाया कमाराकमारि जातभात घर वारी कुलो पानी वाटो करणी लिनदीन स्वाष्णीका⁹⁵ निमित्त झगरा भै थुनु पन्यालाइ अन्नपानी आफुले पनि षान नदी थुनी त्यो मानीस मर्यो भन्या मुडिन्या जातलाइ ऐनवमोजीम् अंस सर्वस्व गरि दामल गर्नु । स्वाष्णी⁹⁶ मानिसले भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातले अन्नपानी वंद गरि थुनी मार्याको रहेछ भन्या ज्यानको वदला ज्यान काटि मारिदिनु । अन्नपानि वंद गरि १ दिन १ रात मात्रै थुन्याको रहेछ भन्या ५ रुपैया २ दिनको १५ रुपैया दिन ३ को ३० रुपैया दिन ४ को ६० रुपैया दिन ५ को १२० रुपैया दिन ६ को २४० रुपैया दिन ७ को ४८० रुपैया दिन ८ को ९६० रुपैया दिन ९ को १९२० रुपैया दिन १० को ३००० रुपैया दिन ११ को ४००० रुपैया दिन १२ को ५००० रुपैया दिन १३ को ६००० रुपैया दिन १४ को ७००० रुपैया दिन १५ को ८००० रुपैया दिन १६ को ९००० रुपैया दिन १७ को १०००० रुपैया दिन १८ को ११००० रुपैया दिन १९ को १२००० रुपैया दिन २० को १३००० रुपैया दिन २१ को १४००० रुपैया जरिवाना गर्नु । स्वाष्णी⁹⁷ मानिस्ले अन्नपानि वंद गरि थुनी ज्यू मर्याको रहेनछ भन्या यस्को आधी जरिवाना गर्नु । जरिवानाका रुपैया नतिर्या ऐनवमोजिम् कैद गर्नु ।

२. कसैले सुनाचादी कसन्तमन्⁹⁸ नगदजिनीस जवाहेर जग्गाजमीन् चौपाया कमाराकमारी जातभात घरवारि कुलोपानी वाटो स्वास्त्री लिनदीन करनी⁹⁹ षतछितका निमित्त झगरा¹⁰⁰ भै थुनु पन्यालाइ थुन्याको रहेछ आफ्नो हवस वा उस्को हवस अन्नपानि षान दियाको रहेछ त्यो मानिस मर्यो भन्या त्यो थुन्या मानीसलाइ षतवात लाग्दैन । त्यो थुनिन्या मानीसलाइ थुन्या मानिसले अन्नपानी षान दियाको नषाइ आफै अतासमा¹⁰¹ पसी मर्यो भन्या पनी थुन्या मानीसलाइ षतवात लाग्दैन ।

३. कसैले सुनाचादि कसन्तमन् नगदजिनीस जवाहेर जग्गाजमीन चौपाया कमारा¹⁰² करनी¹⁰³ जातभात घरवारी कुलोपानी वाटो स्वाष्णी¹⁰⁴ षतछित लिनदिनका निमित्त झगरा¹⁰⁵ भै अन्नपानी वंद गरि थुनी राष्याको रहेछ त्यो थुनियाको मानीस मर्यो भन्या थुन्या मानीस दामल हुन्या जात¹⁰⁶ दामल हुन्छ काटिन्या जात¹⁰⁷ काटिन्छ । काटिन्या र दामल हुन्याका संतानले थुनी मान्याका सन्तानसग आफ्ना कारोवार लीनदीनका रुपैया माल लिन पाउदैन । अन्नपानी वंद गरी थुनियाको रहेछ थुनिन्याको ज्यान

94 MA-ED3 *jaḡāhera*.

95 MA-ED3 *svāsni*.

96 MA-ED3 *svāsni*.

97 MA-ED3 *svāsni*.

98 MS2 *kastamna*.

99 MS *karaṇi*.

100 MA-ED3 *jhaḡaḡā*.

101 MS2 *anāsamā*.

102 MA-ED3 *kaṃārākamāri*.

103 MA-ED3 *karaṇi*.

104 MA-ED3 *svāsni*.

105 MA-ED3 *jhaḡarā*.

106 MS2 omits *jāta*.

107 MS2 omits *jāta*.

मरेन भन्या थुन्यालाइ थुन्याका दिनदेपीको दिनगंतीको जरिवाना तिर्यपछी आफ्ना असामीसंग हिसाववमोजीम्को रुपैया लिन पाउछ ।

४. अडा गौडा अदालत ठाना सदर दफदर कुमारीचोक अमाल रकम्दार ठेक¹⁰⁸ इजारादारका कचहरीमा आयाका थुनुवा झगरियाहरुलाइ १ दिन १ रात अन्न पान दियाको रहेनछ भन्या घत लाग्दैन । १ दिन १ रात अन्नपानी दुवै थोक वंद गरि पान नदी थुन्याको रहेछ भन्या थुनुवाका ऐनवमोजीम् कारीदालाइ तक्सिस् लाग्छ ।

५. झगरिया थुनुवाहरुको आफ्ना घरको खानाको सावगास पनि रहेछ उस्का इष्टमित्र चाकरवाकरको त्यो झगरिया थुनुवासितको आवतजावत पनी रहेछ भन्या तेस्ताले पानपिन पाइन भनी करायो भन्या तेस्को नालीस सुनिदैन । थुन्याको कुराको घत लाग्दैन ।

[4] [MS2 p. 520] झगरामा हतियार झिक्यामा र हतियारको चोट लायामा गर्न्या ऐन १. ज्यान मारनाको मतलव नगर्याको अरु कुरामा झगरामा अर्कालाइ माछु भनि पुकुरि तरवार पुडा कटारि भाला र नभर्याको पालि बन्दूक धनु हातले मात्र समायो म्यान दापवाट झिक्याको रहेनछ भन्या तेस्तालाइ २॥ रुपैया दंड गर्नु ।

२. ज्यान मारनाको मतलव नगर्याको अरु कुराका झगरामा अरकालाइ माछु भनि पुकुरि तरवार पुडा कटारि भाला म्यान दापवाट झिकेछ भन्या र¹⁰⁹ भर्याको बंदूक सोझ्यायो धनु कमान् काठ सोझ्यायेछ भन्या तेस्तालाइ २० रुपैया दंड गर्नु ।

३. इवि झगरा केही नभयाको वाटामा हिडदा आफुले भिर्याका पुकुरि तरवार गैह्र हतियारको टुप्पो म्यान दापवाट निस्क्याको रहेछ र अर्कालाइ घोचेछ काटेछ कोरेछ¹¹⁰ र घालागन्या कराउन आयो भन्या तेस्ता होस नरापी हतियार भिन्यालाइ ४ आना दंड गर्नु । कराउन आयेन भन्या वात लाग्दैन ।

४. चलाचल गर्दा पेलदा हिडदा अर्काले घा लाग्न्या हतियार गैह्र लियाको भिर्याको थाहा नपाइ पक्रदा समाउदा तेही हतियारले काटि कोरि चोट लाग्यो भन्या भवितव्य ठहर्छ भिन्यालाइ वात लाग्दैन ।

५. झगरा हुंदा हानु भनि हतियारले हान्या घोच्याको रहेनछ हतियार¹¹¹ षोसाषोस गर्दा घा लागी रगत आयो भन्या षोसन्यालाइ घा लाग्याको भया दुवैलाइ दंड हुदैन । हतियार भिन्यालाइ घा लाग्याको¹¹² भया अधिवाट हात हालि अर्काको हतियार षोसन्यालाइ ॥ आना दंड गर्नु । कराउन आयेन भन्या वात लाग्दैन ।

६. ज्यान मारनाको मतलव पनि नगर्याका मारौ भनि वाटो गौडा पनि नवथान्या अधिको इविलाग पनि केही नपर्याको लुकीचोरिकन पनि हान्याको¹¹³ रहेनछ जगाजमीन्का झगरामा भयो मेलाजात्रामा भयो कारोवार लिनदिनका झगरामा भयो सुनाचादि नगदजिनिस कसन्तमन् जहावेर लत्ताकपडा चौपाया दुइपाया गैह्रका झगरामा भयो मेलापात कुला वन् घासपात गैह्रका निमित्त र स्वास्णिका¹¹⁴ निमित्त

108 MA-ED3 *thekadāra*.

109 MS2 omits *bhanyā ra*.

110 MS2 omits *korecha*.

111 MS2 *ruciyāra*.

112 MA-ED3 omits *lāgyāko*.

113 MS2 *lukīcorikana pani hānyāko lukīcorikana pani hānyāko*.

114 MA-ED3 *svāsnikā*.

झगरा भै गालि गोफ्ता कुट्पिट् हुंदा रिस थामन नसकी उसै वेलामा मानिस भयाका ठाउमा दिनमा हतियार गैह्ले हानि मानिस मारेछ भन्या हतियार चलाइ मान्या नका [MS2 p. 521] टिन्या जात्का लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹¹⁵ मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात्का लोगन्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

७.¹¹⁶ [MA-ED3, p. 85] ज्यान मानाको मतलव पनि नगर्याका मारौं भनि वाटो गौडा पनि नवथान्या अधिको इवि लाग पनि केहि नपर्याको लुकिचोरिकन हान्याको पनि रहेनछ जग्गा जमिन्का झगडामा भयो सुनाचादि नगदजिनिस कसन्तमन् जवाहेर लत्ताकपडा चौपाया दुइपाया गैह्र र मेलापात कुला वन् घास्पात गैह्रका निमित्त र स्वास्त्रिका निमित्त झगडा भै गालि गोफ्ता कुटपिट हुंदा रिस थामन नसकि उसै वेलामा मानिस भयाका ठाउमा हतियार लाठा हुंदा गैह्रले हानेछ र त्यो मानिस मरेन ज्यू जखम् भै काम नलाग्न्या भयो भन्या ज्यू जखम् गर्न्या लोगन्या मानिस भया २४ वर्ष स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कति दिया पनि नलिनु । ज्यू जखम् गराइ माग्न्याले कुटपिट रगतपक्ष गालि गोफ्ता गर्याको भया पनि उसलाइ खतवात लाग्दैन ।

८. [MS2 p. 521] ज्यान मानाको मतलव पनि नगर्याका मारौं भनि वाटो गौडा पनि नवथान्या अधिको इवि लाग पनि केही नपर्याको लुकीचोरिकन हान्याको पनि रहेनछ जगाजमिन्का झगरामा भयो सुनाचादि नगद जिनिस् कसन्तमन् जवाहेर लत्ताकपडा चौपाया दुइपाया गैह्र र मेलापात कुला वन् घासपात गैह्रका निमित्त र स्वाष्णिका¹¹⁷ निमित्त झगरा भै गालिगोफ्ता कुट्-पिट् हुंदा रिस थामन नसकी उसै वेलामा मानिस भयाका ठाउमा हतियार गैह्रले हानेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लागेछ भन्या हतियार चलाउन्त्यालाइ हान्याका घामा लमाइ रोप्याका घामा गैह्रो नापी १ अंगुलको घाभया लोगन्या मानिस भया १ वर्ष स्वाष्णि¹¹⁸ मानिस भया ६ मैहना २ अंगुलको घा भया लोगन्या मानिस भया १ वर्ष स्वाष्णि¹¹⁹ मानिस भया ९ मैहना ३ अंगुलको घा भया लोगन्या मानिस भया २ वर्ष स्वाष्णी¹²⁰ मानिस भया १ वर्ष एसै रितले जति अंगुलको घा लाग्याको छ अंगुल पिछे लोगन्या मानिस भया ६ मैहना स्वाष्णि¹²¹ मानिसलाइ ३ मैहनाका हिसावले वडाइ १२ वर्ष नपुग्यासम्म कैद गर्नु । एहि रितले हिसाव गर्दा १२ वर्षदेखि वढता कैद हुन्या भया पनि १२ वर्ष मात्र कैद गर्नु । १२ वर्षदेखि वढता कैद नगर्नु । म्यादका रुपैया कति दिया पनि नलिनु । घा लाइमाग्न्याले कुट्-पिट् रगतपक्ष गालि गोफता गर्याको भया पनि उसलाइ षतवात केहि लाग्दैन ।

115 MA-ED3 *svāsni*.

116 The section §7 is missing in the MS. The 8th passage has been copied after the 6th. The running number given for the passages of this chapter in the MS runs §1, §2, §3, §4, §5, §6 and §8 and so forth. Thus, it is clear that the scribe forgot to copy it.

117 MA-ED3 *svāsni*.

118 MA-ED3 *svāsni*.

119 MA-ED3 *svāsni*.

120 MA-ED3 *svāsni*.

121 MA-ED3 *svāsni*.

[5] [MS2 p. 522] एकै जनाले मारं भन्या मतलव गरि मानिस मार्यामा सजाय गर्न्या ऐन

९. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारौ भनि हतियार गैह्ले हानि रोपी मानिस मार्यो भन्या मान्या नकाटिन्या जात्का लोग्न्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹²² मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्यामानिस भया ज्यान्को वदला ज्यान काटि मारिदिनु ।

१०. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारं भनि वंदूक काढ सख्र गैह्ले हानि रोपी मानिस मार्यो भन्या मान्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹²³ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

११. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारं भनि भिर¹²⁴ भडखारामा¹²⁵ र रुष झ्याल कौसि छाना परषाल गैह्लवाट घच्याटि षसाइ लडाइ मानिस मार्या¹²⁶ मान्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹²⁷ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१२. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारौ भनि लाठा हुंगा काठ इट चपरि धातु घुग्यात्रो झटारा गैह्ले हानि रोपी वा पत्थर मुढाले थिचि मानिस मारेछ भन्या मान्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹²⁸ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१३. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारं भनि घोक्रो अठ्याइ वाधि झुंडाइ पासो लाइ मुषमा वुजो¹²⁹ लाइ मानिस मार्यो भन्या नकाटिन्या जातका लोग्न्यामानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹³⁰ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यान्को वदला ज्यान् काटि मारिदिनु ।

१४. [MS2 p. 523] धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारं भनि षाडल्मा हालि इट माटो हुंगा गैह्ले पुरेछ र त्यो मानिस मरेछ भन्या मारौ भनि षाडल्मा हालि पुन्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹³¹ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

122 MA-ED3 *svāsni*.

123 MA-ED3 *svāsni*.

124 MS2 *bhīda*.

125 MA-ED3 *bharasārāmā*.

126 MA-ED3 *māryo bhanyā*.

127 MA-ED3 *svāsni*.

128 MA-ED3 *svāsni*.

129 MS2 *bajo*.

130 MS2 *svāsni*.

131 MA-ED3 *svāsni*.

१५. धनमालका लालचले भयो वा अरु केही इविले¹³² अर्कालाइ मारुं भनि गैह्रा¹³³ गंगा घोला जघार¹³⁴ इनार पोषरि गैह्रमा घच्याटि षसाइ वगाइदियो र त्यो मानिस पानिमै डुवी वगी मर्यो अथवा आफै पाषा लागी वा अरुले झिकि पाषा लागी ३ दिनभित्र मर्यो भन्या मारुं भनि पानिमा षसाउन्या नकाटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹³⁵ मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोगन्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१६. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं भनि आगामा घच्याटि षसाइ सेकाइ मानिस मार्यो भन्या नकाटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वास्नि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोगन्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१७. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं भनि जहर विष पुवाइ मानिस मार्यो भन्या नकाटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वास्निमानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोगन्या मानिस भया ज्यानको वदला ज्यान काटी मारिदिनु ।

[6] धेरै जनाले मारौं भन्या मतो सल्लाह गरि मानिस मार्यामा सजाय गर्न्या ऐन १८. धनमालका लालचले भयो वा अरु केही इविले मारौं¹³⁶ भनि धेरै¹³⁷ जना मिलि हतियार गैह्रले हानि रोपि मानिस मार्यो भन्या जति जनाका चोटले मर्याको छ उति जनालाइ काटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वाष्णि¹³⁸ मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जातका लोगन्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१९. धनमालका लालचले भयो वा अरु केही इविले मारुं भनि धेरै¹³⁹ जना मिलि वंदूक सख्र काढ गैह्रले रोपी मानिस मार्यो भन्या जति जनाको चोटले मर्याको छ उति जनालाइ नकाटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वास्नि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोगन्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

२०¹⁴⁰ [MA-ED3 p. 89] नम्बर्को । धनमालका लालचले भयो वा अरु केही इविले मारौं भनि धेरै जना मिलि भिर भडखारामा र रुख झ्याल कौशि छाना पर्खाल गैह्रवाट घच्याटि खसाइ मानिस मार्यो भन्या जति जनाका हातले समाति खसायाको छ उति जनालाइ नकाटिन्या जातका लोगन्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि स्वास्नि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोगन्या [मानिस] भया ज्यानको वदला ज्यान काटि मारिदिनु ।

132 MS2 *bile*.

133 MS2 *gāihra*.

134 MS2 *jaghāna*.

135 MA-ED3 *svāsni*.

136 MA-ED3 *māraum*.

137 MS2 *dherai*.

138 MA-ED3 *svāsni*.

139 MS2 *dherai*.

140 The sections §§20–29 are missing in the MS2.

२१ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि धेरै जना मिलि लाठा हुंगा इट चपरि काठ धातु झटारा गैह्र र घुग्यात्रो गैह्रले हानि रोपि या पत्थर मुढाले थिचि मानिस मार्यो भन्या जति जनाले हात छोडि मार्याको छ उति जनालाइ नकाटिन्या जात्का लोग्न्या मानिस् भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

२२ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि धेरै जना मिलि गैह्रा गंगा खोला इनार पोखरि साँघु झोलंगा तिर झाडि जंधार गैह्रमा खसाइ वगाइदियाछन् र त्यो मानिस पानिमै डुवि वगि मर्यो अथवा आफै पाखा लागि अरुले झिकि पाखा लाइ ३ दिन भित्रमा मर्यो भन्या जति जनाले मारौं भनि समाति घच्याटि खसाइ ज्यान मार्याको छ उति जनालाइ नकाटिन्या जात्का लोग्न्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस् भया ज्यान्को बदला ज्यान् काटि मारिदिनु ।

२३ [MA-ED3 p. 90] नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि धेरै जना मिलि घोक्रो अठ्याइ वा वाँधि वा झुण्डाइ वा पासो लाइ वा मुखमा वुजो लाइ मानिस् मार्या भन्या जति जनाको हात पर्याको छ उति जनालाइ नकाटिन्या जात्का लोग्न्या मानिस् भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

२४ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि धेरै जना मिलि खाडल्मा हालि माटो इट चपरि गैह्रले पुरि मानिस् मार्यो भन्या जति जनाले समाति खाडल्मा हाल्याको पुर्याको छ उति जनालाइ नकाटिन्या जात्का लोग्न्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

२५ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि धेरै जना मिलि आगामा घच्याटि खसाइ सेकाइ मानिस मार्यो भन्या आगामा सेकाउन्या वेलामा र हालन्या वेलामा जति जनाले समायाको छ उति जनालाइ नकाटिन्या जात्का लोग्न्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस् भया ज्यान्को बदला ज्यान काटि मारिदिनु ।

२६ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले फलानालाइ मार भनि मोख्य भै वचन दियछ र उस्का आज्ञाले अरु गै मानिस् मारेछ भन्या मोख्य भै मार भनि वचन दिन्यालाइ मान्या ठाउमा सग गयाको भया पनि नगयाको भया पनि नकाटिन्या जात्का लोग्न्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस भया ज्यान्को बदला ज्यान् काटि मारिदिनु¹⁴¹ ।

२७ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मा [MA-ED3 p. 91] नार्का मतलवमा पसि मानालाइ समातिदिन्या र वाँधन्या गरि मानिस मरायाछन् भन्या मानालाइ समातिदिन्या वाँधिदिन्याहरु जति जना छन् उति जनालाइ नकाटिन्या

जात्का लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्ण्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

२८ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले मानार्का मतलवमा पसि मानार्लाइ हतियार वन्दुक् काढ गैह् दि मान्या ठाउमा समेत् जान्या हतियार नचलाउन्या मोख्य भै मार भनि वचन पनि नदिन्यालाइ मानिस मर्याको रहेछ भन्या जति जनाले मानार्लाइ भनि हतियार वन्दुक् काढ गैह् दि ज्यान मरायाको छ उति जनालाइ नकाटिन्या जात्का लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि श्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्ण्या मानिस भया ज्यान्को बदला ज्यान् काटि मारिदिनु ।

२९ नम्बर्को । मान्या चाहि मानिस्ले फलानालाइ मार्छु हतियार वन्दुक् काढ देउ भनि उस्ले भन्दा फलानालाइ मार्छस् भन्यालाइ हतियार भनि¹⁴² दिएछ मान्या ठाउमा आफु गयाको रहेनछ भन्या पनि तिनले हतियार दि ज्यान मरायाको ठहर्नाले नकाटिन्या जात्का लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि श्वास्त्रि मानिस भय¹⁴³ सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्ण्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

३०. [MS2 p. 526] धनमालका लालचले भयो वा अरु केही इविले मानार्का मतलवमा पसि मान् लाग्दा भाग्ला उम्कला भनि घरभित्र झ्याल ढोका थुनिदियेछ वा भर्थाङ् झिकिदि मानिस मरायाछन् भन्या मानार्का मतलवमा पसि मान् लाग्दा झ्याल ढोका थुनिदियेछ वा भर्थाङ् झिकिदि ज्यान मराउन्या जति जना छन् उति जनालाइ लोग्ण्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादको रुपैया¹⁴⁴ डवल दिया पनि नलिनु ।

३१. धनमालका लालचले भयो वा अरु केहि इविले मानार्का मतलवमा पसि मान् लाग्दा भाग्ला उम्कला भनि मर्याका आग¹⁴⁵ भन्या नछुन्या घरभित्र वाहेक वाहिर¹⁴⁶ वाटो गौडा छेकी मानिस मरायाछन् भन्या¹⁴⁷ मानार्का मतलवमा पसि मान् लाग्दा वाटो गौडा छेकी ज्यान मराउन्या जति जना छन् उति जनालाइ लोग्ण्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया डवल¹⁴⁸ दिया पनि नलिनु ।

३२. धनमालका लालचले भयो वा अरु केही इविले मानार्का मतलवमा पसि मान् लाग्याको अरुले देषनन् भनि विकट् वरुया मोष्य भै मार भनि वचन पनि नदिन्या हतियार पनि नदिन्यालाइ भानिस मरायाछन् भन्या विकट् वसि ज्यानमराउन्या जति जना छन् उति जनालाइ लोग्ण्या मानिस भया ऐनवमोजिम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया डवल दिया पनि नलिनु ।

142 Emend. *bhane*.

143 Emend. *bhayā*.

144 MA-ED3 *rupaiñā*.

145 MA-ED3 *aṃgamā*.

146 MA-ED3 *bāhiḍa*.

147 MS2 omits *bhanyā*.

148 MA-ED3 *kattī*.

३३.¹⁴⁹ धनमालका लालचले भयो वा अरु केही इविले मानार्का मतलवमा पसि मान्या ठाउमा संग जान्या हात नछोडन्या नसमाउन्या नवाधन्या विकट पनि नवरुया मोष्य भै मार भनि वचन पनि नदिन्या हेरि मात्र रहन्या जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया डवल¹⁵⁰ दिया पनि नलिनु ।

३४. [MS2 p. 527] धनमालका लालचले भयो वा अरु केही इविले मानार्का मतलवमा पस्याका मान्या ठाउमा नजान्या हतियार पनि नदिन्या मोष्य भै मार भनि वचन पनि नदिन्या एस्ता मतलविलाइ ज्यान मर्याको रहेछ भन्या मानार्को मतलवमा परुया¹⁵¹ मतलविहरु जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ८ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ४ वर्ष कैद गर्नु । म्यादका रुपैया डवल¹⁵² दिया पनि नलिनु ।

३५. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै¹⁵³ जनाले मतो सल्लाह गरि जहर विष पुवाइ मानिस मारेछन्¹⁵⁴ भन्या जहर विष पुवाइ मानिस मान्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिमको¹⁵⁵ अंस सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

३६. धनमालका लालचले भयो वा अरु केही इविले फलानालाइ मानार्लाइ हो भनि जानी¹⁵⁶ जहर विष दिन्यालाइ पुवाउन्याले तेही जहर विष पुवाइ मानिस मार्याको रहेछ भन्या मानार्लाइ हो भनि जानिजानि मार भनि जहर विष दिन्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिमको अंस सर्वस्व गरि स्वास्त्रि मानिस भया नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि¹⁵⁷ मारिदिनु ।

३७. धनमालका लालचले भयो वा अरु केही इविले मोष्य भै फलानालाइ जहर विष पुवाइ मार भनि वचन दियेछ र उस्का आज्ञाले जहर विष पुवाइ मानिस मार्याको रहेछ भन्या मोष्य भै जहर विष पुवाइ मार भनि वचन दिन्या नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको बदला ज्यान काटि मारिदिनु ।

३८. धनमालका लालचले भयो वा अरु केही इविले जहर विष पुवाइ मारुं भन्या मतलवमा पसि मान्या ठाउमा संग जान्या जहर विष पनि नपुवाउन्या मोष्य भै मार भनि वचन पनि नदिन्या जहर विष पनि नदिन्या मतलवीहरुलाइ जहर विष पुवाइ

149 Note that in the MS2 these sections are inverted, i.e. section 34 precedes the section 33 [adapted]. The MA-ED3, however, lists them according to chronological order [discarded].

150 MS2 omits *ḍavala*.

151 MA-ED3 *basnyā*.

152 MS2 *dabala*.

153 MS2 *dherai*.

154 MA-ED3 *mārecha*.

155 MS2 *°bamojiko*.

156 MA-ED3 *jāni jāni*.

157 MS2 *nakāṭi*.

मानिस मार्याको रहेछ भन्या मानाका मतलवमा पसि मान्या ठाउमा स्मेत संग जान्या एस्ता मतलवीहरु जति जना छन् उति जनालाइ लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति¹⁵⁸ दिया पनि नलिनु ।

३९. धनमालका लालचले भयो वा अरु केही इविले जहर विष पुवाइ मारुं भन्या मतलवमा मात्र पस्याका मान्या ठाउमा पनि नजान्या जहर विष पनि नपुवाउन्या मोष्य भै मार भनि वचन पनि नदिन्या जहर विष पनि नदिन्या अरु मतलवीहरुलाइ जहर विष पुवाइ मानिस मार्याको रहेछ भन्या मानाका मतलवमा मात्र पर्या मान्या ठाउमा नजान्या एस्ता मतलवीहरु जति जना छन् उति जनालाइ लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि ८ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ४ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति¹⁵⁹ दिया पनि नलिनु ।

४०¹⁶⁰ [MA-ED3 p. 94] नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि सर्पले टोकाइ मानिस मार्या भन्या नकाटिन्या जात्का लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोगन्या मानिस भया ज्यान्को वदला ज्यान् काटि मारिदिनु ।

४१ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि कुकुरले टोकाइ मानिस मार्या भन्या नकाटिन्या जात्का लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि स्वास्त्रि मानिस भया नगरि दामल गर्नु । काटिन्या जात्का लोगन्या मानिस भया ज्यान्को वदला ज्यान् काटि मारिदिनु ।

४२ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि हतियार लि लगार्दा आफ्नो ज्यू वचाउनाका लागि भागि जादा त्यो [MA-ED3 p. 95] मानिस भिड¹⁶¹ भडखारावाट खसि मर्यो भन्या डरले भागि जादा भिर भडखारावाट खसि ज्यान् मर्याको हुनाले मारौं भनि हतियार लि लगान्यालाइ तेस्ले हतियारको चोट लाउन नपायाको भया लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

४३ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले मारौं भनि हतियार लि लगार्दा आफ्नो ज्यू वचाउनका लागि भागि गै खोलामा फाल्हालेछ र त्यो मानिस खोलामा डुवि वगि मर्यो भन्या डरले भागि जादा खोलामा फाल्हालदा ज्यान् मर्याको हुनाले मारौं भनि हतियार लि लगान्यालाइ तेस्ले हतियारको चोट लाउन नपायाको भया लोगन्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

[7] एकै जनाले मारौं भन्या मतलव गरि ज्यू जखम गरायामा सजाए गन्या ऐन ४४ नम्बर्को । धन्मालका लालचले भयो वा अरु केहि इविले अर्कालाइ मारौं भनि हतियार गैहले हानेछ रोपेछ र त्यो मानिस मरेन ज्यू जखम भै काम नलाग्न्या भयो

158 MS2 *kaṭṭi*.

159 MS2 *kaṭṭi*.

160 The sections §§40–49 are missing in the MS2.

161 Read *bhīra*.

भन्या हान्या लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्वश्व गरि दामल गर्नु । श्वास्त्रि मानिस भया सर्वश्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दिया पनि नलिनु ।

४५ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले अर्कालाइ मारौं भनि वन्दुक काठ सख्र गैहले हानेछ र त्यो मानिस मरेन ज्यू जखम भै काम नलाग्न्या भयो भन्या हान्या लोग्न्यामानिस भया ऐनवमोजिमको अंश सर्वश्व गरि दामल गर्नु । श्वास्त्रि मानिस भया सर्वश्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दिया पनि नलिनु ।

४६ [MA-ED3 p. 96] नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले अर्कालाइ मारौं भनि भिर भडखारामा र रुख झ्याल कौसि छाना पर्खालवाट घच्याटि खसाइ लडाइ दियछ र त्यो मानिस मरेन ज्यू जखम भै काम नलाग्न्या भयो भन्या लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्वश्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वश्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दिया पनि नलिनु ।

४७ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले अर्कालाइ मारौं भनि लाठा हुंगा काठ इट चपरि घुग्यात्रो झटारा गैहले हानेछ र पत्थर मुडाले थिचेछ र त्यो मानिस मरेन ज्यूजखम् भै काम नलाग्न्या भयो भन्या मारौं भनि हान्या लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्व¹⁶² गरि दामल गर्नु । श्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दीया पनी नलिनु ।

४८ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इवीले अर्कालाइ मारौं भनि आगामा घच्याटि खसाइ सेकाइ दियो र त्यो मानिस मरेन ज्यू जखम्भै काम नलाग्न्या भयो भन्या मारौं भनी आगामा हाल्न्या लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्वश्व गरि दामल गर्नु । श्वास्त्री मानीस् भया सर्वस्व नगरी १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ती दीया पनी नलिनु ।

[8] धेरै जनाले मारौं भन्या मतो सल्लाह गरी ज्यू जखम् गर्न्यामा सजाए गर्न्या ऐन ४९ नम्बर्को । धन्माल्का लालचले भयो वा अरु केही इवीले मारौं भनी धेरै जना मीली हतीवार¹⁶³ गैहले हानेछन् रोपेछन् र त्यो मानीस् मरेन ज्यू जखम् भै काम नलाग्न्या भयो भन्या जती जनाका चोटले जीउ जखम् भयाको छ उती जनालाइ लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्वश्व गरी दामल गर्नु । श्वास्त्री मानीस भया १२ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ती दीया पनि नलीनु ।

५०. [MS2 p. 530] धनमालका लालचले भयो वा अरु केहि इविले¹⁶⁴ अर्कालाइ मारौं भनि धेरै जना मिलि वंदुक काठ सख्र गैहले हानेछ र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या जति जनाका चोटले ज्यू जखम्¹⁶⁵ भयाको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजिमको अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कति¹⁶⁶ दिया पनि नलिनु ।

५१. धनमालका लालचले भयो वा अरु केही इविले मारौं भनि धेरै जना मिलि भिर¹⁶⁷ भडषारामा र रुष झ्याल कौशि छाना पर्षाल गैहवाट घच्याटि खसाइ दियाछन्

162 Read *amśa sarvasva*.

163 Read *hatiyāra*.

164 MS2 *bile*.

165 MS2 *pū jaṣam*.

166 MS2 omits *kati*.

167 MS2 *bhīḍa*.

र त्यो मानिस मरेन ज्यू जषम्¹⁶⁸ भै काम नलाग्न्या भयो भन्या मारौ भनि जति जनाले समाति षसाल्याको¹⁶⁹ छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५२. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि ढेरै जना मिलि लाठा हुंगा इट चपरि काठ धातु झटारो गैह्र र घुग्यात्रो¹⁷⁰ गैह्रले हानेछन्¹⁷¹ वा पत्थर मुढाले थिचेछ र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मारौ भनि जति जनाले हात छोडी ज्यू जषम्¹⁷² भयाको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५३. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जना मिलि आगामा घच्याटि षसायेछ¹⁷³ सेकायेछ र त्यो मानिस मरेन गोहारि पाइ वा आफै उम्की ज्यू जखम् भै काम नलाग्न्या भयो भन्या आगामा सेकाउन्त्या वेलामा र हालन्त्या वेलामा जति जनाले समायाको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५४. धनमालका लालचले भयो वा अरु केही इविले फलानालाइ मार भनि मोष्य¹⁷⁴ भै वचन दियेछ र उस्का आज्ञाले गै अरुले ज्यू जषम् गरि काम नलाग्न्या गरायेछ ज्यान भन्या मरेन भन्या मोष्य¹⁷⁵ भै मार भनि वचन दिन्त्या मानर्या ठाउमा संग गयाको भया पनि नगयाको भया पनि लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु¹⁷⁶ । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५५. [MS2 p. 531] धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मानालाइ समातिदिन्त्या र वांधीदिन्त्यालाइ त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मानालाइ समातिदिन्त्या वांधीदिन्त्या¹⁷⁷ जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति¹⁷⁸ दिया पनि नलिनु ।

५६. धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मानालाइ हतियार वन्दूक काढ गैह्र दि मानर्या ठाउमा समेत जान्या हतियार नचलाउन्त्या मोष्य भै मार भनि वचन पनि नदिन्त्यालाइ मानिस मार्याको रहेनछ ज्यू जषम् भै काम नलाग्न्या भयो भन्या जति जनाले मानालाइ भनि हतियार वन्दूक काढ

168 MA-ED3 *jakhama*.

169 For *khasālyāko*.

170 MA-ED3 *ghugyāco*.

171 MA-ED3 *hānecha*.

172 MA-ED3 *jya jakhama*.

173 For *khasāyecha*.

174 For *mokhya*.

175 MA-ED3 *mokhya*.

176 MA-ED3 *ganu*.

177 MA-ED3 *bāmdhidinyāharu*.

178 MS2 *kāti*.

दि ज्यू जषम् गरायाको¹⁷⁹ छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५७. मान्या चाही मानिसले म¹⁸⁰ फलानालाइ मार्छु हतियार वंदूक काढ देउ भनि उस्ले भंदा फलानालाइ मार्छु भन्या ला इ¹⁸¹ हतियार भनि दियेछ मान्या ठाउमा आफु गयाको रहेनछ र काटिन्याको ज्यान गयाको¹⁸² रहेनछ ज्यू जषम भै काम नलाग्न्या भयो भन्या तीन्ले हतियार दि ज्यू जषम् गरायाको ठहर्नाले लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल

गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५८. धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मार्न लाग्दा भाग्ला उम्कला¹⁸³ भनि घरभित्र झ्याल कोठा थुनिदियेछ वा भयाइ झिकिदियेछन् र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मानाका मतलवमा पसि झ्याल ढोका थुनिदिन्या भयाइ झिकिदिन्या जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

५९. धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मार्न लाग्दा भाग्ला उम्कला¹⁸⁴ भनि घरभित्र वाहेक वाहीर वाटो गौडा छेकीदिन्या उस्का आगमा हातले नसमाउन्यालाइ त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मानाका मतलवमा पसि वाटो गौडा छेकीदिन्या जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ९ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ४ ॥ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति¹⁸⁵ दिया पनि नलिनु ।

६०. [MS2 p. 532] धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मार्न लाग्याको अरुले देषनन् भनि विकट वरुयालाइ त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मानाका मतलवमा पसि विकट वरुया जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ९ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ४ ॥ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६१. धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पसि मान्या ठाउमा संग जान्या हात नछोडन्या नछेकन्या विकट पनि नवरुया मोष्य भै मार भनि वचन पनि नदिन्या हेरि मात्र रहन्यालाइ त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्न्या भयो भन्या मतलवमा पसि संग गै हेरिरहन्या जती जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ९ वर्ष कैद गर्नु ।¹⁸⁶

179 MA-ED3 *garāyako*.

180 MS2 omits *ma*.

181 MS2 omits *i*.

182 MA-ED3 *maryāko*.

183 MS2 *uskalā*.

184 MS2 *uskalā*.

185 MS2 *kaṭṭi*.

186 MS2 omits *kāida garnu*.

स्वास्त्रि मानिस भया सर्वस्व गरि¹⁸⁷ ४ ॥ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६२. धनमालका लालचले भयो वा अरु केही इविले मानाका मतलवमा पस्याका मान्या ठाउमा नजान्या हतियार पनि नदिन्या मोष्य भै मार भनि वचन पनि नदिन्या एस्ता मतलवीलाइ त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्या भयो भन्या मानाका मतलवमा पर्या मतलवी जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६३. धनमालका लालचले भयो वा अरु केही इविले मारु¹⁸⁸ भनि सर्पले टोकायेछ र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्या भयो भन्या मारौ भनि सर्पले टोकाउन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६४. धनमालको¹⁸⁹ लालचले भयो वा अरु केहि इविले मारौ भनि कुकुरले टोकायेछ र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्या भयो भन्या मारौ भनी कुकुरले टोकाउन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६५. [MS2 p. 533] धनमालका लालचले भयो वा अरु केही इविले मारुं¹⁹⁰ भनि हतियार लि लगादा आफ्नु¹⁹¹ ज्यू वचाउनाका लागी भागी जादा त्यो मानिस भिड¹⁹² भडपारावाट पसेछ र ज्यान मरेन ज्यू जषम् भै काम नलाग्या भयो भन्या ज्यू वचाउनका लागी भागी जादा भिड¹⁹³ भरपारामा¹⁹⁴ पसि ज्यू जषम् भयाको हुनाले मारुं¹⁹⁵ भनि हतियार लि लगान्यालाइ तेस्ले हतियारको चोट लाउन नपायाको भया लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु¹⁹⁶ । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६६. धनमालका लालचले भयो वा अरु केही इविले मारुं¹⁹⁷ भनि हतियार लि लगादा आफ्नु¹⁹⁸ ज्यू वचाउनका लागी भागी गै षोलामा फाल् हालेछ र त्यो मानिस मरेन ज्यू जषम् भै काम नलाग्या भयो भन्या ज्यू वचाउनाका लागी भागी गै षोलामा फाल हाल्दा ज्यू जषम् भयाको हुनाले मारुं¹⁹⁹ भनि हतियार लि लगान्यालाइ तेस्ले हतियारको चोट लाउन नपायाको भया लोग्न्या मानिस भया ऐनवमोजीम्को अंश

187 MA-ED3 *nagari*.

188 MA-ED3 *māraum*.

189 MA-ED3 *dhanmālkā*.

190 MA-ED3 *māraum*.

191 MA-ED3 *āphno*.

192 For *bhira*; MS2, MA-ED3 *bhida*.

193 MA-ED3 *bhira*.

194 MA-ED3 *bhadḥkhārāmā*.

195 MA-ED3 *māraum*.

196 MS2 *svāsni mānisa bhayā 6 varṣa svāsni mānisa bhayā 6 varṣa kaida garnu*.

197 MA-ED3 *māraum*.

198 MA-ED3 *āphno*.

199 MA-ED3 *māraum*.

सर्वस्व गरि²⁰⁰ १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि²⁰¹ ६ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

[9] एकै जनाले मारुं भनि ज्यू जषम् नहुन्या कुरो गर्यामा त्यो मानिस दैव संजोगले वा गुहारि पाइ वाच्यामा सजाय गर्न्या ऐन

६७. धनमालका लालचले भयो वा अरु केहि²⁰² इविले अर्कालाइ मारुं²⁰³ भनि घोक्रो अठ्यायेछ वाधेछ झुडायछ पासो लायेछ मुषमा वुजो लायेछ र त्यो मानिस मरेन दैव संजोगले वा गोहारि पाइ वाच्यो भन्या मारौ भनि एति विधि गर्न्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६८. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं²⁰⁴ भनि षाडल्मा हालि इट माटो हुंगा गैह्ले पुरेछ र त्यो मानिस दैव संयोगले वा गुहारि पाइ वाच्यो भन्या मारुं²⁰⁵ भनि षाडल्मा हालि पुन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

६९. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं²⁰⁶ भनि गैहा गंगा पोला जंघार इनार पोषरि गैह्लमा घच्याटि पसाइ वगाइदियो र त्यो मानिस आफै उत्रि पाषा लाग्यो²⁰⁷ अथवा अरुले झिकि²⁰⁸ पाषा लाइ पानि पायाको तहर्याउदा²⁰⁹ ३ दिन भित्र मरेन वाच्यो भन्या मारौ भनि [MS2 p. 534] पानिमा पसाउन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७०. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं भनि जहर विष पुवायेछ र पान्याको ज्यान मरेन वाच्यो भन्या मारौ भनि जहर विष पुवाउन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

[10] मारौ भनि धेरै जनाले मतो सल्लाह गरि ज्यू जषम् नहुन्या कुरो गर्यामा त्यो मानिस दैव संयोगले वा गुहारि पाइ वाच्यामा सजाय गर्न्या ऐन

७१. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जना मिलि गैहा गंगा पोला जघार षाडी²¹⁰ इनार पोषरि साघु झोलंगा तिरमा पसाइ वगाइदियाछन्

200 MS2 *lognyā mānisa bhayā sarvasva gari*.

201 MS2 omits *sarvasva nagari*.

202 MS2 *kaihi*.

203 MA-ED3 *mārauṃ*.

204 MA-ED3 *mārauṃ*.

205 MA-ED3 *mārauṃ*.

206 MA-ED3 *mārauṃ*.

207 MA-ED3 *lāgi*.

208 MS2 *diki*.

209 MS2 *thaharyāudā*.

210 MA-ED3 *khādi*.

र त्यो मानिस आफै पाषा लाग्यो अथवा अरुले पाषा लाइ पानि²¹¹ षायको तहर्थाउदा ३ दिन भित्र मरेन वाच्यो भन्या जति जनाले मारौ भनि समाइ घच्याटि पसाइ वगाइदियाको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७२. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जना मिलि घोक्रो अठ्यायेछ वा बाध्येछ वा झुंडायेछ वा पासो लायेछ वा मुषमा वुजो लायेछ र त्यो मानिस मरेन वाच्यो भन्या जति जनाको हात पर्याको छ उति जना लाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७३. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जना मिलि षाडल्मा हालि माटो इट चपरि गैह्वले पुरेछ र त्यो मानिस मरेन आफै निस्कि या²¹² अरुले झिकि वाच्यो भन्या जति जनाले मारौ भनि षाडल्मा हाल्याको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७४. [MS2 p. 535] धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जनाले मतो सल्लाह गरि जहर विष पुवायेछ र जहर विष षान्याको ज्यान मरेन वाच्यो भन्या मारौ भनि जहर विष पुवाउन्त्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरी दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७५. धनमालका लालचले भयो वा अरु केही इविले फलानालाइ मानालाइ हो भनि जानि जानि मार भनि जहर विष दिन्यालाइ पुवाउन्त्याले तेस्ले दियाको जहर विष लगी खुवायेछ र षान्याको ज्यान मरेन वाच्यो भन्या मानालाइ²¹³ हो भनि जानिजानि मार भनि जहर विष दिन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि²¹⁴ १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७६. धनमालका लालचले भयो वा अरु केही इविले मोष्य²¹⁵ भै फलानालाइ जहर विष खुवाइ मारौ²¹⁶ भनि वचन दियेछ र उस्का अज्ञाले जहर विष पुवायेछ षान्याको ज्यान मरेन वाच्यो भन्या जहर विष पुवाइ मार भनि वचन दिन्या लोग्न्या मनिस भया ऐनवमोजीम्को अंश²¹⁷ सर्वस्व गरि दामल गर्नु²¹⁸ । स्वास्त्रि मानिस भया सर्वस्व नगरि १२ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७७. धनमालका लालचले भयो वा अरु केही इविले जहर विष पुवाइ मारौ भन्या मतलवमा पसि मान्या ठाउमा संग जान्या जहर्विष पनि नपुवाउन्त्या मोष्य भै मार

211 MS2 *pāṃni*.

212 MA-ED3 *vā*.

213 MS2 *mārtālai*.

214 MS2 omits *sarvasva nagari*.

215 MA-ED3 *mokhya*.

216 MA-ED3 *māra*.

217 MS2 *asa*; MA-ED3 *aśa*.

218 MS2 *ganu*.

भनि वचन पनि नदिन्या जहर विष पनि नदिन्या अरु²¹⁹ मतलवीहरुलाई जहर विष पुवायेछ षान्याको ज्यान भन्या मरेन वाच्यो भन्या मानार्का मतलवमा पसि मान्या ठाउमा स्मेत जान्या मतलवी लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

७८. धनमालका लालचले भयो वा अरु केही इविले जहर विष पुवाइ मारौ भन्या मतलवमा मात्र पस्याका मान्या ठाउमा नगयाका जहर विष पनि नपुवाउन्त्या मोष्य भै मार भनि वचन पनि नदिन्या जहर विष पनि नदिया अरु मतलवीहरुलाई जहर विष पुवायेछ षान्याको ज्यान मरेन वाच्यो भन्या मानार्का मतलवमा पस्याका मान्या ठाउमा नजान्या एस्ता मतलवी लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ४ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि २ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि नलिनु ।

[11] [MS2 p. 536] एकै जनाले मारौ भन्या मतलव गरि घाउ लायामा सजाय गर्न्या ऐन् ७९. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं²²⁰ भनि हतियार गैह्ले²²¹ हानेछ रोपेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घाउ मात्र लागेछ भन्या घाउ²²² लाग्याको ठुलो हवस् सानु हवस् हान्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि

नलिनु ।

८०. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारुं²²³ भनि बंदूक काढ सत्र गैह्ले हानि घा लायेछ ज्यान मर्याको र ज्यू जखम् भयाको रहेनछ²²⁴ भन्या घा लायाको²²⁵ थुलो²²⁶ हवस् सानु हवस् हान्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैया कत्ति दिया पनि

नलिनु ।

८१. धनमालका लालचले भयो वा अरु केही इविले अर्कालाइ मारौ भनि भिर भडखारामा²²⁷ र रुष झ्याल कौशि छाना परपाल²²⁸ गैह्लवाट घच्याटि षसाइ लडाइदियेछ र त्यो मानिस मरेन ज्यू जखम पनि भयाको रहेनछ घा मात्र लागेछ भन्या घा लाग्याको थुलो²²⁹ हवस् सानु हवस्²³⁰ लोग्न्या मानिस भया ऐनवमोजीम्को

219 MS2 omits *aru*.

220 MA-ED3 *māraum*.

221 MS2 *gaihale*.

222 MS2 *ghā*.

223 MA-ED3 *māraum*.

224 MS2 *jiyāna maryāko rahecha bhanyā*.

225 MS2 *lāyoko*.

226 MA-ED3 *thulo*.

227 MS2 *mārau nani bhīḍe ṣaḍaṣoromā*.

228 MA-ED3 *parkhāla*.

229 MA-ED3 *thulo*.

230 MS2 omits *sānu havas*.

अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८२. धनमालका लालचले वा अरू केही इविले अर्कालाइ मारौ भनि लाठा ढुगा काठ इट चपरि घुग्यात्रो झटारा गैह्ले हानेछ पत्थर मुढाले थिचेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयाको रहेनछ घाउ मात्र लाग्यो भन्या घा लाग्याको ठुलो हवस् सानु हवस्²³¹ मारौ भनि हांन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंश²³² सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८३. धनमालका लालचले भयो वा अरू केही इविले अर्कालाइ मारौ भनि आगामा हालेछ सेकायछ र त्यो मानिस मरेन ज्यू जषम् पनि²³³ भयाको रहेनछ आगाले पोलि घा मात्र लागी वाच्यो भन्या घा लाग्याको ठुलो हवस् सानु हवस् मारुं²³⁴ भनि आगामा हालन्या सेकाउन्या लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

[12] [MS2 p. 537] धेरै जनाले मारौ भन्या मतो सल्लाह गरि घाउ लाया सजाय गर्न्या ऐन

८४. धनमालका लालचले भयो वा अरू केहि इविले मारौ भनि धेरै जना मीलि हतियार गैह्ले²³⁵ हानेछन् रोपेछन् र त्यो मानीस् मरेन ज्यू जषम पनि भयेन घा मात्र लागी वाच्यो भन्या जति जनाले मारौं²³⁶ भनि हतियारको चोट छोड्याको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीमको अंस सर्वस्व गरी १२ वर्ष स्वास्त्रि मानिस²³⁷ भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८५. धनमालका लालचले भयो वा अरू केहि इविले अर्कालाइ मारौ भनि धेरै जना मिली वंदुक काढ सत्र गैह्ले हानेछ र त्यो मानिस मरेन ज्यू जषम पनि भयेन²³⁸ घा मात्र लागी वाच्यो भन्या जति जनाले

मारौ भनि चोट छोड्याको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८६. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि धेरै जना मिलि भिर भडखारा²³⁹ रुष झ्याल कौशि छाना परषाल²⁴⁰ गैह्वट घच्याटि षसाइदियाछन् र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लागी वाच्यो भन्या जति जनाले

231 MS2 omits *sānu havas*.

232 MS2 *asa*.

233 MS2 *ṣani*.

234 MA-ED3 *māraum*.

235 MS2 *hatiyārale*.

236 MS2 *mālau*.

237 MS2 *maṣaṣisa*.

238 MS2 *bhayena*.

239 MS2 *bhīḍa bhāḍaṣārā*.

240 MA-ED3 *parkhāla*.

मारौ भनि भिर भडखारा²⁴¹ रुष ड्याल कौशि छाना परषाल²⁴² गैहवाट षसाल्याको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८७. धनमालका लालचले भयो वा अरु केही इविले मारौ भनि धेरै जना मिलि लाठा हुंगा इट चपरि काठ धातु झटारो गैह्व र घुग्यात्रो²⁴³ गैह्वले हानि वा पत्थर मुढाले थिचेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लागी वाच्यो भन्या मारौ भनि जति जनाले हान्याको थिच्याको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८८. धनमालका लालचले भयो वा अरु केही इवीले मारौ भनि धेरै जना मिलि घच्याटि षसाइ आगामा हालेछन् सेकायछन्²⁴⁴ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन गुहारि पाइ वा आफै उम्की घा मात्र लागी वाच्यो भन्या आगामा सेकाउन्त्या वेलामा र हालन्त्या वेलामा जति जनाले समायाको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

८९. धनमालका लालचले भयो वा अरु केही इविले फलानालाइ मार भनि मोष्य भै वचन दियेछ र उस्का आज्ञाले गै अरुले हान्दा त्यो मानिस मरेन ज्यू जषम् पनि भयेन गोहारि पाइ वा आफै उम्की घा मात्र लागी वाच्यो भन्या मोष्य भै मार भनि वचन दिन्यालाइ मान्या ठाउमा संग गयाको भया पनि नगयाको भया पनि लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९०. [MS2 p. 538] धनमालका लालचले भयो वा अरु केही इविले मानाको मतलवमा पसि मानालाइ समाति दिन्या र वाधीदिन्यालाइ त्यो मानिस मरेन ज्यू जषम् पनि भयेन गोहारि पाइ वा आफै उम्की घा मात्र लागी वाच्यो भन्या मानालाइ समाति दिन्या वाधन्याहरु जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९१. धनमालका लालचले भयो वा अरु केहि इविले मानाका मतलवमा पसि मानालाइ हतियार वंदूक काढ गैह्व दि मान्या ठाउमा स्मेत जान्या हतियार नचलाउन्त्या मोष्य भै मार भनि वचन पनि नदिन्यालाइ मानीस मार्याको र ज्यू जषम् भयाको रहेनछ घा मात्र लाग्यो भन्या जति जनाले मानालाइ भनि हतियार वंदूक काढ दियाको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९२. मान्या चाहि मानिसले फलानालाइ माछु हतियार वंदूक काढ देउ भनि उसले भंदा फलानालाइ माछुस् भन्यालाइ²⁴⁵ हतियार भनि²⁴⁶ दियेछ मान्या ठाउमा

241 MS2 *bhiḍa bhadaṣārā*.

242 MA-ED3 *parkhāla*.

243 MA-ED3 *ghugyāco*.

244 MS2 omits *sekāyachan*.

245 MS2 *bhanyālā*.

246 For *bhane*.

आफु गयाको रहेनछ र काटिन्याको ज्यान मरेन ज्यू जषम् पनि भयेन घा मात्र लागी वाच्यो भन्या तिल्ले मान्नालाइ हतियार दि घा लाग्याको ठहर्नाले लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९३. धनमालका लालचले भयो वा अरु केही इविले मान्नाका मतलवमा पसि मार्न लाग्दा भागला उम्कला भनि घरभित्र झ्याल ढोका थुनिदिन्या भर्याङ् झिकिदिन्यालाइ मानीस मर्याको र ज्यू जषम् भयाको रहेनछ घा मात्र लाग्यो भन्या जति जनाले मार्न लाग्दा झ्याल ढोका थुनिदियाका भर्याङ्²⁴⁷ झिकीदियाको छ उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ९ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ४ ॥ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९४. [MS2 p. 539] धनमालका लालचले भयो वा अरु केही इविले मान्नाका मतलवमा पसि मार्न लाग्दा भागला²⁴⁸ उम्कला भनि घरभित्र वाहेक²⁴⁹ वाहिर वाटो गौडा छेकीदिन्या उस्का आगमा हातले नसमाउन्त्यालाइ मानिस मर्याको²⁵⁰ र ज्यू जषम् भयाको रहेनछ घा मात्र लाग्यो भन्या मान्नाका मतलवमा पसि वाटो गौडा छेकीदिन्या जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९५. धनमालका लालचले भयो वा अरु केही इविले मान्नाका मतलवमा पसि मार्न लाग्याको अरुले देषनन् भनि विकट वरुयालाइ त्यो मानिस मर्याको र ज्यू जषम् भयाको रहेनछ घा मात्र लागेछ भन्या मान्नाका मतलवमा पसि विकट वरुया जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व²⁵¹ नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९६. धनमालका लालचले भयो वा अरु केही इविले मान्नाका मतलवमा पसि मान्ना ठाउमा संग जान्या हात नछोडन्या नछेकन्या विकट पनि नवरुया मोष्य भै मार भनि वचन पनि नदिन्या हेरि मात्र रहन्यालाइ त्यो मानिस मर्याको र ज्यू जषम् भयाको रहेनछ घा मात्र लागेछ²⁵² भन्या मान्नाका मतलवमा पसि संग गै हेरि रहन्या जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

९७. धनमालका लालचले भयो वा अरु केही इविले मान्नाका मतलवमा पस्याका मान्ना ठाउमा नजान्या हतियार पनी नदिन्या मोष्य भै मार भनि वचन पनी नदिन्या एस्ता मतलवीहरुलाइ मानिस मर्याको र ज्यू जषम् भयाको रहेनछ घा मात्र लागेछ भन्या मान्नाका मतलवमा परुया मतलवि जति जना छन् उति जनालाइ लोग्न्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ४ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि २ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

247 MS2 *bhamryā*.

248 MS2 *bhāvalā*.

249 MS2 omits *vāheka*.

250 MS2 *māryāko*.

251 MA-ED3 omits *sarvasva*.

252 MA-ED3 *lāgyo*.

१८. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि सर्प हालिदियेछ र त्यो मानिसलाई सर्पले टोकी घा मात्र लागेछ ज्यान् मर्याको र ज्यू जषम् भयाको रहेनछ भन्या मारौ भनि सर्प लगी हालिदिन्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरी १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१९. [MS2 p. 540] धनमालका लालचले भयो वा अरू केही इविले मारौ भनि कुकुर लगाइ टोकायेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लागी वाच्यो भन्या मारौ भनि कुकुरले टोकाउन्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१००. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि²⁵³ हतियार लि लगादा आफु²⁵⁴ ज्यू वचाउनाका लागी भागि²⁵⁵ जादा त्यो मानिस भिर भडखारावाट षसेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लाग्यो भन्या ज्यू वचाउनाका लागी भागी जादा भिर भडधारामा षसि घा लाग्याको हुनाले मारौ भनि हतियार लि लगान्यालाई हतियारको चोट लाउन नपायाको भया लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०१. धनमालका लालचले भयो²⁵⁶ वा अरू केही इविले मारौ भनि हतियार लि लगादा आफु²⁵⁷ ज्यू वचाउनका लागी भागि गै षोलामा फाल हालेछ र त्यो मानिस मरेन ज्यू जषम् पनि भयेन घा मात्र लाग्यो भन्या ज्यू वचाउनाका लागी भागी गै षोलामा फाल हाल्दा घा लाग्याको हुनाले मारौ भनि हतियार लि लगान्यालाई तेस्ले हतियारको चोट लाउन नपायाको भया लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

[13] एकै जनाले मारौ भन्या मतलव गलि²⁵⁸ हान्याको उसलाई लागी घाउ नलाग्यामा र हान्याको विरि²⁵⁹ उस्लाई नलाग्यामा सजाय गर्न्या ऐन

१०२. धनमालका लालचले भयो वा अरू केही इविले अर्कालाइ मारौ भनि बंदूक काठ सख्र गैह्ले हाल्दा²⁶⁰ रोपता उस्लाई लागी घा लागेनछ अथवा हान्याको विरि वा भागि छलि उस्लाई लागेनछ भन्या मारौ भनि हान्या रोपन्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०३. धनमालका लालचले भयो वा अरू केही इविले अर्कालाइ मारौ भनि बंदूक काठ सख्र गैह्ले हानेछ र उस्लाई लागी घा लागेनछ अथवा हान्याको विरि वा भागी

253 MS2 bhavi.

254 MA-ED3 āphno.

255 MS2 omits bhāgi.

256 MS2 bhayā.

257 MA-ED3 āphno.

258 MA-ED3 gari.

259 MA-ED3 omits viri.

260 MA-ED3 hāndā.

छलि उस्ताइ लागेनछ भन्या मारौ भनी हान्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।²⁶¹

१०४. [MS2 p. 541] धनमालका लालचले भयो वा अरू केही इविले अर्कालाइ मारौ भनि भिर भडखारामा र रूप झ्याल कौशी छाना परपाल²⁶² गैहवाट घच्याटि षसाइ लडाइ दियेछ र ज्यान पनि मरेन ज्यू जषम् पनि भयेन घाउ पनि लागेन वाच्यो भन्या मारौ भनि घच्याटि षसाउन्त्या लडाउन्त्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०५. धनमालका लालचले भयो वा अरू केही इविले अर्कालाइ मारौ भनी लाठा हुंगा काठ²⁶³ इट चपरि घुग्यात्रो²⁶⁴ झटारा गैहले हान्याको पत्थर मुढाले थिच्याको उसलाइ लागी घा लागेनछ अथवा हान्याको थिच्याको²⁶⁵ विरि वा भागी छलि उस्ताइ लागेनछ भन्या मारौ भनि हान्या थिचन्या लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि²⁶⁶ ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

[14] धेरै जनाले मारौ भन्या मतो सल्लाह गरि हान्याको उस्ताइ लागी घाउ नलाग्यामा र हान्याको विरि उसलाइ नलाग्यामा सजाय गर्न्या ऐन

१०६. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि धेरै जना मिलि हतियार गैहले हान्दा रोपता उसलाइ लागी घा लागेनछ अथवा मारौ भनि हान्याको विरियेछ भागी छलि उसलाइ लागेनछ भन्या जति जनाले मारौ भनि हतियार गैहले चोट छोड्याको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया (अंश) सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०७. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि ढेरै जना मिलि वंदूक काठ सख्र गैहले हानेछ र हान्याको उसलाइ लागी घा लागेनछ अथवा मारुं²⁶⁷ भनि हान्याको विरियेछ भागी छलि उसलाइ लागेनछ भन्या मारौ भनि जति जनाले वंदूक काठ सख्र गैहको चोट छोड्याको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०८. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि ढेरै जना मिलि भिर भडखारा रूप झ्याल कौशी छाना पर्षाल गैहवाट घच्याटि षसाइदियाछन् र त्यो मानिस मरेन ज्यू जषम् र घाउ पनि केही लागेन भन्या मारौ भनि समाति षसाउन्त्या

261 Sections 102 and 103 are similar, with the former using both the verbs 'strike' (*hānnu*) and 'stab' (*ropnu*), while the latter only uses the verb 'strike'.

262 MA-ED3 *parkhāla*.

263 MA-ED3 omits *kātha*.

264 MA-ED3 *ghugyāco*.

265 MS2 omits *thicyāko*.

266 MS2 *ri*.

267 MA-ED3 *māraum*.

जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१०९. [MS2 p. 542] धनमालका लालचले भयो वा अरू केही इविले मारौ भनि धेरै जना मिलि लाठा हुंगा काठ इट चपरि धातु झटारो गैह्र र घुग्यात्रो²⁶⁸ गैह्रले हांदा वा पत्थर मुढाले थीचता उसलाइ लागी घा लागेनछ अथवा हान्याको विरियेछ वा भागी लुकी²⁶⁹ उसलाइ लागेनछ भन्या जति जनाले मारौ भनि हान्याको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व स्वास्त्रि मानिस भया सर्वस्व गरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११०. धनमालका लालचले भयो वा अरू केही इविले मारौ भनि धेरै²⁷⁰ जना मिलि आगामा घच्याटि षसाइ सेकायाछन् र त्यो मानिस मरेन ज्यू जषम् पनि भयेन आगोले पोलि घाउ पनि केही हुन पायेन गुहारि पाइ वा आफै उम्की वाच्यो भन्या आगामा सेकाउन्त्या वेलामा र हालन्त्या वेलामा जति जनाले समायाको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

१११. धनमालका लालचले भयो वा अरू केही इविले फालानालाइ मार भनि मोष्य भै वचन दियेछन्²⁷¹ उस्का आज्ञाले गै अरुले हान्दा हान्याको उस्लाइ लागी घा लागेनछ वा विरियेछ वा गुहारि पाइ वा आफै उम्की गै ज्यू वचायेछ घाउ पनि केही लाग्याको रहेनछ भन्या मोष्य भै मार भनि वचन दिन्या मानर्या ठाउमा संग गयाको भया पनि नगयाको भया पनी लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति²⁷² दिया पनि नलिनु ।

११२. धनमालका लालचले भयो वा अरू केही इविले मानाका मतलवमा पसि मानालाइ समातिदिन्या र वाधिदिन्या²⁷³ लाइ हान्याको उसलाइ²⁷⁴ लागी घा लागेनछ वा विरियेछ²⁷⁵ अथवा गोहारि²⁷⁶ पाइ वा आफै भागी छलि ज्यू वचायेछ भन्या मानालाइ समातिदिन्या वाँधन्त्या²⁷⁷ हरू जति जना छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११३. धनमालका लालचले भयो वा अरू केही इविले मानाका मतलवमा पसि मानालाइ हतियार वंदूक काठ गैह्र दि मानर्या ठाउमा समेत जान्या हतियार नचलाउन्त्या मोष्य भै मार भनि वचन पनि नदिन्यालाइ उसले दियाका हतियार वंदूक काठ गैह्रले

268 MA-ED3 *ghugyāco*.

269 MA-ED3 *chalī*.

270 MS2 *dhera*.

271 MA-ED3 *diyecha*.

272 MS2 *tī*.

273 MS2 *ninyā*.

274 MS2 *usa*.

275 MS2 omits *vā viriyacha*.

276 MA-ED3 *guhāri*.

277 MS2 *bābanyā*.

हान्दा उसलाइ लागी घाउ²⁷⁸ लागेनछ अथवा मारौ भनि हान्याको विरियेछ भागी लुकी उसलाइ लागेनछ भन्या जति जनाले मारनालाइ भनि हतियार गैह्र दियाको छ उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११४. [MS2 p. 543] मान्या चाहि मानिसले फलानालाइ मारुछु हतियार बंदूक काढ देउ भनि उसले भंदा फलानालाइ मारुछु²⁷⁹ भन्या ला हतियार भनि दीयेछ मान्या ठाउमा आफु गयाको रहेनछ र मारुछु भनि हांन्याले हान्याको विरियेछ वा भागी छलि उसलाइ लागेनछ भन्या मारनालाइ हतियार बंदूक काढ दियाको ठहर्नाले लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ३ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११५. धनमालका लालचले भयो वा अरू केही इविले मारनाका मतलवमा पसि मारन लाग्दा भाग्ला उम्कला भनि घरभित्र झ्याल ढोका थुनिदिन्या भयाङ् झिकीदिन्यालाइ त्यो मानिस गुहारि पाइ वा आफै उम्की वाच्यो भने ज्यू जषम् पनि भयेन घाउ पनि केही लागेन भन्या मारौ भनि झ्याल ढोका थुनिदिन्या भयाङ् झिकीदिन्या जति छन् उति जनालाइ लोग्ग्या मानिस भया ऐनवमोजीम्को अंस सर्वस्व गरि ६ वर्ष²⁸⁰ स्वास्त्रि मानिस भया सर्वस्व नगरि २ ॥ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११६. धनमालका लालचले भयो वा अरू केही इवीले मारनाका मतलवमा पसि मारन लाग्दा भाग्ला उम्कला भनि घरभित्र वाहेक वाहीर वाटो गौडा छेकीदिन्या आगमा हातले नसमाउन्त्यालाइ मानिस मार्याको²⁸¹ ज्यू जषम् भयाको घा लाग्याको रहेनछ हान्याको उसलाइ लागी घा लागेनछ वा विरियेछ भन्या मारनाका मतलवमा²⁸² पसि गौडा छेकीदिन्या²⁸³ जति जना छन् उति जनालाइ लोग्ग्या मानीस भया ऐनवमोजीमको अंस सर्वस्व गरि ४ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि २ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११७. धनमालका लालचले भयो वा अरू केही इविले मारनाका मतलवमा पसि मारन लाग्याको अरूले देषनन् भनि विकट वरुयालाइ मारौ भनि हान्याको उसलाइ लागी घा लागेनछ वा विरियेछ अथवा गुहारि पाइ वा आफै भागी छली ज्यू वचायेछ भन्या मारन लाग्याको अरूले देषनन् भनि विकट वरुयाहरु जति जना छन् उति जनालाइ लोग्ग्या मानीस भया ऐनवमोजिमको अंस सर्वस्व गरि ३ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि १ ॥ वर्ष कैद गर्नु । म्यादका रूपैया कत्ति दिया पनि नलिनु ।

११८²⁸⁴ [MA-ED3 p. 115] नम्बर्को । धन्मालका लालचले भयो वा अरू केही इविले मारनाका मतलवमा पसि मान्या ठाउमा सग जान्या हात नछोडन्या नछेकन्या विकट पनि नवरुया मोख्य भै मार भनि वचन् पनि नदिन्या हेरि मात्र रहन्यालाइ मारौ भनि हान्याको उसलाइ लागी घा लागेनछ वा विरियेछ अथ [MA-ED3 p. 116] वा गुहारि पाइ वा आफै भागि छलि ज्यू वचायेछ भन्या मारनाका मतलवमा पसि सग

278 MA-ED3 *ghā*.

279 MS2 *māchas*.

280 MA-ED3 5 *varṣa*.

281 MA-ED3 *maryāko*.

282 MS2 *matalava*.

283 MS2 *nyā*.

284 The sections §§118–155 are missing in the MS2.

गै हेरि रहन्या जति जना छन् उति जनालाइ लोगन्या मानिस् भया ऐनवमोजिम्को अंश सर्वस्व गरि ३ वर्ष स्वास्त्रि मानिस् भया सर्वस्व नगरि १ ॥ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

११९ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले मानार्का मतलवमा पस्याका मानर्या ठाउमा नजान्या हतियार पनि नदिन्या मोख्य भै मार भनि वचन पनि नदिन्या एस्ता मतलविहुरुलाइ मारौं भनि हान्याको उस्लाइ लागि घा लागेनछ वा विरियछ अथवा गुहारि पाइ वा आफै भागि छलि ज्यू वचायछ भन्या मानार्का मतलवमा मात्र परुयाहरु जति जना छन् उति जनालाइ लोगन्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि २ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि १ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२० नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले मारन भनि सर्प हालि दियछ र त्यो मानिस्लाइ सर्पले टोक्याको रहेनछ भन्या मारौं भनि सर्प हालिदिन्या लोगन्या मानिस भया ऐनवमोजिम्को सर्वस्व गरि ३ वर्ष स्वास्त्रि मानिस भया (अंश) सर्वस्व नगरि १ ॥ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२१ नम्बर्को । धन्माल्का लालचले भयो वा अरु केहि इविले मारन भनि कुकुर लाइदियछ र त्यो मानिस्लाइ कुकुरले टोकन पायन भागि उम्कि छलि ज्यू वचायछ भन्या मारौं भनि कुकुर लाइदिन्या लोगन्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि ३ वर्ष स्वास्त्रि मानिस भया (अंश) सर्वस्व नगरि १ ॥ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२२ नम्बर्को । धन्माल्का²⁸⁵ लालचले भयो वा रु केहि इविले मारौं भनि हतियार लि लगादा भिर भडखारामा परि वा खोलामा फाल हालि उत्रि गै वा उसै ज्यू वचाइ भागि गयछ घाउ चोट केहि लाग्याको रहेनछ [MA-ED3 p. 117] भन्या अर्कालाइ मारौं भनि हतियार लि लगान्या लोगन्या मानिस् भया ऐनवमोजिम्को अंश सर्वस्व गरि ३ वर्ष स्वास्त्रि मानिस् भया सर्वस्व नगरि १ ॥ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२३ नम्बर्को । अर्कालाइ मारौं भन्या मतलव गरि हतियार वन्दुक काठ लाठा हुंगा गैह्र लि छिडि वाटो गौडा वथान्यालाइ हतियार लाठा हुंगा गैह्र चलाउन नपाउदैमा पक्रियो भन्या ज्यान् मानार्का मतलवले वाटो गौडा वथान्या जति जना छन् उति जनालाइ लोगन्या मानिस् भया ऐनवमोजिम्को अंश सर्वस्व गरि ४ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि २ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२४ नम्बर्को । अर्कालाइ मानार्को मतो सल्हा गर्याछन् सल्हा गर्दैमा जाहेर भयो भन्या मानिस् मानार्को मतो सल्हा गर्न्या जति जना छन् उति जनालाइ लोगन्या मानिस भया सर्वस्व नगरि २ वर्ष स्वास्त्रि मानिस भया १ वर्ष कैद गर्नु । म्यादका रूपैजा कत्ति दिया पनि नलिनु ।

१२५ नम्बर्को । अर्कालाइ मारौं भनि जहर विख खान्या कुरा गैह्रमा हालि दिएछ र खान नपाउदैमा जाहेर भयो भन्या मारौं भनि जहर विख खान्या कुरामा हालिदिन्या जहर विख खुवाइ मार भन्या मानार्लाइ हो भनि जानि जानि जहर विख दिन्या

एतिलाइ लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि ४ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि २ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दिया पनि नलिनु ।

१२६ नम्बर्को । एका मानिस्लाइ मानांलाइ भनि जहर विख खान्या कुरा गैह्रमा हालि दियो र उस्ले खान नपाँउदैमा अर्को मानिस्ले तेहि जहर विख हाल्याको खाएछ र उस्को ज्यान मर्यो भन्या मारौं भनि खान्या कुरामा जहर विख हालिदिन्या नकाटिन्या जात्का लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि दामल गर्नु । काटिन्या जात्का लोग्ण्या मानिस भया ज्यानको बदला ज्यान् काटि मारिदिनु ।

१२७ [MA-ED3 p. 118] नम्बर्को । एका मानिस्लाइ मानांलाइ भनि जहर विख खान्या कुरा गैह्रमा हालिदिएछ र उस्ले खान नपाँउदैमा अर्का मानिस्ले तेहि जहर विख हाल्याको खाएछ र खान्याको ज्यान् मरेन वाँच्यो भन्या मारौं भनि खान्या कुरामा जहर विख हालिदिन्या लोग्ण्या मानिस भया ऐनवमोजिम्को अंश सर्वस्व गरि १२ वर्ष स्वास्त्रि मानिस भया सर्वस्व नगरि ६ वर्ष कैद गर्नु । म्यादका रुपैजा कत्ति दिया पनि नलिनु ।

१२८ नम्बर्को । घर वाहेक अनेत्र²⁸⁶ जग्गामा वाघ भालु वदेल मृग जरायो अर्ना गैडा स्याल गैह्र वनजन्तुलाइ र पञ्जि गैह्रलाइ मानांका निमित्त गाँउघर्मा उर्दि दि जहर विख खान्या कुरा गैह्रमा हालिदियाको रहेछ र तेहि जहर विख हाल्याको मानिस्ले हवस वा गाइगोरु गैह्रले थाहा नपाइ खाएछ र खान्याको ज्यान मर्न गयो भन्या भोर ठहर्छ । जहर विख हालिदिन्यालाइ खत-वात लाग्दैन पतिया पनि गर्नु पर्दैन । गाँउघर्मा उर्दि नदि हाल्याको रहेछ र तेहि खाइ भोरमा परि मानिस मर्न गयाको भया २० रुपैजा दण्ड गर्नु । चौपाया मर्न गया गाँउघरले ठहरायाको विगो मात्र माल्का धनिलाइ भराइदिनु दण्ड पर्दैन ।

१२९ नम्बर्को । कसैले अर्का सित हतियार वन्दुक मागि लगी मानिस मारेछ र हतियार वन्दुक दिन्याले मानिस मानांलाइ हो भनि थाहा नपाइ दियाको ठहर्यो भन्या हतियार दिन्यालाइ खत वात लाग्दैन दण्ड पतिया पनि पर्दैन ।

१३० नम्बर्को । कसैले अर्कासित औसधि गैह्र केहि कामलाइ चाहियो भनि जहर विख माग्दा जहर विख दिएछ र उस्ले मानिस्लाइ खुवाइ ज्यान् मरेछ भन्या पनि ज्यान् मर्याको रहेनछ भन्या पनि जहर विख दिन्याले ज्यान् मानांलाइ हो भनि थाहा नपाइ दियाको ठहर्यो भन्या जहर विख दिन्यालाइ खतवात लाग्दैन दण्ड पतिया पनि पर्दैन ।

१३१ नम्बर्को । १२ वर्षदेखि मनिका केटाकेटिले आफ्ना घरका [MA-ED3 p. 119] मानिस्लाइ हवस वा अरु कसैलाइ हवस अर्काले नअह्नाइ मुनासिवले उपविख खुवाएछ र खान्या मानिस् मरेनछ भन्या १२ वर्ष मनिका वालख हुनाले अरु खतवात केहि लाग्दैन २ ॥ रुपैजा दण्ड गरि १ रुपैजा गोदान लि पतिया दिनु । अर्काले अह्नाइ खुवायाको ठहर्यो र ज्यू मर्याको रहेनछ भन्या अह्नाउन्यालाइ ऐनवमोजिम गर्नु । खुवाउन्या वालखलाइ सोहिवमोजिम दण्ड गरि पतिया दिलाइ छाडिदिनु अरु खतवात लाग्दैन ।

१३२ नम्बर्को । १२ वर्ष नाघ्याका लोग्ण्या मानिस वा स्वास्त्रि मानिस्ले रिस्ले र दिक्कले आफ्ना घरकालाइ हवस वा घरवाहेका अरु कसैलाइ उपविख खुवाएछ र

खान्या मानिस् मरेनछ भन्या खान्याले मलाइ फलानु²⁸⁷ उपविख खुवायो ता पनि मेरो ज्यू मरेन माफ दिञ्छु भन्या पनि माफ दिन्न भन्या पनि अडा अदालत अमालवाट काएलनामा लेखाइ ४ वर्ष कैद गर्नु । म्यादका रुपैजा दिया लिनु धर्माधिकारवाट ५ रुपैजा गोदान लि पतिया दिनु ।

१३३ नम्बर्को । ब्राह्मण लगाएत चार वर्ण छत्तिसै जात्का लोगन्या स्वास्त्रि मानिस् कसैले अर्कालाइ मारन भनि हतियार चलाइ घा लाएछ उस्ले हतियार चलाउदा देखन्या साछि गुहाइ पनि रह्याछन् र घा लाइमागन्याले आफुलाइ मारनाका लागि हतियार चलाइ घाउ लाउन्यालाइ आफ्नो ज्यू वचाउनका लागि उसै ठाउ उसै वखत्मा हतियारले वा अरु थोकले हानि ज्यान मार्याको रहेछ गुहार तेवरले पनि मन्याले पैहले हतियार चलाइ घा लाउदा उस्ले मार्याको हो भनि मुचुल्का स्मेत लेखिदियो भन्या मान्यालाइ खतवात लाग्दैन । ब्राह्मण र स्वास्त्रि हाड गोत्रकालाइ मार्याको रहेछ भन्या पतिया गराइ भात्पानिमा चलाइदिनु । अरु जात्लाइ मार्याको रहेछ भन्या पतिया पर्देन जातैमा रहन्छ ।

१३४ नम्बर्को । कसैले अर्कालाइ मारि तेस्ले मलै मारन भनि हतियारले हानि घाउ लाउदा तेस्लाइ मारि आफ्नो ज्यू वचाइ आज्ञा भनि गाँ [MA-ED3 p. 120] उ घरमा अडा अदालत अमालमा आफैले जाहेर गर्न आयो मार्यामा साछि गुहाइ पनि केहि रहेनछन् भन्या ज्यानमार्याका कुरामा मान्याका मुखले मात्र भनि छुट्टि पाउदैन । अदालत कौशलले तजविज गरि ठहर्याउदा मारनाका लागि हतियार चलाइ घाउ लाउदा उस्ले आफ्नो ज्यू वचाउनका लागि मार्याको ठहर्या तेस्लाइ खतवात लाग्दैन छाडिदिनु । वेहकमा अर्काको ज्यानमारि आफ्नो ज्यू वचाउनका लागि मलाइ मारन भनि आइ लाग्दा मैले मार्याको हो भन्न आयाको ठहर्या नकाटिन्या जात्का लोगन्या मानिस्भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस्ले भया (अंश) सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात्का लोगन्या मानिस्ले भया ज्यान्को वदला ज्यान् काटि मारिदिनु ।

१३५ नम्बर्को । कसैले अर्कालाइ मारेछ त्यो कुरो मान्याले जाहेर गरेन पछि अरुवाट जाहेर भयो र मान्यालाइ पक्रि ल्याइ सोधखोज गर्दा मलाइ मारन भनि हान्दा मैले मार्याको भन्यो मार्याको साछि पनि कोहि देखाउन सकेन भन्या तेस्ले रिस्ले मार्याको ठहर्छ । नकाटिन्या जात्का लोगन्या मानिस्ले भया ऐनवमोजिम्को अंश सर्वस्व गरि स्वास्त्रि मानिस्भया (अंश) सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात्का लोगन्या मानिस्भया ज्यान्को वदला ज्यान् काटि मारिदिनु ।

१३६ नम्बर्को । अर्काले वेहकमा मानिस्मारन लाग्यामा गुहार माग्दा खवर सुनि गुहार नजान्यामा १६ वर्ष माथि ६५ वर्ष सम्मका जानकारमा गाउका हाकिमलाइ १०० रुपैजा मोख्य वाहेक गुहार माग्याको सुनि नजान्या अरुलाइ जनहि १० रुपैजा दण्ड गर्नु । १६ वर्ष उधोका र ६५ वर्ष उभोका बुढा बालखलाइ र वेरामि भयाकालाइ र स्वास्त्रि मानिस्लाइ वात लाग्दैन । गुहार माग्याको सुन्या एका घरका धेरै रह्याछन् तिन्मा १।२ जना गयाछन् अरु गयाको रह्यानछन् भन्या पनि नजान्या एका घरका अरुलाइ दण्ड पर्देन ।

१३७ नम्बर्को । अर्काको ज्यान्मारि कोहि मानिस लट्टा सिवाना ना [MA-ED3 p. 121] धि भागि गयो भन्या तेस्तालाइ विराना मुलुकमा गै समाउन र ज्यान् मारन हुदैन । विराना मुलुकमा गै पक्रेछ मारेछ भन्या तेस्तालाइ तक्सिर लाग्छ । विराना मुलुकमा भागि जान्यालाइ पक्रन सकेन भन्या वात लाग्दैन । ज्यान मान्यालाइ मधेसतिर गयाको भया रजिडण्ट साहेवसित भनि भोट्टर्फ गयाको भया भोट्टका मोख्य काजिसित भनि जाहाँ झिकाइ नकाटिन्या जात्का लोग्न्या मानिस भया ऐन्वमोजिमको अंश सर्वस्व गरि स्वास्त्रि मानिस भया (अंश) सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यान्को बदला ज्यान् काटि मारिदिनु ।

१३८ नम्बर्को । हाकिम्का मर्जि आज्ञाले र अड्डा-अदालत ठाना अमाल कचहरिवाट लिन पक्रन पठाई पक्रि ल्यायाकालाइ अर्काले विचमा चोट छोडि ज्यान मारेछ भन्या मान्यालाइ ज्यान्माराका ऐनवमोजि सजाए गर्नु । पक्रि ल्याउन्या प्यादा सिपाहिलाई वात लाग्दैन ।

१३९ नम्बर्को । हाकिम्का मर्जि आज्ञाले र अड्डा-अदालत ठाना अमाल कचहरिले लिन पक्रन पठायाका वाहेक अरुले आफ्ना लिनदिन कारोवारका मुद्दामा पक्रि ल्यायाका मानिस्लाई विचमा अरुले चोट छोडि ज्यान मारेछ भन्या मान्यालाई ज्यान्माराका ऐनवमोजिम सजाए गर्नु । पक्रि ल्याउन्या साहु टल्सिलाइ आफ्ना कारोवार लिनदिन गैहका मुद्दामा पक्रि ल्यायाको हुनाले तिन्लाई वात लाग्दैन ।

१४० नम्बर्को । ज्यान्मारा चोर वावति खतुकि धनिको घर छाडि भाग्याका वाँधा कमारा कमारि गैहलाई अदालत ठाना अमाल गैहवाट प्यादा सिपाहि पठाई पक्रि ल्यायाको हवस् वा धनिले पक्रि ल्यायाको हवस् वा अरु कसैले यो एस्तो काम कुरो गर्न्या भनि पोल्दा पक्रि ल्यायाको हवस् एस्ता गैह विहोराले पक्रि नेल ठुगुरा चमोट गैह वन्धनमा हालि थुनि छेकि राख्याका ठाउमा आफैले जहर विष खाइ पासो लाई सेरि मर्यो भन्या पक्रि ल्याउन्या थुन्या छेकन्यालाई वात लाग्दैन ।

१४१ [MA-ED3 p. 122] नम्बर्को । ज्यान्मारा चोर वावति खतुकि धनिको घर छाडि भाग्याका वाँधा कमारा कमारि गैहलाई कसैले यो एस्तो काम कुरो गर्या हो भनि पोल्दा अदालत ठाना अमाल गैहवाट प्यादा सिपाहिले पक्रि ल्याउदा हवस वा धनिले लिन पक्रन पठाई पक्रि ल्याउदा हवस एस्ता गैह विहोराले पक्रि वाँधि नेल ठुगुरा चमोटगैह वन्धनमा हालि ल्यायाका कोहि मानिस नदिमा भिरमा खाडि झ्याल् छाना इनार साघु झोलङ्गा हुंगावाट फाल हालि लडि वगि दौडदा ठक्कर लाइ आफै मर्या भन्या पक्रि ल्याउन्यालाइ खतवात लाग्दैन ।

१४२ नम्बर्को । सुना चादि नगद जिनिस कसन् तमन् जवाहेर जग्गा जमिना चौपाया कमारा कमारि करणि जात भात घर वारि कुलो पानि वाटो स्वास्त्रि लिनदिन कारोवार गैहको निमित्त झगडा भै थुन्नु पन्या मानिस्लाई पक्रि ल्याउदा वाटामा आफै भिरवाट लडि काहि फाल हालि भागि जादा ठेस ठक्कर लागि मर्यो अथवा हात खुट्टा जखम् भयो अंग भंग भयो भन्या पक्रि ल्याउन्यालाइ खतवात लाग्दैन । त्यो मर्यासग आफ्नु लिनु पन्या भया पनि हिसाववमोजिम उस्का सन्तान अपुतालि खान्या सग लिन पाउछ अदालत अमालमा कराउन आया भराइदिनु ।

१४३ नम्बर्को । सुना चादि कसन्तमन नगद जिनिस जवाहेर जग्गा जमिन चौपाया कमारा कमारि करणि जात भात घर वारि कुलो पानि वाटो स्वास्त्रि लिनदिन कारोवार गैहका निमित्त झगडा भै थुन्नु पन्या मानिस्लाई कसैले आफ्ना घर्मा भयो उस्का घर्मा

भयो कोठा चोठा वैगल छिडिमा थुनि राख्याको मानिस झ्याल कौसि छानावात फाल हालि मर्यो हात खुट्टा जखम भयो अंग भंग भयो आफ्ना हातले सेरियो हतियार धसि मर्यो पासो लागि मर्यो जहर विख खाइ मर्यो भन्या थुन्ना मानिस्लाइ खतवात लाग्दैन । त्यो मर्यासग लिनु पन्या भया हिसाववमोजिम उस्का सन्तान अपुतालि खान्यासग लिन पाइन्छ अदालत अमाल्मा कराउन आया भराइदिनु ।

[15] ज्यान मारौं भनि हान्याको खत हेरि सजाय गर्न्या ऐन

१४४ [MA-ED3 p. 123] नम्बर्को । मानिस मार्याका कुरामा र मानिस मारनाको मतलव गर्याका कुरामा इनै ऐनमा लेखियाका रितसग मानिस मार्याको ज्यू जखम गर्याको घा लायाको मतलव मात्र गर्याको रहेछ भन्या इनै ऐनवमोजिम गर्नु । इ ऐनमा लेखियाको रितसगै मार्याको ज्यू जखम भयाको घा लायाको मतलव गर्याको ठहरेन अरु विहोराले मर्याको ज्यू जखम भयाको घा लाग्याको ठहरो भन्या अदालति वन्दोवस्तका ८ नम्बर्का ऐनवमोजिमको विहोराको अर्को ऐन गराइ मामिला छिन्नु ।

१४५ नम्बर्को । ज्यान मारनाको मतलव गरि हवस वा अरु कुराका झगडामा कसैले हतियारले हानि रोपि या अरु कुरो गरि घा लाया जखम भयामा घाउ नापनु । जखम भयाको ठहराउनु पर्यो भन्या नाउ भयाका ठाउमा नाउलाइ नाउ नभयाका ठाउमा उस ठाउका जान्या भला मानिस्लाइ हान्याका घामा लमाइ रोप्याका घामा गैह्रो नाप्र लगाई ज्यू जखम भया नभयाको ठहराउन लगाइ उन्ले ठहरायामा उन्को एतिसम्म भयाको हो भन्या मुचुल्का लि खतुकिलाइ सोहि विहोरामा लेखियाका ऐनवमोजिम गर्नु ।

१४६ नम्बर्को । ज्यान मारनाको मतलव गरि कुटपिट् गर्याका कुरामा हात गोडा अगुला हाड भाचियाको ज्यू जखम भया नभयाको वा मर्क्या नमर्क्याको चोट मात्र लाग्याको ठहराउदा नाउ भयाका ठाउमा नाउ लगाइ नाउ नभयाका ठाउमा उस ठाउका जान्या भला मास्लाइ हेर्न लगाइ उन्ले ठहरायामा उन्को एतिसम्म भयाको छ भन्या मुचुल्का लि खतुकिलाइ सोहि विहोरामा लेखियाको ऐनवमोजिम गर्नु ।

[16] ज्यान जान्या तक्सिरमा ज्यान लिना दामल गर्ना अरु सजाए गर्नाको ऐन

१४७ नम्बर्को । उपाध्याय लाग्नाएत ग्रैह ब्राह्मण जातले मानिस मार्यामा ज्यान जान्या तक्सिर गर्या भन्या ब्रह्महत्या लाग्न्या हुन्याले ज्यान नलिनु । ऐन [MA-ED3 p. 124] वमोजिमको अंश सर्वस्व गरि दामल गर्नु ।

१४८ नम्बर्को । चार वर्ष छत्तिसै जात्का ११ वर्ष नाध्याका कन्या अथवा विधवा गैह्र स्वास्त्रि मानिसले ज्यान जान्या तक्सिर गर्या भन्या स्त्रिहत्या लाग्न्या हुनाले ज्यान नलिनु । स्वास्त्रि मानिस हुनाले सर्वस्व पनि हुदैन तेसै दामल गर्नु ।

१४९ नम्बर्को । रजपुत जातले मानिस मार्यो भन्या ज्यान्को वदला ज्यान् काटि मारिदिनु । जारि गर्या ऐनवमोजिम साधुको खुसि अरु खतवात गर्यामा ऐनवमोजिम सजाय गर्नु ज्यान जाँदैन ।

१५० नम्बर्को । उपाध्या लाग्नायत् ब्राह्मण जात जोगि भयाका वावु र मावलिको पत्ता नलाग्याका जोगि कसै सित नविग्याका²⁸⁸ ब्राह्मणका विधवा दसनाम जोगि

जङ्गम सेवडाले राखि उन्वाट जन्म्याका सन्तान् औ वावु र मावलिको पत्ता नलाग्याका रमता फकिर कान चिर्याका कान्फट्टाले ज्यान् जान्या तक्सिर गर्या ज्यान् नलिनु ऐनवमोजिम अंश सर्वस्व गरि दामल गर्नु ।

१५१ नम्बर्को । ब्राह्मण वाहेक् रजपुत तागा धारि नमासिन्या मासिन्या मतवालि गैह जात दसनाम जोगि जङ्गम सन्यासि सेवडासित मुडि फकिर भै उसै धर्ममा रह्याका घरवारि नभयाका एस्ता भेखधारिले मानिस मार्यो भन्या ऐनवमोजिम अंशसर्वश्व गरि दामल गर्नु ।

१५२ नम्बर्को । ब्राह्मण वाहेक् रजपुत तागा धारि नमासिन्या मासिन्या मतवालि गैह जात दसनाम् जोगि जङ्गम सेवडा सन्यासिसित मुडियाका घरवारि गरि ग्रिहस्थ²⁸⁹ धर्ममा रह्याका एस्ता भेखधारिले मानिस मार्यो भन्या ज्यान्को वदला ज्यान् लिनु ।

१५३ नम्बर्को । सवै थोक् थाहा पाउन्या वाक्य फुट्याका लाटाला [MA-ED3 p. 125] टिले मानिस मार्या भन्या नकाटिन्या जात्का लोग्न्या मानिस्लाइ ऐनवमोजिमको अंश सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात्का लोग्न्या मानिस्ले भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१५४ नम्बर्को । वाक्ये फुट्याका ग्वाँगा लाटालाटिले मानिस मार्या भन्या ज्यान्को वदला ज्यान् हुदैन लोग्न्या मानिस् भया १२ वर्ष स्वास्त्रि मानिस् भया ६ वर्ष कैद गर्नु । म्यादका रुपैजा डवल दिा पनि नलिनु ।

१५५ नम्बर्को । गर्न्या नगर्न्या कुरो केहि थाहा नपाँउन्या निर्वाण भै हिडन्या जात जान्या अभक्ष खान्या इ लेखियाका कुरामा एउटै कुरो मात्र गर्न्या एस्ता वोल्हा वौल्हिले मानिस् मार्या भन्या लोग्न्या मानिस भया ऐनवमोजिमको अंश सर्वस्व गरि स्वास्त्रि मानिस् भया सर्वस्व नगरि तेसै दामल गर्नु ।

१५६. [MS2 p. 551] गर्न्या नगर्न्या कुराको थाहा पाउन्या अभक्ष पनि नषान्या निर्वाण भै पनि नहिडन्या वौल्हा वैल्हिले²⁹⁰ मानिस मार्या भन्या नकाटिन्या जातको²⁹¹ लोग्न्या मानिस भया ऐनवमोजिमको अंस सर्वस्व गरि स्वास्त्रि मानिसले²⁹² भया तेसै दामल गर्नु । काटिन्या जातका लोग्न्या मानिस भया ज्यानको वदला ज्यान काटि मारिदिनु ।

१५७. मानिस मान्या वौल्हा वौल्हाइले²⁹³ मानिस मार्यामा अभक्ष नर्क²⁹⁴ गैह षायाको पनि²⁹⁵ रहेनछ आफुले मानिस मार्या पछि निर्वाण भै हिड्याको अभक्ष नरक गैह खायाको ठहर्या तेसले ज्यू वचाउनका लागि षायाको ठहर्छ तेस्ता वौल्हा वौल्हाइलाइ²⁹⁶ नकाटिन्या जातका लोग्न्या मानिस भया ऐनवमोजिमको अंस सर्वस्व गरि स्वास्त्रि मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जातका लोग्न्या मानिसले²⁹⁷ भया ज्यानको वदला ज्यान काटि मारिदिनु ।

289 For *grhastha*.

290 MS2 *caulhāi*.

291 MA-ED3 *jātkā*.

292 MA-ED3 *mānisa*.

293 MA-ED3 *baulhile*.

294 MA-ED3 *naraka*.

295 MS2 omits *pani*.

296 MA-ED3 *baulhilāi*.

297 MA-ED3 *mānisa*.

१५८. मुडि जात पतित गरि घटि जातमा मिलायाका र आफुभंदा घटि जातमा करणि गरि वा भात पानि गैह्र जात जान्या कुरो षाइ उसै जातमा मिलायाका मानिसले मानिस मार्यो भन्या नकाटिन्या जात पतित भयाकाले मार्याको भया ऐनवमोजिम्को अंस सर्वस्व गरि दामल गर्नु । स्वास्त्रि मानिस भया सर्वस्व नगरि तेसै दामल गर्नु । काटिन्या जात पतित भयाकाले²⁹⁸ भया ज्यानको बदला ज्यान काटि मारिदिनु ।

१५९. मुडि जात पतित गरि घटि जातमा मिलायाका र आफुभंदा घटि जातमा करणि गरि वा भात पानि गैह्र जात जान्या कुरो षाइ उसै जातमा मिलायाका मानिसका पतित भयापछि जन्म्याका संतानले मानिस मार्या भन्या ऐनले जौन जात भयाका छन् उसै जातका ऐनवमोजिम् सजाए गर्नु ।

१६०. निसाफले वेजाइ²⁹⁹ गन्यालाइ कुट्पिट् गर्नु पर्ने थियो ३।४ जनाले पक्रि कुट्पिट् गर्दा आफैले वेजाइ³⁰⁰ विछत्³⁰¹ गरि विराउन्या आफै हतियार चलाउन्या गर्याको रहेछ भन्या ज्यान मार्याको रहेछ भन्या ज्यानको बदला ज्यान ज्यान³⁰² मार्याको रहेनछ भन्या छर्याक् छुरुक् हतियार चलाइ घा लायामा आफुले कुटियाका वखतमा हतियार चलायाको हुनाले हान्याकामा लमाइ रोप्याकामा गैह्रो नापि जति अंगुलको घाउ छ उति वर्ष कैद गर्नु । म्यादका रुपैया दिया लिनु ।

298 MA-ED3 *bhayāko*.

299 MS2 *bejāni*.

300 MS2 *bejāni*.

301 MA-ED3 *bū*.

302 MS2 omits *jyāna*.

B. Homicide Law: Translations

Translation of Article 64 of the *Ain* of 1854¹

On Homicide

[1. Homicide committed by privileged groups]

§1 If an Upādhyāya, Jaisī,² Tehraūte,³ Bhaṭṭa [Brahmin]⁴ or the like

- 1 The initial translation of this Article was incorporated into my dissertation in 2017. As part of the first complete translation of the *Mulukī Ain*, the authors collaborated on a revision, and the revised version was subsequently included in the publication (see Khatiwoda, Cubelic & Michaels, 2021: 387–397).
- 2 The term Jaisī/Joṣī, derived from Skt *jyotiṣī/jyautiṣika*, designates low-caste Brahmins who are astrologers by profession. The MA devotes a separate Article ‘On Jaisī Brahmins’ (*jaisī brāhmaṇako*) to this caste group, where it is defined and specific regulations relating to adultery for it are formulated (MA-ED2/115 §§1–4). The Article differentiates between two classes of Jaisīs, “true” Jaisīs (*asala*) (who rank higher) and common Jaisīs (*Jaisī-jāta*). The offspring of an Upādhyāya Brahmin and a virgin concubine or a widow from the Upādhyāya caste, and the offspring resulting from a ritual marriage of an Upādhyāya Brahmin and a Jaisī girl are classified as higher/true Jaisīs. The offspring from either an Upādhyāya Brahmin or Jaisī Brahmin and a widowed Brahmin woman as a concubine, a grass widow (*āsā rāḍī*) or a Brahmin woman whose husband has lost his caste status and become a Śūdra but is still regarded as pure (*satyamā rahekā*) are referred to as common Jaisīs (MA-ED2/115 §§2–3). According to Levy and Bista, Jaisīs are not permitted to teach the Veda to twice-borns or to act as priests for Upādhyāya Brahmins or high-caste Kṣatriyas, such as Thakurīs. However, they are allowed to study the Veda and perform sacrifices (*yajñas*) for themselves (translated in M. C. Regmi 1970c: 277 from Bāburāma Acharya 1969, Levy 1990: 354–356 and Bista 1972: 5). As L. F. Jaisīs were very close to the Śāha kings and highly influential in contemporary politics. The Śāha kings relied on auspicious timings for important decisions, and these were ascertained by Jaisīs. For instance, it is said that Bhānu Jaisī and Kulānanda Jaisī read Prthvī Nārāyaṇa Śāha’s face and predicted that he would conquer the Malla kingdoms. See Acharya & Yogi 2013: 41.
- 3 Lit. ‘associated with the Tirhut region’. In the Nepalese context, the word refers to Jhā or Miśra Brahmins who migrated from the present south-eastern border of Nepal to the Kathmandu Valley (Bista 1972: 21).
- 4 This class of Brahmins, who are also called *dākṣiṇāya* pandits, originally came from Maharashtra and were brought to Kathmandu by the Malla kings. The *smārta* rituals of the Paśupatinātha temple are still carried out by Bhaṭṭas from Karnataka (Levy 1990: 352 and Gutschow & Michaels 2005: 34, and Michaels 2008: 233).

(*gaihra*),⁵ or a Deśī Brahmin⁶ kills a person, he shall, in accordance with the Ain, be punished by *dāmala* and his share of property shall be confiscated.

§2 If a Rājapūta⁷ commits adultery, steals or does such things within blood relations or [members] of higher castes,⁸ he shall, in accordance with the Ain, be [subjected to the punishment of] being shaved (*muḍinyā*⁹, *dāmala*), being imprisoned, fined and having [his share

- 5 The term *gaihra* implies all other classes of Brahmins that are not listed here who are classified as foreign Brahmins. The MA lists the following groups as such: Devabhāju (Rājopādhyāya), Tehrautyā Brahmin, Marhaṭṭā Brahmin, Nāgara Brahmin, Gujrati Brahmin, Mahārāṣṭriya Brahmin, Tailiṅgi Brahmin, Drāviḍa/Draviḍa Brahmin and Madhisyā Brahmin (*devabhāju tehrautyā bhāṭṭa marhaṭṭā nāgara gujrāṭī, mārāṣṭra tailiṅgi drābiṇa madishyā deśī brāhmaṇa...*, MA-ED2/150). According to their legend of origin, the Rājopādhyāyas, who serve as priests for high Hindu Newar castes, came from Kannauj/Kanyākubja in North India to Kathmandu together with King Harisimhadeva. Since Rājopādhyāyas consume certain kinds of meat, such as buffalo and chicken, and participate in Tantric rituals that deviate from Vedic standards, and because they are said to have a looser stance towards bodily purity in comparison with Parvatīya Upādhyāya and Jaisī Brahmins, they are not considered as high-caste Brahmins (cf. Levy 1990: 350). For their part, Karmācāryas or Ācājūs (Skt. *ācārya*), the Tantric Newar priests who act as assistants to the higher-ranking Rājopādhyāya priests in rituals (cf. Gutschow and Michaels 2005: 41) are not listed as Brahmins in the MA, and thus are not exempt from capital punishment.
- 6 The term *deśī* (adj.), Skt. *deśīya*, primarily refers to a fellow countryman or something associated with one's own country, while secondarily it also refers to a foreigner or something associated with a foreign country. In the MA, it is this secondary meaning that predominates, as exemplified in Section 18 of MA Article 28 on the 'Escheated Property': "If somebody, whether a foreigner or from our country, dies without a male son as heir and it is found that no brother (i.e., next of kin) is [present] in this country (lit. here), but there is in Hindustan (lit. there), the concerned authorities in the place of his domicile shall be informed in writing if his address is known—that he comes from such and such place., the chief of court shall inform the Munsī in writing and the Munsī shall send it to [the respective place]" (*kyā deśī kyā hāmrā mulukakā mari aputālī panyākā dājyū bhāi kōhi nāhā rahyānāchan yo amakā jagāko ho bhāṇyā thekānā pāyo bhānyā āphanā mulukako rahecha bhānyā jonā jagāko ho uhākā bhāradāraharulāi leṣī munsikā jimnā dinu munsibāṭa ramānā gari paṭhāunu...*) (MA-ED2/28 §18).
- 7 'Rājapūta', Skt. *rājaputra*, here refers to the members of the royal family and such high-class Kṣatriyas as Ṭhakarīs. Since the *Ain* itself does not specify who falls under the Rājapūta category, membership may have been defined on the basis of customary practices. The name suggests royal blood or royal ties, and is specifically associated with the regional dynasty of Rājapūtānā, India (cf. NBS s.v. *rajanpūta*), thus excluding normal Sacred Thread-wearing Kṣatriyas '*tāgādhārī kṣatriyas*'. The Rājapūtas are said to have first come to the western hill regions of present-day Nepal in the 12th century. They are considered to be warriors in Hindu society. Sub-castes include the Raghuvamśīs, Cauhānas etc. (see Bista 1972: 111).
- 8 See the Article *rajanpūtakā hādanātā* 'Incest among Rājapūtas' (MA-ED2/114).
- 9 The term *muḍinyā*, inf. *muḍanu* 'to shave', denotes a form of punishment according to which the perpetrator's share of property is confiscated, his sacred-thread is removed, and his head is shaved, including the *sikhā* (the single lock or

of] property confiscated (*sarvasva*).¹⁰ He shall not be executed. If a [Rajapūta] commits adultery, the aggrieved husband has the right to decide [to kill the paramour of his wife]. In killing the paramour, the aggrieved husband shall not be held accountable.¹¹ If a Rajapūta kills a person, he shall be executed—taking life for life.

§3 If an Upādhyāya Brahmin, who has become an ascetic, a Jaisī Brahmin, who has become an ascetic, a Rājapūta, who has become an ascetic, someone whose maternal descent is unknown has become an ascetic, children born to an [ascetic such as] a Daśanāmī,¹² Jogī,¹³ Jaṅgama¹⁴ or Sebaḍā¹⁵ with a concubine [Brahmin] widow of an Upādhyāya Brahmin or Jaisī Brahmin, who has not had illicit sexual intercourse with anybody¹⁶ [so far], and an itinerant ascetic (*ramatā*),¹⁷

tuft left on the crown of the head after tonsure). He is forced to consume alcohol and pork. Additionally, the offender is degraded to a Non-enslaveable Śūdra caste if he belongs to a Sacred Thread-wearing caste. If he already belongs to a Non-enslaveable Śūdra caste, his property is confiscated, he is forced to eat dog meat, his head is shaved and he is degraded to the Bhotyā caste. Both classes of offenders are exiled to the other side of the river in the east if they come from the west or vice versa (see MA-ED2/42 §1).

- 10 The terms *sarvasva* and *aṃśasarvasva* are used in the text interchangeably. Their more exact meaning is elaborated in MA-ED2/43 §3 as ‘confiscation of the offender’s share of property which he is entitled to receive in accordance with the *Ain*’ (*aina bamojima aṃsa para sari... aṃsa sarbasva garnu*).
- 11 See MA-ED2/114 for detailed regulations for dealing with incest committed by Rājapūtas. The MA always uses the term *sādhu* for the husband of an unfaithful wife and *jāra* for the paramour of a married woman (cf. Höfer 2004: 48–49; also see NBS s.v. *sādhu and jāra*).
- 12 The Daśanāmī ascetics, who nowadays have mostly reverted to living as householders, belong to a sect consisting of ten different clans: *āśrama, tīrtha, vana, aranya, girī, parvata, sāgara, sarasvatī, bhāratī* and *purī*. They are followers of Śāṅkara.
- 13 The term ‘*yogī/jogī*’ generally refers to Kānaphaṭṭā/Kanaphaṭṭā ascetics, who are disciples of Gorakhanātha. However, the MA uses ‘*yogī*’ here as a generic term to designate any ascetic from any group or sect.
- 14 This group of ascetics follow the Vīraśaiva or Liṅgāyata tradition. It is believed that Jaṅgamas can establish contact with the souls of deceased persons, and so are able to pacify ones that are unliberated. According to legend, Mallikārjuna was the first Jaṅgama ascetic to come to Bhaktapur, having been called there by King Viśva Malla (r. 1548–1560). In Nepal, Jaṅgamas are found only in Bhaktapur (see Bouillier 1983).
- 15 Sevaḍās belong to the tradition of Jaina ascetics.
- 16 Although the phrase *kasasita nabigryākā* modifying *vidhu*’ (widow) literally means ‘broken by/with nobody’, the MA uses the term *bigranu* (v. inf.) in the meaning of ‘to be polluted by an illicit sexual intercourse’. For instance, the term appears in the chapter ‘*jātako rīta bhayā pachi bihā nahudai bigranayā*’ (Illicit Sexual Intercourse before Marriage after [an Unmarried Girl] Has Been Betrothed to Another Person by Performing the Caste’s Customs), where such conduct on the part of virgin girls from all caste groups is dealt with (see MA-ED2/104 §§ 1–6).
- 17 The term *ramatā* literally means ‘wanderer’. In our context, Ramatās are ascetics who constantly travel from one pilgrimage place to another. Since they are

a fakir¹⁸ or a Kanaphaṭṭā¹⁹ ascetic with pierced ears, whose father and maternal descent are unknown, commits the crime of taking a human life, he shall not be executed, but he shall, in accordance with the Ain, be punished by *dāmala* and his share of property be confiscated.²⁰

§4 If the offspring of all Sacred Thread-wearing Kṣatriyas, of the Alcohol-drinking castes²¹ and of the Śūdra castes who have been shaved (*muḍiyāko*, i.e., who have become ascetics)²² by an [ascetic such

wandering ascetics, they may belong to any sect. They are considered as foreigners, and as typically coming from India.

- 18 *Phakira* is an Arabic term. Like *yogī*, it may refer to any Hindu ascetic.
- 19 Kānaciryākās or Kānaphaṭṭās (lit. 'split-eared') are followers of Gorakhanātha. They split their earlobes and insert huge ear-rings as a distinctive mark (see Briggs 1982: 1).
- 20 The MA does not provide a consistent enumeration of the various groups of ascetics (see MA-ED2/64 §3 and §4 and MA-ED2/88 §§1–5). Still, even though it does not specify their individual status within the caste hierarchy (see Höfer 2004: 106–107), it does define which groups are spared the death penalty for committing murder. Except for the classes of ascetics mentioned in Sections 3 and 4 (MA-ED2/64), all others are subjected to capital punishment. Thus, the MA considers as a Brahmin a child born by a Brahmin widow to an ascetic Jaisī Brahmin, an ascetic Rājapūta or an ascetic whose maternal descent is unidentified and therefore exempts the males from capital punishment. The MA is, in other words, hesitant to impose capital punishment on persons whose Brahmanical status seems to be questionable from an orthodox point of view.
- 21 The term *matavālī/matuvālī* (adj., derived from Skt. *matta*; inf. *mātnu* lit. 'drunk') designates a member of an Alcohol-drinking caste group. When used in this section, it refers to both Non-enslavable and Enslavable Alcohol-drinkers (*māsinyā matavālī* and *namānisnyā matavālī*). Further, the term Śūdra also stands for both impure but touchable and untouchable castes (*pāni nacalne choi chito hālnu napanne* and *pāni nacalne choi chito sameta hālnu parne*). See above (Part I, 1.7) for the detailed discussion of the caste system as recognised in the MA.
- 22 The term *muḍiyāko* (adj. and pp. of the inf. *muḍnu*; Skt. *muṇḍa*) literally means 'one whose head has been shaved'. Here it refers to someone who has joined an ascetic group by undergoing a shaving ritual as initiation. The MA provides a separate Article regulating the conversion to asceticism (MA-ED2/88). The following provisions can be found there: (i) If an ascetic forces any non-initiated child below twelve years to become an ascetic, he is to be stripped of his status and imprisoned, his property is to be confiscated, and he is to be fined according to his status. Nevertheless, the initiate can be readmitted into his/her caste by undertaking expiation (MA-ED2/88 §1); (ii) if a married woman or concubine is forced to become an ascetic, the perpetrator is to be exiled from the realm and the victim, provided she has not had sexual intercourse with another man in the interim can be readmitted into her caste by undertaking expiation (MA-ED2/88 §2); (iii) if an ascetic forces a virgin girl or a widowed or married woman below the age of sixteen to become an ascetic and attempts to take her from her place of domicile, he is to be put in prison for one year and afterwards exiled. On the other hand, if the victims take that step of their own volition, no punishment will ensue (MA-ED2/88 §3); (iv) if a married woman becomes an ascetic of her own volition and continues to follow ascetic practices, she is allowed to follow her practice if she has already accepted rice from her ascetic teacher and has not eloped with any other man. Her husband is permitted to have sex with her but not to accept cooked rice from her (MA-ED2/88 §4); (v) if children aged

as] Daśanāmī, Jogī, Jaṅgama or Sebaḍā, as well as the offspring born to a Daśanāmī, Jogī, Jaṅgama or Sebaḍā who have taken an unmarried girl, a widow or a common woman of these (i.e., Sacred Thread-wearing Kṣatriyas, members of the Alcohol-drinking caste and Śūdra caste) [as a concubine], and who (i.e., the offspring) have been shaved, kill a person, they shall be executed—taking life for life.²³

[2. Homicide by a mute or dull person]

§5 If someone who is of sound mind,²⁴ sane and able to understand, but unable to speak, kills a person by hitting [him] with a weapon, stick or stone, he shall be executed—taking life for life. If a dull (*gvāgo*) person who does not know what is to be done and what not, kills another person, he shall be imprisoned for 12 years.²⁵

eleven to sixteen have been forced to become ascetics, they can be granted expiation within thirty-five days unless they have accepted cooked rice from the ascetic who initiated them. If a woman aged twelve or above has become an ascetic and she has in the interim had sex, no expiation is granted. If a man or woman in that same age group has become an ascetic and he/she has already accepted cooked rice, they are not to be granted the expiation with respect to cooked rice (MA-ED2/88 §5).

- 23 As mentioned above, the MA neither specifies a caste hierarchy for ascetics nor distinguishes between real, household, temporary or other groups of ascetics. The MA uses the terms *jogī*, *sanyasi* and *phakira* to refer to any kind of ascetic irrespective of the sect they belong to. One reason for such lack of classification may have been to avoid having to impose the death penalty on ascetics of Brahmanical origin. Another reason might simply be the idea of asceticism according to which everything including one's own caste, customs and identity are to be left behind. Consequently, many ascetics even change their name after their initiation (for a detailed discussion, refer to Dumont 1980). The MA gives in the Article '*phakirasita muḍīnyā*' ('On Shaving by an Ascetic') the following list of ascetic groups: Jogī, Saṃnyāsī, Vairāgī, Nānaka, Udāsī, Jaṅgama, Sebaḍā, Ramatā and Maṭhaḍhārī (MA-ED2/88 §1), whereas Daśanāmī, Jogī, Jaṅgama, Sebaḍā, Ramatā, Phakira and Kānaciryākā/Kānaphaṭṭā are listed in the Article 'On Homicide' (see §3 and §4 above). According to A. Höfer, the Kānaphaṭṭās, Daśanāmīs, Jogīs, Saṃnyāsīs, Udāsīs, Jaṅgamas and Sevaḍās are Shiva sects, whereas Vairāgīs is a Vaiṣṇava sect and Nānakas (*śikha*) are syncretistic in orientation (see Höfer 2004: 106). The exemption from capital punishment for ascetics goes back to the pre-*Mulukī Ain* period. In the edicts of King Rāma Śāha such exempted ascetics are labelled as *sanyāsīs* or *vairāgīs*, general designations for ascetics (see RSEdict 15, and also Riccardi 1977: 53). The MA modifies this general regulation by specifying that only '*ramatās*, *phakiras* or *kānacīrā-kānaphaṭṭās* whose father and maternal antecedents are unidentified' (see §3 above) are exempt from death punishment.
- 24 Although the phrase *sabai thoka thāhā pāunyā* literally means 'one who knows everything', it seems to refer mental competence as a prerequisite for being held legally responsible for one's deeds.
- 25 The term *gvāgo* is the opposite of *caturo* and refers to a person who is not completely mentally disabled but is slow of grasp. The use of the term *gvāgo* suggests that offenders who are judged to be simple-minded (*bahulā*, see

[3. Homicide by women]

§6 If a widow or married woman or an unmarried girl past the age of 11 from the Four Varṇas and Thirty-six Jātas kills a person, she shall be punished by *dāmala*, but [her property] shall not be confiscated.²⁶

§7 If a woman from the Four Varṇas and Thirty-six Jātas kills her own children or husband, she shall be punished by *dāmala* and shall be put into the Golaghara²⁷ prison with her hands and feet fettered. Four *paisās* as ration (*sidhā*)²⁸ [for food] shall be given to her and she shall not be taken out [from the Golaghara].

NBS under s.v. *gvāgo*, *lathepro* and *susta*) were excluded from punishment or received a more lenient sentence.

- 26 The punishment for murder exacted upon women is even less than that for Brahmins in the MA. Whereas Brahmins are subjected to having their entire property confiscated along with branding (see MA-ED2/64 §1), women are only punished with branding. The MA of 1870 gives as the reason for not executing women that killing them is a sin (*strīhatyā lāgne hunāle*, see MA 1870 §148). The matter of not confiscating a woman's property is also a discussed in the separate Article *sarvasva gardāko* ('On Confiscation') (see MA-ED2/43 §1). Noteworthy, too, is that relatives of women doing prison time can assume their punishment for them (see MA-ED2/51). The MA portrays the protection of women as one of the unique features of the *Ain*, and Nepal as the only Hindu kingdom in the Kali era where cows, women and Brahmins are not killed (*hidūrāja gohatyā nahunyā, strīhatyā nahunyā vrahmahatyā nahunyā esto ain bhayāko ... yasto puṇyabhūmī āphanu muluka chadā chadāi kalimā hiṃduko rāja yehī mulukamātrai cha*, MA-ED2 185/1 §1).
- 27 'Golaghara (*gola+ghara*)' literally means a round-shaped building. The *golaghara* is a separate cage-like area of confinement within a prison. Brutal murderers or robbers are placed there to deprive them of contact with other prisoners and visitors (see NBS under s.v. *golaghara*). According to Agrawal, every jail had a *golaghara* under a *ḍiṭhā* (cf. H.N. Agrawal 1976: 65). He further mentions that the first jail went into operation in Kathmandu in 1941 V.S. and was administered under two officers called an 'arzbegi' and 'jail ḍiṭhā'. This is belied by the fact that the MA mentions jails already in VS 1910 (see MA-ED2/36).
- 28 The term *sidhā* (Skt. *siddhāna*) literally means a ritual gift of raw grains offered to Brahmins. In the legal context, it refers to a fixed amount of food that prisoners are entitled to receive from the state. The MA provides a separate Article on this subject, 'On Giving Rations to Prisoners and Employing Them for Constructing Roads' (*sidhā dīnyā saḍaka khodāunyā*). According to this Article, certain groups of prisoners were not allowed to be taken out of the jail; for instance, a man who was punished by branding and imprisonment for committing murder. Instead, such persons were always kept confined and given four *paisās* as a daily ration. By contrast, a woman punished by branding and imprisonment for committing murder could be given the work of grinding gunpowder (*bāruda*) and received a ration of six *paisās*. If she was not given any work, she too would have been given the standard four *paisās* (see MA-ED2/53 §2).

[4. Joint murder]

§8 If somebody kills a person jointly with several people during a legal dispute about land, money, non-monetary property,²⁹ quadrupeds³⁰ or male or female slaves,³¹ three people [of those involved in the crime, i.e., the one who catches the victim with the intention to kill, the one who strikes the lethal blow and the one who orders the victim to be killed] shall be executed—taking life for life. Apart from those, any others [involved in the crime] who cause the victim to be hit and killed by preventing [the victim from escaping] shall be punished by *dāmala*. If young people, who are aware [that a murder is taking place] (*jānakāra javāna*) and who are past the age of 16 and up to the age of 65, do not hold back a murderer, but keep observing the unlawful murder of another person, they shall be fined 20 rupees each if their number is more than the [the number of] assailants and killers. If the observers [of the murder] are fewer in number than the assailants and killers, they shall

29 The term *naḡada* refers to currency in form of paper or metal and is to be distinguished from *jinsī* (var. *jīnīsa*, *jīnīs*), which denotes all movable property other than cash, land or houses. Here the term can be understood as any form of monetary obligation, e.g., those between debtor and creditor, property owner and tenant, or tax authority and taxpayer. Regmi (1978c: 65) records a similar example involving this term: in 1895 a specific levy in cash on each homestead, called *khāniko naḡadī* or *phalāmako naḡadī*, was collected in the Baikhani mining region (Gulmi-Baglung).

30 For the legal regulations regarding disputes over four-footed farm animals (*caupāya*), see MA-ED2/71.

31 The MA knows of two types of slaves, full slaves (*kamārā kamārī*) and bonded slaves (*bādhā kāmārā kamārī*). The more than twenty-eight pages taken up with the different legal aspects of slavery form a considerable portion of the MA (MA-ED2/28 §§10 and 12, MA-ED2/80, MA-ED2/81, MA-ED2/82, MA-ED2/83 and MA-ED2/85), an indication that mid-nineteenth century Nepal witnessed a large number of legal cases having to do with slavery. According to the MA, a person could be enslaved either as a result of being sold or of a penal verdict. Slaves who had been punished by enslavement for criminal offences were regarded as state property (see Höfer 2004: 100). A. Höfer (2004: 100 fn. 49), referring to the MA-ED2/160 §§15 and 17, argues that slaves did not lose their original caste status. This seems to be a misreading, however, of the first of these two sections. The section in question reads: “If a female slave who comes from a Sacred Thread-wearer or Water-acceptable caste group and has committed adultery with a man of a Water-unacceptable or Untouchable caste group—[if such a slave] consumes rice together with the fellow caste members or drinks water with other fellow caste members or commits adultery [with any of them], she shall be punished by being imprisoned for one year, being stamped bodily (*khodī*) with the [initial] letter of the caste [of the man with whom] she committed adultery first [on her body] and by being deprived of [the right] to drink water together with her fellow caste members...” (*tāḡādhārī laḡāyēt pānī nacalnyā jātakā kamārīle pānī nacalnyā ra choyā chīṭo hālanuparnyā jātakā loḡnyāsita karaṇīmā bigrī āphu mildālāi bhātamā ra arulāi pānimā boricha bhanyā ra karaṇi garāicha bhanyā 1 varṣa kaida gari usai jātko 1 akṣara khodī pānī bāheka gari ...*, MA-ED2/160 §15). Depriving someone the right to share water with fellow caste members amounted to the loss of caste.

not be held accountable as to whether they were aware [that a murder was taking place], and they are old or young.

§9 If someone, out of greed for property or out of any other form of envy, with intent [jointly with other people] kills another person during the day or night,³² [whether he] strikes or stabs [the victim] with a weapon, administers poison, or causes [the victim] to fall or be swept away by pushing [the victim] from a steep sloping path, into a pond, a deep pit, well, river, ford, from a plank or suspension bridge, a wall, boat, tree, out of a window, from a balcony and roof, or [whether he] captures [the victim] in an isolated place and hangs [him] or gags his mouth with mud, cloth, weeds or the like, among the people [involved in the crime the following] shall be executed—taking life for life, irrespective of whether they were present when the murder took place or not: those who give the order to kill, those—irrespective of their number—who captured [the victim] in order for him to be murdered, those—irrespective of their number—who struck and pushed [the victim], those who planned the murder, gave the order and provided the weapon. Those who guarded the street [to prevent the victim's] escape, and those who surrounded the spot to facilitate the killing; they shall, in accordance with the *Ain*, be punished by *dāmala* and their share of property shall be confiscated. Other people who participated in the plot of murder and also went to the site, but did not use weapons, did not block the site [to facilitate the killing] and did not capture [the victim] shall, in accordance with the *Ain*, be imprisoned for 12 years and their share of property shall be confiscated. Those who participated in the plot of murder, but did not go to the site, shall be imprisoned for 6 years and their share of property shall be confiscated. They shall not be set free [from prison] even if double the fine is offered in lieu of imprisonment. If a woman kills a person in the [above mentioned] manner, she shall be punished by *dāmala*. If a woman commits such a crime on which this *Ain* imposes the punishment of *dāmala* for male [offenders], she shall be imprisoned for 12 years. In the case of offences which lead to the imprisonment of women, the women shall not be subjected to confiscation of their property and the term of imprisonment shall be half that of a man. If a fine is offered by women culprits in lieu of imprisonment, [the authorities] shall accept this and let them off.

32 The phrase *rātadinakā vicamā* literally means 'in the middle of day and night'. However, in our context it means 'during day or night'.

§10 If someone, out of greed for property or out of any other form of envy, with intent [jointly with other people] kills another person, striking or stabbing [the victim] with a weapon, administering poison [to him], causing [him] to fall or be swept away by pushing [him] from a steep sloping path, into a pond, a deep pit, well, river, ford, from a plank or suspension bridge, a wall, boat, tree, out of a window, from a balcony and roof, or captures [him] in an isolated place and hangs [him] or gags his mouth with mud, cloth, weeds or the like, and the victim survives by coincidence, through the help of others, or by medical treatment, then among the people [involved in the crime the following] shall, in accordance with the *Ain*, be punished by *dāmala* and their share of property shall be confiscated: those who gave the order to kill, those who captured [the victim] in order for him to be murdered, those who struck and pushed [the victim], those who planned the plot of murder and gave the order—irrespective of their number and whether they went to the site of the murder when it took place or not. Those who guarded the street [to prevent the victim's] escape, and those who surrounded the spot to facilitate the killing shall, in accordance with the *Ain*, be [subjected to] the confiscation of their share of property and imprisonment of 6 years. Those who participated in the plot of murder and also went to the site, but did not use weapons, did not surround [the site of crime], and did not capture the victim, shall be [subjected to] confiscation of property and imprisonment of 3 years. Those who planned [the murder], but did not go to the site, and those who planned the murder, but had [their plan] revealed before it could be carried out, shall be [subjected to] confiscation of their property and imprisonment of 1½ years. They shall not be set free [from prison] even if double the fine is offered in lieu of imprisonment. If a woman commits such [a crime], she shall be imprisoned for 12 years if the punishment for a male [offender] is *dāmala*. In the case of offences which lead to the imprisonment of women, the women shall not be [subjected to] confiscation of their property and the term of imprisonment shall be half that of a man. If a fine is offered in lieu of imprisonment by women culprits, [the authorities] shall accept this and let them off.

[5. Self-defence]

§11 If [a group of] four persons without authority beats one person with sticks or their feet and the [assaulted] person takes out a weapon and pushes aside [the assailants] in order to save his life and someone dies, the [assaulted] person shall not be held accountable. If [a group

of] 3 persons without authority beats one person with sticks or their feet and the [assaulted] person uses a weapon and [someone] is wounded, [the assaulted person] shall be assigned no blame.³³

§ 12 If a man or woman, with the intention to kill cuts someone's throat,³⁴ stabs them, strikes them, crushes them under a log or rock, or strangles and gags the mouth of a man, woman or child, whether asleep or awake, [a male offender]—irrespective of whether [the victim] dies or survives by coincidence—shall be punished by *dāmala* and his share of property shall be confiscated, if he is a Brahmin or an ascetic [as specified] according to the *Ain*, and a female [offender] shall be punished by *dāmala*, but no property shall be confiscated. [Offenders] from the other castes shall be executed—taking life for life.

[6. Bodily harm with lethal consequences]

§ 13³⁵ If somebody hits an unscathed person (*sābuda mānisa*) with a stick or stone and that person dies within 22 days from the pain of a festered wound which cannot be cured, and if the fact is ascertained that [the victim] died in consequence of this [blow], [an offender] who belongs to a caste group whose members may be executed shall be executed, [whereas an offender] who belongs to a caste group whose members may not be executed shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated. If [the victim] dies after 22 days and within 3 months, [the offender] shall be punished by *dāmala* and [his share of property] shall be confiscated. If the victim dies after 3 months, and within 6 months after the deed, from the pain of the same wound, which cannot be cured, [the offender] shall be fined 100 rupees; if he does not pay the fine, he shall be imprisoned. [If the victim dies] after 6 months [in consequence of the festered wound] or dies within 22 days, suffering from diarrhoea,

33 This section suggests that if an assault is conducted by non-lethal means, the use of lethal weapons for self-defence is lawful only when there are more than two assailants.

34 The verb *reṭṇu* in the context of killing conveys the sense of cutting the throat slowly. Another verb, *serṇu*, is synonymous with it (see NBS and T s.v. *reṭṇu* and *serṇu*). Specifically, *reṭṇu* expresses the method of sacrificing animals by letting the blood drip from the carotid artery.

35 This passage formed the original Section 13, in the first edition of the MA, but was revised in the first amended version, i.e., MA-ED2 (see section 13kh). Therefore, MA-ED2 does not record it. The MA-ED1 has both the original and amended passage (MA-ED1 65/ §§ 13kh and 13b). Unlike the amended section, the original passage does not specify the period of time within which the offender is responsible for the death of the injured victim.

smallpox, *Āṭhyā* fever,³⁶ emaciation (*khabaṭyā*)³⁷, or dies by falling, being swept away, or being bitten by something which has teeth, [the offender] shall not be assigned the blame for killing a person. As far as the assault is concerned, [the offender] shall, in accordance with the respective [Art. 56] of the *Ain*, be fined and imprisoned.

§[13kh] If somebody hits an unscathed person with a stick or stone and that person dies from the pain of a festered wound, which cannot be cured, he shall be executed. [If the victim] dies in the meantime, suffering from diarrhoea, smallpox, *Āṭhyā*, emaciation (*khabaṭyā*), or by falling, being swept away, or being bitten by something which has teeth, [the offender] shall be subjected to the punishment for injuring, but shall not be executed.³⁸

§14 If a person who has been beaten up lodges a complaint that someone has beaten him up and the person who has beaten him up is punished in accordance with the *Ain*'s [Art. 56] and [the victim] thereafter falls sick for around 2–4 days³⁹ due to the pain resulting from the beating, but resumes his own work and walks around, and [then] dies because of another sickness within 22 days, the person who has beaten up [the victim] shall be assigned no renewed blame, because of the fact that [the victim] had already recovered and resumed working and walking around.

§15 If somebody strikes a person either with his foot, a stick, or a stone, and that person falls sick, becomes unable to walk and dies from the pain [resulting from the injury] within 22 days, it is understood that the person who struck has killed the victim. The murderer shall be executed—taking life for life. If [the victim] dies from that pain after 22 days have passed, [the assailant] shall not be executed, taking life for life, but shall be fined 60 rupees for the act of beating. If the amount of the fine is not paid, he shall, according to [what has been ruled elsewhere in] the *Ain*, be imprisoned.

36 T (s.v. *āṭhe*) defines *āṭhyā* as 'a sort of remittent fever occurring on every eighth day, regarded as very fatal'.

37 The term *khabaṭyā* literally means 'thin' or 'lanky'. It probably does not here denote any particular disease but refers rather to the health condition of a person that loses weight for some unknown reason (see. NBS s.v. *khapate*).

38 The relevant Article is *kuṭapīta jyū jakhama* 'On Brawling and Bodily Injury' (MA-ED2/56).

39 The time frame given here is not to be understood literally but as an idiomatic expression for 'a couple of days'.

§16 If someone slaps a person on the cheek or hits [him] once on a sensitive part of the body (*kuṭhāū*)⁴⁰ with his hand or with a lock bar⁴¹ and the person [who has been hit] falls sick, cannot stand up because of the pain [resulting from the injury] and dies within 7 days, the [offender] shall be executed. If the victim dies after 7 days, [the offender] shall not be executed, taking life for life, but shall be fined according to the punishment for the offence of brawling. If that person who has been slapped on the cheek starts to walk, move and work after one or two days and dies within 7 days, [the offender] shall not be executed, taking life for life, but shall, in accordance with the *Ain*'s [Art. 58] 'On Brawling,' be punished.

[7. Death under arrestment]

§17 If somebody lodges a complaint against a murderer, thief, any other criminal (*bāpatī khatukī*)⁴² or a bondservant or male and female slaves who have escaped from the house of their master, stating that such and such a person committed such and such an act, and the persons mentioned are arrested, tied up, fettered and brought [to the office concerned], those who arrest [the accused ones] or put [them] into prison shall not be held accountable, if [those being arrested] die by jumping into or falling from a river, steep sloping path, deep pit, window, well, suspension bridge or a rock, by being swept away, by consuming poison [at the place] where they have been imprisoned, by cutting their throat or by hanging [themselves].

§18 If a person with the intention to kill and without [legal] authority captures or ties up another person, he shall be executed, if he belongs to a caste group whose members may be executed. If he belongs to a caste group whose members may not be executed, he shall be punished by *dāmala*. If someone who is sent to be arrested by an *aḍḍā*, *adālata* or *amāla* office is arrested and, while being brought [to the concerned office], someone assaults and kills him in the meantime, the one who kills [the person under arrest] shall, in accordance with the *Ain*, be punished. The person who arrested [the victim] shall not be held accountable.

40 The term *kuṭhāū* (suffix *ku+ṭhāū*) primarily means 'bad place or improper place' and secondarily refers to the sensitive and vulnerable bodily organs (see NBS s.v. *kuṭhāū*).

41 The NBS (s.v. *argalā*) records the term *argalā*, which is probably a vernacular form of *arghyālo*, denoting a wooden door bolt.

42 The meaning of these two terms is not distinguishable. Both terms denote a convicted criminal, especially one accused of committing adultery or theft (NBS s.v. *khatukī*, *bāpatī*).

§19 If a bailiff or soldier, by order of the *hākima* of an *aḍḍā*, *adāla-ta* or *amāla*, is sent to arrest someone [accused] on an issue of money, immovable property, quadrupeds, male and female slaves, or of a transaction (*linadina*)⁴³ or the like, and the arrestee—while being brought [to the court]—is assaulted and killed on the way by someone, [the assailant]—if he is a Brahmin—shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated, whereas if [the assailant] belongs to another caste [that may be executed], he shall be executed. The bailiff or soldier who arrests and brings [the accused to the court] shall not be held accountable. If [the accused] is arrested and brought [to the court] without the order of the *hākima* of an *aḍḍā*, *adālata* and *amāla* and is attacked and killed by someone on the way, as many [people] as attack [the accused], that many shall be executed, if they belong to the caste groups whose members may be executed. If they belong to a caste group whose members may not be executed, they shall, in accordance with the *Ain*, be punished by *dāmala* and their share of property shall be confiscated. The one who arrests [the accused] and the one who brings [him to the court] shall not be executed, but their share of property shall, in accordance with the *Ain*, be confiscated and they be let off.

[8. Extradition]

§20 If someone kills a person and flees towards Madhesa⁴⁴ or Tibet, and crosses the border at a border pillar or a border [demarcation], he shall be caused to be brought back, after communication with the [British] Resident if he flees to Madhesa, and with the Chief Kājī if he flees to Tibet. Then, he shall be executed—taking life for life. [A domestic authority] shall not go to a foreign territory and execute or even arrest [anyone].

43 Lit. 'taking and giving'. This refers to such transactions as credit arrangements and sales contracts that involve future obligations on the part of one or more of the parties.

44 The term *madhyeśa* (Skt. *madhyadeśa* and var. *madeśa/madesa*) literally refers to the flat land south of the Himālaya, north of the Vindhya Mountain range, east of Kurukṣetra and west of Prayāga. This means that the southern flatlands in the possession of the Nepalese state fell at that time within Madeśa. In this context, however, the term refers to the expanse of flat land controlled by the British in colonial India. The other term, *bhoṭa*, used to designate Tibet, also supports the argument that both terms were used to indicate neighbouring realms (see also NGMPP K 175/18, Document 4 below).

[9. Failure to provide assistance]

§21 If someone attempts to kill a person and the victim asks for help, but the people who hear his voice (*khābara*) do not provide any help, they shall be fined in consideration of the person: 25, 20, 15 and 10 rupees, respectively, for [persons of the] *abbala*, *doyama*, *sima* or *cahāra* categories. If the fine is not paid, they shall, in accordance with the *Ain*, be imprisoned.⁴⁵

[10. Exceptions from homicide law and failure to report about homicide]

§22 If someone kills a person, the murderers and the plotters shall, in accordance with the *Ain*, be punished, except for issues [involving] the king, prime minister and envoys coming from different countries. The following people who are not involved in the homicidal plot, but hide facts, even though they know about it, shall not be subjected to any punishment: [the offender's] father, mother, wife, full brother and full sister, son and daughter, mother-in-law and son-in-law. If the following officials hide the [homicidal plot], even though they know about it, their share of property shall, in accordance with the *Ain*, be confiscated and they shall be imprisoned for 1 year and [afterwards] be let off: *dvāres*, *mukhiyās*, *tharīs*, *nāikes*, *mahānes*, *pradhānas*, *mijhāras*, *jeṭhā-budhās*, *gauruṅs* and *kaṭuvālas*. If a commoner of the village hides the [homicidal plot], even though he knows (lit. hears) about it, his share of property shall, in accordance with the *Ain*, be confiscated and he shall be let off.⁴⁶

45 The notion of punishing those who do not respond to a victim's cry for help is found in *dharmasāstra*. For example, one of Nārada's injunctions states that whoever does not go to help a victim when appealed to shares the culpability of the offender. It reads: *śrutvā ye nābhidhāvanti te pi taddoṣabhāginah* [...] (Whoever, having heard [a cry for help from a victim], does not run [to assist him], is an accomplice to the delict [...]). NārSm 14.19).

46 The people listed here are state functionaries on the local level. *Dvāryā* is the designation for a village headman in the Kathmandu Valley (see M. C. Regmi 2002: 298) and for an official in a village who can arrest petty offenders and try petty cases (see Stiller 1981: 379). The *mukhiyā* was a village-level revenue functionary or a village chief (see M. R. Panta & Ph. Pierce 1989: 93, also Karmacharya 2001a: 325). The term was also used for scribes in the central administrative offices. In the Kausī and the Kota Bhaṅḍāra, the *mukhiyās* kept accounts of receipts and expenditures (see Edwards 1975: 107, also M. C. Regmi 1978b: 228). The *tharī*, according to M. C. Regmi, is a nonofficial tax collection functionary, especially in the hill districts (M. C. Regmi 1978a: 867). The *nāike* (var. *nāike*, see NGMPP DNA 13/72) literally means a leader of any kind of group or village (see NBS s.v. *nāike*). According to Regmi, they were leaders of *rakama*-work teams (M. C. Regmi 1978a: 862). The *mahānyā* was a local revenue functionary in the Kathmandu Valley or a leader of a *rakama*-work team (see M. C. Regmi 1978a: 862). The title *pradhāna* applied to several different functionaries: To those who were headmen of certain communities within the

[11. False accusation]

§23 If someone comes to say that somebody has plotted to kill someone else and the accused one is caused to be brought there and is interrogated, but it is ascertained that no plot was planned and this false accusation was made out of anger, the false accuser, [if he is] a man, shall be [subjected to] confiscation of his [share] of property and shall be imprisoned for 2 years; a woman shall be fined 20 rupees and, unless the fine is paid, she shall be imprisoned.

[12. Assault on security personnel]

§24 If someone opens fire with a rifle, releases an arrow or discharges [any other] weapon which injures a sentry of a government treasury or of any [other] treasury, a guard of any other place who watches by order or command, a sentry [watching] money, immovable property, quadrupeds or a person, or a sentry patrolling during the night—irrespective of whether the victim dies or not—he who discharges the weapons shall be executed, even if only blood is drawn. If the weapon is discharged, but no blood is drawn, the [assailant] shall be punished by *dāmala*.

[13. Permitting or facilitating escape]

§25 If someone lets a murderer escape, who earlier had been forbidden by a *lālamohara* or *daskhata* to make a journey, in that he takes a bribe or out of greed, he shall be punished by *dāmala*. If someone lets a thief escape, whatever [amount] is stolen shall be taken from the one who lets the thief escape. If the thief is found, he shall be handed over to the person [who let him escape] and that person shall be told to recover the fine [from the thief]. If someone lets a perpetrator escape who commits [an offence] in matters other [than murder and theft] and flees, the one who lets the perpetrator escape shall be punished by the same punishment and fine as prescribed for the absconder.

Kathmandu Valley and local officials who collected revenue in villages within the Valley (Edwards 1975: 109). According to M.C. Regmi, however, there were four *pradhanas* in the Valley to assist the *dvāres* in discharging similar functions (M.C. Regmi 1970a: 224). The *mijhāras* were revenue collectors or headmen of certain low occupational castes and Mongoloid communities, such as Tamautā and Lohāra. They collected levies from the families of castes or communities under their jurisdiction (Karmacharya 2001b: 92). *Jethā-budhā* literally means ‘elder man’. It used to be applied to elderly and experienced village notables. According to Whelpton, it was also applied to royal messengers and investigators (Whelpton 1991: 283). The post *gaurūm*, according to Karmacharya, was a village agent who served under a *mukhiyā* (Karmacharya 2001b: 92). The post *kaṭuvālyā* was another civil functionary.

[14. Attack on security station]

§26 If someone uses a weapon in a police station or sentry post established by [official] order and kills or hits the sentry—irrespective of whether the sentry dies or stays alive after being injured—the one who opened fire in the police station shall be punished by *dāmala*, if he belongs to a caste whose members are to be punished by *dāmala* as punishment for murder. If he [belongs] to a caste group whose members may be executed, he shall be executed.

§27 If someone—while being stopped by a sentry or a guard saying: ‘[one shall not] enter into the watch-house or the sentry post [established by official] order’—takes out a weapon [in order to attack] the sentry or guard or aims a rifle [at him], that sentry or guard shall kill [the assailant]. [In so doing, the sentry or guard] shall not be held accountable.

[15. Attempted homicide]

§28 If a man—who, with the intention to kill a person, is ready to administer poison to someone else or lies in wait for [him] in a narrow street or narrow pass—is arrested, and while obtaining a confession from him (*sābīta garnu*), it transpires that he has not taken the [victim’s] life, [but] had the intention [to do so], all those who joined the plot of murder shall be imprisoned for 9 years. If a weapon is used, but [the victim] survives [nevertheless], the one who used the weapon shall be imprisoned according to [the severity] of the wound, as measured by the length of the wound in cases of striking, and the depth in cases of stabbing. If the wound is one finger’s breadth [long or deep], [the perpetrator] shall be imprisoned for 7 years; if it is two fingers’ breadth [long or deep], he shall be imprisoned for 8 years. The culprit shall be imprisoned for a number of years corresponding to how many fingers’ breadth [long or deep] the wound is. Whoever joined the plot [of murder], but did not use a weapon [himself], shall be imprisoned only for 6 years. If poison is administered, but [the victim] does not die, the one [who administered] the poison shall be imprisoned for 12 years. Even if the [perpetrators] say that [they will] pay double the fine in lieu of the prison term, they shall not be [permitted] to pay it and shall not be let off. If the [perpetrators] are set free in that the fine is accepted [that is in lieu of the prison term], the *hākima* of the *adālata*, *ṭhānā* or *amāla* shall be imprisoned proportionally to the imprisonment of that perpetrator. If it transpires, while obtaining a confession, that a person is killed, the one who plotted [the murder] (*matalaba dinu*) and the one who killed the person shall be executed—taking life for life.

§29 If a woman—who, with the intention to kill a person, is ready to administer poison to someone else or lies in wait for [him] in a narrow street or narrow pass—is arrested and, while obtaining a confession from her, it transpires that she has not taken the [victim's] life, [but] had the intention [to do so], all those who joined the plot of murder shall be imprisoned for 3 years. If a weapon is used, but [the victim] survives [coincidentally], the one who used the weapon shall be imprisoned according to [the severity] of the wound as measured by its length in cases of striking, and depth in cases of stabbing. If the wound is one finger's breadth [long or deep], [the perpetrator] shall be imprisoned for 4 years, if it is two fingers' breadth [long or deep], she shall be imprisoned for 5 years. The culprit shall be imprisoned for a number of years corresponding to how many fingers' breadth [long or deep] the wound is. Whoever joined the plot [of murder], but did not use a weapon [herself], shall be imprisoned only for 3 years. If poison was administered, but [the victim] did not die, the one [who administered] the poison shall be imprisoned for 12 years. Even if the [perpetrators] say that [they will] pay twice the fine in lieu of the prison term, they shall not be [permitted] to pay this and shall not be let off. If the [perpetrators] are set free by accepting the fine [in lieu of the prison term], the *hākima* of the *adālata*, *ṭhānā* or *amāla* shall be imprisoned in proportion to the imprisonment of that perpetrator. If it transpires, while obtaining a confession, that a person was killed, the woman who plotted [the murder] and the woman who killed the person shall be punished by *dāmala*.

[16. Regulation on capital punishment]

§30 When executing criminals who have committed homicide, they shall either be beheaded or hanged. They shall not be put to death by any other means. If the prime minister (*bajira*) orders an execution by any other than these two methods, he shall be fined 1,000 rupees.

[17. Bodily harm without lethal consequences]

§31 If someone dies having jumped or having [accidently] fallen into a pond, a well, a river, from a beam bridge, a suspension bridge, a tree, a window, a balcony, a roof, or into a deep pit, or committed suicide by hanging or by using a weapon, or by consuming poison, or if he consumed intoxicants, went unconscious and died, or hit against something and died, or fell down with the load he was carrying and died, or died being hit by a stone that fell down while going to a forest, or died all of a sudden without being sick or injured, or died while he

was asleep, or someone else killed him using a weapon, and if a third person out of anger and malice comes to complain that such and such a person killed such and such a person, and if the person who is accused is summoned and interrogated, but the accuser could not present any evidence and witnesses and could not prove that the one who is accused in fact killed that person, and if it is ascertained that it was a natural death as explained above or it was a suicide, or it was an accidental death, or it is proved that the person who was reported to be dead is alive, such a false complainer shall be imprisoned for 5 years. Even if he pays twice the amount set for cancelling the prison term, it shall not be accepted and he shall not be let off. He shall be imprisoned. If such a false complainer is a woman, and if she could not prove it, she shall be imprisoned for 2½ years. If she pays twice the amount set for cancelling the prison term, it shall be accepted and she shall be let off.

§32 If someone assaults someone else with a club, stone, stick, his hand, foot or the like, and that person is capable of walking and taking up his work after being incapacitated for a few days, but dies within 22 days due to another disease, his death shall be considered a natural death and the assailant shall not be convicted as a murderer, but shall, according to the *Ain*'s [Art. 58] 'On Brawling,' be punished.

[18. False accusation in a doubtful case]

§33 If someone assaults a person and that person is not incapacitated or recovers and takes up his work, but dies after 22 days due to another disease and someone lodges a complaint, saying 'that person died before 22 days have passed because of the pain of your beating,' and it becomes known after an investigation that he died after 22 days had already passed, action shall be taken only to the extent required by what had happened when the brawl took place. The [perjurer] who lodged the complaint shall be liable to the punishment of imprisonment for 1½ years. If a perjurer exaggerates what had happened and lodges a complaint out of anger, he shall be imprisoned for 2½ years. If the [perjurer] pays twice the fine required in lieu of imprisonment, it shall be accepted and he shall be set free. If a woman commits [perjury], she shall be imprisoned for half of the [term of a man].

[19. Homicide under influence of drugs]

§34 If two people go together, but unaccompanied, to a foreign territory, forest or site of work or the like, and one of them dies, either when both are together, or [one is] slightly behind or ahead while crossing

a river, walking on a mountain track or swimming, either because he is hit by a stone or a log [falling from the hill], or he falls, or is swept away, and his travel mate goes to the home of the deceased one and explains that such and such a person died in such and such a manner, but the relatives of the deceased person doubt it and come to complain, saying ‘this person killed such and such of our [relatives] out of malice,’ yet during the interrogation it is not ascertained through eyewitnesses that there was hatred among the two [travellers], and it is ascertained that the [deceased] died of a natural cause and the complaint was made because of suspicion attaching to the fact that only two people travelled [together], the family member who lodged the complaint shall not be subjected to any punishment. If somebody else lodges [such a] complaint out of anger, he shall be imprisoned for 2½ years. If twice the fine required in lieu of imprisonment is paid, it shall be accepted and he shall be set free. If [the perjurer] is a woman, she shall be imprisoned for 1½ years.

[20. Homicide by a person of unsound mind]

§35 If someone consumes an alcoholic drink (*jāḍa-raksī*), liquor (*araka*), opium, *bhāṅga*,⁴⁷ *dhaturo*⁴⁸ or the like, and assaults someone verbally or physically or breaks any limb of a person, he shall, according to the *Ain*’s [Art. 56] ‘On Assault and Bodily Injury’, be punished. If it is ascertained that [the victim] lost his life, the perpetrator shall be punished by *dāmala* and his share of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]. If he belongs to a caste group whose members may be executed, he shall be executed.

§36 If an insane person who does not know what is to be done and what not, eats unsuitable food that leads to his caste degradation, roams around [as if he were] in the state of liberation (*nirvāṇa*) and kills a person, he shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated. If that insane person knows what is to be done and what not, does not eat inedible food and does not roam around [as if he were] in the state of liberation, he shall, in accordance with the *Ain*, be punished by *dāmala* and his [share] of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]; he shall be executed, if he belongs to a caste group whose members may

47 An intoxicating drink made from hemp leaf.

48 Thorn-apple, the seeds of which are intoxicating and poisonous.

be executed. If it transpires that this insane person did not eat unsuitable food before [committing homicide], but it is ascertained that he started eating afterwards, it is understood that this person ate unsuitable [food] in order to save his life. Such an insane person shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]; he shall be executed, if he belongs to a caste group whose members may be executed.

[21. Homicide of a sick or wounded person]

§37 If it transpires that someone contracts diseases such as *Āthyā*, emaciation or [any other] fever, dysentery, diarrhoea, bloody diarrhoea, gout, colic and asthma, and is ill due to having been beaten up by somebody earlier or collided [with something], or having fallen, and if such a person is sick in such a manner that he is unable to work because of his illness, and this person is killed by someone else, and even if the [perpetrator] struck only once, it shall be deemed that he killed the person and not that the [victim] died in consequence of his illness. The murderer shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]; he shall be executed, if he belongs to a caste group whose members may be executed. If the person who was beaten up has not died, the [perpetrator] shall, be fined and imprisoned twice as much as what is laid down in the *Ain*'s [Art. 58] 'On Brawling.'

§38 If someone kills a person by assault, who has fallen sick and is bed-ridden with an abscess or some such, even if the [perpetrator] strikes only once, it shall be deemed that the [victim] was killed by him and not that the [victim] died in consequence of his illness. The murderer shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]; he shall be executed, if he belongs to a caste group whose members may be executed. If the person who was beaten up has not died, the [perpetrator] shall be fined and imprisoned twice as much as what is laid down in the *Ain*'s [Art. 58] 'On Brawling.'

§39 If somebody is beaten by someone, and another person beats him again before the beaten person has recovered, and within eight *ghaḍī* or up to 22 days after [the first incident] the beaten person dies, the first assailant shall be found guilty for his assault and shall, according

to the *Ain*'s [Art. 58] 'On Brawling,' be fined and imprisoned. The later assailant shall be found guilty of killing a person and shall, in accordance with the *Ain*, be punished by *dāmala* and his share of property shall be confiscated, if he belongs to a caste group whose members are liable to being shaved [instead of being sentenced to death]; he shall be executed, if he belongs to a caste group whose members may be executed. If the person who was beaten up has not died, the [perpetrator] shall be fined and imprisoned twice as much as what is laid down in the *Ain*'s [Art. 58] 'On Brawling.'

[22. False accusation]

§40 If somebody comes to complain that such and such a person has done such and such, and upon interrogation it is ascertained that it is merely a perjury, the perjurer who makes a false accusation of homicide and writes and also signs a statement at a *kacaharī* office, shall be subjected to that punishment which is laid down for a perjurer of homicide. If it transpires that the [perjurer] has not written and signed [such a] statement and the *beḍī*⁴⁹ and *karpana*⁵⁰ fees are not paid and [the perjurer] says that he is not able to make [the defendant] confess, it shall be deemed verbal assault, and he shall be punished with a fine of 20 rupees if the affair [could have] led to a death [sentence]. If it [could have] led to the punishment of *dāmala*, the [perjurer] shall be fined 15 rupees. If the fine is not paid, he shall, in accordance with the *Ain*, be imprisoned.

§41 If someone is arrested and brought before an *aḍḍā*, *gauḍā*, *adālata* or *amāla* [to stand trial] in a case involving homicide, and if he confesses to the crime and is brought before the *Iṭācapalī* [court], then if the evidence of direct witnesses who have provided written depositions—those who saw [the crime] or know [about it]—or [in the form of] confessions written by third parties corresponds with what the offender has asserted, there is no need to summon the direct witnesses and third parties. The offender shall be dealt with in accordance with the *Ain*. If the particulars of the evidence [from] the direct witnesses and the written confessions of third parties differ from what the offender has stated, the persons and evidence shall be brought forth as required, and whatever is decided upon interrogation shall be carried out in accordance with the *Ain*.

49 A fee for the initiation of a trial concerning debt recovery.

50 "A fee of five rupees taken by the court from each party. By paying, the litigants express their will to have the case decided by ordeal" (Khatiwoda, Cubelic & Michaels 2021: 863).

Translation of Articles 1–4 in the 3rd Part of the 1870 *Ain*

On Homicide

[1] On assaulting a sentry

§1 If somebody discharges a weapon, [such as] a rifle [or] an arrow, at a sentry [guarding] a fortified entrance (*deuḍhī*)⁵¹ [or] an armoury/treasury, [or assigned] to any other location by [lawful] order or command (*hukum kamān*)⁵² [for the purpose of] safeguarding money or goods, animals or persons; or else [shoots at] persons on a shift patrolling [the streets] [or] doing night duty,⁵³ [thereby] injuring [them], [the assailant] discharging the weapon shall be executed—taking life for life—[irrespective of] whether the man on the shift dies or not. Even if only blood is drawn, [the assailant] shall be executed. If it turns out that [the assailant] has fired (*calāumu*) a weapon but no blood is drawn, [the assailant] shall be branded.

§2 If anybody wielding a weapon at a guard post or sentry box established by royal decree (*hukumale rahamu*) kills⁵⁴ or incapacitates a sentry, irrespective of whether the victim dies or survives with injuries, he who wields the weapon at the guard post shall be branded if he belongs to a caste group whose members are to undergo *dāmala* when charged with convicted of murder, [while] if he is from a caste group whose members are to be sentenced to death, he shall be executed.

§3 When a guard or sentry prevents somebody from entering a locality which the guard or sentry is assigned to guard by royal decree and [that person] unsheathes a weapon or points a rifle [at him], the guard or sentry shall kill him. No blame shall be assigned.

§4 Whoever, having taken a bribe or out of greed or partiality (*kharkhusāmat mayāmolāhijā*), lets a murderer escape along a route that has previously been closed to travel by a *lālamohara* or *daskhata*

51 The term *deuḍhī* (Skt. *dehalī* var. *deuḍhī* or *ḍyaudhī*) signifies a gate or building entrance (see NBS s.v. *deuḍhī* and also MW s.v. *dehalī*).

52 Broadly speaking, the terms *hukum* and *kamāna* have the same meaning, but they are used in slightly different contexts. A *hukuma* (Per. *hukma*) is an order usually given by kings, prime ministers or high-ranking civil officers, whereas *kamāna* is borrowed from the English command and used in the sense of a military order (see NBS s.v. *kamāna*).

53 The terms *ramaṇa* and *bikaṭa* are almost identical in meaning. The former refers to persons deputed to patrol the streets, while the latter is the indigenised form of English *picket* and signifies persons posted to stand guard so as to prevent burglary, robbery and the like, especially during the night (see NBS s.v. *ramaṇa* and *bikaṭa*).

54 The form *kāṭī* is the absolutive of *kāṭnu*, which literally means ‘to cut’.

shall be branded. If [someone] lets a thief escape, whatever [amount] is stolen shall be taken from him who lets the thief escape. If the thief is found, he shall be turned over to the person [who let him escape,] and that person shall be told to recover the fine [from the thief] and return it [to the court]. If someone lets a fleeing perpetrator of some other [crime] escape, he shall be punished with the same punishment and fine as prescribed for the escapee.

[2] The law to be imposed in cases of unintentional manslaughter and injury

§1 When somebody during the night strikes what he misperceives as an animal or something else and a human, who dies in, the [act] shall be taken as a mishap (*bhora*) if it is apparent that the slayer and the deceased harboured no [mutual] malice or engaged in a dispute [concerning] some matter—[each other's] physical body (*vyū*), land, wives, [material or landed] property, cattle etc. [In such circumstances] the slayer shall not be charged with murder. The slayer shall be granted expiation for having committed manslaughter after being made to pay 50 rupees to cover expenditures for the funerary rites of the deceased, made to visit 1 place of pilgrimage [and] made to give, as a religious fee (*godāna*) to the *dharmādhikārin*, 15 rupees for *abbala* [land], 10 rupees for *doyama* [land], 5 rupees for *sima* [land] and 2 rupees for *cahāra* [land].

§2 If somebody hunting in a jungle discharges a rifle or arrow without being certain that [the target] is a deer or [other] animal, and a human dies in that shooting, it shall be considered as an accident if it is apparent that the slayer and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. The slayer shall be made to pay 50 rupees to cover expenditures for the funerary rites of the deceased. He shall not be accused of taking a life. If [the victim] did not die but was only injured, he who shot shall be made to pay 10 rupees as general damages for pain and suffering (*ghākharca*). No other blame shall be assigned.

§3 When somebody, in [trying to] strike a land animal or bird with a stone, cane or stick (*jhaṭāro*), or to cause fruit to fall [from a tree], hits [instead] a human and that person dies, it shall be taken as an accident if it is apparent that the striker and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. No action shall be taken against him who took [the other's] life. The striker shall be made to pay 50 rupees to cover the expenses of [the victim's] funerary rites. If the [victim] did not die but was only injured,

the striker shall be made to pay 10 rupees as general damages for pain and suffering. No other blame shall be assigned.

§4 If somebody, in discharging a rifle inside a city or village, near a city or village, or along an alley or path—[any] place where people frequent—without [first] impelling people to remove themselves [from the line of fire] and without taking [other] measures lest they be hit by a bullet, shoots a person and [that person] dies, it shall be taken as an accidental [occurrence] if it is apparent that the shooter and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. The shooter shall be made to pay 100 rupees to cover the expenses of [the victim's] funerary rites. No action shall be taken against him who took [the other's] life. If the [victim] did not die but was only injured, [the shooter] shall be made to pay 50 rupees as general damages for pain and suffering. No other blame shall be assigned.

§5 If, because of [implement] breakage, slippage or [other] loss of control when being discharged, a person is struck by an arrow or bullet shot from a bow, rifle or handgun, or by a sword or *khukuri*⁵⁵ while an animal is being slaughtered, and that person dies, it shall be taken as an accidental [occurrence] if it is apparent that the slayer and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. The slayer shall be made to pay 50 rupees to cover the expenses of [the victim's] funerary rites and be made to undertake expiation by compelling him to pay 5 rupees as a religious fee (*godāna*) to a *dharmādhikārin*. No action shall be taken for having taken [the other's] life. If the [victim] did not die but was only injured, the slayer shall be made to pay 10 rupees as general damages for pain and suffering. No other blame shall be assigned.

§6 If a person dies through being struck by an axe, *khukurī*, sickle (*khurpā*), wood-cutting knife (*cupī*) or the like which has slipped out of [the wielder's hand] while cutting a tree or log, it shall be taken as an accidental [occurrence] if it is apparent that the slayer and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. The slayer shall be made to pay 20 rupees to cover the expenses of [the victim's] funerary rites and be made to undertake expiation by compelling him to pay 5 rupees as a religious fee (*godāna*) to a *dharmādhikārin*. No action shall be taken against [the

55 A knife with an inwardly curved blade, used both as a tool and as a weapon; for an illustration (see Kirkpatrick 1811: 118–119).

slayer] for having taken [the other's] life. If the [victim] did not die but was only injured, the slayer shall be made to pay 5 rupees as general damages for pain and suffering. No other blame shall be assigned.

§7 If a tree when being felled topples, a branch when being cut falls, or a log when being sectioned gets out of control, or when wood is being dragged or rolled—when, [for example,] trees are being felled and wood being dragged when a field is being cleared and ploughed—[and a person] is crushed [to death]; or else when a path, water channel or temple is being constructed or a mound being levelled, a person or cattle are hit by a stone [or other] round object—[for example,] bricks or wood which has slipped out of control and could not be stopped—it shall be taken as an accidental [occurrence] if it is apparent that the slayer and the deceased had previously harboured no [mutual] malice or engaged in a dispute [concerning] some matter. He who occasioned the falling of [such objects] need not pay [any sum] to cover the expenses of [the victim's] funerary rites, nor need he undertake any expiation. No blame shall be assigned.

§8 In cases where men, women or children are being led across a river or ford (*jāghāra*) and sink into [the river] and are swept away and drown, having slipped loose from the grip of the person leading them across, the latter having had insufficient strength to hold them back, it shall be taken as an accident if it is apparent that the person leading them across the river and the deceased had previously harboured no [mutual] malice. No blame shall be assigned to him who had been holding on [to the deceased]. He need not cover the expenses of [the victim's] funerary rites nor undertake expiation.

§9 If a person or four-footed farm animal dies upon falling into [such] traps [as] a *solā phyān*, *solā phaḍkyā*, *darjan* or *dharāpa* set up on paths in [or around] a redoubt, path, fortress or fort that were closed down earlier by order of His Fivefold Venerable Majesty [the King], no blame shall be assigned either to him who had ordered [the trap] to be set up or him who set it up. They need not cover the expenses for [the victim's] funerary rites nor pay general damages for pain and suffering. They need not pay an expiatory fine nor undertake any expiation.

§10 Except in cases where a tiger, bear, boar or the like has slain a human or four-footed farm animal or else eaten standing or harvested crops, nobody shall set up traps for hunting [them]. If somebody does set up a trap and a human dies upon falling into it, he who set up the trap shall be [punished] by confiscating his share of property in accordance with the *Ain* [and] taking ten percent of it; by being made

to give compensation [enough] to [cover] all the expenses of the deceased's funerary rites; and by imprisoning [him] for 6 years. If the fine [required for avoiding imprisonment] is paid, it shall be accepted and he shall be set free. If [the victim] did not die but was only injured, [the offender] shall be made to pay 50 rupees as general damages for pain and suffering and shall be fined 50 rupees. If only a four-footed farm animal fell into [the trap and died], [the offender] shall be compelled to pay that animal's owner an amount settled upon by *pañca* (an assembly of elders forming a local judicial body) and be fined an amount equal [to that paid to the owner].

§ 11 If, as a countermeasure to a tiger, bear, boar or the like having killed a human, somebody sets a trap, such as a *solā*, *phyāñi*, *phaḍkyā*, *darjana* or *dharāpa*, after informing [persons in advance] at the village, [but] without guarding [the approach to the site] at night himself, and some person other than those who have been notified in advance falls into the trap and dies, he who set the trap shall be compelled to pay 25 rupees for the expenses of the [deceased's] funerary rites and be fined 25 rupees. If the [victim] does not die but is only injured, [the setter of the trap] shall be made to pay 12 rupees as general damages for pain and suffering; however, he shall not be subjected to a fine. If a person who has been notified in advance falls into the trap, [the setter of the trap] need not pay the expenses either for [treating] an injury or for funerary rites, nor need he pay a fine or [undertake] expiation.

§ 12 If, as a countermeasure to a tiger, bear, boar or the like that, rather than killing a human, has only eaten standing or harvested crops or [killed] a four-footed farm animal, somebody sets a trap or the like, after informing [persons in advance] at the village, [but] without guarding [the approach to the site] at night himself, and some person other than those who have been notified in advance falls into the trap and dies, [the authorities] shall compel the one who set the trap to pay 50 rupees for the expenses of the deceased's funerary rites and fine him 50 rupees. If [the victim] did not die but is only injured, [the setter of the trap] shall be made to pay 25 rupees as general damages for pain and suffering; however, he shall not be subjected to a fine. If a person who has been notified in advance falls into the trap and dies, [he who set the trap] shall be compelled to pay 12 rupees for the expenses [of the deceased's] funerary rites; if [someone who has been notified in advance] falls into the trap and is only injured, [he who set the trap] shall be made to pay 6 rupees as general damages for pain and suffering; however, he shall not be subjected to a fine, nor need he [undertake] expiation.

§13 If, as a countermeasure to a tiger, bear, boar or the like having killed a human [or] four-footed farm animal or having eaten standing or harvested crops, somebody sets up a trap—a *solā* or the like—after informing [persons in advance] at the village, and a four-footed farm animal falls into the trap and dies, no blame shall be assigned to him who set the trap.

§14 If, as a countermeasure to a tiger, bear, boar or the like having killed a human, somebody sets a trap—a *solā* or the like—along a path, at a public water source [or] in a *bārī*⁵⁶, *kareso*⁵⁷ or the like without informing [persons in advance] and without guarding [the approach to the site] at night himself, and some person falls into the trap and dies, the whole of the property of him who set the trap shall be confiscated in accordance with the *Ain*, with ten percent (*dasauda*) of it taken [as a fine]; in addition, [the offender] shall be compelled to pay for the expenses of the deceased's funerary rites and shall be imprisoned for 6 years. If [he] pays the sum [for waiving the prison] term, it shall be accepted. If [the victim] does not die [but] is only injured, [the setter of the trap] shall be made to pay 50 rupees as general damages for the pain and suffering and be fined 50 rupees.

§15 If, as a countermeasure to a tiger, bear, boar or the like having killed a human, somebody sets a trap—a *solā* or the like—along a path, at a public water source [or] in a *bārī*, *kareso* or the like without guarding [the approach to the site] at night himself, and a four-footed farm animal falls into the trap and dies, no blame shall be assigned to him who set the trap.⁵⁸

§16 If, as a countermeasure to a tiger, bear, boar or the like that, rather than killing a human, has only eaten standing or harvested crops or [killed] a four-footed farm animal, somebody sets a trap—a *solā* or the like—along a path, at a public water source [or] in a *bārī*, *kareso* or the like, without informing [persons in advance] at the village and without guarding [the approach to the site] at night himself, and a person falls into the trap and dies, the share of property of the one who set the trap shall be confiscated in accordance with the *Ain*, with ten percent (*dasauda*) of it taken [as a fine]; in addition, [the offender] shall be compelled to pay for all the expenses of the deceased's funerary rites

56 A flower or vegetable garden around a house. The word is related to Sanskrit *vāṭikā*.

57 The term *kareso* (Skt. *grhāṃśā*) denotes the portions of land belonging to a household other than the area taken by the house itself and the front yard (i.e., the areas along the sides and to the back of the house).

58 This Section is very similar to Section §13 above.

and shall be imprisoned for 6 years. If [the setter of the trap] pays the sum [for waiving the prison] term, it shall be accepted and he shall be set free. If [the victim] does not die [but] is only injured, [the setter of the trap] shall be made to pay 50 rupees as general damages for pain and suffering and be fined 50 rupees.

§17 If, as a countermeasure to a tiger, bear, boar or the like, rather than killing a human, having only eaten standing or harvested crops or [killed] a four-footed farm animal, somebody sets a trap—a *solā* or the like—along a path, at a public water source or in a *bārī*, *kareso* or the like without informing [persons in advance] at the village, and also without guarding [the approach to the site] at night himself, and a four-footed farm animal falls into the trap and dies, [the offender] shall be compelled to pay that animal's owner an amount settled upon by *pañca* and shall be fined an amount equal [to that paid to the owner].

§18 The ten percent [fine] on the whole is not levied on the amount paid for the deceased's funerary rites or as general damages for the pain and suffering. [An amount based on either of them] shall not be taken.

[3] Being held captive and having food and water withheld

§1 If somebody holds captive somebody else without providing him food and water [on the grounds that he] ought to be held captive because of a dispute involving gold or silver, metal vessels, cash or commodities, precious stones or jewellery, land, male or female slaves, caste, real property, fields, water channels, water [sources], [right of] way, adultery, trade or a married woman (*svāsnī* i.e., nuptial issues), and if the captive dies, [the offender]—if he belongs to a caste whose members may be shaved [but not executed]—shall be branded and his share of property shall be confiscated in accordance with the *Ain*. If [such an act] was carried out by a woman, she shall be branded but her property shall not be confiscated. If the person who killed [the victim]—having [first] taken him captive and then withheld food and water—belongs to a caste whose members may be executed, [he] shall be executed—taking life for life. A fine of 5 rupees shall be imposed if [he] held [the victim] captive and withheld food and water only for 1 night and 1 day; 15 rupees for 2 days, 30 rupees for 3 days, 60 rupees for 4 days, 120 rupees for 5 days, 240 rupees for 6 days, 480 rupees for 7 days, 960 rupees for 8 days, 1,920 rupees for 9 days, 3,000 rupees for 10 days, 4,000 rupees for 11 days, 5,000 rupees for 12 days, 6,000 rupees for 13 days, 7,000 rupees for 14 days, 8,000 rupees for 15 days, 9,000 rupees for 16 days, 10,000 rupees for 17 days, 11,000 rupees for 18 days,

12,000 rupees for 19 days, 13,000 rupees for 20 days and 14,000 rupees for 21 days. If a woman holds someone captive [but the victim] does not die, she shall be fined half the [above] amounts. If the fine is not paid, [the offender] shall be imprisoned in accordance with the *Ain*.

§2 If somebody holds captive somebody else [on the grounds that he] ought to be held captive because of a dispute involving gold or silver, metal vessels, cash or commodities, precious stones or jewellery, land, four-footed farm animals, male or female slaves, caste, real property, fields, water channels, water [sources], [right of] way, a married woman (*svāsnī* i.e., nuptial issues), trade, adultery or *khatachita*⁵⁹, and if, having provided him his own or the latter's food and water, the captive dies, he who held captive shall be assigned no blame. If he who holds captive provides food and water to the captive but the latter does not consume it, but dies [because of himself] in a fearful state of mind, he who held captive shall be assigned no blame.

§3 If somebody holds captive somebody else without providing him food and water [on the grounds that he] ought to be held captive because of a dispute involving gold or silver, metal vessels, cash or commodities, jewellery, land, four-footed farm animals, slaves, adultery, caste, real property, water channels, [right of] way, a married woman (*svāsnī* i.e., nuptial issues), *khatachita* or trade, and the captive dies, he who held captive—if he belongs to a caste whose members are subject to being branded—shall be branded, [whilst] if he belongs to a caste whose members may be executed, he shall be executed. [Any] offspring of those condemned by branding or execution shall not [be permitted to] receive goods or money, through personal [trade] transactions or lending and borrowing, from the offspring of him who died when [the other] held him captive. If [a tenant debtor] is held captive and, though denied food and water, [still] does not die, he who held captive shall be allowed to take [his contractual] money from the debtor [only] after he has paid the fine [mentioned in §1] corresponding to the number of days starting from the [first] day of captivity.

§4 If a detainee [or] litigant who has been brought to an *aḍḍā*, *gauḍā*, *adālata*, *ṭhānā*, [or] *sadara daphadara*; the Kumārī Coka; an *amāla*; or a *rakamdāra*, *ṭheka[dāra]* [or] *ijārādāra kacaharī* does not

59 The term *khatachita* refers to the *pañcakhata*, the fine for heinous crimes (see e.g., M. R. Pant 2002: 77 and 86; for different definitions of *pañcakhata* found in the literature, see *ibid.* 34). M. Gaborieau (1977: 253) n. 59 and Bouillier (1991: 11) define the term as a fine for illicit sexual relations. In present context, the term can be taken in its broader meaning.

receive food to eat for 1 day and 1 night, no blame shall be assigned. If [he] has been held without both food and water for 1 day and 1 night, officials shall be held accountable in accordance with the section of the *Ain* ‘On Detainees.’

§5 If a detainee or litigant enjoys both sufficient supplies of food from his own home and frequent visits from his close relations [or] servant[s] but proclaims that he has not received food and drink, his complaint shall not be heard. No blame shall be assigned regarding the matter to those who detained him.

[4] The law pertaining to cases when a weapon is unsheathed or when a weapon causes injury

§1 If, during a dispute over an incidental matter (*aru*, i.e., not a duel or premeditated attack), [a person] who has no intention of taking the life [of the other person] puts his hand to a *khukurī*, one-edged sword (*tarabāra*), double-edged curved sword (*khūḍā*), dagger (*kaṭārī*), spear (*bhālā*), unloaded gun or bow without doing any unsheathing and says, “I’ll kill you,” such a person shall be fined 2½ rupees.

§2 If, during a dispute over an incidental matter, [a person] who has no intention of taking the life [of the other person] unsheathes a *khukurī*, *tarabāra*, *khūḍā*, *kaṭārī* or *bhālā* or targets [him] with a loaded gun or [with] a bow and arrow, and says, “I’ll kill you,” such a person shall be fined 20 rupees.

§3 If [one of two persons] who harbour no [mutual] malice and [are engaging in no] dispute is bearing a weapon such as a *khukurī* or *tarabāra*, and the tip comes out of its sheath while they are walking along a path and [the weapon] pierces, cuts or scratches [the other person], and if the one who is injured launches an official complaint, the one who bore the weapon negligently shall be fined 4 *ānās*. If the former launches no complaint, no blame shall be assigned.

§4 If a person, while frolicking, playing or walking [with another person], lays hand on a lethal weapon or the like that he was unaware the other was bearing, and is cut or scratched by that weapon, this shall be taken as a mishap. The person bearing that weapon shall be assigned no blame.

§5 If, during a dispute [between two persons neither of] whom intentionally strikes or stabs [the other] with a weapon, [one of them] grabs hold of the [other’s] weapon and [one of the parties] is injured with loss of blood, neither party shall be fined if the injured party is he who grabbed hold of [the weapon]. If he who bore the weapon is

the injured party, he who grabbed hold of the other's weapon, having earlier [initiated the dispute] by striking [the other] with his hand, shall be fined $\frac{1}{2}$ *ānā*; if [the former] does not launch [an official] complaint, [the latter] shall be assigned no blame.

§6 If a person who has no intention of taking the life [of another]—who is not waiting along a path or byway to kill [another], who bears [him] no prior malice and who does not strike [him] from an ambush—strikes and kills [that person] spontaneously with a weapon or the like during the daytime and in public, having been unable to control his anger while [the two parties] are engaged in a verbal or physical tussle over a dispute relating to real property, [a dispute] during a festival or procession, a dispute relating to [business] transactions, a dispute relating to gold or silver, cash or commodities, metal vessels, jewels, garments, four-footed farm animals, two-footed farm animals or the like, or a dispute concerning communal field work (*melāpāta*), water channels, forests, grassland or the like, or concerning nuptial matters (*svāsnī*), then in the case where the one who killed by wielding a weapon is a man belonging to a caste whose members may not be executed he shall be branded and his share of property shall be confiscated in accordance with the *Ain*, and in the case when it is a woman, she shall be similarly branded, but her property shall not be confiscated. In the case where it is a man belonging to a caste whose members may be executed, he shall be executed—taking life for life.

§7 If a person who has no intention of taking the life of [another]—who is not waiting along a path or byway to kill [another]; who bears [him] no prior malice; and who does not strike [him] from an ambush—strikes [that person] spontaneously with a weapon, pole, stone or the like during the daytime and in public, having been unable to control his anger while [the two parties] are engaged in a verbal or physical tussle over a dispute relating to real property, a dispute relating to gold or silver, cash or commodities, metal vessels, jewels, garments, four-footed farm animals, two-footed farms animals or the like, or a dispute concerning communal field work, water channels, forests, grassland or the like, or concerning nuptial matters (*svāsnī*), and the victim does not die but becomes incapacitated due to permanent bodily injury, then in the case where the one who caused permanent bodily injury is a man he shall be imprisoned for 24 years, and in the case where it is a woman, she shall be imprisoned for 12 years. No matter how much money may be offered [to waive imprisonment], it shall not be accepted. The victim whose body has been permanently injured

shall be assigned no blame even if he struck [the other], drew blood or assaulted [him] verbally.

§8 If a person who has no intention of taking the life of [another]—who is not waiting along a path or byway to kill [another]; who bears [him] no prior malice; and who does not strike [him] from an ambush—strikes [that person] spontaneously with a weapon or the like in public, having been unable to control his anger while [the two parties] are engaged in a verbal or physical tussle over a dispute relating to real property, a dispute relating to gold or silver, cash or commodities, metal vessels, jewels, garments, four-footed farm animals, two-footed farm animals or the like, or a dispute concerning communal field work, water channels, forests, grassland or the like, or concerning nuptial matters, and the victim does not die and is not permanently injured but merely wounded, he who wielded the weapon [shall be imprisoned based on the severity of] the wound, measured according to length [in the case of striking and to depth in the case of stabbing]: If the wound is 1 fingerbreadth [long or deep], [the perpetrator]—in the case of a man—shall be imprisoned for 1 year, [and] in that of a woman, for 6 months; if [it] is two fingerbreadths [long or deep], [the perpetrator]—in the case of a man—shall be imprisoned for 1½ years, [and] that of a woman, for 9 months; if [it] is 3 fingerbreadths [long or deep], [the perpetrator]—in the case of a man—shall be imprisoned for 2 years, [and] in that of a woman, for 1 year. The prison term shall be increased by 6 months for a male perpetrator and by 3 months for a female perpetrator for every additional fingerbreadth [in the length or depth of] the wound, until the prison term reaches 12 years. Even if the prison term becomes more than 12 years when calculating in this manner, the perpetrator shall not be imprisoned more than 12 years. No matter how much money may be offered [to waive imprisonment], it shall not be accepted. He who has had his body wounded shall be assigned no blame even if he struck [the other], drew blood or assaulted [him] verbally.

[5] The law pertaining to punishment when a single person intentionally kills a human

§9 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by striking or stabbing the victim with a hand-held weapon or the like, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but

no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 10 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by shooting him with a rifle, bow and arrow or other such discharging weapon, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded, in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 11 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by shoving or [otherwise] causing him to fall down a steep slope [or] into an abyss, [or else to fall] from a tree, window, balcony, roof, wall or the like, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded, in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 12 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by striking or stabbing him with a pole, stone, piece of wood, a brick, turf [or] metal, a roped stone used for hunting (*ghugyātro*)⁶⁰, a wooden stick for dislodging fruit (*jhaṭāro*) or the like, or by crushing him under a rock or log, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 13 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by strangulating, hanging or suffocating him, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated;

60 Var. *ghuyētro*.

if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 14 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill a person forces [him] into a deep pit and fills it with bricks, stones, earth or the like, and that person dies, the one who with the intention to kill forced [the other] into the deep pit and filled [it]—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 15 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill causes [a person] to fall into a deep river (*gamgā*)⁶¹, minor river, ford, well, pond or the like by shoving him in and letting him be swept away, and that person dies through drowning or being swept away, or else is first swept away and thereafter comes ashore on his own or is pulled ashore, and dies within three days, he who with the intention to kill caused [him] to fall—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 16 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by shoving him towards a fire, making him agent fall in and letting [him] burn, [the murderer]—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

61 *Gamgā* in its primary meaning refers to the river of the same name, personified as the eldest daughter of Himavat and Menā, the wife of Śāntanu and the mother of Bhīṣma. Here the word is used to denote any major river (also see T, s.v. *gamgā*).

§17 If, out of greed for property or out of any other form of envy, [somebody] with the intention to do so kills a human by letting [him] consume poison (*jahara viṣa*)⁶², [the murderer]—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the murderer] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

[6] The law pertaining to cases of conspiracy to murder

§18 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so jointly kill a human by striking or stabbing him with a weapon or the like, as many persons from whose wounding [the victim] has died—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§19 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so jointly kill a human by shooting him with a rifle, bow and arrow or the like, as many persons from whose wounding [the victim] has died—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§20 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so jointly kills a human by shoving or [otherwise] causing him to fall down a steep slope into an abyss, [or else to fall] from a tree, window, balcony, roof, wall or the like, as many persons as caused him to fall by laying hands [on him]—if they are men belonging to a caste group whose members

62 The words *jahara* and *viṣa* are synonymous. *Jahara* is a loan word derived from the Persian *zahr*.

may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§21 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so jointly kill a human by striking or stabbing him with a rod, stone, piece of wood, a brick, turf [or] metal, a roped stone used for hunting (*ghugyātro*), a wooden baton for dislodging fruit (*jhaṭāro*) or the like, or by crushing him under a rock or log, the murderer—if he belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain* and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§22 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly cause [a person] to fall into a deep river, minor river, well [or] pond, [or]—at a place near a [beam] bridge [or] suspension bridge—onto a bush, ford or the like by shoving him in and letting him be swept away, and that person dies through drowning or being swept away, or else is first swept away and thereafter comes ashore on his own or is pulled ashore, and dies within 3 days, as many persons as have, with the intention to do so, killed [the victim] by catching, shoving and causing him to fall—if they are men belonging to a caste group whose members may not be executed—shall be branded, in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§23 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so kills a human by strangling or by hanging or suffocating [him], as many persons as [killed the victim] by laying hands [on him]—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain* and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to

a caste group whose members may be executed, they shall be executed—taking life for life.

§24 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill a person jointly force [him] into a deep pit and fill it with earth, bricks, turf or the like, and that person dies, as many persons as seized and forced [the victim] into a deep pit and filled [it]—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§25 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to do so kills a human by shoving [him] towards a fire, making [him] fall in and letting [him] burn [to death], as many persons as seized [the victim] during the time of making him fall into the fire and during the time of letting him burn—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§26 If, out of greed for property or out of any other form of envy, [someone acting] as instigator, gives the word to assassinate such and such a person, and another person, [acting] on his order, goes and kills the man, the instigator who has given the word to kill, irrespective of whether he went along to the scene of the murder or not—if it is a man belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the instigator] is a woman, she shall be branded but no property shall be confiscated. If [the instigator] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§27 If, out of greed for property or out of any other form of envy, [a multiple number of persons] are involved in a murder plot, and murder the person after seizing and tying [him] up, as many persons as seized and tied [the victim] up—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance

with the *Ain*, and their share of property shall be confiscated; if [the murderers] are women, they shall be branded but no property shall be confiscated. If [the murderers] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§28 If, out of greed for property or out of any other form of envy, [a multiple number of persons] participate in a murder plot [to the extent of] providing weapons such as rifles, bows and arrows or the like, and even go to the site of the killing, [but] do not discharge a weapon and do not [act] as the main [plotter] by giving the word to kill, then as many people as brought about the killing of the victim by providing weapons such as rifles, bows and arrows and the like—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the accessories to murder] are women, they shall be branded but no property shall be confiscated. If [the accessories to murder] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§29 If [someone] who wants to kill [a person] says to someone else: “I’m going to kill [such and such a person]. Give me a weapon—a rifle, bow and arrow [or the like],” and thereupon the latter provides a weapon to the person who has said that he would kill such and such a person, then since he can be judged to have let the victim be killed by providing a weapon, although he does not go to the murder site himself—if it is a man belonging to a caste group whose members may not be executed—he shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the accessory to the murderer] is a woman, she shall be branded but no property shall be confiscated. If [the accessory to the murder] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§30 If, out of greed for property or out of any other form of envy, [someone] participates in a plot to murder, and is involved in the killing to the extent of [ensuring that] doors [and] windows inside a house are barred or that ladders have been removed during the murder [in order to prevent] the [victim] from escaping, then as many people as participated in the murder plot, and were involved in the killing to the extent of [ensuring that] doors [and] windows inside a house are barred or that ladders were removed during the murder—if they are men belonging to a caste group whose members may not be executed—shall be

branded in accordance with the *Ain*, and their share of property shall be confiscated; if [such accomplices] are women, they shall be imprisoned for 12 years. Even if double the fine required to waive imprisonment is offered, it shall not be accepted.

§31 If, out of greed for property or out of any other form of envy, [someone] enters into a murder plot, and is involved in the killing—brings about the killing by blocking a path or byway outside rather than [being present] inside the house—is not, [that is,] someone who laid hands on the [victim's] body—then as many persons as were involved in the killing, and brought about the killing by blocking paths or byways shall, if they are men, be branded in accordance with the *Ain*, and their share of property shall be confiscated. If [they] are women, they shall be imprisoned for 12 years. Even if [such accomplices] pay twice the fine required to waive imprisonment, it shall not be accepted.

§32 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot, and are involved in the killing to the extent of patrolling the [murder site] to prevent other people from witnessing [the killing,] but who neither give, as the chief [conspirator], the order to kill nor provide weapons, then as many persons as are involved in the killing to the extent of patrolling the site—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated. If [they] are women, they shall be imprisoned for 6 years but no property shall be confiscated. Even if [such accomplices] pay twice the fine required to waive imprisonment, it shall not be accepted.

§33 If, out of greed for property or out of any other form of envy, [someone] enters into a murder plot, goes to [the site] together [with the killer(s)] but does not strike [the victim] with his hand, seize [him] or tie [him] up, nor does he patrol [the murder site] or give the order to kill but only observes [the murder], then as many persons as [observed the murder]—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated. If [they] are women, they shall be imprisoned for 6 years but no property shall be confiscated. Even if [such accomplices] pay twice the fine required to waive imprisonment, it shall not be accepted.

§34 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot but do not go along to the murder site, provide any weapons [or] give the order to kill, but merely have a personal interest in [seeing the victim's] life ended, then as many persons as entered into the murder plot—if they are men shall be imprisoned

for 8 years in accordance with the *Ain*, and their share of property shall be confiscated. If [they] are women, they shall be imprisoned for 4 years but no property shall be confiscated. Even if [such accomplices] pay twice the fine required to waive imprisonment, it shall not be accepted.

§35 If, out of greed for property or out of any other form of envy, a multiple number of persons, having plotted to do so, kill a human by having [him] consume poison, then they who killed a human by having him consume that poison—if they are men belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [they] are women, they shall be branded but no property shall be confiscated. If [they] are men belonging to a caste group whose members may be executed, they shall be executed—taking life for life.

§36 If, out of greed for property or out of any other form of envy, [someone] provides poison [to someone else], knowing that [it is meant] to kill a specified [third] person, and the [second] one has [the victim] consume [it] and [so] kills that person by having [him] consume that poison, then the one who provided poison, knowing that [it was meant] to kill [the victim]—if it is a man belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If [he] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§37 If, out of greed for property or out of any other form of envy, [someone] acting as chief [conspirator] instructs [another person] to kill a specified [third] person by having [him] consume poison, and in compliance with his order [the other] kills [the victim] by having [him] consume the poison, then the one who as chief [conspirator] instructs [the other] to kill the victim by having him consume poison—if it is a man belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, [and] his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If [he] is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§38 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot [to be carried out] by administering poison go to the murder site together [with the actual murderer] but

do not [themselves] administer the poison, nor do they give the order to kill or provide the poison [to the murderer], and the person ends up being killed through the poison being administered, then as many such plotters as participated in the murder plot and even went to the murder site together [with the murderer]—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§39 If, out of greed for property or out of any other form of envy, [persons] participate only [as accessories] in a murder plot [to be carried out] by letting [a person] consume poison, neither going [themselves] to the murder site, administering the poison, giving, as chief plotter, the order to kill, nor providing the poison [to be administered], and it turns out that the person has been killed through the poison being administered, as many plotters as entered into the murder plot only [as accessories in that] they did not go to the site—if they are men—shall, in accordance with the *Ain*, be imprisoned for 8 years and their share of property shall be confiscated; if they are women, they shall be imprisoned for 4 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§40 If, out of greed for property or out of any other form of envy, [persons] with the intention to do so kill a human by having him bitten by a snake, [the perpetrators]—if they are men belonging to caste groups whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be branded but no property shall be confiscated. If they are men belonging to caste groups whose members may be executed, they shall be executed—taking life for life.

§41 If, out of greed for property or out of any other form of envy, [persons] with the intention to do so kill a human by having him bitten by a dog, [the perpetrators]—if they are men belonging to caste groups whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be branded but no property shall be confiscated. If they are men belonging to caste groups whose members may be executed, they shall be executed—taking life for life.

§42 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with a hand-held weapon and [that person] dies upon falling down a steep slope or from

[the edge of] a deep drop while running away in order to save his life, then given the fact that the victim died upon falling down a steep slope or from [the edge of] a deep drop while running away out of fear, those who chased [him] with weapons [in hand] with the intention to kill [but] with no one being able to strike [him] with his weapon—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§43 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with a hand-held weapon and [that person] jumps into a river while running away in order to save his life and dies through drowning in the river or through being swept away by [it], then—given the fact that the victim died upon jumping into a river while running away out of fear—those who chased [him] with weapons [in hand] with the intention to kill [but] with no one being able to strike [him] with his weapon—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if [the perpetrators] are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[7] The law pertaining to punishment for physical injury caused by a single person [acting on] an intention to kill

§44 If, out of greed for property or out of any other form of envy, [a person] with the intention to kill strikes or stabs [a human] with a weapon or the like, and that human does not die but becomes incapacitated due to permanent bodily injury, then the striker—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the striker] is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§45 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill [a human] shoots him with a rifle, bow and arrow or other such [discharging weapon], and that human does not die but becomes permanently incapacitated, then the shooter—if he is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the shooter] is a woman, she shall be imprisoned for 12 years but no property shall be confiscated.

No matter how much money is offered to waive imprisonment, it shall not be accepted.

§46 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill [a human] shoves or [otherwise] causes him to fall down a steep slope [or] from [the edge] of a deep drop, [or else to fall] from a tree, window, balcony, roof, wall [or the like], and that person does not die but becomes permanently incapacitated, then [the perpetrator]—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [the perpetrator] is a woman, she shall be imprisoned for 12 years but no property shall be confiscated; no matter how much money is offered to waive imprisonment, it shall not be accepted.

§47 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill strikes or stabs [a human] with a stick, stone, a piece of wood, brick, turf, a roped stone used for hunting, a wooden stick for dislodging fruit or the like, or crushes him under a rock or log, and that human does not die but becomes permanently incapacitated, then [he] who struck [the victim] with the intention to kill—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [it] is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§48 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill shoves [a human] towards a fire, makes [him] fall in and lets [him] burn, and that person does not die but becomes incapacitated with permanent bodily injury, [he] who with the intention to kill forced [the victim] into the fire—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if [it] is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[8] The law pertaining to punishment for conspiracy to kill resulting in permanent incapacitation

§49 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly strike or stab [a human] with a hand-held weapon or the like, and that person does not die but becomes incapacitated with permanent bodily injury, then as many persons from whose wounding [the victim's] body has

been permanently injured—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§50 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly shoot [a human] with a rifle, bow and arrow or the like, and that human does not die but becomes incapacitated with permanent bodily injury, then as many persons from whose wounding [the victim's] body has been permanently injured—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§51 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly shove [a human] or [otherwise] cause him to fall down a steep slope or from [the edge of] a deep drop, [or else to fall] from a tree, window, balcony, roof, wall or the like, and that person does not die but becomes incapacitated with permanent bodily injury, then as many persons as caused him to fall by laying hands [on him]—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§52 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly strike [a human] with a rod, stone [or] brick, turf, wood [or] metal, a wooden stick for dislodging fruit or the like, or a roped stone [used for hunting] or the like, or crush him under a rock or log, and that person does not die but becomes incapacitated with permanent bodily injury, then as many persons from whose wounding [the victim's] body has been permanently injured—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§53 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill [a human] shove

[him] towards a fire, make [him] fall in and let [him] burn, and that human does not die, having received [outside] help or having escaped on his own, but becomes incapacitated with permanent bodily injury, then as many persons as laid hands on [the victim] when he was made to fall into the fire and was allowed to burn—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 54 If, out of greed for property or out of any other form of envy, [someone] as a chief plotter gives an order [to someone else] saying: “Kill such and such a person,” and [the latter], following the order, goes and incapacitates [the victim], injuring his body permanently but, as it turns out, not having killed him, then the chief plotter, having given the order to kill, irrespective of whether he went to the site of the [planned] killing jointly [with the perpetrator] or not—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 55 If, out of greed for property or out of any other form of envy, [a multiple number of persons] participate in a murder plot and seize and tie [the victim] up, [but] in the end [the latter] does not die but is incapacitated with permanent bodily injury, then as many persons as seized and tied [the victim] up in order to kill him—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 56 If, out of greed for property or out of any other form of envy, [a multiple number of persons] participate in a murder plot [to the extent of] providing [either] hand-held weapons [or] rifles, bows and arrows or the like, and even go to the site of the killing, [but] do not use a weapon and do not [act] either as the main [plotter] by giving the word to kill, and [the victim] in the end does not die but is incapacitated with permanent bodily injury, then as many people as have let the victim be permanently injured by providing [either] hand-held weapons [or] rifles, bows and arrows or the like—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years

but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§57 If [someone] who wants to kill [a person] says to someone else: “I’m going to kill such and such a person. Give me a weapon, rifle, bow and arrow or the like,” and thereupon the latter provides these [sorts of] weapons to the person who has said that he will kill such and such a person, but does not go himself to the [planned] murder site, and in the end [the victim] does not die but is incapacitated with permanent bodily injury, then since it can be ascertained that he let the victim be permanently injured by providing a weapon he shall—if it is a man—be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment is offered, it shall not be accepted.

§58 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot and [ensure that] doors [and] windows inside a house are barred or that ladders have been removed during the murder [attempt] lest the victim escape, and in the end [the victim] does not die but is incapacitated with permanent bodily injury, then as many people as participated in the murder plot and [ensured that] doors [and] windows inside the house were barred or that ladders were removed—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive, it shall not be accepted.

§59 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot and block a path or byway outside rather than [being present] inside the house but do not lay hands on the [victim’s] person, and in the end [the victim] does not die but is incapacitated with permanent bodily injury, then as many persons as were involved in the murder plot and blocked paths or byways—if they are men—shall be imprisoned for 9 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 4½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§60 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot and patrol the [murder site] to prevent other people from witnessing [the killing], and in the end [the

victim] does not die but is incapacitated with permanent bodily injury, then as many persons as were involved in the murder plot and patrolled the site—if they are men—shall be imprisoned for 9 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 4½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§61 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot, go to [the site] together [with their fellow plotter(s)] but do not strike [the victim] with their hand, do not surround [him], do not patrol [the site] or, as a chief plotter, give the order to kill but only observe [the proceedings], and in the end [the victim] does not die but is incapacitated with permanent bodily injury, then as many persons as participated in the plot, went to the site and observed [the act]—if they are men—shall be imprisoned for 9 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 4½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment [they] offer, it shall not be accepted.

§62 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot but do not go along to the murder site, provide any weapons [or], as chief plotters, give the order to kill, and in the end [the victim] does not die but is incapacitated with permanent bodily injury, then as many persons as entered into the murder plot—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment is offered, it shall not be accepted.

§63 If, out of greed for property or out of any other form of envy, [a person] with the intention to kill lets a snake bite [someone], but that person does not die but is incapacitated with permanent bodily injury, then he who with the intention to kill let the snake bite [the victim]—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§64 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill [someone] by causing him to be bitten by a dog, but that person does not die but is incapacitated with

permanent bodily injury, then those who with the intention to kill cause [the victim] to be bitten by a dog—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§65 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with a hand weapon and [that person] does not die but becomes incapacitated with permanent bodily injury upon falling down a steep slope or from [the edge of] a deep drop while running away in order to save his life, then given the fact that the victim became incapacitated with permanent bodily injury upon falling down a steep slope or from [the edge of] a deep drop while running away in order to save his life, those who chased [him] with hand weapons with the intention to kill [but] were unable to strike [him] with their weapons—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§66 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with a hand weapon and [that person] jumps into a river while running away in order to save his life and becomes incapacitated with permanent bodily injury, then—given the fact that the victim became permanently incapacitated upon jumping into a river while running away in order to save his life—those who chased [him] with hand weapons with the intention to kill [but] were unable to strike [him] with their weapons—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[9] The law pertaining to punishment in cases where a single person, [in attacking someone else] with the intention to kill, causes no bodily injury and the person survives by chance or through help received [from others]

§67 If, out of greed for property or out of any other form of envy, [someone] with the intention to kill [tries to] strangle, garrotte, hang or

suffocate [someone else] but that person does not die, whether by chance or through help received [from others], then the person who acted in [any of] these ways with the intention to kill—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§68 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill forces [a person] into a deep pit and fills it with bricks, earth, stones or the like, but that person does not die, whether by chance or through help received [from others], then he who with the intention to kill forced [the other] into the deep pit and filled [it]—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§69 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill causes [a person] to fall into a deep river, minor river, [water around] a ford, well, pond or the like by shoving him in and letting him be swept away, and that person thereafter emerges on his own or is pulled out and, having emptied [his lungs] of inhaled water, survives beyond three days, then he who with the intention to kill caused [him] to fall into water—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§70 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill makes [a person] consume poison, and the one who consumes the poison does not die [but rather] survives, then he who with the intention to kill let [the victim] consume poison—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[10] The law pertaining to punishment in cases where a multiple number of persons who conspire to attack someone with the intention to kill do not cause injury and that person survives, whether by chance or through help received from others

§71 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly cause [someone] to fall into a deep river, minor river, [water around] a ford, well [or] pond—[or somewhere] near (i.e., beneath) a [beam] bridge, suspension bridge or the like—by shoving him in and letting him be swept away, and the person thereafter emerges on his own or is pulled out and, having emptied [his lungs] of inhaled water, survives beyond three days, then as many persons as have seized, shoved and caused him to fall with the intention to kill—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§72 If, out of greed for property or out of any other form of envy, a multiple number of persons strangle, garrotte, hang or suffocate [someone] with the intention to kill, and that person does not die but survives, then as many persons as have laid their hands [on the victim]—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§73 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly force [someone] into a deep pit and fill it with earth, bricks, turf or the like, and that person does not die but survives and comes out [from the deep pit] on his own or somebody else extracts him, then as many persons as, with the intention to kill, seized and forced [the victim] into a deep pit and filled [it]—if they are men—shall be branded, in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§74 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly make [someone] consume poison, and that person who consumes the poison does not die but survives, then those who with the intention to kill made

[the victim] consume poison—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§75 If, out of greed for property or out of any other form of envy, [someone] provides poison [to someone else], knowing that [it is meant] to kill a specified [third] person, and the [second person] has [the victim] consume [what] was provided by the first person, but the person who consumes [the poison] does not die but survives, then the one who provided the poison, knowing that [it was meant] to kill [the victim]—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§76 If, out of greed for property or out of any other form of envy, [someone] acting as instigator instructs [another person] to kill a specified [third] person by having [him] consume poison, and in compliance with his order [the other] has [the victim] consume poison, and that victim does not die but survives, then he who, as [instigator,] instructed [the other] to kill the victim by having him consume poison—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§77 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot [to be carried out] by administering poison and go to the murder site together but do not provide the poison [to be administered], nor do they give the order, as instigator, to kill—to administer the poison—and in the end [the victim] is given poison—consumes [it]—but does not die but rather survives, then those who participated in the murder plot and also went to the murder site together—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§78 If, out of greed for property or out of any other form of envy, [persons] participate only [as accessories] in a murder plot [to be carried

out] by having [a person] consume poison, neither going [themselves] to the murder site, administering the poison, giving, as instigator, the order to kill, nor providing the poison [to be administered], and in the end the poison is administered but the victim does not die but rather survives, then the plotters, those who entered into the murder plot only [as accessories] but did not go to the site—if they are men—shall be imprisoned for 4 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[11] The law pertaining to punishment in cases where a single person with murderous intent injures another person

§79 If, out of greed for property or out of any other form of envy, [a person] with the intention to kill strikes or stabs [a human] with a weapon or the like, and that human does not die or even become permanently incapacitated but is merely wounded, then the striker, irrespective of whether the wound is major or minor—if it is a man—shall be imprisoned for 12 years, in accordance with the *Ain*, and his share of property shall be confiscated; if [the striker] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§80 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill another person shoots him with a rifle, bow and arrow or other such [discharging weapon], and [that person] is wounded but [neither] dies [nor] is permanently incapacitated, then the striker, irrespective of whether the wound is major or minor—if it is a man—shall be imprisoned for 12 years, in accordance with the *Ain*, and his share of property shall be confiscated; if [the striker] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§81 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill another person shoves or [otherwise] causes him to fall down a steep slope, [from the edge of] a deep drop, [or else to fall] from a tree, balcony, roof, wall or the like, and that human does not die or become permanently incapacitate but is merely wounded, [the perpetrator], irrespective of whether the wound is major or minor—if it is a man—shall be imprisoned for 12 years in

accordance with the *Ain*, and his share of property shall be confiscated; If [the perpetrator] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§82 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill [a human] strikes or stabs him with a stick, stone, a piece of wood, brick, turf, a roped stone [used for hunting], a wooden stick for dislodging fruit or the like, or crushes him under a rock or log, and that person does not die or even become permanently incapacitated but is merely wounded, then [the perpetrator] who with the intention to kill strikes, irrespective of whether the wound is major or minor—if it is a man—shall be imprisoned for 12 years, in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§83 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill [a human] shoves [him] into a fire and lets [him] burn, and that person does not die or even become permanently incapacitated but survives only with a burn injury, then he who with the intention to kill shoved [the victim] into the fire and let him burn, irrespective of whether the wound is major or minor—if it is a man—shall be imprisoned for 12 years, in accordance with the *Ain*, and his share of property shall be confiscated; if [the perpetrator] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[12] The law pertaining to punishment in cases where a group of people with murderous intent [only] injure a person

§84 If, out of greed for property or out of any other form of envy, a multiple number of people with the intention to kill [a human] jointly strike or stab him with a weapon or the like, and that person does not die or even become permanently incapacitated but survives only with injury, then as many persons as have discharged the weapon with the intention to kill—if they are men—shall be imprisoned for 12 years, in accordance with the *Ain*, and their share of property shall be confiscated; if [the strikers] are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 85 If, out of greed for property or out of any other form of envy, a multiple number of people with the intention to kill [a human] jointly shoot him with a rifle, bow and arrow or the like, and that person does not die, does not become permanently incapacitated but survives only with injury, then as many persons as discharged [weapons] with the intention to kill—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if [the shooters] are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 86 If, out of greed for property or out of any other form of envy, a multiple number of people with the intention to kill jointly shove [a human] or [otherwise] cause him to fall down a steep slope, [from the edge of] a deep drop, [or else to fall] from a tree, window, balcony, roof, wall or the like, and that human does not die or even become permanently incapacitated but rather survives with only injury, then as many people caused him to fall by laying hands [on him] with the intention to kill—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if [the perpetrators] are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 87 If, out of greed for property or out of any other form of envy, a multiple number of people with the intention to kill jointly strike [a human] with a pole, stone, brick, turf, wood [or] metal, a stick for dislodging fruit or the like, or a roped stone [used for hunting] or the like, or else crush him under a rock or log, and that person does not die or even become permanently incapacitated but rather survives with only injury, then as many persons as struck or crushed [the victim] with the intention to kill—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if [the perpetrators] are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 88 If, out of greed for property or out of any other form of envy, a multiple number of people with the intention to kill [a human] shove [him] towards a fire, make [him] fall in and let [him] burn, and that person does not die or even become permanently incapacitated but survives with only injury through having received help or by escaping on

his own, then as many people as seized [the victim] during the time he was made to fall into the fire and allowed to suffer burning—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if [the perpetrators] are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§89 If, out of greed for property or out of any other form of envy, [someone] as a chief plotter gives an order [to someone else,] saying: “Kill such and such a person,” and [the latter,] following the order, goes and strikes [the victim,] [but] he (i.e., the victim) does not die or even become permanently incapacitated but survives only with injury through having received help or by escaping on his own with only injury, then the chief plotter, having given the order to kill, irrespective of whether he went to the site of the [planned] killing together [with the striker] or not—if it is a man—shall be imprisoned for 12 years, in accordance with the *Ain*, and his share of property shall be confiscated; if [the striker] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment is offered, it shall not be accepted.

§90 If, out of greed for property or out of any other form of envy, [persons] are involved in a plot to murder [someone] and seize and tie [him] up, [but that person] does not die or even become permanently incapacitated but escapes either through having received help or by escaping on his own with only injury, then as many persons as seized and tied [the victim] up in order to kill him—if they are men—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 12 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§91 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot, supply hand-held murder weapon(s) (a rifle, bow and arrow or the like) and even go to the murder site but neither wield a weapon nor give the order, as the chief [instigator], to kill, and in the end the victim [neither] dies nor becomes permanently incapacitated but is only wounded, then as many persons as provided the weapons such as rifles, bows and arrows or the like in order to kill [the victim]—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if [they] are women, they shall be imprisoned for 6 years but no

property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§92 If [someone] who wants to kill [a person] says to someone else: “I’m going to kill such and such a person. Give me a weapon—a rifle, bow and arrow or the like,” and thereupon the latter provides a weapon to the person who has said that he would kill such and such a person, but he does not go to the site of killing, nor does the victim even die or become permanently incapacitated, but survives with only injury, then since it can be determined that he let the victim be wounded by providing a weapon he shall—if it is a man—be imprisoned for 12 years in accordance with the *Ain*, and his share of property shall be confiscated; if [it] is a woman, she shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§93 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot, and [ensure that] doors [and] windows inside a house are barred and that ladders have been removed during the murder in order to prevent the victim from escaping, but in the end [the victim] does not die or even become permanently incapacitated but is only wounded, then as many people as ensured that doors [and] windows inside a house are barred and that ladders have been removed during the time of killing—if they are men—shall be imprisoned for 9 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 4½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§94 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot and, lest [the victim] escape or flee, block a path or byway outside rather than [being present] inside the house but do not touch [the victim’s] person, and in the end [the victim] does not die or even become permanently incapacitated but is only wounded, then as many persons as were involved in the murder plot by blocking paths or byways—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§95 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot and patrol the [murder site] to prevent other people from witnessing [the killing,] and in the end [the

victim] does not die or even become permanently incapacitated but is only wounded, then as many persons as were involved in the plot [and act of killing] by patrolling the site—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§96 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot but do not go along to the murder site, lay [their] hands [on the victim], give the order to kill either as chief instigator but only observe [the act of murder], and in the end [the victim] does not die or become incapacitated but is only wounded, then as many persons as entered into the murder plot, went [to the site of killing] together with [the killer(s)] and observed [the act]—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§97 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot but do not go along to the murder site, provide any weapon [or] give the order to kill either as a chief instigator, and in the end [the victim] does not die or even become incapacitated but is only injured, then as many persons as entered into the murder plot—if they are men—shall be imprisoned for 4 years, in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment they offer, it shall not be accepted.

§98 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill put a snake [where it can bite the intended victim], and the snake bites him, but in the end [the victim] is only injured but does not die or even become permanently incapacitated, then those who with the intention to kill put the snake [where they did]—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§99 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill let a dog bite [another person,] but

that person does not die or become permanently incapacitated but survives with only injury, then those who with the intention to kill let the dog bite [the victim]—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§100 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chases [someone] with a hand-held weapon and [that person] does not die or become permanently incapacitated but is only wounded upon falling down a steep slope or from [the edge of] a deep drop while running away in order to save his life, then those who chased [him] with weapons with the intention to kill [but] were unable to strike [him] with their weapons—given the fact that the victim was wounded upon falling down a steep slope or from [the edge of] a deep drop while running away in order to save his life—shall, if they are men, be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§101 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with a hand-held weapon and [that person] does not die or even become permanently incapacitated but is only wounded upon jumping into a river while running away in order to save his life, then those who chased [him] with weapons with the intention to kill [but] were unable to strike [him] with their weapons—given the fact that the victim was wounded upon jumping into a river while running away in order to save his life—shall, if they are men, be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[13] The law pertaining to punishment in cases when a single person with murderous intent assaults someone but that person is not injured or else the assailant misses his target

§102 If, out of greed for property or out of any other form of envy, [a person] with the intention to kill strikes or stabs [another person] with a weapon such as a rifle or bow and arrow, and that person is hit but

is not [seriously] wounded, or the strike misses [the target], or else the victim is not struck because he runs away from or outwits [the other], then the person who struck or stabbed [the victim] with the intention to kill—if it is a man—shall be imprisoned for 6 years, in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§103 If, out of greed for property or out of any other form of envy, [a person] with the intention to kill strikes [another person] with a weapon such as a rifle, bow and arrow or other such [discharging weapon], and that person is hit [by the weapon] but is not wounded, or the strike misses [the target], or the victim is not struck because he runs away or sidesteps, the shooter who shot the victim with the intention to kill—if it is a man—shall, in accordance with the *Ain*, be imprisoned for 6 years and his share of property shall be confiscated. If it is a woman, she shall be imprisoned for 3 years but no property shall be confiscated; No matter how much money is offered to waive imprisonment, it shall not be accepted.⁶³

§104 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill [a person] shoves or [otherwise] causes him to fall down a steep slope [or from the edge of] a deep drop, [or else to fall] from a tree, window, balcony, roof, wall [or the like], and that person does not die or even become permanently incapacitated or is wounded, neither but survives, then he who, with the intention to kill, shoved [the victim] or [otherwise] caused him to fall down—if it is a man—shall be imprisoned for 6 years in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§105 If, out of greed for property or out of any other form of envy, [somebody] with the intention to kill strikes or stabs [a person] with a pole, stone, a piece of wood, a brick, turf, a roped stone [used for hunting], a stick for dislodging fruit or the like, or crushes him under a rock or a log, [and] that person is hit but is not wounded, or the assault misses [the mark], or the victim is not struck because he runs away from or outwits [the other], then he who with the intention to kill struck

63 Sections 102 and 103 similar (see the footnote to Section 103 in the edition).

[the victim] or crushed him shall—if it is a man—be imprisoned for 6 years in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

[14] The law pertaining to punishment in cases when a group of people collectively plot with murderous intent to assault a person but [the victim] is not injured, or else the assailants miss their mark and the victim is not struck

§106 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly strike or stab [a human] with a hand-held or other weapon, and that person is struck but is not wounded, or else the assault misses [the mark], or the victim is not struck because he runs away from or outwits [the assailants], then as many persons, with the intention to kill, struck [him] with a weapon or the like—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§107 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly shoot [a human] with such weapons as rifles or bows and arrows, and that person is hit but is not [seriously] wounded, or else the assault misses [the mark], or the victim is not struck because he runs away from or outwits [the assailants], then as many persons, with the intention to kill, discharged a rifle, bow and arrow or the like—if they are men—shall, be imprisoned for 6 years in accordance with the *Ain* and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§108 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly shove [a human] or [otherwise] cause him to fall down a steep slope [or from the edge of] a deep drop, [or else to fall] from a tree, window, balcony, roof, wall or the like, and that person does not die or become incapacitated or even wounded, then as many people as seized [the victim] and caused him to fall—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be

confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 109 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill jointly strike at [a human] or stab at him with a rod, stone, [piece of] wood, a brick, turf [or] metal, a stick for dislodging fruit or the like, or with a roped stone [used for hunting] or the like, or else crush him under a rock or log, and that person is hit but is not wounded, or the assault misses [the mark], or the victim is not struck because he runs away or hides, then as many persons as struck at [the victim] with the intention to kill shall—if they are men—be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 110 If, out of greed for property or out of any other form of envy, a multiple number of persons with the intention to kill [a human] jointly shove [him] towards a fire, make [him] fall in and let [him] burn, and that person does not die, suffer burns but survives [either] by receiving [others'] help or escaping [from the site] on his own, then as many persons as seized [the victim], made him fall into the fire and let him burn—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 111 If, out of greed for property or out of any other form of envy, [persons] as chief plotters give an order [to someone else,] saying: “Kill such and such a person,” and [the latter,] following the order, goes and assaults [the victim,] who, while struck, is not wounded, or else the assault misses [the mark] or the victim saves his life [either] by receiving [others'] help or escaping [from the site] on his own, then the chief plotters who gave the order to kill, irrespective of whether they went to the site of killing together [with the killer] or not shall—if they are men—be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 112 If, out of greed for property or out of any other form of envy, [a multiple number of persons] are involved in a plot to murder [a human] and seize and tie [him] up, but in the end the victim is struck but is not wounded, or else the assault misses [the mark] or the victim saves his life [either] by receiving [others'] help or on his own by running away [from] or outwitting [the assailants], then as many persons as seized and tied [the victim] up in order to kill him shall—if they are men—be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 113 If, out of greed for property or out of any other form of envy, [a multiple number of persons] participate in a murder plot [to the extent of] providing weapons such as rifles or bows and arrows, and go to the site of the killing [but] do not discharge a weapon and do not [act] either as the main [plotter] by giving the word to kill, and in the end the rifles, bows and arrows or the like provided by [them] are discharged but the victim is not wounded, or [the weapons] are discharged with the intention to kill but miss [the mark], or else [the victim] runs away from or outwits [the assailants] and remains unscathed, then as many persons as have provided the weapon to kill him—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 114 If [someone] who wants to kill [a person] says to someone else: “I’m going to kill such and such a person. Give me a weapon such as a rifle, bow and arrow or the like,” and thereupon the latter provides a weapon to the person who has said that he would kill such and such a person, but [the provider] does not go to the site of the [attempted] killing, and in the end [the weapon] is discharged with the intention to kill but it misses [the mark] or else [the victim] runs away from or outwits [the assailants] and remains unscathed, then since it can be ascertained that [the provider] provided a weapon—a rifle, bow and arrow or the like—[that would be used] to kill [the victim], he shall—if it is a man—be imprisoned for 6 years in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be imprisoned for 3 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§115 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot and [ensure that] doors [and] windows inside a house are barred or that ladders have been removed during the murder in order to prevent the victim from escaping, and in the end [the victim,] who survives [either] by receiving help or escaping [from the site] on his own, is not permanently incapacitated or wounded, then as many people who, with the intention to kill, have ensured that doors [and] windows inside the house are barred or that ladders have been removed—if they are men—shall be imprisoned for 6 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§116 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot and block the path to the main road or [other] paths outside rather than [being present] inside the house, do not lay hands on [the victim,] and in the end [the victim] does not die, does not become permanently incapacitated and is not wounded, or else is attacked but is not wounded, or [the assault] misses the mark, then as many persons as were involved in the murder plot by blocking the path to the main road or [other] paths—if they are men—shall be imprisoned for 4 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§117 If, out of greed for property or out of any other form of envy, [persons] participate in a murder plot and patrol the [murder site] to prevent other people from witnessing [the killing,] and in the end the assault lands but the victim is not [seriously] wounded, or else it misses the mark, or he saves his life [either] by receiving help [from others] or escaping from or outwitting [the assailants] on his own, then as many persons patrolled the murder site to prevent other people from witnessing the killing—if they are men—shall, be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§118 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot, go to [the site] together [with the killer(s)] but do not strike [the victim] with their hand, do not patrol

[the murder site] or give the order to kill as the chief plotter but only observe [the murder], and in the end the assault lands but [the victim] is not [seriously] wounded, or else it misses the mark, or the victim saves his life [either] by receiving help or running away from or outwitting [the assailants] on his own, then as many persons as participated in the plot, went to the site and observed the [attempted] killing—if they are men—shall be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 119 If, out of greed for property or out of any other form of envy, [persons] enter into a murder plot but do not go along to the murder site, provide any weapons [or] give the order to kill as the chief plotters, and the assault lands but [the victim] is not [seriously] wounded, or else it misses the mark, or [the victim] saves his life by receiving help or by running away from or outwitting [the assailants], then as many persons as entered into the murder plot—if they are men—shall be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 120 If, out of greed for property or out of any other form of envy, [persons] put a snake [in someone's environs] in order to kill him, but in the end the snake does not bite [the intended victim], then those who put the snake [in the victim's environs] with the intention to kill—if they are men—shall be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 121 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill [another person] sicks a dog on [him,] but the dog does not bite, or else [the victim] saves his life by escaping from or outwitting [the dog], then those who, with the intention to kill, sicked the dog on [the intended victim]—if they are men—shall be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 122 If, out of greed for property or out of any other form of envy, [persons] with the intention to kill chase [someone] with hand-held weapons and [that person] jumps from a cliff or [the edge of] a deep drop or into a river, thus fleeing and saving himself, and in the end suffers no injury, then those who chased [him] with hand-held weapons with the intention to kill—if they are men—shall be imprisoned for 3 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1½ years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 123 If [persons] with the intention to kill take up hand-held weapons—rifles, bows and arrows, stones or the like—and block passages, paths to main routes or [other] paths but are captured before being able to wield their weapons, then as many persons as, with the intention to kill, blocked the paths—if they are men—shall be imprisoned for 4 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 124 If [persons] make a plot to murder [someone] but this comes to light while they are plotting, then as many people as have been plotting to murder—if they are men—shall be imprisoned for 2 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 1 year but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 125 If [persons] with the intention to kill [someone] put poison in food or the like, and the matter is disclosed before the food is eaten, then those who put poison in the food with the intention to kill, those who gave the order to kill [the victim] by letting [him] consume poison and those who provided poison knowing that it was meant to kill [the victim]—if they are men—shall be imprisoned for 4 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 2 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§ 126 If persons put poison in food or the like with the intention to kill someone but some other person eats that poisonous food and dies before [the targeted victim] consumes it, then those who put the poison in the food with the intention to kill—if they are men belonging to

a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be branded but no property shall be confiscated. If they are men belonging to caste groups whose members may be executed, they shall be executed—taking life for life.

§127 If persons put poison in food or the like with the intention to kill someone, but before [the targeted victim] consumes it some other person eats that poisonous food and, having eaten it, does not die but survives, then those who put the poison in the food with the intention to kill—if they are men—shall be imprisoned for 12 years in accordance with the *Ain*, and their share of property shall be confiscated; if they are women, they shall be imprisoned for 6 years but no property shall be confiscated. No matter how much money is offered to waive imprisonment, it shall not be accepted.

§128 If someone puts poison in food outside a house to kill wild animals—a tiger, wild boar, deer, antelope, wild buffalo, rhinoceros, jackal or the like, or a bird or the like—having [first] informed [persons in advance] at the village, but a human, cow or ox, or the like inadvertently eats that poisonous food and dies, then it shall be taken as a mishap. The one who put poison in the food shall be assigned no blame, nor need he [undertake] expiation. If poison is put in the food without informing [persons in advance] at the village, and a human accidentally consumes it and dies, [the authorities] shall fine him 20 rupees. If a four-footed [domestic] animal happens to die [by eating that food], [the authorities] shall compel [the man who set the poison] to pay that animal's owner an amount settled upon by the village; however, [he] need not pay a fine.

§129 If someone asks for a hand-held weapon—a rifle [or the like]—from someone else, [and the former] takes it and kills a human, then he who provided the weapon to the killer—in cases where it is [later] determined that the provider of the weapon had no knowledge that it was being taken to kill someone—shall be assigned no blame, nor need he [undertake] expiation.

§130 If a person provides poison to someone who states that it is needed for medical purposes or the like, and the latter lets a person consume that poison, then the provider of the poison—in cases where it is determined that he provided the poison without knowing that it was meant to kill—shall be assigned no blame, nor need he [undertake] expiation, irrespective of whether the [victim] died or not.

§131 If a child below the age of 12, having not been directed [to do so] by anyone, feeds something poisonous to a member of his own

household or any other person but the person who consumes the poisonous substance does not die, then, given the fact that it is a child below the age of 12, no blame shall be assigned but a fine of 2½ rupees shall be exacted, and expiation shall be granted against 1 rupee taken as *godāna* [by the *dharmādhikārin*]. If it is determined that it had [the poisonous substance] consumed at somebody else’s direction but the victim did not die, then he who directed [it to do so] shall be punished in accordance with the *Ain*; the child who had the poisonous substance consumed shall be fined as specified before, be granted expiation and let off. No other blame shall be assigned.

§ 132 If a male or female who has crossed 12 years of age has, out of anger or vexation, something poisonous consumed by a member of their own household or by somebody who does not belong to their household, and he who consumes it does not die, then a [local] *aḍḍā*, *adālata* or *amāla* shall obtain a written confession from and imprison [the perpetrator] for 4 years irrespective of whether he who consumed the poison says, “Although such and such person had me eat something poisonous, I did not die, so I pardon him” or “I do not pardon him.” If [the perpetrator] offers money to waive imprisonment, it shall be accepted, and he shall be granted expiation by the *dharmādhikārin* against 5 rupees as *godāna*.

§ 133 If any man or woman of the four classes and thirty-six castes, including a Brahmin, wields a weapon and strikes a person with the intention to kill [but only] injures him, and the victim, in order to save his life, kills the attacker then and there by wielding a hand-held weapon [of his own] or other such thing, then he shall be assigned no blame in cases where there are eyewitnesses who saw the weapon [being wielded by the perpetrator] and who submit an affidavit stating that the person who died struck first with his weapon, injuring [the victim] and that therefore the victim killed that [attacker]. If a Brahmin, woman, a blood relation or someone of the same *gotra* is killed, the slayer shall be granted expiation and shall [then] be permitted to eat cooked rice and drink water [together with his fellow caste members]; in cases where persons [other than those] mentioned are killed, no expiation is needed and he shall remain within his caste.

§ 134 In cases where somebody, after killing another person, proclaims to a village *aḍḍā*, *adālata* or *amāla*, “When such and such a person with the intention to kill injured me with a weapon, I killed him, [thus] saving my life, and came here,” then if there was no eyewitness [who might have] helped him during the killing, he shall not be let off

only on the basis of his verbal statement regarding the killing. If it is determined during an investigation of the case by the *adālata* or [village] council that he killed [the other] in order to save [his] own life when [the latter] with murderous intent injured him with a weapon, he shall be assigned no blame and be let off. If it is determined that he unlawfully killed another person and [then] came proclaiming, “When [such and such a person] attacked me with the intention to kill, I killed him in order to save my own life,” he—if it is a man who belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If [the perpetrator] is a man who belongs to a caste group whose members may be executed, he shall be executed—taking life for life.

§135 If someone kills a person [but] but does not inform [authorities] and [the killing] becomes known afterwards through someone else, and the slayer is taken into custody and brought in for interrogation, during which he says, “I killed [that person] when he struck me with the intention to kill,” and if—when he is unable to produce any eyewitnesses—it is determined that he killed [the victim] out of anger, then he—if it is a man who belongs to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If [the perpetrator] is a man who belongs to a caste group whose members may be executed, he shall be executed—taking life for life.

§136 If somebody is engaged in the act of killing a person unlawfully and that person cries for help, but the village headman aged between 16 and 65 who does not go to his aid, [even though] aware [that a murder is taking place], shall be fined 100 rupees. Persons other than the village headman who do not go [to help the victim] upon hearing [his] cry for help shall each be fined 10 rupees. Those below the age of 16 and elderly persons above the age of 65, the sick and women shall be assigned no blame. If a multiple number of persons from the same household hear [the victim’s] cry for help and 1 or 2 go [in response] but the others do not go, the others from the same household who did not go shall be assigned no blame.

§137 If someone kills a person and flees past a border pillar or the borderline, no one shall enter into the foreign country and capture and kill [him]. If [anybody] does enter the foreign country and captures and

kills him, he shall be charged with a crime. In cases where [somebody] is unable to capture [such a person] who flees to a foreign country, he shall be assigned no blame. The Resident Sāheba shall be consulted if [the perpetrator] flees to Madhesa (i.e., British India), and the Chief Kājī if he flees to Bhoṭa (i.e., Tibet). Once he is brought [back] here [to our own country,] the murderer—if it is a man belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If it is a man belonging to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 138 If [a bailiff or soldier] is sent to take someone into custody by order of a government officer or by [order of] an *aḍḍā*, *adālata*, *ṭhānā*, *amāla* or *kacaharī*, and he who is taken and being brought in is attacked by a third party on the way and dies, the slayer shall be punished in accordance with the law relating to homicide. The bailiff or soldier who was taking [the deceased] into custody shall be assigned no blame.

§ 139 If someone not sent by order of a government officer or an *aḍḍā*, *adālata*, *ṭhānā*, *amāla* or *kacaharī* takes someone else into custody in connection with a legal dispute involving transactional matters, and a third-party attacks [the detainee] and kills him, the slayer shall be punished in accordance with the law relating to homicide. The creditor or *talsinī* who was taking [the other] into custody shall be assigned no blame for having done so regarding a legal dispute involving transactional matters or the like.

§ 140 If a murderer, thief, adulterer or [any other] criminal, or else a slave, a male or female servant or the like who has fled [their] master's house is caught and taken [into custody] by a bailiff or soldier sent by an *adālata*, *ṭhānā*, *amāla* or the like, or is caught and brought [in] by their master [himself], or by somebody else who bears witness against them, stating “This [person] committed such and such act,” and [the person], having been put in fetters or stocks or [restrained with] leather handcuffs or the like, or put in prison, [later] dies from having consumed poison, hanged [himself] or cut [his own] throat, then those who caught him and brought [him in], who imprisoned him or who restricted [his movements] shall be assigned no blame.

§ 141 If a thief, an adulterer or [any other] criminal, or else a slave, male or female servant or the like who has fled [their] master's house is caught and brought [in] by a bailiff or soldier sent by an *adālata*, *ṭhānā*, *amāla* or the like, or is caught and brought [in] by someone who

has been sent by their master to catch [them,] and [the person], having been tied up, fettered or put in stocks, or [restrained with] leather handcuffs or the like, dies [along the way] from having on his own jumped into a river, from a cliff, into swampland, out of a window, from a roof, down a well, off a [beam] bridge or suspension bridge, or else from a boat, and [then] while escaping from having been swept away or having collided with [something], then he who caught [the person] and was bringing him [in] shall be assigned no blame.

§ 142 If a person who is being taken into custody to be held in confinement due to a dispute regarding gold or silver, cash or commodities, vessels, jewels, real property, four-footed [domestic] animals, male or female slaves, adultery, caste-related issues, house and fields, water channels, public water sources, right of way, nuptial issues, trade and transactions or the like, and while being brought [to authorities] dies upon falling down a steep slope or colliding with [something] when at some point he jumps [free] and flees, or else his hand or leg is injured or broken, then he who was taking him into custody and was bringing [him in] shall be assigned no blame. If he who was taking [the other] into custody was to have received something back from the deceased, he shall take [what is owed him] from the offspring of the deceased or from whoever inherits his property if he died without offspring. If [he] comes to an *adālata* or *amāla* to lodge a complaint, [the authorities] shall see that he receives what is due to him.

§ 143 If someone who needs to be held captive [temporarily] (i.e., pending transfer to authorities) due to a dispute regarding gold or silver, vessels, cash or commodities, jewels, real property, four-footed [domestic] animals, male or female slaves, adultery, caste-related issues, house and fields, water channels, public water sources, nuptial issues, trade and transactions or the like is held by someone inside his own or the other's house—whether in a room on an upper floor [or] on the ground floor—and [the captive] dies from having jumped from a window, a balcony or the roof, or injures his hands or legs, or suffers injury to [other] parts of the body, or dies by cutting his throat, stabbing himself with a weapon or hanging himself, or else dies by consuming poison, then he who held him captive shall be assigned no blame.

[15] The law pertaining to punishment for the crime of striking someone with the intention to kill

§ 144 In cases involving the killing of a person or engaging in a plot to kill, [the perpetrators] shall be punished in accordance with this *Ain*

(i.e., the law on homicide). If [someone] has killed, permanently incapacitated or else [otherwise] injured a person, or engaged in a plot [leading to similar results], the perpetrators shall be punished in accordance with the written provisions of this *Ain*. If it is determined that [the perpetrators] did not kill, permanently incapacitate or else injure a person, or engage in a plot [leading to similar results] in such a manner as written in this *Ain*, but rather that they did so in a different manner, the matter shall be decided in accordance with Section 8 of [the Article] on Court Procedures.

§ 145 If someone with the intention to kill or during a dispute over some incidental matter injures or incapacitates a person by striking or stabbing [him] with a weapon or by other means, the wound [of the victim] shall be measured. If there is a need to determine whether [the victim] has become incapacitated, [one] shall have a barber—in case one is available, and if not, then a knowledgeable village notable—measure, in the case of striking, the length of the wound and, in the case of stabbing, its depth, and [the measurer] shall be made to determine whether [the victim] is permanently incapacitated or not. Once he has made a determination, a written statement shall be prepared regarding the extent of injury, and the perpetrator shall be dealt with in accordance with the *Ain* on the basis of these written details.

§ 146 If someone beats [a person] with the intention to kill, [one] shall have a barber—in the case one is available, and if not, then a knowledgeable village notable—examine the [victim] to determine whether his hands, feet, fingers and toes, or bones have been broken or not, whether he has become permanently incapacitated or not, or whether or not he has suffered merely a minor injury. After [the measurer] has made a determination, a written statement shall be prepared regarding the extent of injury, and the perpetrator shall be dealt with in accordance with the *Ain* on the basis of these written details.

[16] The law pertaining to execution, branding and other punishment for the crime of homicide

§ 147 In cases where an Upādhyāya Brahmin or any other person belonging to a Brahmin caste group kills someone or commits a crime resulting in the loss of life, he shall not be executed, given the demerit of killing a Brahmin. [Instead, authorities] shall, in accordance with the *Ain*, confiscate [the perpetrator's] share of property and brand [him].

§ 148 In cases where an unmarried girl above the age of 11 or a widow from among the four classes and thirty-six castes commits

a crime resulting in the loss of life, she shall not be executed, given the demerit of killing a woman. Nor, since she is a woman, shall her property be confiscated; rather, she shall simply be branded.

§149 In cases where [a member of] the Rājapūta caste kills a person, he shall be executed—taking life for life. If he commits adultery, the wronged husband has the right to decide [whether he shall be executed or not]. If [a member from] the Rājapūta caste commits crimes other [than these], he shall be punished in accordance with the *Ain*, but he shall not be executed.

§150 If an Upādhyāya Brahmin or any other Brahmin from any caste group; an ascetic whose father is/was an ascetic and whose maternal line of descent is not known; the offspring born to a Daśanāma ascetic, a Jogī, a Jaṅgama ascetic or Sebaḍā ascetic and a chaste Brahmin widow taken as a concubine; or a Ramatā ascetic, Phakira or Kānacīrā/Kānaphaṭṭā ascetic whose father and maternal line of descent are not known commits the crime of taking a human life, he shall not be executed, [but] his share of property shall be confiscated in accordance with the *Ain*, and he shall be branded.

§151 If [a member of] a Rājapūta caste [or] any [other] non-Brahmin Sacred Thread-wearer or Non-enslavable or Enslavable Alcohol-drinker or [any other] such caste—(1) who has become a tonsured (*mudīyāko*) ascetic—for example, a Daśanāma, Jogī, Jaṅgama, Sanyāsī or Sebaḍā [ascetics]—(2) who has remained true to [an ascetic's] duties (*dharma*), and (3) who has no household (i.e., who has taken the vow of chastity)—if a wearer of such a habit kills a person, he shall, in accordance with the *Ain*, be branded and his share of property shall be confiscated.

§152 If [a member of] a Rajapūta/Rājapūta caste [or] any [other] non-Brahmin Cord-wearer or Non-enslavable or Enslavable Alcohol-drinker or any [other such] caste who has become a tonsured ascetic [living] with Daśanāma, Jogī, Jaṅgama, Sebaḍā or Sanyāsī ascetics [but then] establishes a family, remains true to a householder's duties (*gṛhasthadharma*) and assumes a householder's clothing—[if such a man] kills someone, he shall be executed—taking life for life.

§153 If a speech-impaired man or woman who is of sound mind and able to communicate [reasonably well] (*vākya phuṭnu*) kills a person, he—if it is a man who belongs to a caste whose members may not be executed—shall, in accordance with the *Ain*, be branded and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If it is a man who belongs

to a caste whose members may be executed, he shall be executed—taking life for life.

§ 154 If a speech-impaired man or woman who is dull-witted but able to communicate [reasonably well] kills a person, there shall be no taking of life for life. If it is a man, he shall be imprisoned for 12 years; if a woman, she shall be imprisoned for 6 years. Even though the [perpetrator] offers twice the amount [required to waive imprisonment], it shall not be accepted.

§ 155 If someone who does not know what is proper to do and what is not roams around [as if] in a state of enlightenment and eats tabooed food that calls for loss of caste, or engages in merely one of these mentioned activities—if such an insane man or woman kills a person, [the perpetrator]—if it is a man—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated.

§ 156 If an insane man or woman who knows what is proper to do and what is not, who does not eat tabooed food and who does not roam around [as if] in a state of enlightenment kills a person, [the perpetrator]—if it is a man belonging to a caste group whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated; if it is a woman, she shall simply be branded. If it is a man who belongs to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 157 If an insane man or woman who has killed a person [never] ate tabooed food, excrement or the like before committing the murder but is learned to have roamed around [as if] in a state of liberation and to have eaten tabooed food, excrement or the like afterwards, it can be understood that they ate [such things] in order to save their life. Such an insane person—if it is a man who belongs to a caste whose members may be executed—shall, in accordance with the *Ain*, be branded and his share of property shall be confiscated; if it is a woman, she shall be branded but no property shall be confiscated. If it is a man who belongs to a caste group whose members may be executed, he shall be executed—taking life for life.

§ 158 If [the offspring of] someone who has been relegated to a lower caste through [the act of] caste degradation of having one's head shaved, or who has been relegated to a lower caste for [the lesser fault of] having committed adultery with someone of a lower caste, or else for having consumed cooked rice, water or the like [under circumstances] leading to caste degradation—[if such a person] kills someone

[else], he—if, while having lost caste, still belongs to a caste whose members may not be executed—shall be branded in accordance with the *Ain*, and his share of property shall be confiscated. If, in having lost caste, he now belongs to a caste whose members may be executed, he shall be executed—taking life for life.

§159 If someone is killed by a person who was born to one who has been relegated to a lower caste through [the act of] of caste degradation of having one's head shaved, or who has been relegated to a lower caste for [the lesser fault] of having committed adultery with a partner of a lower caste, or else for having consumed cooked rice, water or the like [under circumstances] leading to caste degradation—then [the perpetrator] shall be punished in accordance with the [specific] law applying to the caste to which [the parent] had, in accordance with the *Ain*, been relegated.

§160 When someone who has committed a crime (*bejāi*) and by legal decision (*nisāphale*) is to be beaten [for it] is seized by 3 or 4 persons and beaten, but then, while being beaten he himself makes the mistake of compounding his crime by wielding a weapon, and if [in doing so] he takes a human life, he shall be executed—taking life for life. If [the other] did not die but was injured when [the perpetrator] was frantically wielding his weapon, then, since the latter wielded a weapon himself when he was being beaten, the wound shall be measured by length in the case of striking and by depth in the case of stabbing, and [the perpetrator] shall be imprisoned for as many years as [the size of] the wound in fingerbreadths.

C. Edition and Translation of Documents

Document 1 (DNA 4/100)

A letter from Raṇavīra Siṃha Thāpā to General Bhīmasena Thāpā (VS 1892)

Edited and translated by Rajan Khatiwoda; dated VS 1892 (1835); National Archives, Kathmandu; microfilmed as NGMPP DNA 4/100 on 17/04/2000; for the digital edition, see <https://nepalica.hadw-bw.de/nepal/editions/show/1074>.

Abstract: This letter, authored by Raṇavīra Siṃha Thāpā from Pālpā in Tānasena and addressed to General Bhīmasena Thāpā, seeks clarification regarding previously issued *lālamoharas*. The *lālamoharas* pertain to theft, robbery, and the application of the death penalty in cases involving the latter offense, prior to the signing of a treaty with the British Indian Government aimed at preventing crimes, particularly cross-border theft and robbery.

Edition:

[*Ir-part I*]

¹ नं ४३९^१

[Seal]

¹ The manuscript number has been inserted by a second hand.

- 1 स्वस्ति । श्रीसर्वोपमाजोग्यत्यादि² सकलगुणगरिष्ठ राजभारोद्धारणषड्गग्राहिकसामर्थ
श्री श्री
- 2 श्री श्री श्री श्री दाज्यू जनरल भीमसेन थापाका चरणतल इत श्री रणवीरसिंह थापाको
सा-
- 3 घांगदंडवत्³ कोटि कोटि सेवा सेवा सेवा पूर्वक पत्रमिदम् ।⁴ चरणका आसिर्वादले जाहां
नीक
- 4 ताहां पाव कुसल आनन्द मंगल चरणारधीर हुनुभया हाप्पो सब वातको प्रतिपाल उद्धार
5 होला । आगे जाहांको समाचार भलो छ । श्रावण वदि १३ रोज ५ मा लेषियाको करु
णापत्र ये-
- 7 हि सुदि ३ रोज ३ का दिन आइपुग्यो । हरफ् हरफ् पढि अर्थविस्तार सिर चहाजा ।
उप्रान्तः हा-
- 8 मा ---१--- को र सर्कार कंपनीको अव उप्रान्तः डांका जाहां पछ् वाहांका मालिक्ले
सजाय
- 9 गर्नु भन्ऱ्या दोहरा डांकुका लिन्दिन्का वेवराका रुक्काको कुरा अधि तंलाइ पनी लेषिग-
10 याकै हो । सोहि व्यवराका रुक्का र डांकुका कुरामा हुंडुला पिटाइ उर्दि दिन्या वन्दोवस्
तका
- 11 रुक्कामा लालमोहर भै जगा जगा रवाना भया । ताहां पनि लालमोहर २ जांछन् पुगन् ।
12 लालमोहोरवमोजीमको काम नगरि गाफिलि गरिरह्यौ भन्ऱ्या लालमोहरमा लेषियाव-
13 मोजीम सजाय होला सो जानी बहुतै तागिति गर्दैरहुनु भन्ऱ्या उर्दी जगा जगामा पठाउ-
14 न्या काम गर्या वढिया होला भन्ऱ्या सिक्ष्या लेषी आयेछ बहुत जोग्य वढिया हो । ---२---
15 पल्टन्का जागिरमा दरियाका घेतमा षोला पैराले विगार्याका घेत मध्ये घेत २।१५ भर्ना-
16 को लालमोहर १ महेस्वर पांडेका नाउको पुराना किलावमोजीमको लालमोहर १ र
17 डांकाका कुराको लालमोहर १ डांका चोरिका कुरामा उर्दि दिन्या लालमोहर १ आ-
18 इपुग्या । येउटामा नेपाल ---१--- र सर्कार कंपनीका जौन् जगामा डांका पछ् उस् ज-
19 गाका मालिक्ले डांका मान्याको साजय गर्नु नेपाल ---१--- का मानिसहरुले सर्कार कं
20 पनीका मुलुकमा गै डांका मार्या भन्ऱ्या सर्कार कंपनीवाट सजाय गर्नु सर्कार कं-
21 निका मानीसहरुले नेपाल ---१--- का मुलुकमा गै डांका मार्या भन्ऱ्या नेपाल ---१---
22 वाट सजाय गर्नु भन्ऱ्या वेवराको अधिल्लो यो पाठको वन्दोवस्तलाई तेरा तजवीज-
23 मा कस्तो ठहर्छ भनि रुक्काको मसौदा पठाइवक्सनुभयाको चाहिंमा <भ>न्या दोहरो
उर्दी दि-
- 24 नु १५।१५ दिनमा वढिया छ उर्दि दिनु भन्ऱ्या लालमोहरमा भन्ऱ्या दो सिवानाका ज-
25 गामा डांकु र चोरका वीहृतले दोस्तिमा षलल् हुनजान्छ दुनिजा रैयेत्लाइ पनि
26 दुष हुनजांछ तस्अर्थ चार वर्ण छत्तिसै जात्मा डांका र चोरिका कुरामा सावीत्
27 हुनगयो भन्ऱ्या ज्यू जाहान्मा पर्ला भनि प्रगंता प्रगंता मौजे मौजेमा हुंडुला पिटाइदि-
28 नु अवप्रान्तः कचहरि कचहरिमा पनि १५।१५ दिनमा येसैवमोजीमको उर्दी दि

2 For °yogetyādi.

3 Note that in the edition, both the double dot (..) and single dot (.) above the let-
ters (akṣara) are represented by a single dot (◌) above. However, it is important
to acknowledge that at times they have been used to distinguish nasal sounds.

4 The eulogy is composed in Sanskritized Nepali, which means that the standards
of Sanskrit grammar have not been adopted in the edition.

[1r-part2]

29 ताकित गर्न्या काम गर्दैरहनु भन्‍या वेवराको रहेछ । यसै येकोहरा वेवराले अंग्रेज-
 30 को मुलुकमा गै डांका चोरि गर्यौं भन्‍या ज्यू जहान्‍मा पर्ला भनि १५।१५ दिनमा उर्दि
 31 दिंदा त हाम्रा रैयेत्‍हरुको साह्रै मन्‍ षस्‍न जाला अलिक्‍ देसमा पनि वदनाम
 32 पर्ला भन्‍या झैं पनि लाग्यो । वन्दोवस्‍तको लालमोहरमा येक्‍ वेवरा उर्दी दिन्या लाल-
 33 मोहरमा येक्‍ वेवरा हुनाले विन्‍ती गरि पठायको हो । दोह<रा> पाठको वन्दोवस्‍तका
 ला-
 34 लमोहरवमोजीम दोहरो उर्दि नेपाल ---१--- का अम्बलका मानिसले सर्कार
 35 कंपनीका अम्बलमा डांका र चोरि गर्न गर्यौं भन्‍या सर्कार कंपनीले सजाय गर्नु
 36 सर्कार कंपनीका अम्बलका मानीसले नेपाल ---१--- का अम्बल्मा आई चो-
 37 रि डाका मार्या भन्‍या नेपाल ---१--- वाट सजाय गर्नु भन्‍या ९१ सालका कार्त्तिक
 38 मैन्हादेषि वन्दोवस्‍त भयाको छ । डांका र चोरिका कुरामा सावित्‍ हुनगयो भन्‍या ज्यू
 39 जहान्‍मा पर्ला भनि १५।१५ दिनमा ढुंडुला पिटाइदिन्या हो कि । अंग्रेजसितका
 40 वन्दोवस्‍तका कुराको लालमोहरमा भन्‍या डांकाको कुरा मात्रै रहेछ उर्दी दिनु
 41 भन्‍या पछिल्लो लालमोहरमा भन्‍या डांका र चोरिमा सावित्‍ भयो भन्‍या ज्यू जहा-
 42 नमा पर्ला भन्‍या रहेछ । चोरिको कुरामा २ लालमोहरमा येक वेवरा नहुंदा चोरि-
 43 का कुराको उर्दि दिउ भन्‍या गाइ भैसि वा प्राधान चोर्न्यालाइ पनि चोर भनींछ गा-
 44 इ भैसि वा प्राधान चोर्न्या समेतलाइ हो कि घर फोरन्या र विचमा डांका मान्याला-
 45 इ मात्रै हो । अधील्ला मोहरवमोजीमको दोहरा कुराका डांकाको उर्दि दिन्या हो कि
 46 पछिल्ला येकोहरा कुराका वेवराको डांका चोरि समेतको उर्दी दिन्या हो । ---१--- मा
 47 विन्‍ती पारिवक्‍सनुभया हुकुम आग्या आयावमोजीम उर्दि दिन लाउला । वीग्ये-
 48 चरणेषु । इति सम्बत्‍ १८९२ साल मिति श्रावण सुदि ५ रोज ५ मुकाम पाल्पा
 49 तानसिं शुभम् ---

Translation:

Number 439

Hail! This letter is preceded by [assurances of faithful] Service! Ser-
 vice! Service! [and] crores and crores of eight-point prostrations
 (*sāṣṭāṃgaḍavat*) performed by Raṇavīra Siṃha Thāpā to the feet
 of [my] five times venerable elder brother General Bhīmasena Thāpā,
 a fit [model] for comparison, most venerable because of every [good]
 quality and capable of carrying out (lit. elevating) the king's heavy
 tasks and of firmly holding a sword.

[We are] here fine by the blessing of [your] feet. If [your] feet there
 are well, happy, auspicious and steady, all our affairs will be protected
 and advanced. Furthermore, the tidings here are good. The compas-
 sionate letter written on Thursday, the 13th of the dark fortnight of

Śrāvāṇa arrived on Tuesday, the third of the bright fortnight. [After I read] each paragraph [of it], the extent of its meaning [was understood]. I bow down my head [to your feet]. [Regarding the] following: The letter of instruction [from you which states the following] has arrived: ‘The content [lit. matter] of the *rukkā* [containing] details of the mutual extradition of robber[s] has also been sent to you stating [the following:]’ “From now on wherever a robbery is committed, [either] at a location [in the jurisdiction] of our ---1--- (i.e., *śrī 5 sarkāra*)⁵ [or] of the Company Government, the local authority shall administer punishment.” *Lālamoharas* have been issued and sent from place to place [relating] to [two] *rukkās*, [one of them containing] the above-mentioned details and [the other] [prescribing] arrangements for the proclamation (*urdi dinyā*) regarding [this] matter of robbers, [to be announced] by the beating of drums. [These] 2 *lālamohara*[s] will be going [and] reach there [where you are] too. It would be good if [you could] perform the task of sending from place to place the proclamation that [whoever] does not act according to [these] *lālamohara*[s] [but] contrary to [them] will be punished in accordance with what is written in the *lālamohara*[s]’.

This is very proper and good. The [four following] *lālamoharas* have arrived:

The *lālamohara* on compensation for the 2 [*murīs*] and 15 [*pāthīs*] of *kheta*⁶ [granted] to the regiment of ---2---⁷ as *jāgira* [but] destroyed by landslides and flooding [lit. river] on the *kheta* [next to] the river ---1

The *lālamohara* reflecting the older border pillars under the name of Maheśvara Pāṇḍe ---1

The *lālamohara* on robbery ---1

The *lālamohara* on the proclamation regarding robbery and theft ---1

- 5 The number mentioned in the text refers to the phrase *śrī 5 sarkāra*, which translates to ‘five-fold venerable ruler,’ a term commonly associated with the Śāha king. This specific phrase, *śrī 5 sarkāra*, is written in the space above the main text. However, due to fading over time, the writing in that area has become unreadable. Nonetheless, based on the date of the document, it can be concluded that Rājendra was the reigning king during that particular period.
- 6 Generally, *kheta* refers to irrigated land in the hill region that is suitable for the cultivation of rice and wheat. Additionally, it serves as a unit of measurement for land in the hill region, equivalent to 25 *ropanis* or 100 *murīs* (approximately 1.25 hectares).
- 7 The number mentioned in the text is a reference to a person whose name is written in the space above the main text. Unfortunately, due to fading, the text on the space is unclear, making it difficult to determine to whom this number refers.

As to one [of them]: You had sent me a draft of the *rukkā* asking for my opinion [and containing the following] details: ‘Wherever a robbery is committed, [whether] at a location [in the jurisdiction] of Nepal ---1--- (i.e., *śrī 5 sarkāra*) or Company Government, the local authority (*mālikale*) shall exact punishment [by] executing the robber. If persons under Nepal ---1--- (i.e., *śrī 5 sarkāra*) commit robbery at a location [in the jurisdiction] of the Company Government, [the offenders] shall be punished by the Company Government, [while] if persons under the Company Government commit robbery at a location [in the jurisdiction] of Nepal ---1--- (i.e., *śrī 5 sarkāra*), [the offenders] shall be punished by Nepal ---1--- (i.e., *śrī 5 sarkāra*).’ [My opinion is that] it would be good to issue double (i.e., in villages and in *kacaharīs*) proclamations every 15 days.

[As to the *lālamohara* on] issuing the proclamation, it has [the following] details: ‘Because of robbery and theft in the cross-border areas, the friendship [between Nepal ---1--- (i.e., *śrī 5 sarkāra*) and the Company Government] will suffer, and their peoples, too, will. Therefore, [the proclamation, announced by] the beating of drums, that anybody from the Four Varṇas and Thirty-six Jātas shall be punished by death if [charges] of theft and robbery are proved shall be delivered in every *pragannā*⁸ [and] *mauje*⁹. From now on the same proclamation shall also be delivered in *kacaharīs* every 15 days and warnings continually issued.’ It seems to me that if the proclamation is delivered every 15 days—that robbery or theft committed in the British-[Indian] territories shall carry the death penalty—our subjects will be very alarmed and the country will fall into some disrepute.

There is one detail in the *lālamohara* concerning arrangements [and] one [other conflicting] detail in the *lālamohara* concerning the proclamation, and therefore I have sent a request [for clarification]. The double proclamations based on the *lālamohara* concerning arrangements for the double readings—if persons from Nepal ---1--- (i.e., *śrī 5 sarkāra*) territory go to commit robbery or theft in the territory of Company Government, [the offenders] shall be punished by the Company Government, [and] persons from Company Government territory go to commit robbery or theft in the territory of Nepal ---1--- (i.e.,

8 *Pragannā* refers to an administrative district consisting of multiple villages under the supervision of a *chaudharī*. In the past, the Saptari District included 14 *pragannā* (Krauskopff & Meyer 2000: 185).

9 *Mauje/Maujā* refers to a unit of land revenue administration in the Tarai region. It is a term used to describe a specific measurement or division of land for administrative and revenue purposes (see Krauskopff & Meyer 2000: 185).

śrī 5 sarkāra) [the offenders] shall be punished by Nepal ---1--- (i.e., *śrī 5 sarkāra*)—are scheduled [to begin] from Kārtika/Kāttika of the [Vikrama] year [18]91. Should there be the beating of drums every 15 days [announcing] that if a robbery or theft is proved, the offender shall be put to death? It is seen to be the case that in the *lālamohara* concerning arrangements with British-[India] [the offender] is to be put to death only in the case of robbery, [whereas] the *lālamohara* [issued] later states: ‘if robbery or theft is proved, a death sentence shall be imposed.’

Regarding the matter of theft, [confusion arises] because the two *lālamoharas* do not agree in detail when ordering the proclamation concerning theft: whether one who steals a cow, buffalo or [any] important or main object (*prādhāna*) is also to be called a thief. [Is it the case that] only one who breaks into houses and commits robbery [is to be called a robber], or is someone who steals a cow, buffalo or *prādhāna* also [included]? Should the proclamation be made according to the prior *lālamohara* [to allow for] a double field of application of robbery or according to the later *lālamohara* concerning theft as well as robbery, each with [its own] strict fields of application? If you could kindly request [clarification of] this matter from ---1--- (i.e., *śrī 5 sarkāra*), I will have the proclamation delivered according to [his] order. [What more to say] to the feet of a knowledgeable one?

Thursday, the 5th day of the bright fortnight of Śrāvaṇa in the [Vikrama] era year 1892 [1835]. From Pālpā, Tānasim [Tansen].

Facsimile:

[1r-part1]

१४३५
 स्वस्ति श्री लखीपमाजोगपत्यादिमकलनगणगणित्युगजमाराहाराण्यदुयादिकसामर्थश्री
 श्रीश्रीश्रीश्रीदाज्जनरलभीमसेनथायाकाबाणतलईतश्रीरणवीरसिंहथायाकोसा
 हंगदंडवतकोटिकोटिसेवासेबामेबाह्वकपत्रमिदसचरणकाआसिर्बदलेजाहंनिक
 ताहोयाकुकुमलेआनद्वमंगलचरणारधोरजनुभयाहासोसववातकोप्रतियालइहा
 होलाओजाहंकोसमाचारभलोछावरावदि१३राज५मालेवियाकोकरणायत्रये
 हिमुदि३राज३कादिनआइपुग्योहरकरफपुठिअर्थवित्तामिचइजाउधान्तःहा
 या-१-कोरसर्काकीपनीकोअवउपान्तःडंकाजाहंपछबाहंकोमालिकलेसजाय
 गर्नुभन्यादोहराडंकुक्कालिनदिनकावेवराकारुकाकोकुराअधिमेंलाइपनीलेविग
 याकेहोमोहिव्यवराकारुकाडंकुकाकुरामाहुंडलापिगइउदिदियाबदोवस्तका
 रुकामालालमोहरभेजगाजगरवानाभयाताहंयनिलालमोहर२जांछनुपुगनु
 लालमोहरवमोजीमकोकामनगरिगफिलिगरिहोभन्यालालमोहरमालेवियाब
 मोजीमसजायहिरनासोजनीबऊतेनगितिगदैंरहनुभन्याउरिजगाजगामायउ
 न्याकामग्याबठियाहोलाभन्यामिध्यालेषीआयेछवऊतजोग्यवठियाहो-२-
 पनुनकाजागिरमादरियाकाधेतमाधोलापेरलेविगान्याकाधेतमध्यबेत२५भनी
 कोलालमोहर१महेस्वरयांडेकानाउकोपुगनाकिलावमोजीमकोलालमोहर१
 डंकाकाकुराकोलालमोहर१डंकाचोरिकाकुरामाउदिदियालालमोहर१आ
 इपुग्योयेउठामानेयाल-१-रसर्काकीपनिकाजौनृजगामाडंकायछउसज
 गका मालिकलेडंकासार्थकोसजायगर्नुनेयाल-१-कामानिसरुलेसर्काके
 यनीकामुलकमागेडंकासार्थभन्यासर्काकीपनिबाटसजायगर्नुसर्काकेय
 निकामानीसरुलेनेयाल-१-कामुलकमागेडकामायाभन्यानेयाल-१-
 बाटसजायगर्नुभन्यावेवराकोअधिहोयोयाठकोवदोवस्तलाइतेरातजवीज
 माकलोठहृभनिरुकाकोमसोदायवदवक्तनुभयाकोचदिमोत्यादोहोउर्दिदि
 नु१५१५दिनमावठियाछउर्दिदिनुभन्यालालमोहरमाभन्यादोसिजानाकाज
 गमाडंकुराचोरकाबीइतलेदोस्तिमाधललऊनजाच्छुनिजोरैयेतलाइपनि
 उषऊनजोछतसअर्थचारवराहृनिमेजातमाडंकाचोरिकाकुरामासवीत

[1r-part2]

कुनगयोभन्याज्जज्ञानमापलीभनिप्रगीनाप्रगीनामोजेमाकुडलापिडाइदि
 नुअवपत्तःकचरिक्चरिमायनि१५१५दिनमायेसैवमोजीमकोउर्दिदि
 ताकितगन्याकाममर्देरनुभन्यावेवराकोरिछयेसैयेकोरावेवरालेअंयेन
 कोमुलुकमोगेडांकारेचोरिगन्योभन्याज्जज्ञानमापलीभनि१५१५दिनमाउर्दि
 दिदातदाप्रैयेतरुरुकोसाहेमनखसनजालाअलिकुदेसमायनिवदनाम
 पलीभन्यादेपनिलाग्येवद्वेवस्तेकोलालमोरमायेकवेवराउर्दिदिन्यालाल
 मोरमायेकवेवराउर्दिदिन्यालालमोरमायेकवेवराउर्दिदिन्यालाल
 लमोरमायेकवेवराउर्दिदिन्यालालमोरमायेकवेवराउर्दिदिन्यालाल
 कीयनिकाअन्वलमाडांकारेचोरिगनेगयोभन्यासकीरकीयनीलेसजायगु
 सकीरकीयनिकाअन्वलकामानीसलेनेपाल-१-काअन्वल्माआइवो
 रिशकामान्याभन्यानेपाल-१-गादसजायगुभन्या२१सालकाकारिक
 मेरुदक्षिणवद्वेवस्तभयाकोछडांकारेचोरिकुरामासावितकुनगयोभन्याज्ज
 जज्ञानमापलीभनि१५१५दिनमाकुडलापिडाइदिन्याहोकिअंयेनसितका
 वद्वेवस्तकाकराकोलालमोरमाभन्याडांकारेचोरिमासावितभयोभन्याज्जज्ञान
 नमापलीभन्यारिछेचोरिकोकरामा२१सालमोरमायेकवेवराउर्दिदिन्या
 काकराकोउर्दिदिउभन्यागाइभेसिवाषाधानचोन्नीलाइयनिचोरभनीछमा
 इभेसिवाषाधानचोन्नीसमेतलाइहोकिघाफोरन्यारविचमाडांकारेचोरि
 इमात्रेहोअधीचामोरमावमोजीमदोरकराकाडांकारेचोरिसमेतकोउर्दिदिन्याहोकि
 यद्विचनयेकोरकराकावेवराकोडांकारेचोरिसमेतकोउर्दिदिन्याहो-१-मा
 किनीयारिवक्तनुभयाउकुसआग्याआयावमोजीमउर्दिदिनलाउत्वावीग्ये
 चरोगेछदिनसन्वत्१८२२सालमितिथावरासुदि५ऐज१मुकामपाल्या
 तानमिउभ

Document 2 (DNA 14/4)

A *rukkā* from King Surendra ordering the execution of Hari Goḍīyā for an act of homicide (VS 1937)

Edited and translated by Rajan Khatiwoda; dated VS 1937 (1880); National Archives, Kathmandu, Ms. no. 425; microfilmed as NGMPP DNA 14/4 on 04/07/2000; for the digital edition, see <https://doi.org/10.11588/diglit.39465>.

Abstract: This *rukkā* issued by King Surendra to Captain (text: *kaptāna*) Mvāna Siṃ Svāra Chetrī lays bare formal procedures for carrying out the death penalty on Hari Goḍīyā, who was found guilty of killing Vadala Siṃ Thāpā.

Edition:

[*lr*]

1 श्री¹⁰

[Royal seal]

- 1 श्रीमद्द्वितीयप्रचण्ड-¹¹
- 2 भुजदण्डेत्यादि-
- 3 श्रीश्रीश्रीमहारा-
- 4 जरणउदीपसिं-
- 5 हराणावहादुर-
- 6 केसीयसआइ-
- 7 थोङ्लीन्पी-
- 8 म्माकोकाङ्वा-
- 9 इस्यान्प्राइम्-
- 10 मीनिष्टरया-
- 11 ण्डकम्यांडरइ-
- 12 नचीफ् ---¹²

10 This portion is not visible on the facsimile provided below.

11 For *śrīmad atipracāṇḍa*⁰.

12 This has been written in the upper left-hand margin of the document.

- 1 स्वस्ति श्रीमन्महाराजाधिराजकस्य¹³ रुक्मा ---
 2 आगे कप्तानं म्वानसिं स्वॉर छेत्री प्रती । म आफु गोडीया जात भै ३४ सालका श्रा-
 3 वण सुदी ३ रोज १ का राती पाहाडपोषरा सीमल टोल् वरुया वद
 4 ल सिं थापालाई राती सुती नीदायाका वषत पारि वेहकुमा षुकु-
 5 रिले २ चोट् घोक्रामा हानी काटि मारि नीजका कम्बरको सुन तोला
 6 १ कंपनी रू ४० स्मेत् ली म भागी गयाको साचो हो भनी मोगलाना
 7 जील्लै वहराईच ईलाके पल्लापुर मौज्ये वझही वरुया हरि गोडीया-
 8 ले ३५ साल् फागुण वदि ७ रोज ५ मा अमिनी अदालत् कचहरि-
 9 मा कायलनामा लेषी दीयाका मुद्दामा धनमाल्का लालचाले भ-
 10 यो वा अरू केही ईवीले अर्कालाई हतीयार गैह्ले हानी रोपी मा-
 11 नीस मार्यो भन्या मान्या नकाटीन्या जातको लोगन्या मानीस भ-
 12 या ऐनवमोजिमको अंस सर्वस्व गरि स्वास्त्रि मानीस भया सर्व-
 13 स्व नगरि दामल गर्नु काटिन्या जातका लोगन्या मानीस भया [ज्या]-
 14 नको वदला ज्यान काटि मारिदीनु भन्या ज्यानमाराका ९ लम्ब-
 15 र वेहकुमा मानीसको ज्यान् मार्या मानीसमा ऐनले ज्यान लि-
 16 नु पर्दा अवउप्रांत फलानु टक्सीर¹⁴ गर्न्या फलानालाई उसले ज्या
 17 न मार्याका फलाना ठाउमा लगी ज्यान काटी मारु वा फासि दी
 18 मारु भन्या लालमोहरमा लेषाई सो लालमोहरमा जौन जगा-
 19 मा लगी मारु भन्या लेषीयाको छ उसै जगामा लगी उसै ठाउका
 20 छोइ छीटो हालनु पर्न्या जातका हातवाट कटाई मराउनु वा फा-
 21 सी दीलाई मारु भन्या ज्यान लीदाको र मुड्दा दामल् गर्दा ग-
 22 र्न्याको ७ लम्बर ज्यान जान्या मानीसको ज्यान मारु पठाउदा र
 23 मुडनु पर्न्यालाइ मुडी धपाउदा यसले फलानु टक्सीर¹⁵ गर्यो र यस्को
 24 ज्यान मारिन्या भयो अथवा मुडीयाकालाइ मुडीयो भन्या
 25 सहरका टोल् टोल्मा झाज पीटाइ लैजानु भन्या सोहि महल्का
 26 ११ लम्बरका ऐनवमोजीम् नीज हरि गोडीयाले वदल सिं थापा-
 27 लाई धनमाल्का लालचाले राती सुती नीदायाका वषत पा[रि] [वे]-
 28 हकमा षुकुरिले २ चोट् घोक्रामा हानी काटि थलैमा मार्यामा
 29 नीजलाई पाहारपोषर भन्या सवैले देषन्ये चौरमा लगी ताहिका
 30 छोइ छीटो हालनु पर्न्या जातका हातवाट ज्यानको वदला ज्यान का-
 31 टी मारिदीन्या ठहराज्युं भनी नजा मुलुक जील्लै कैलाली अमी-
 32 नीका लेफ्टेन् वालनरसीं स्वार छेत्री वीचारि कासिनाथ [...] -
 33 रिले ३६ साल् श्रावण वदि ३० रोज ६ मा अदालत् इटाचप[ली]-
 34 मार्फत् चहायाको रपोट्मा हुकुम् मर्जीले स्मेत् सदर भै आया-
 35 वमोजीम् माल्का हाकीम् कपटान्¹⁶ म्वान सिं स्वार छेत्रीका ना-
 36 उमा लालमोहोर लेषाइ सो लालमोहर रमाना गरि पठाइ-

13 For ⁰*dhirājakasya*.14 For *taksira*.15 For *taksira*.16 For *kapatāna*.

37 दीन्या ठहराज्युं जो हुकुम् मर्जि भनि अदालत् इटाचपलीवाट सु-
 38 व्वा पंडीत् चंद्रकांत अर्ज्याल्ले ---१---का र श्रीमद्राजकुमार कुमारा-
 39 त्मज श्री कर्म्यांडर इन चिफ् जनरल धिर संस्सेर जङ् राणा वहादुर-
 40 का हजुरमा वींती पार्दा र नीजहरूवाट पनी हाम्रा हजुरमा वींती
 41 पारि जाहेर गरायाकामा नीज हरि गोडीयाले धनमाल्का ला-
 42 लचाले वदल सीं थापालाइ राती सुती नीदायाको वषत पारि वे-
 43 हकमा षुकुरिले २ चोट् घोक्रामा हानी थलैमा मार्या वावत् सो-
 44 ही ज्यानमाराका ९ ज्यान लीदाको र मुड्दा दामल गर्दाका (...)
 45 ११ लम्बरका ऐनवमोजीम् नीज हरि गोडीयाको ज्यान मारि
 46 पथाउदा¹⁷ यसले यो कसुर गर्दा यसको ज्यानसजाय हुन्या भयो
 47 भनी झाज पीटाउन लगाइ नञा मुलुक् कैलाली जील्लाभर
 48 घुमाइ नीज हरि गोडीयालाइ चाहारपोषरा¹⁸ भंन्या जगाका
 49 चौरमा लगी ताहीका छोइ छीटो हालनु पन्या जातका हातवा-
 50 ट ज्यानको वदला ज्यान काटि मारिदीनाको हुकुम् वक्त्यौ । इ-
 51 ती सम्बत् १९३७ साल् मीती वैसाष वदि १ रोज १ शुभम् ।

[1v]

- 1 मार्फत् राजगुरु द्विजराज पण्डितज्यु
- 2 मार्फत् सुव्वा चन्द्रकांत अर्ज्याल्
- 3 मार्फत् गुरुप्रोहित षजांछि वामदेव पण्डितज्यु
- 4 माफत्¹⁹ कर्म्यान्डर कर्णेल सनक सिं टंडैलाहुरि छेत्री

Translation:

Śrī²⁰

[Royal seal]

17 For *pathāudā*.

18 For *pāhāra*^o.

19 For *mārphat*.

20 The term *śrī* is a word of blessing that carries multiple meanings depending on its usage. As an appreciatory word, it signifies 'good fortune' (Pant & Pierce 1989: 12), expressing well wishes and positive outcomes. It can also function as a prefix to names of individuals and deities, conveying a sense of reverence or glory. The number of 'śrīs' used can vary depending on the context, emphasizing the degree of respect or auspiciousness associated with the person or deity being referred to.

The thrice venerable great king, who is mighty and has an arm like a staff etc., KCSI, Thong Ling Pinma-Ko Kang-Wang-Syang²¹ Prime Minister and Commander-in-Chief Raṇoddīpa Siṃha Rāṇā Bahādura ---1

Hail! [This is] a *rukkā* of the supreme king of great kings.

To Captain (Kaptāna) Mvāna Siṃ Svāra Chetrī.

Āge:²² Regarding the trial of Hari Goḍiyā, residing in the *maujye* (i.e., *maujā*) of Bajhahī, Pallāpura, Baharāica, Mogalāna: On Thursday, the 7th of the dark fortnight of Phālguna in the [Vikrama] era year [19]35 (1879), [the accused] confessed his guilt in writing at the Aminī Adālata Kacaharī [court]²³, stating: “It is true that on Sunday, the 1st of the bright fortnight of Śrāvaṇa in the [Vikrama] era year [19]34 (1877) I, a member of the Goḍiyā caste, killed Vadala Siṃ Thāpā, residing in Simala Ṭola, Pāhāḍapokharā, during the night while he was sleeping by stabbing [him in] the throat twice with a *khukurī* and then fled with 1 *tolā*²⁴ of gold and [East India] Company Rs. 40 which he had at his waist.” On Saturday, the 30th of the dark fortnight of Śrāvaṇa in the [Vikrama] era year [19]36 (1879), Lieutenant (*lephṭen/lephaṭena*) Bālanarasim Svāra Chetrī and Bicārī Kāśinātha [...]*ri* of the Kailali Aminī, [in] the new territory, submitted the following report through the Itācapalī Court [to the king]: “Since Hari Goḍiyā, out of greed for property, killed Vadala Siṃ Thāpā at his place of residence by stabbing [him in] the throat twice during the night while he was sleeping, we have determined to sentence him to death: to take him to the grounds called Pāhāḍapokharā where the public can witness his beheading—at taking life for life—at the hand of a local Untouchable caste member in accordance with the following law: ‘[1] Section 9 of [the Article] on Homicide: If a person kills another person out of greed for property or

21 According to R. Shaha, this title was first awarded to Prime Minister Jaṅga Bahādura Rāṇā in 1871 by the Chinese Emperor. As explained by Shaha the title has the following meaning: “... the Highly Honoured Commander and Instructor (disciplinarian) of the Army, the Aggrandizer of the Country and the Satisfier of the Low and High by Increasing the Reputation and Revenue of the Country” (Shaha 1990, vol. 2: 257–258).

22 Lit. ‘henceforward,’ especially used in administrative and legal documents to mark the beginning of a text or paragraph.

23 For further information on the function of this court in Terai, please refer to R-Ain.

24 This term used to refer to a unit of weight and standard measure for gold and silver. It is composed of 100 or 96 *rati*, 10 or 12 *māsās*, and is equivalent to 1/80th of a *sera*. It is important to note that the actual weight of a *tolā* varied based on the specific place and time. For instance, the weight of a *tolā* could range between 11.599 to 11.642, corresponding to the weight of the Bombay or Sicca Rupee.

for any other reason by striking or stabbing him with a weapon or the like, the offender—if it is a man from a caste whose members cannot be put to death—shall in accordance with the *Ain* have all his property confiscated and he shall be punished by *dāmala*; whilst if the offender is a woman, she shall undergo the *dāmala* punishment but without having her property confiscated; whilst if the offender is a man from a caste whose members can be put to death, he shall be executed.’ [2] Section 7 on executing, shaving and *dāmala*: ‘When the law calls for putting an offender guilty of homicide to death, from now on a *lālamohara* shall be issued stating that such and such a person who has committed the crime shall be executed by beheading or hanging in such and such place, [the place] where he took [the other’s] life. The offender shall be taken to the place mentioned in the *lālamohara* and executed by beheading or hanging at the hand of a local Untouchable caste member.’”

[Then] Subbā Paṇḍita Candrakānta Arjyāla (text: Caṇḍrakāṃṭa) on behalf of the Itācapalī Court submitted a request to ---1--- (i.e., Prime Minister and Commander-in-Chief Raṇoddīpa Siṃha) and Venerable Prince born of a prince and Commander-in-Chief Dhīra Samsera Jaṅ Rāṇā Bahādura, stating: “[The above-mentioned] report has been approved by order [of the king], so that we have decided that a *lālamohara* shall be issued to the chief of the Māla [Aḍḍā], Captain (text: *kaptāna*) Mvāna Siṃ Svāra Chetrī, and to send it off. Whatever you wish, [please] order.” [Deciding upon the request submitted,] they too have ordered as follows: “Regarding the trial which came to our attention [through the request sent by the [Itācapalī Court], we have given the order to sentence Hari Goḍīyā to death as punishment for his having committed the crime: to take [him] with sounding cymbals throughout the new territory of Kailali district and to the grounds called Pāhāḍapokharā and [there] to behead him at the hand of a local Untouchable caste member in accordance with Sections 9 on homicide and 9 (sic) and 11 on executing, shaving and *dāmala* – Hari Goḍīyā, who out of greed for property killed [Vadala Siṃ Thāpā] unlawfully during the night while he was sleeping by stabbing him twice in the throat with a *khukurī*.”

On Sunday, the 1st of the dark fortnight of Vaiśākha in the [Vikrama] era year 1937 (1880). [May it be] auspicious.

[Lv]

Through (*mārphat*) Rājaguru Dvijarāja Paṇḍita
Through Subbā Candrakānta Arjyāla

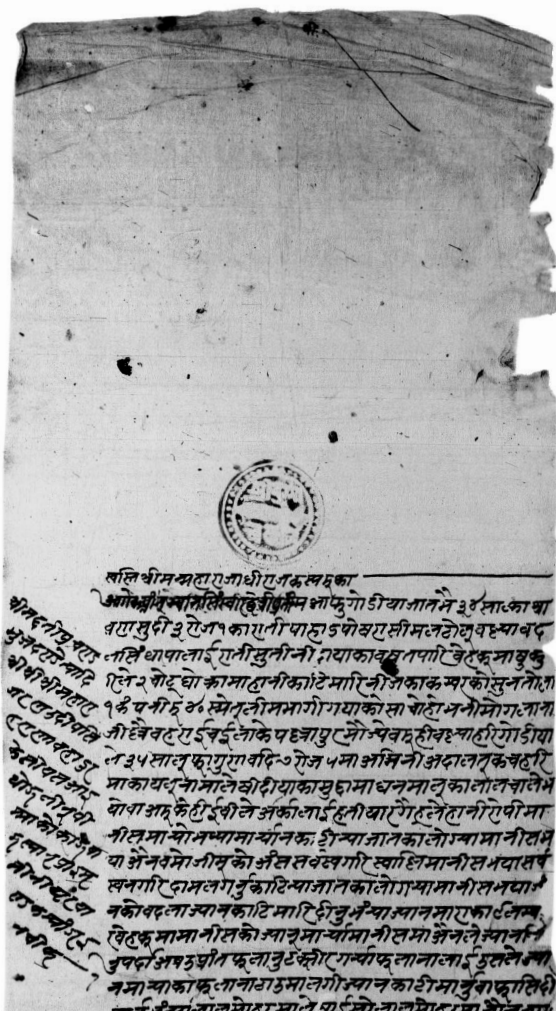
Through Guruprohita(purohita) Khajāñcī Vāmadeva Paṇḍita
Through Commander Colonel (Kamyāṃṇḍara Karṇaila) Sanaka Siṃ
Taṃḍālāhuri Chetrī

Commentary:

The present document has been issued to authorize the implementation of death penalty for a murderer who committed the act during a theft. It provides a detailed explanation of the necessary procedures involved in imposing the death penalty. Initially, the local court conducts an investigation into the crime and prepares a report recommending an appropriate punishment, taking into careful consideration the relevant provisions of the MA. This report is then forwarded to the king through a higher court known as the *Itācapalī*, which adds its own considered observations. Upon approval by the king, the report is transmitted to the prime minister. Once approved by the prime minister, a *lālamohara* is issued by the king to the designated individual in the local court responsible for carrying out the death penalty. The inclusion of these court procedures and direct references to the pertinent Articles of the MA serves as a significant indication of the MA's implementation.

Facsimile:

[1r-part1]



Document 3 (DNA 12/1)

A *lālamohara* from King Surendra acknowledging Rūpalāladāsa as *mahanta* of Basahiyā Maṭha (VS 1927)

Edited and translated by Rajan Khatiwoda; dated VS 1927 (1871); National Archives, Kathmandu; Ms. no. 233; microfilmed as NGMPP DNA 12/1 on 12/06/2000; for the digital edition, see <https://nepalica.hadw-bw.de/nepal/editions/show/1399>.

Abstract: This *lālamohara* of King Surendra calls upon Rūpalāladāsa of Basahiyā Maṭha, Mahottari to enjoy the post of *mahanta*²⁵ and directs him to identify Rāmadāsa to be his successor.

Edition:

[*Ir*]

श्रीदुर्गाज्यू

४७²⁶

श्रीमदतिप्रचण्ड-

भुजदण्डेत्यादि-

श्रीश्रीश्रीमहाराज

जङ्गवहादूरराणा

जी.सी.वी.प्राइम्-

मिनिष्टरयाण्डक-

म्यान्डरइनचिफ् [---] १²⁷

[Royal seal]

- 1 स्वस्ति श्रीगिरिराजचक्रचूडामणिनरनारायणेत्यादिविधिविरूदावलीवि-
- 2 राजमानमानोन्नतश्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजसुरेन्द्रविक्रमसाह-
- 3 वहादूरसम्सेरजङ्गदेवानां सदा समरविजयिनाम् ---
- 4 आगे जिल्लै महत्तरि वसहिया मठका महन्त रुपलाल दासके मेरा गुरु मोहन्दास-
- 5 ले मलाई महन्त्याजीको तिलक कंठि भला मानिस स्मेत् राषी दि जानु भयाको हो ।

25 The term *mahanta* (also spelled as *mahaṃta*) refers to the temporal and spiritual leader of a centre (such as *āśrama*, *maṭha*, *sthāna*, *akhādā*) or a wandering group (*khālsā*) within an ascetic order.

26 This has been added by a second hand.

27 This has been written in the middle left-hand margin of the document.

6 सो महन्त्याजी मैले २० सालमा चलायाको थिजा । २१ सालमा अधि भयाको वेहोरा
 7 दवाइ महन्त्याजी मलाई दि जानु भयाको हो भनि कासिदासले झुठो विन्ति पा-
 8 रि रुक्का दस्पत् गराई ल्याई मेरो महन्त्याजी जान्या होईन भनी वालादासले वा-
 9 दि इजहार दिया र मेरा गुरु मोहनदासले मलाई महन्त्याजी दिदा मैले रुपै-
 10 या स्मेत् राष्याको थिजा र निज गुरु श्वर्गे हुंदा पनि नीज वालादास स्मेत् जना
 11 ४ ले महन्त्याजीको कागज मलाइ लेषीदिंदा मैले नीज गुरुको काजक्रीया स-
 12 मेत् गरि महन्त्याजी चलाइआयाकोमा वालादासले जवरदस्ति²⁸ गरि महन्त्या-
 13 जी चलाउदा मैले ---१---का हजुरमा विन्ती पारि भयाभरका वेहोराको
 14 रुक्का दस्पत् गराई लग्याको हो झुठो विन्ती पारि लग्याको होईन भनि जिल्लै
 15 महत्तरि वसहीयाका महन्त कासिदासले प्रतिवादी इजहार दियाका मुद्दामा
 16 इजहार प्रमाण अडाले विचार गर्याको ऐन सवालका रुहले येस्मुद्दामा गुरु
 17 मोहनदास छंदै जलेश्वर (भा)रि कचहरिमा अफीसर पगरिहरु राषी कासि-
 18 दासलाइ महन्त्याजी तलाई भयो भन्दा रुपैया स्मेत् राषी महन्त्याजी पाया-
 19 का हुं । ताहापछि निज मोहनदास षस्दा निज वालादास् सुषरामदास् रामजिवन्दा-
 20 स् प्राणदास् स्मेत् वसि गोपाल झा १ राम(वक्सको इर) १ भुवनमंडर १ येति जना
 21 साछी राषी अधी गुरुले पनी इनै कासिदासलाइ दियाको हो आज पनी हामी
 22 ४ भाइले इनै कासिदासलाइ महन्त्याजी थामीदिनु भन्त्या मुद्दाको २० साल
 23 माघ शुदी १४ रोजका दीन कागज लेषीदीयाको कागज नीज वालादासले कि-
 24 र्त्या भन्दा सोही कागजमा लेषीयाका साछी स्मेत् रुक्का दस्पत् गरि झिकाइ जे-
 25 ठा सुषरामदास र इनै माथी लेषीयाका साछी जना ३ ले यो कागज कीर्त्या होई-
 26 न सद्दे हो येस्मा श्रेस्ताले भाकन पर्या भाक्छौं भन्त्या मुद्दाको वक्पत्र लेषी-
 27 दियापछि अदालत वन्दोवस्तका ५६ लंवरका ऐनमोतावीक रोज रोज हाजीर भ-
 28 येनौ र १५ दिनसम्म गैर पर्यौं भन्त्या परिवन्धले मेरो जीत हुन्त्या भया पनी मेरो
 29 हार गरि मेरो झगडीयाको जीत गरिदिनु भन्त्या मुचुल्का २३ साल मार्ग शुदी
 30 १४।१५ रोजका दीन लेषी ९ दीनसम्म कचहरिमा सामेल भै १० दीनदेषी भा-
 31 गी गयाको आजसम्म कचहरिमा सामेल हुन नआयापछी महन्त्याजी का-
 32 सिदासको चेला रामदासलाइ दीनु आफुले नपाउन्त्या महन्त्याजी म पाउन्त्या
 33 हुं भनी समाया वावत् वालादास भाग्याको हुनाले नीज अदालत वन्दोवस्तका
 34 ५६ लंवरका ऐनले जायेदात् गर्नलाइ घरद्वार केही नहुंदा नीज वाला-
 35 दास् फेला पर्याका दीन जमानवन्दी लेषाई गुठीका ३४ लंवरका ऐनले सो
 36 ही मट्का जगाको तलसीं वोटी कंपनी रुपैया ३००० डंड²⁹ गरि तिर्या रुपैया ली
 37 नतिर्या कैद गरि कैद पुग्यापछी छोडीदिनु । महन्त्याजी मट् जित्या वावत् रा-
 38 मदास्वाट फट्कर गुठीको जगाका ऐनले डंडको³⁰ चौथाइ ७५० जिताउरि ली
 39 नीज रामदासलाइ जगाको वहाली चलाइदी जितापत्रको रुक्का दस्पत् हुंदा
 40 येस मुद्दाको जितापत्र गर्दा तोक्मा इजहारका रुहले तोक् लेषीयो तापनी
 41 रामदासले आफुना घरायेस्मा मिल्या माफीक कागजपत्र गरि राजीनामा ले-
 42 षी दींदा घरायस्मा मील्यवमोजीमको वेहोरा स्मेत् हाली नीज रुपलाल-

28 For *javarajasti*.29 For *damḍa*.30 For *damḍako*.

43 दासका नाउमा रुक्का दस्षत्को जितापत्र गरि झगडा छिनीदीन्या ठहराइ जंगी
 44 अदालत् १ लंवरका डिट्टा छन्दलाल बुर्लाकोटी विचारि कपील मुनी पाध्या-
 45 ले २३ साल मीती माघ वदी २ रोज २ मा साधक् कौसल्मा जाहेर गराउदा
 46 कौसलवाट जांची वुझी अडाले ठहराइ ल्यायावमोजीम् मुनासिव ठहरा-
 47 इ साधक् हाल्दा जाहेर भयो । तसर्थ सो साधक्मा हुकुम् मर्जीको सदर ग-
 48 रिवक्स्यावमोजीम् आफुले नपाउन्त्या जील्लै महत्तरि वसहीयाको महन्त्या-
 49 जी मठ म पाउन्त्या हुं भनी वालादासुले इजहार च्हाइ महन्त कासिदास्-
 50 संग पुर्पक्षे हुदैमा निज महन्त मर्दा नीज महन्तका चेला रामदासले र नी-
 51 ज वालादासले अदालत वन्दोवस्तका ५६ लंवरका ऐन मोतावीक् रोज रो-
 52 ज हाजीर भयेनौं र १५ दीनसम्म गैर पर्यौं भन्त्या जीत हुन्त्या भया पनी हार ग-
 53 रि झगडीयाको जीत गरिदीनु भन्त्या मुचुल्का लेषी ९ दीनसम्म हाजीर भै
 54 दसौं दीनदेषी भागी जांदा नीज वालादासुलाइ गुठीका ३४ लंवरका ऐ-
 55 नले वालादास् फेला पर्याका दीन ज्मानवन्दी लेषाइ तल्सीं वोटी ३ हजा-
 56 र डंड³¹ गरि तिर्या रुपैया ली नतीर्या कैद गरि कैद पुग्यापछी छाडीदीन्या-
 57 छन् महन्त्याजी मठ जीत्या वावत् फुट्कर गुठी जगाका ऐनले रामदाससंग
 58 जिताउरि कम्पनी रुपैया ७५० ली नीज रामदासका नाउमा जितापत्र हुनुप-
 59 न्या हो तापनी आफ्ना ज्यूताभर महन्त्याजी चलाउनु अरु चेला नतुल्याउ-
 60 नु कारोवारि मैले हुनु तिम्रा सेषपछी यो महन्त्याजी मैले चलाउनु भन्त्या
 61 वेहोराको तिम्रा गुरुभाइ रामदासुले घरायेस्मा राजीनामा लेषी तिम्रीलाई छा-
 62 डीदीयाका हुनाले सोवमोजीम् तिम्रा जिउताभर नीज मठको महन्त्याजी
 63 चलाइ रामदासलाइ कारोवारि तुल्याइ महन्त मोहन्दासुले चर्चि आयाव-
 64 मोजीम् आफ्ना षातीरजामासंग महन्त्याजी जानी नीज वसहीया मठ-
 65 को चलन् गर्नु अरु चेला नतुल्याउनु तिम्रा सेषपछी नीज रामदासले महन्त्या-
 66 जी हुनु भनी जितापत्रको रुक्का दस्षत् गरिवक्स्यौं भन्त्या वेहोराको २३ सा-
 67 ल फागुन वदी १३ रोज १ मा मेरा नाऊमा रुक्का दस्षत् भै महन्त्याजी चलन्
 68 गर्याको हो लालमोहर भयाको छैन भनी तीमीले ---१---का हजुरमा विन्ती
 69 गर्याको वीस्तार नीज ---१--- र श्रीमद्राजकुमार कुमारात्मज श्रीकम्यान्ड-
 70 र इन चिफ् जनरल रण उद्दीप सींह कुवर राणावाट हाम्रा हजुरमा विन्ती पा-
 71 र्दा जाहेर भयो । तसर्थ सो जीतापत्रवमोजीम् तिम्रा ज्यूताभर निज मठको महन्त्या
 72 जी
 73 चलाइ रामदासलाइ करोवारि तुल्याइ महन्त मोहन्दासुले चर्चीआया-
 74 वमोजीम् नीज वसहीया मठ अस्थानका तालुक्को जगा भोगचलन् गर्नु
 75 अरु चेला नतुल्याउनु तिम्रा सेषपछी नीज रामदासले महन्त्याजी हुनु भनी
 76 हामीवाट पनी तीमीलाई नीज वसहीया मठ अस्थानका महन्त्याजीको ला-
 77 लमोहर गरिवक्स्यौं अस्थानमा अघीदेषी दरि चलीआयावमोजीमका
 78 नित्य नैमीत्यक पर्व पर्वका पुजा र धर्म सदावर्त चलाइ हाम्रो जय मना-
 79 ई आफ्ना षातिरजामासंग महन्त्याजी जानी भोग्य गर । इति सम्बत् १९-
 २७ साल मीती चैत्र वदी (...) रोज (...) शुभम् ---

[/v]

- 1 मारफत् श्री ३ माहाराज जंग बाहादुर राणा जि: सि: वि प्राइम मिनिटर यान्ड कम्या डर इन चीफ्
- 2 रुजू श्री कम्यांडर इन चीफ् जनरल रण उदीप् सिंह राणा:

Translation:

Venerable Durgā!

Thrice venerable Mahārāja Jaṅga Bahādura Rāṇā G.C.B. Prime Minister and Commander-in-Chief, [he who holds] a formidable club in the form of his arms---1

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] ‘The venerable crest-jewel of the multitude of mountain kings’ and *Naranārāyaṇa* (an epithet of *Kṛṣṇa*) etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Surendra Vikrama Śāha, the brave swordsman, the divine king always triumphant in war.

To Mahanta Rūpalālādāsa, head of Basahiyā monastery in Mahuttari District.

Bālādāsa filed a lawsuit, stating: “My teacher Mohanadāsa conferred upon me the office of *mahanta*, placing as he did a *mahanta*’s *tilaka* (blessing mark on the forehead) and *kaṇṭhī* [on me] and noble men (i.e., the monks) [under me].” I ran [the monastery] as its head till the year [VS 19]20 [1863]. Kāsīdāsa made false petition, suppressing previous details from the year [VS 19]21 [1864] and had a *rukkā* issued that stated: ‘[Mohanadāsa] granted [the office] of *mahanta* to me.’ [Thus] my [claim to] the office of *mahanta* is not to be dismissed. Kāsīdāsa, head of Basahiyā monastery in Mahuttari District, filed a lawsuit as a respondent, as follows: “When my teacher Mohanadāsa granted me the office of head of the monastery, I even gave the money [that is the customary gift]. After my teacher died, four of my teacher’s disciples including Bālādāsa signed a document giving his consent to grant me the office of head of the monastery, but when I [started] occupying the office of head of the monastery, including performing the funerary rites of my teacher, Bālādāsa forcibly seized my office. Therefore, I made petition to ---1--- (i.e., thrice venerable Mahārāja Jaṅga Bahādura Rāṇā) with all the details and had a *rukkā* issued, and I did not make petition under false pretences. Regarding the lawsuit [filed by me] as a respondent, it

was determined by the Jaleśvara court, after calling officers and [other] authorities (*pagari*) as witnesses, that when the teacher Mohanadāsa was still alive the office of head of the monastery had been granted to me. I obtained the office of head of the monastery, giving the money [that is the customary gift]. Thereafter, when [my] teacher Mohanadāsa died, Bālādāsa, Sukharāmadāsa, Rāmajīvanadāsa and Prāṇadāsa signed a document [drawn up by the court] regarding my lawsuit on the 14th of the bright fortnight of Māgha in the year [VS 19]20 [1864] [and] witnessed by Gopāla Jhā, Rāmavakta (Rāmabhakta) Koi and Bhuvana Maṃḍara,” stating: “The office of head of the monastery was earlier granted to Kāsīdāsa by our teacher; thus today, too, we four agree to grant it to Kāsīdāsa.” [However], Bālādāsa claimed that the mentioned document [presented by Kāsīdāsa] was forged. When the witnesses to the above document were brought [to court] after a *rukkā* was issued [summoning them], Sukharāmadāsa (the eldest disciple [of Mohanadāsa]) and the three [other] mentioned witnesses gave a written statement to the effect that the document was not forged but is genuine, and that, if necessary, they were ready to swear solemnly [to that effect]. Thus, the court made the following decision in that lawsuit: “Bālādāsa agreed to follow [the provision of the *Ain*, writing a statement on the 14th and 15th of the bright fortnight of Mārga in the year [VS 19]23 [1866], as follows: If we are unable to present ourselves in court on a daily basis and are [once] absent up to the 15th day, then in accordance with section 56 ‘On Court Procedures,’ the court shall deem the party opposing me the winner of the lawsuit and me the loser, even if there is the possibility that I would have won the case.” He presented himself in court for the first 9 days. From the 10th day, he remained absent and has never come back to court. Therefore, the office of head of the monastery shall be granted to Rāmadāsa, a disciple of [the late] Kāsīdāsa. Since Bālādāsa has no house or property to confiscate in accordance with section 56 ‘On Court Procedures’ for having made a false claim to the office of head of the monastery, he shall be made to write a *jabānabandī* (written statement of the acceptance of a court decision) and fined 3,000 company rupees in accordance with section 34 ‘On Guṭhī Endowments’ when he is found. If the fine is not paid, he shall be imprisoned. After his prison term is over, he shall be set free. [One] shall take 750 company rupees, one fourth of the fine, as the victor’s fee, from Rāmadāsa in accordance with miscellaneous Articles on the law relating to ‘Guṭhī Land.’

When Bālādāsa was granted the land and a *rukkā* certifying his victory was issued to him, Rāmadāsa signed on household paper his

resignation from the office of head of the monastery and made an agreement with Rūpalāladāsa, giving this office to the latter. Therefore, Ḍiṭṭhā Chandalāla Burlākoṭī and Bicārī Kapila Muni Pādhyā of Jaṅgī Adālata No. 1 came to the decision that it would be appropriate to dissolve the lawsuit by issuing a *rukkā* under the name of Rūpalāladāsa to certify his victory. They forwarded the decision to the Council on Monday, the 2nd of the dark fortnight of Māgha in the year [VS 19]23 [1867].

The Council investigated, deemed the decision of the lower court appropriate and forwarded it [higher up] for review. The Council's decision was endorsed. When the court proceedings were going on regarding the lawsuit filed by Bālādāsa against Kāsīdāsa in order to obtain the office of head of Basahiyā monastery in Mahuttari District, which Bālādāsa would [in the end] not obtain, the head of the monastery, Kāsīdāsa, died. Rāmadāsa (a disciple of Kāsīdāsa) and Bālādāsa signed a document in accordance with section 56 on 'Court Procedures' stating that in the case where [either of the two] did not present himself in the court on a daily basis and remained absent for 15 days, the one who was absent would concede defeat and acknowledge the other as victor in the case, even if he [himself] had been likely to win the case. After that agreement, Bālādāsa presented himself in the court for the first 9 days. On the 10th day, he fled. Therefore, Bālādāsa shall be fined 3,000 company rupees in accordance with section 34 on 'Guṭhī Endowments' when found. If he does not pay that fine, he shall be imprisoned; when the prison term is over, he shall be set free. Rāmadāsa shall be made to pay 750 company rupees as a victor's fee in accordance with the miscellaneous *Ain* on 'Guṭhī-land'. Thereupon, a favourable written judgement is to be issued under Rāmadāsa's name. Your (Rūpalāladāsa's) classmate (*gurubhāi*) Rāmadāsa signed a waiver stating: "You (Rūpalāladāsa) shall occupy the office of head of the monastery as long as you live, but you shall not have any disciple, while I shall manage [the monastery's] secular affairs. I (Rāmadāsa) will assume the office of head of the monastery after your death."

It came to be known to us through ---1--- (i.e., Prime Minister Jaṅga Bahādura Rāṇā) and the venerable Commander-in-Chief General Raṇa Uddīpa Siṃha, a prince born of a prince, that you made a petition stating: "A *rukkā* but not a *lālamohara* was issued under my name on Sunday, the 13th dark fortnight of Phāguna in the year [VS 19]23 stating: 'You (i.e., Rūpalāladāsa) shall make Rāmadāsa the [executive] manager of the monastery and enjoy the office of head of it as Mohanadāsa

did. You shall not have any disciple. Rāmadāsa shall be the head of the monastery after your death’.”

Therefore, we, too, hereby issue a *lālamohara* to you regarding the office of head of Basahiyā monastery, [with the following details]: “In accordance with the details written down in the favourable judgement, you (i.e., Rūpalāladāsa) shall make Rāmadāsa the [executive] manager of the monastery and enjoy the office of head of it as long as you live, as Mohanadāsa did. You shall also enjoy the detached land possessed by Basahiyā monastery, but you shall not have any disciple. Rāmadāsa shall be head of the monastery after your death. You shall continue with the daily and casual worship, rituals, festivals and *dharmasadāvarṭta* as they have been fixed and passed down by tradition. Celebrate our victories and enjoy the office of head of the monastery.”

On (...), the (...) dark fortnight of Caitra in the [Vikrama] era year [19]27. Auspiciousness.

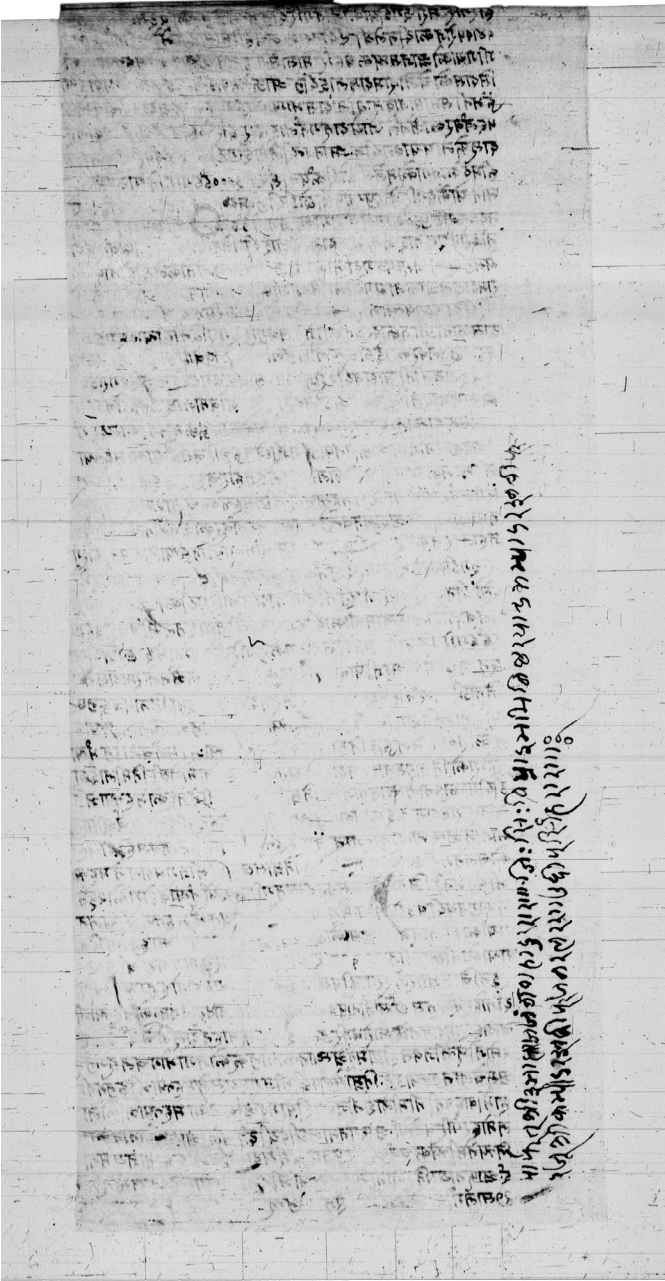
Through (*mārphaṭ*) the thrice-venerable great king Prime Minister and Commander-in-Chief G.C.B. Jaṅga Bahādura Rāṇā

Verified by (*ruju*) venerable Commander-in-Chief General Raṇa Uddīpa Siṃha Rāṇā

[1r-part2]

श्रीमठमया इत्याहुं भनी बालादास ले इत हाए च हाइ महनकापिदास
 संग प्रपक्षे दे मानिज महनमदी नीज महनका चेलाराम दास ले री
 नबालादास ले अदालत बन्दो वस्तुका पहल बरका अतनो गाबीक रोमरो
 महनी रि मयुवो र १५ दीनसम्मगेर मयो भत्या जीत इत्या भया पनी हाए
 रि इगडियाको नीजगरी दीनु भत्या मुकुल्को ले वीर दीन सम्म हा नी रि
 दसो दीन दे वी भागी जी हा नी नबालादास ला इ उठो बना ३४ वी वर का
 नले बालादास फेला पयोका दीन अमान बन्दे लि बाइ तनु सी बोटे ३६ जा
 र ३६ गरी नित्या के पेसा नी नी नीत्या के दगरी के द प्रमा पेछी छडी दीन्या
 छनु महनया श्री महनी त्या बाव नः फुकर उठी ग्या का अने ने राम दास संग
 जिताडि कस्य न सिपेया ७५० ली निज राम दास का नाउना जितापत्र कुठम
 यो हा ग पनी आफ नाखी भा म महनया श्री चला उठु अरु चेलो न गुल्का उ
 नु का रो बारि मे ले हुनु नि द्वा लेख पछी यो महनया श्री मे ले चला उठु भूया
 ने हो राको नि द्वा गुफ हाइ राम दास ले अराथे स्मारो नी ला माखि वी निमी नाई धा
 डी द्या का इना ले सो न मे जी नि नि द्वा जि उता भर नीज मठको महनया श्री
 चला इ राम दास ला इ का रो बारि उल्या इ महन मोह नू दास ले चि सि आधा व
 मो नी मि आफ नाखा नी रि जा मा संग महनया श्री जानी नीज बस ही द्या मठ
 को चले गुठु अरु चेलो न गुल्का उठु नि द्वा लेख पछी नीज राम दास ले महनया
 श्री हुनु भनी जितापत्र को ल का दस्त नगरी अकथो भया वे हो रा को २३ मा
 ल फा गुन बदी ३ रो म १ मा मे रा नाउ मा रु का दस्त न मे महनया श्री चला न
 गथा को हो लाल मोहर म फको छे न भनी नीम लि -- व -- का हु रा मा बिनी
 गमा को बिसा नीज -- व -- र्थ मिडा न फुमा रुमा रा म न श्री कृ ल्या इ
 र इ न चि फज नरे न ररा उडी पसी वि कुनर ररा गाठ हा द्या इ उर मा विनी या
 दा गी र मयो तस धरि लो नी मा पब मो नी कृ ति द्वा पूत भार नि गनठ को न हन्या श्री
 चला इ राम दास ला इ का रो बारि उल्या इ महन मोह नू दास ले चि सि आधा
 व मो नी मि नीज बस ही द्या मठ अस्थान का नाउ क को जगा भोग चले न गुठु
 अरु चेलो न गुल्का उठु नि द्वा लेख पछी नीज राम दास ले महनया श्री हुनु भनी
 हा नी बाठ पनी नीमी ला इ नीज बस ही द्या मठ अस्थान का महनया श्री को ला
 ले यो हर गरी बकेयो अस्थान मा अर्ध वि वी दी चनी आसा मये दीन म्मा
 निम्य ने म निम्य क पब पब का पुनार अ म स दाबे न च ला इ हा जो मय मवा
 इ आफ नाखा निर जा मा संग महनया श्री भा नी भोग पगार इ ति स स्व न १६
 ३१ साली नी नी चि च वदी राम ७५५

[7v]



Document 4 (K 175/18)

A complaint (*ujura*) made by Samsera Bahādura Pāḍe re the Rājakumārī Pāḍenī case (VS 1934)

Edited and translated by Rajan Khatiwoda; dated VS 1934 (1877); National Archives, Kathmandu, Guthī Saṃsthāna, Bhadrakālī; 2; Guthi Jamina Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 175/18 on 04/06/1991; for the digital edition, see <https://doi.org/10.11588/diglit.39466>.

Abstract: This document is a complaint made by Samsera Bāhādura Pāḍe, an inhabitant of Naradevī Ṭola in Kathmandu, against his *kākī* (wife of his father's brother) Rājakumārī Pāḍenī. She is accused of meeting her by then incestuous husband, Pṛthi/Pṛthvī Bahādura Pāḍe, accepting cooked rice from him and having sexual intercourse with him.

Edition:

[1r]

६६³²

- 1 संसेर वाहादुर पाडेको उजुर
- 2 ४ पुस्ताकि दिदि [र] भाउज्यूसंग वात लागि भागी जान्यासित जानि जानि सग गै [भातमा]
- 3 भतिन्यालाइ भातको पति<या> दीनु भन्त्या अइन पनि छैन अधिदेषि आ[जस]-
- 4 म्म कसैको भयाको पनी छैन ---१
- 5 १८ सालमा निजलाइ भातको पतिया भयाको भया भताहालाइ भात किन
- 6 ष्वाइनन्³³ ष्वाइनन्³⁴ तापनि गुरुप्रोहित राषि पतिया देषाउनु पर्न्या हो
- 7 किन देषाइनन् ---२
- 8 पतिया देषायाकि भात ष्वायाकि³⁵ भया पतिया देषन्या गुरुप्रोहित र
- 9 भात षान्या भताहा ल्याउन् ---३
- 10 अघि ष्वाया³⁶ देषायाको नभया निजलाइ भयाको पतिया ल्याउन् ---४

32 This has been added by a second hand.

33 For *khvāinan*.

34 For *khvāina*.

35 For *khvāyāki*.

36 For *khvāyā*.

- 11 पतियाको कागज हरायाको भया अदालतवाट पतिया गरिदिनु भं-
 12 न्या पुर्जि भयाको होला तेस्को नकल् ल्याउन् ---५
 13 हुकुंले पतिया भयाको हो भन्या प्रमान्गीको³⁷ कागज ल्याउन् ---६
 14 पतिया भयाको आज १६ वर्षसम्म भात षान्या भताहा कोहि ननिस्कने
 15 पतियाको कागज नदेषाइ यउटा फारको³⁸ नकल् मात्र देषाउन्या पु-
 16 र्जिमा भयावमोजीं स्याहामा कुरा लेषिदैन स्याहामा लेखियावमो-
 17 जिं आवर्जेमा लेषिदैन आवर्जेमा लेषियावमोजिं जमा षर्चमा लेषि-
 18 दैन जमा षर्चमा लेषियावमोजिं फारकमा लेषिदैन आज फारक-
 19 मा लेषियाको कुराका नक्कल्ले मेरो चित्त वुझ्दैन ---७
 20 येति प्रमाण नवुझि भताहाले भात षायाको नभया पनि अव षानुप-
 21 छ्छ भन्या हुकुं हुंछ भन्या भताहा सवै सामेल हुउन् भताहाले भात षांछ्छु
 22 भन्या म सामेल छु मेरो उजुर छैन ---८

Translation:

66

A complaint made by Samsera Bahādura Pāḍe.

There is no provision in the *Ain*³⁹ that allows for the expiation (*patiyā*) through the offering of cooked rice to an individual who accompanies and willingly partakes in a meal with someone who has fled after committing adultery with a non-widowed (*sadhavā*) wife of a fourth-generation cousin and a fourth-generation female cousin. Such a form of expiation has never been granted to anyone to date. --- 1⁴⁰

If the expiation with respect to cooked rice was granted to her in [VS 19]18 [1861], why has she not fed cooked rice to someone of the same caste (*bhatāhā*) [since then]?⁴¹ She has not fed [any such person], but still she should have borne witness to the expiation by inviting a Brahmin priest (*guru-purohita*) [to accept cooked rice from her]. Why has she not borne witness to [it]? ---2

If she has borne witness to the expiation [or] fed cooked rice to someone of the same caste, let her bring forward [as corroborators] the

37 For *pramāṅgī*.

38 For *phāarakako*.

39 The term *ain* here refers to the MA.

40 The complaint made by Samsera Bahādura in this document is confusing without knowledge of the other documents mentioned above, since he only sets forth the substance of his complaint without mentioning the accused's name.

41 *Bhatāhā* is a person with whom one can eat cooked rice without being contaminated (i.e., a fellow caste member; see T, s.v. *bhatāhā*).

witnessing Brahmin priest and fellow caste members who ate cooked rice offered by her. ---3

If there is no one whom she fed or bore witness to earlier, let her bring the expiation [certificate] (*patiyāpūrjī*) issued to her. ---4⁴²

If the official document (*kāgaja*, i.e., the certificate) of expiation has been lost, there should be a *pūrjī* (an official short note) issued by the court ordering that she be granted expiation. Let her bring a true copy of it. ---5

If the expiation was undertaken by official order (*hukumale*), let her bring the official document of the *pramāṅgī*. ---6

No fellow-caste member who has eaten cooked rice [with her] has showed up until today, 16 years after the expiation took place. [Is it enough] to show a copy of the *phāraka*⁴³ without showing the official document relating to the expiation? The matter is not recorded in the *syāhā*⁴⁴ the way it is in the *pūrjī*, nor is it recorded in the *āvarje*⁴⁵ the way it is in the *syāhā*. [Furthermore,] it is not recorded in the [account book containing] total expenditures (*jammā kharca*) the way it is in *āvarje*, nor is it recorded in the *phāraka* the way it is in the [account book containing] total expenditures. Now, I cannot be satisfied only with a copy of what is written in the *phāraka*. ---7

If, irrespective of whether a fellow caste member has eaten cooked rice with her or not, you [still] give [me] an order to eat [cooked rice with her] without having made an inquiry into the [above-mentioned] evidence, I will, assuming all fellow caste members are present there and are ready to cooked eat rice with her, also be present. I have no complaint [in that case]. ---8

[VS 1934 (i.e., 1877)].⁴⁶

42 Rajākumārī Pāḍenī later did show the expiation certificate as demanded by Samsera Bahādura (see Part II: C, Document 6). However, this certificate, while stating that she has undertaken the expiation, does not specify whether the expiation was granted in terms of cooked rice or only of water.

43 The term *phāraka* (*phārakha*) refers to a written receipt and acquittance, which serves as a deed of release from all demands. It can also be used as a deed of dissolution of partnership or parcenership, or even as a bill of divorcement, as explained by Wilson (1855: 156 s.v. *Fāriḡ*).

44 K. K. Adhikari 1984: 357 defines this term as “Account book, Cash book.” To what stage of account keeping it exactly refers to remains unclear.

45 According to H. H. Wilson (1855: 40 s.v. *awārija*), this term denotes “a diary, a ledger, a rough note-book, an abstract account of receipts and disbursements.” This suggests that the term *jammā kharca* designates account books recording income and expenditures over a longer period of time, whereas *āvarje* may have been a list recording income on a daily basis.

46 Though the date of this document is not mentioned, it can be ascertained. The expiation of Rājākumārī Pāḍenī took place on Tuesday, 9th of dark fortnight of

Commentary:

The term *patiyā* has been translated as ‘expiation’, as synonymous with the Sanskrit term *prāyaścitta*. A. Höfer’s discussion of both terms is worth quoting. He writes:

[...] the MA speaks of *prāyaścitko patiyā*, i.e., the re-admission to the caste (*patiyā*) by way of absolution (*prāyaścitta*). It is remarkable that the MA accomplishes rehabilitation through a particular legal act [...].⁴⁷

Thus, according to A. Höfer, *patiyā* specifically designates the reinstatement into one’s caste, whereas *prāyaścitta* is a way of absolution for that. A. Michaels, discussing the same terms writes:

So far I have used the term ‘rehabilitation’ (*patiyā*, *prāyaścitta*) as a blanket term denoting absolution, penance, expiation or purification as well as penalty. It is indeed difficult to draw any clear terminological borderline between *patiyā* and *prāyaścitta*. Quite often they seem to be used as synonymous.⁴⁸

Thus in the MA, although in Section forty (MA-ED2/89 §40) the term *patiyā* was used,⁴⁹ whereas in section forty-one (MA-ED2/89 §41) *prāyaścitta* was preferred. Moreover, some important distinctions have to be done. In most cases, *patiyā* is the penalty through which one keeps or regains one’s caste status. In the MA however, *prāyaścitta* focused on the expiatory aspects of rehabilitation, while *patiyā* was mostly used to denote the readmission to one’s commensal group after punishment and/or paying a fine.

In the MA itself, no obvious distinction is made in the use of these two terms; they seem to be freely interchangeable. *Patiyā* is possibly a *tadbhava/tajja*-word deriving from the Sanskrit term *prāyaścitta*.⁵⁰ I may provide a few instances to demonstrate that both terms occur in the MA without any distinctive difference in meaning: 1. The randomness

Mārga in VS 1918 (see the 2nd and 6th paragraphs of this document, NGMPP K 175/32 and NGMPP K 175/34) and Samsera Bahādura submitted his complaint 16 years after the expiation, that is, in VS 1934 (1877).

47 Höfer 2004: 162.

48 See Michaels 2005b: 35.

49 See MA-ED2/89 §40.

50 Note: NBS gives Skt. *patita* as the etymology.

of their use as seeming alternatives of each other (i) Sections forty and forty-one of the Article 89.⁵¹ These sections deal with washing the feet of one's daughter during the marriage ceremony. The Section forty allows, in particular, all Sacred Thread-wearers except for Brahmins to drink water while washing the feet of an unmarried daughter (*kanyā chorīko*) born to a wife from the same caste, whereas if the daughter is born to a wife of a caste, one may not accept cooked rice from, one is allowed to drink water only while washing the daughter's hand. If water is drunk while washing the feet, a fine of two rupees is levied, and *prāyaścitta* calling for the payment of eight *ānā* is enjoined. Moreover, if water is drunk while washing the feet of a daughter who is born to a common woman whether from the same (Non-enslavable) caste as that of the father (a Sacred Thread-wearer) or from an Enslavable caste from which one may not accept water, the fine is five rupees and *patiyā* the payment of one rupee as a cow offering fee (*godāna*). Similarly, Article 41 allows the father, a brother, and other relatives to drink water while washing the hands of the bride and groom if the bride is born to an Upādhyāya Brahmin father and a remarried widowed mother from a Sacred Thread-wearer's caste. If water is drunk while washing her feet, the fine is two rupees and *prāyaścitta* as well as a two *ānā* cow offering fee. Moreover, if water is drunk while washing the feet of a bride born from a common woman whether belonging to the (Non-enslavable) caste of a Sacred Thread-wearer or to an Enslavable caste etc. or a caste from which water cannot be accepted, the fine is five rupees and *prāyaścitta* as well as one rupee as a cow offering fee. As shown in this example, the terms *patiyā* and *prāyaścitta* are not confined to mutually distinct contexts; they are used as alternatives to each other. 2. *patiyā*, as noted by A. Höfer and A. Michaels, does not always necessarily imply readmission into one's former caste (i) For instance, section twenty-four of Article 89 pertains to offenders who are not readmitted into their own caste even after receiving *patiyā*.⁵² The offender in this case is someone who has not committed any offence but has been shaved (*muḍiyāko rahecha*) and made to eat something taboo because of the anger caused to some authority. Such offenders are not granted *patiyā* with respect to cooked rice, only with respect to water. One should note here that a person cannot be readmitted into his caste if cooked rice cannot be accepted from him and that cooked rice cannot be accepted from an offender

51 See MA-ED2/89 §§40 and 41.

52 See MA-ED2/89 §24.

who has not received *patiyā* with respect to cooked rice. One may take water from him if he has received *patiyā* with respect to water, but that will not suffice for him to be readmitted into his caste. Thus, I again conclude, on the basis of above example, that *patiyā* is wholly synonymous with the term *prāyaścitta*. By undertaking *patiyā/prāyaścitta*, one merely removes one's pollution, but purifying oneself may not always be enough to regain one's previous caste status. 3. The fact that some terms are used interchangeably is a common feature of the MA. In sections one and six of the 65th Article of the MA,⁵³ the terms *aṃśa-sarvasva* (lit. confiscation of an offender's entire portion of property) and *sarvasva* (confiscation of an offender's entire property) are used interchangeably.

53 See MA-ED2/64 §§1–6.

Facsimile:

[1r]

३५

सति बाह्य पाडे को ७७८

४ पुताको दिदि भाउ सुसंग बाता नागि भागी जः पासिद भातिना न सुगो
 भनि पाः गर भात को पाति दी उ म ना अ न वनि छैन अ धि दी बिना
 एक ले को भ पा को प नी छैन १

१८ सौ न प्रा नि ज लाइ भात को पाति पा भ पा के भ मा भ मा बा नाइ भात कि
 छाइ न नु छाइ न न ता पाति गु र घो त ता बि पाति पा दे वा ड उ प पा
 कि न दे वाइ न न २

पाति पा दे वा पा कि भात छा पा कि भ पा पाति पा दे भ ना गु र घो ति र
 भात जा ना भात हा ना ३

अ धि वा पा दे वा पा को न भ पा नि ज लाइ भ पा को पाति पा ना ४

पाति पा को का ग न टा पा को भ पा न न न त वा ड पाति पा मी दि उ भ
 ना उ नि भ पा को हो ना ते को न क न ना ५

७ कु ले पाति पा भ पा को हो भ ना पु सा गी को का ग न ना ६

पाति पा भ पा को भा ज १५ वर्ष ल म्भु पात छा ना भात हा को नि न नि स्का ने
 पाति पा को का ग न न दे वा ड भा ड टा पा को न क न ना न दे वा ड पा पु
 नि सा भ पा व मो जी सा हा भा कु टा ले बि दे ग स्वा हा पा ले बि पा व सा
 नि सा व जे सा ले छी दे न आ व जे सा ले बि पा व मो जी सा व न सा ले व
 दे न सा व न सा ले बि पा व मो जी सा व सा ले बि दे ग आ ज कु टा क
 सा ले बि पा को का क न क न ने मो नि न व ड दे न ७

पाति पा सा ता न म्भु भ ता हा ले भात छा पा को न भ पा मी नि न सा गु म्भु
 र्भ म्भु कु ल म्भु भ पा भात हा ल वे सा ले व ड दे न भ ता हा ले भात सा कु
 भ ना सा ले व ड दे न ८

Document 5 (K 175/32)

An unverified copy of a *phāraka* for an expiation fee paid by Rājakumārī Pāḍenī Kṣatryānī (VS 1918)

Edited and translated by Rajan Khatiwoda; dated VS 1918 (1861); National Archives, Kathmandu, Bhadrakālī; 16; Guthi Jamina Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 175/32 on 04/06/1991; for the digital edition, see <https://doi.org/10.11588/diglit.36932>.

Abstract: This document is an unattested copy (see the verified copy K 175/33 below in Part II:C, Document 7) of a *phāraka* confirming receipt of two rupees as an expiation fee (*bheṭī*) paid by Rājakumārī Pāḍenī Kṣatryānī for having eaten cooked rice and having had sexual intercourse with her incestuous husband Pṛthi Bahādura Pāḍe.⁵⁴

Edition:

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[श्री\]

५६⁵⁵

४७⁵⁶

नकल्⁵⁷

- 1 सम्बत् १९१८ साल मिति मार्ग वदि ९ रोज ३ । आफ्ना हाडमा ४ पुस्ताकि
- 2 दिदि पर्न्ये कालुसंग करनीमा विग्रेका आफ्ना विवाहिता लोग्न्या प्रि-
- 3 थि वाहादुर पाडे क्षतुसंग भेट्घाट् गरि नीजका हातको भात पानि
- 4 घाई करणि स्मेत् संसर्ग भया वापत् नरदेवि टोल् वरुया राजकुमारि
- 5 पडेनी क्षत्र्यानीका जिये १ सुद्धको प्रायस्चित्तको भेटि पैसा रु ---२

54 See NGMPP K 172/58 in <http://abhilekha.adw.uni-heidelberg.de/nepal/index.php/catitems/viewitem/10867/1> last accessed on 05 June 2023 and NGMPP K 175/18 above in Part II: C, Document 4.

55 This has been crossed out.

56 This has been crossed out.

57 This has been written in the middle left-hand margin of the document.

Translation:

Śrī

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Copy (*nakkala*)

Tuesday, the 9th of the bright fortnight of Mārga in the [Vikrama] era year 1918 (1861)

[This is a receipt for payment of] a Rs. 2 as an expiation (*prāyaścitta*)⁵⁸ fee in atonement for bodily pollution [incurred] by Rājakumārī Pāḍenī Kṣatryānī, a resident of Naradevī Ṭola by reason of having met her own ritually married husband, Pṛthi Bahādura Pāḍe who is guilty of committing adultery with his 4th-generation female cousin Kālu, of having received cooked rice and water from his hand and even of having engaged in sexual intercourse with him.

Commentary:

The document does not specify whether the expiation fee restored purity in terms of only water or of both water and cooked rice. Thus, it remains unclear whether Rajakumārī was readmitted into her caste or not.

The document mentions that Pṛthi Bahādura committed adultery with a 4th-generation female cousin but is silent about a similar act, referred to in other documents,⁵⁹ with a non-widowed sister-in-law. This may have been passed over here because it was not considered a crime in the MA, whose section seven,⁶⁰ dealing with adultery committed by Sacred Thread-wearer Kṣatriyas, states that such persons are not liable to punishment for adultery committed with a non-widowed sister-in-law if they are pardoned by the woman's husband. One can speculate, then, that Pṛthi Bahādura may have been so pardoned. Given, however, that this second instance of adultery is mentioned in documents 22 years later than the present ones suggests another possibility: that this accusation was first levelled in the intervening period.

58 See K NGMPP 175/18 for the discussion of this term.

59 See NGMPP K 175/18 and NGMPP K 172/58.

60 See MA-ED2/116 §7.

Document 6 (K 175/34)

A copy of *patiyā-pūrijī* issued to Rājakumārī Pāḍenī Kṣatryānī (VS 1918)

Edited and translated by Rajan Khatiwoda; dated VS 1918 (1861); National Archives, Kathmandu, Bhadrakālī; 18; Guthi Jamina Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 175/34 on 04/06/1991; for the digital edition, see <https://doi.org/10.11588/diglit.36934>.

Abstract: This document, most likely issued by a *dhamādhikārin* or *dharmādhikāra*, serves as a certification of the completion of the required expiation by Rājakumārī Pāḍenī. The expiation was performed for her involvement in sexual intercourse with her incestuous husband, Pṛthi Bahādura, as well as for sharing cooked rice and water with him.

Edition:

[*Ir*]

[श्री]

४१⁶¹

- 1 १९१८ साल
- 2 मार्ग वदि ९ रोज ३ मा
- 3 आफ्ना हाड्मा ४ पुस्ताकि दिदि पर्ने कालुसंग कर्णिमा वीश्याका आफ्ना
- 4 वीवाहिता लोगन्या पृथी वाहादुर पाडे छेत्रीसंग भेटघाट गरी नीजका हा-
- 5 तको भात् पानी षाई कर्णि स्मेत् संसर्ग भया वापत् नरदेवी टोल वरुया
- 6 राजकुमारि पडेनी क्षत्र्यानीको जिये १ सुद्ध ---२

Translation:

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61 The number was added by a second hand.

On Tuesday, the 9th of the dark fortnight of Mārga in the [Vikrama] era year 1918 (1861).

[This is to certify that] the body (lit. 1 body) of Rājakumārī Pāḍenī Kṣātryānī, a resident of Naradevī Ṭola, [has been] purified. [She had been polluted] by reason of having met her own ritually married husband, Pṛthi Bahādura Pāḍe who is guilty of committing adultery with his 4th-generation female cousin Kālu, of having received rice and water from his hand and even of having engaged in sexual intercourse with him. ---2.⁶²

Commentary:

Although the document itself does not reveal who issued it, one can argue on the basis of the customary practices of the time that it must have been some *dharmādhikārin*.⁶³

The *pūrjī* does not specify whether Rājakumārī has been granted expiation in terms of cooked rice or water. Thus, her caste status after the expiation remains unclear.

Broadly speaking, the Hindu legal tradition offers two types of punishments; religious and secular. Penance (*prāyaścitta/patiyā*) is a form of religious punishment, whilst penalty or fine (*daṇḍa*) is secular which includes such as, capital punishment, confiscation of property or fine etc.⁶⁴ Nevertheless, the Classical Hindu law focuses more on moral consequences of criminals rather than their objective motives. For example, it is stated in Manu that one can very quickly eliminate sins by penance.⁶⁵ Similarly, the MA also offers mentioned two schemes of punishments, secular (for non-religious affairs such as, on homicide or theft) and religious (for religious affairs such as, drinking alcohol or funerary rites). The concept of penance incorporated in the MA has a certain influence of the classical sources of Hindu law. Fasting, visiting a pilgrimage place, repetition of Mantras, cow offering ritual (*godāna*) etc. are the forms of penances incorporated in the MA. To

62 This number probably denotes the expiation fee paid by Rājakumārī (cf. K 175/32, document 5 above and K 175/33, document 7 below).

63 See Michaels 2005b: 39 and NGMPP K 175/18 (document 4 above).

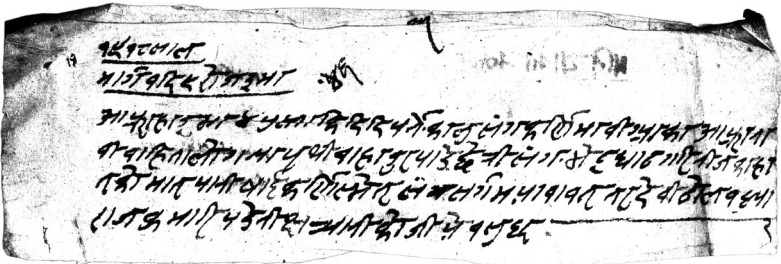
64 See Kane 1953: 8–86 for the concept of *prāyaścitta* (penance) and *daṇḍa* (penalty).

65 *yatkimcid enaḥ kurvanti manovānmūrtibhir janāḥ, tat sarvaṃ nirdahanty āśu tapasaiva tapodhanāḥ* (whatever transgressions individuals commit through their mind, speech, or actions, through the austere practices as their sole treasure, they swiftly expiate all of them by virtue of their ascetic endeavors. MDh 11.242).

remain in a state of impurity was a serious social and moral issue in the pre-modern Nepal. One has to remove impurity as soon as possible either by undertaking penance if impurity emerged accidentally or his caste status has to be degraded if impurity emerged from willingly carried out action, so that he will not be able to make another person impure. For example, the MA forbids all Sacred Thread-wearer caste groups to consume alcohol. If anyone belonging to a Sacred Thread-wearer caste group knowingly drinks alcohol, his Sacred-Thread should be removed and his caste status should be degraded into that of a Non-enslavable Alcohol-drinker.⁶⁶ No expiation can help to remove the offender's pollution which emerged out of knowingly drinking alcohol. If such pollution emerges out of accidental actions, the MA offers expiation to get rid of it.⁶⁷

Facsimile:

[1r]



66 MA-ED2 87/ §12.

67 *arkākā gharabhitra jāta jānyā kuro ra naṣānyā abhakṣa laiḡ kasaile rāsecha gharakā mānsale thāhā napāi bhoramā ṣāyāchan bhanyā jāta jānyā kuro gharabhitra rāṣanyālāi 10 rūpaiyā damḍa garnu. thāhā napāi bhoramā ṣānyālāi patiyā garāidinu* (If someone has brought any forbidden substance or food, the consumption of which leads to caste degradation, to someone else's house, and if a person from the house unknowingly consumes it by deception, the culprit shall be fined 10 rupees. Someone who has consumed [such a substance or food] unknowingly or by deception shall be granted expiation. (MA-ED2 87/ §22).

Document 7 (K 175/33)

A verified copy of a *phāraka* for an expiation fee paid by Rājakumārī Pāḍenī Kṣatryānī (VS 1918)

Edited and translated by Rajan Khatiwoda; dated VS 1918 (1861); National Archives, Kathmandu, Bhadrakālī; 17; Guthi Jamina Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 175/33 on 04/06/1991; for the digital edition, see <https://doi.org/10.11588/diglit.36933>.

Abstract: This document is a verified copy of a *phāraka*⁶⁸ confirming receipt of two rupees as an expiation fee (*bheṭī*) paid by Rājakumārī Pāḍenī Kṣatryānī in atonement for having eaten cooked rice and having had sexual intercourse with her incestuous husband Pṛthi Bahādura Pāḍe.⁶⁹

Edition:

[1r]

[श्री]

५५⁷⁰

४७⁷¹

- 1 सही [---] १८ सालमा कारींदालाई भयाका फारषका
- 2 (स)क्कलवमोजिम यो नक्कल दुरुस्त छ भनि
- 3 सहीछाप गर्न्या राईटर सिद्धिलाल---⁷²

- 1 १९१८ साल मार्ग वदी ९ रोज ३
- 2 आफना हाडमा ४ पुस्ताकी दीदी पन्या कालुसंग कर्णिमा विग्र्या-
- 3 का आफना विवाहिता लोगन्या पृथी बाहादुर पाडे क्षत्रीसंग
- 4 भेटघाट गरी निजका हातको भात पानि पाई करणि स्मेत् सं-
- 5 सर्ग भया वापत् नरदेवि टोल वरुया राजकुमारी पडेनी क्ष-
- 6 त्रेनीको जीय १ शुद्धको प्रायश्चित्तको भेटी पै रु ---२

68 See the unverified copy in NGMPP K 175/32 (Document 5 above).

69 See NGMPP K 175/18 (document 4 above) and NGMPP K 172/58.

70 This has been crossed out.

71 This has been crossed out.

72 This section of the text has been recorded in the left-hand margin of the document.

Translation:

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Signature: This has been signed and stamped by Writer (*rāṭṭara*) Siddhilāla [in verification of the fact that] “this copy is true to the original *phāraka* submitted to a government clerk (*kāriṃdā*)⁷³ in the [Vikrama] era year [19]18 [1861].”

[Date]: On Tuesday, the 9th of the dark fortnight of Mārga in the [Vikrama] era year 1918

[This is a receipt of] the fee of 2 rupees in order to undertake expiation for the purification of the body (lit. 1 body) of Rājakumārī Pāḍenī Kṣatryānī, inhabitant of Naradevī Ṭola [who has been polluted] by having sexual intercourse with her own ritually married husband, Pṛṭhi Bahādura Pāḍe who is guilty of committing adultery with his 4th-generation female cousin called Kālu, by meeting him and by receiving cooked rice and water from his hand.

Commentary:

See the ‘Commentary’ of K 175/32 (document 5) above.

73 The final paragraph indicates that the original copies of such documents were kept by the government for its own records.

Document 8 (K 172/63)

A letter granting water-expiation to nine members of Pṛthi Bahādura Pāḍe's family (VS 1928)

Edited and translated by Rajan Khatiwoda; dated VS 1928 (1871); National Archives, Kathmandu, Bhadrakālī; 7; Jāta Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 172/63 on 14/05/1991; for the digital edition, see <https://nepalica.hadw-bw.de/nepal/editions/show/10865>.

Abstract: The first part of the letter, probably issued by a *dharmādhikārin*, explains the ritual procedures for undertaking expiation.⁷⁴ The ritual procedure has been specifically prescribed for nine members (including servants) of the family headed by Pṛthi Bahādura Pāḍe, who was guilty of committing adultery.⁷⁵ They nine became polluted through having afterwards met their incestuous husband, father or master, and then having eaten cooked rice together with him. The second part of the letter certifies the water-expiation granted to them, although it explicitly mentions that they are still excluded from eating cooked rice together with fellow caste members. One Kaptāna Khaḍga Siṃha Bhaḍārī Kṣatṛī had submitted a petition to the prime minister to allow water-expiation to be granted to the remaining family members of Pṛthi Bahādura in view of the first wife of Pṛthi Bahādura, Rājakumārī, having already been granted such expiation.⁷⁶ The prime minister responded to this petition by issuing an executive order to the court Iṭācapalī that water-expiation shall be granted in the same way as it had been to Rājakumārī before.⁷⁷

Edition:

[Ir]

[श्री]

74 See commentary on NGMPP K 175/18 (document 4 above) for a discussion of the term *patiyā*.

75 See NGMPP K 175/18.

76 See NGMPP K 175/18, 32 and 34.

77 See NGMPP K 175/32 and NGMPP K 175/34.

- 1 श्रीमद्भोरक्षभुपेन्द्रप्रेरीत स्मृतिसंमतम् ॥
2 दुरितच्छेदनोपायं प्रायश्चित्त समाचर ॥ १ ॥⁷⁸

- 1 श्री ३ महारा-
2 ज ---
3 १

- 1 प्रथम दिन नर वहादुर र किष्ण विर्याले मुण्डन गरि (अ)रुले नड
2 छेदन् गरि तिलकल्क माटो भस्म पंचगव्य लेपन गरि स्नान
3 गर्नु । तस दिन दिनैमा हविष्य ग्रास १५ षानु । दोश्रा दिन रात्री-
4 मा ग्रास १२ षानु । तेश्रा दिन नमागी कसैले षा भनी दिया
5 ग्रास २४ षानु । चौथा दिन निराहार गर्नु । यस्ता रितले फेरा ३
6 गर्दा दिन १२ हुंछ । १३ दिन्मा पंचगव्य षाइ ब्राह्मणलाइ सिधा
7 दक्षिणा दिनु । सहर काठमाडौं नरदेवी टोल वरुया पृथी वाहादुर
8 पाडे क्षेत्रीले आफ्ना हाडमा ४/५ पुस्ताका भाउज्यू र दिदी ना-
9 ता पर्न्याको स्मेत् करनी गर्याका मुद्दा १५ साल्मा निज पाडे मदे-
10 सतर्फ जादा नीजका संगमा गयाका ज्येठी मुषेनी र अरु तपसि-
11 लवमोजीम्का मानीस नीज पृथी वहादुरसंग भतीयापछी
12 जेठी मुषेनीले भन्या पतिया पाइन यकै सरहका तपसिल्का
13 मानीसले पनि सोहीसरह पतिया पाउनु पर्न्या हो भनी क-
14 सान षड्ग सिं भडारी क्षेत्रीले [---१---] का हजुर्मा विन्ती पार्दा हु-
15 कुम्बमोजीम् नीज पाडेकी जेठी मुषेनीलाइ पतिया भया-
16 को हुनाले नीज पाडेका अरु जहान तपसिलवमोजीम्का मा-
17 नीसलाइ पनी अदालत इटाचपलिवाट् पानीको मात्र प-
18 तीया गराइदिनु भंन्या हुकुम् भयाको साचो हो भनी २८
19 साल वैसाष वदी २ रो[ज] ६ मा मेजर कप्तान् सन्मान्सीं सिजाप-
20 ती क्षत्रीले प्रमाङ्गीमा सहीछाप गर्याको छ सोवमो-
21 म् तपसीलका मानीसलाइ (ऐंले) ज(हा) (...)
22 (...) हो भात वाहे(क)को पानीको मात्र पतिया गरिदिनु-
23 भया वढीया होला भंन्या अदालत इटाचपलिका २८ साल
24 वैसाष वदी २ रोज ६ मा छाप लागी आयाका पुर्जीवमो-
25 म् नीजवमोजीम् तपसिल्का मानीस जना ९ को भात
26 वाहकै⁷⁹ छ पानी मात्र सुद्ध ---

78 The verse has been faithfully transcribed as it appears in the document without correcting it in accordance with the standard Sanskrit grammar. Further, it has been edited and translated in Michaels 2005b: 42, where it occurs at the beginning of a *patiyā-pūjī*.

79 For *vāhekai*.

तपसील्

- 1 नीज पाडेकी व्याहीता माहीली मुषनी⁸⁰ हर कुमारी ---१
- 2 ऐं का छोरा वर्ष ४ को नर वहादुर ---१
- 3 नीज पाडेकी ल्याइता मुषेनी हरिलिला ---१
- 4 ऐं--छोरी वर्ष ५ की त्रिविक्रम देवी ---१
- 5 भान्स्या वाहुनी लक्ष्मी देवी ---१

चाकर

- 1 धर्मसीला केटी ---१
 - 2 किष्ण विर्या केटी ---१
 - 3 मोहन कुमारी केटी ---१
 - 4 इन्द्र कुमारी केटी ---१
- 1 इति सम्बत् १९२८ साल मीती वैसाष वदी ३ रो[ज] (७)

Translation:

Śrī

By order of the venerable king of Gorkhā, perform *prāyaścitta*, in accordance with the *smṛtis*, as a remedy that removes evil.

Śrī 3 Mahārāja (i.e., Prime Minister and Commander-in-Chief Jaṅga Bahādura) ---1

On the first day, Nara Bahādura and Kṛṣṇa Vīra⁸¹ should shave [their] heads and [along with] the other persons [mentioned below] should cut their nails,⁸² should anoint their bodies with sesamum husks (*tilakalka*), [sacred] ash and *pañcagavya*⁸³ and take a bath. On the same day, during the day-time, they should eat 15 mouthfuls of sacrificial food. On the second day, during the night-time, they should eat 12 mouthfuls. On the third day, they should eat if somebody offers [food] without their having asked [for any]. On the fourth day, they should fast (*nirāhāra*). [They should pass] twelve days repeating [the same procedure] three

80 For *muṣenī*.

81 Nara Bahādura was a son of Prthi Bahādura, while Kṛṣṇa Vīra was one of his servants (see under 'Detail' of the document).

82 Because Nara Bahādura and Kṛṣṇa Vīra are male they have to shave their heads as well as cut their nails, whereas the remaining persons are female and consequently are only required to do the latter.

83 *Pañcagavya* is prepared from the following five cow products: milk, curd, ghee, urine and dung.

times.⁸⁴ On the thirteenth day, they should eat the *pañcagavya* and offer *dakṣiṇā*⁸⁵ [together with other] uncooked ritual offerings to a Brahmin.

Kaptāna Khaḍga Siṃha Bhaḍārī Kṣatrī submitted [the following] petition to ---1--- (i.e., the prime minister) which states: “Regarding the case of adultery committed by Pṛthi Bahādura Pāḍe, a resident of Naradevī Ṭola of the Kathmandu city, with the [non-widowed] wife of a 4th/5th-generation cousin and with a 4th/5th-generation female cousin in the [Vikrama] year [19]15 [1858], Jeṭhī Mukhenī (i.e., Rājakumārī Pāḍenī)⁸⁶ and the persons listed in the details [below] were polluted through eating cooked rice with him after they had fled to the Terai with him. [Given that] Jeṭhī Mukhenī had been granted expiation by the order given, the other similarly [polluted] people who are listed in the details [below] should also be granted similar expiation.”

[Concerning this matter], on Friday, the 2nd of the bright fortnight of Vaiśākha in the [Vikrama] year [19]28 [1871], stamped official note (*chāpa lāgīyāko pūrjī*) has arrived, stating: “The order given to the Iṭācapālī court to grant water-expiation to the other members of Pṛthi Bahādura Pāḍe’s family listed in the details below is right given that his Jeṭhī Mukhenī granted expiation.”⁸⁷ In accordance with this note, the nine people [listed] in the details below [have been granted] water-expiation.

Details

Māhīlī Mukhenī Harakumārī⁸⁸ of [Pṛthi Bahādura] Pāḍe---1

His 4 years old son Nara Bahādura ---1

Lyāitā (concubine) Mukhenī Harililā of [Pṛthi Bahādura] Pāḍe ---1

His 5 years old daughter Trivikrama Devī ---1

[The female] Brahmin cook Lakṣmī Devī ---1

Servants

The slave girl Dharmaśīlā ---1

The slave boy Kṛṣṇa Vīra ---1

84 The four days of penance referred to may be the *pādakṛcchra* which when repeated three times becomes the *prājāpatyakṛcchra* (see YDh. 3.318–19).

85 Sacrificial fee or wage paid to the priest at the end of a ritual.

86 A *mukhenī/mukhinī* is the wife of a holder of the post *mukhiyā*. It is also simply an honorific word for addressing to the wives of Kṣatriyas (see NBŚ: s.v. *mukhinī/mukhenī*).

87 NGMPP K 175/32 and 34.

88 She is the second of Pṛthi Bahādura’s three wives; the first and second, Rājakumārī and Harakumārī were lawfully wedded spouses while the third Haralilā was a concubine.

The slave girl Mohanakumārī ---1

The slave girl Indrakumārī ---1

Saturday, the 3rd day of the dark fortnight of Vaiśākha in the [Vikrama] era year 1928 [1871].

Commentary:

Despite the fact that there is no mention of who drew up the document, it can be argued on the basis of the following points that the document was issued by a *dharmādhikārin* to the petitioners as an official certificate. 1. It is explicitly mentioned in the MA that only *dharmādhikārins* are entitled to perform the rite of expiation, once they receive an official written note (*pūrjī*) from the courts or an attested written order (*pramāṅgī*) from proper authorities.⁸⁹ 2. We see that the first part of the letter spells out the ritual procedures to be undertaken by the family members polluted through association with Pṛthi Bahādura. The MA is silent on such procedures, and a *dharmādhikārin* would have been the most likely authority competent to prescribe them. According to *smṛti* texts, for instance MDh,⁹⁰ three Brahmins who are learned in the Vedas are allowed to prescribe penances.

⁸⁹ See MA-ED2/89/ §§2–8.

⁹⁰ See MDh 11.84–86.

[1r-part2]

काजना...
 गीलाह...
 तीथागा...
 मानके...
 गा...
 गीम...
 दि...
 गधा...
 वेला...
 म...
 वा...

गीमाडेकी...
 ए...
 गीमाडेकी...
 ए...
 गीमाडेकी...
 ए...
 गीमाडेकी...
 ए...

गीमाडेकी...
 गीमाडेकी...
 गीमाडेकी...
 गीमाडेकी...

गीमाडेकी...
 गीमाडेकी...

Document 9 (K 172/57)

A deposition submitted by Samsera Bahādura Pāḍe to the Koṭṭiṅga court (VS 1942)

Edited and translated by Rajan Khatiwoda; VS 1942 (1886); National Archives, Kathmandu, Bhadrakālī; Bhadrakālī; 1; Jāta Vivāda; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 172/57 on 14/05/1991; for the digital edition, see <https://doi.org/10.11588/diglit.36931>.

Abstract

This is the deposition made by Samsera Bahādura Pāḍe before the Koṭṭiṅga-court that he is able to prove that Rājakumārī Pāḍenī—who is guilty of having sexual intercourse and eating cooked rice with her incestuous husband—had not yet been granted rice-expiation (*bhātako patiyā*).

Edition:

[1r]

- 1 श्रीकोटीलिङ्ग
- 2 १

(७६)⁹¹

सहि⁹²

- 1 लिषितम् नरदेवी टोल वरुये सम्सेर वहादूर पाडे क्षेत्री आगे मेरा (ठाहिला) वावा पिर्थी वहादूर पाडे छेत्रीले [१५ सा]-
- 2 ल्मा चार पुस्ताका दीदी नाता पन्ये कालु छेत्रानीको र भाउजू सधवा सोही चार पुस्ताका नाता पन्येको स्मेत् क-
- 3 नीं गरि भागी जादा नीजका वीवाहीता राजकुमारी पडेनी आफ्ना लोगन्या भागी गयाको ठाऊमा गै जानी जा-
- 4 नी कर्नी भात पानीमा भजी आयाकी हुनाले नीज राजकुमारीलाई भातमा वाहेक पानीको मात्र पतिया
- 5 हुंदा भातमा नचली वाहेक भै वस्याको र भतहाले पनी भात नषाइ वाहेक गरी राष्याको हो । भातको पति-

91 This has been crossed out.

92 This has been written just before the beginning of the first line of the main text, in the left-hand margin.

- 6 या भयाको र भतहाले पनि भातमा लि चलि चलाई आयाको स्मेत छैन । साचो हो ।
लेपीयाको वेहोरा भयाको
- 7 प्रमान् साक्षी भतहा तपसिलमा लेषी दीयाको षडा छ । लेषेको वेहोरामा नीज
राजकुमारी पडेनीलाई म काए-
- 8 ल गरौला । काएल गर्न सकीन र भयाको वेहोरा दवाई नभयाको ढाटी झुठा वेहोरा
लेषी दीयाको ठहर्यो भन्या
- 9 ऐनवमोजिम् वुझाऊला भनी मेरा मनोमान पुसीराजीसंग वादी मुचुल्का लेषी
अदालत --- १ ---मा चढाञ्चू ।

तपसिल

लेफटेन जगत वहादूर पाडे छेत्री ---१ अरू भयाको काग[ज]पत्र गैरह सबै ऐस क-
कसान सम्सेर वहादूर पाडे छेत्री ---१ चहरीमा षडै छ ---१
कसान भक्त केशर ---ऐं---१
कसान बल वहादूर ---ऐं---१
सीव धोज ---ऐं---१
कर्नेल वीजय जङ्ग ---ऐं---१
सुवेदार वेणी जङ्ग ---ऐं---१
चक्र जङ्ग पाडे छेत्री ---ऐं---१
नाऊ नजानेका सींह वीर पाडेका नाती ---१
सुवेदार प्रताप वहादूर पाडे ---१
सुवेदार तेज वहादूर पाडे छेत्री ---१
लेफटेन भुप भंजन ---ऐं---१
सुवेदार कुल भंजन ---ऐं---१
कसान नर जङ्ग पाडे छेत्री ---१
सुवेदार नर वीक्रम ---ऐं---१
ईनसाईन जुद्ध विक्रम् ऐं ---१

ईति सम्बत् १९४२ साल मीति फागुण सुदि ९ रोज १ शुभम् ---

Translation:

Venerable Koṭīlīṅga ---1

76

Signature

Written by Samsera Bahādura Pāḍe living at Naradevī Ṭola [of Asana].

Āge: In the year [VS 19]15 [1858], when my fourth uncle (*ṭhāilā bābā*) Pṛthi Bahādura Pāḍe Kṣatrī—after having committed adulteries

with his fourth-generation cousin sister Kālu Kṣatryānī and fourth generation non-widowed sister-in-law—had ran away, his married wife Rājākumārī Pāḍenī went to the place where her husband had fled, and she consciously had illicit sexual relationship with him and ate cooked rice and [drank] water with him. For that reason, she has been prevented from having cooked rice with the fellow caste members (*bhatāhā*), because she was only granted water-expiation, and she has not been accepted in having cooked rice with them. It is true that she has not been granted the expiation with respect to rice and not been allowed to eat together with the fellow caste members. The witnesses, containing the fellow caste members mentioned in the details below, are present as the evidence for what has been written. I will make Rājākumārī Pāḍenī confess regarding what has been written. If I am unable to make [her] confess, and if it will be proven that I have written a false accusation by lying and hiding the truth, I will pay [the fine] in accordance with the *Ain*. With this statement, I have willingly submitted this litigation-*muculkā* to the Court Koḷīṅga.

The Details

| | |
|--|----------------------------------|
| Lieutenant (<i>lephṭena</i>) Jagata | All other available documents |
| Bahādura Pāḍe Chetrī ---1 | and so forth are [already] there |
| Captain (<i>kaptāna</i>) Samsera | at this court. ---1 |
| Bahādura Pāḍe Chetrī ---1 | |
| Captain (<i>kaptāna</i>) Bhaktakeśara | |
| Pāḍe Kṣatrī ---1 | |
| Captain (<i>kaptāna</i>) Bala Bahādura | |
| Pāḍe Chetrī ---1 | |
| Sīvadhoja ---1 | |
| Colonel (<i>karnaila</i>) Vījaya | |
| Jaṅga ---1 | |
| Suvedāra Veṅṅjaṅga ---1 | |
| Cakra Jaṅga Pāḍe Chetrī ---1 | |
| The grandchild of Sīmhavīra Pāḍe | |
| whose name is unidentified ---1 | |
| Suvedāra Pratāpa Bahādura | |
| Pāḍe ---1 | |
| Suvedāra Teja Bahādura Pāḍe | |
| Chetrī ---1 | |
| Lieutenant (<i>lephṭena</i>) Bhupa | |
| Bhaṃjana ---1 | |

Lieutenant (*lephṭena*) Kula Bhaṃ-
jana ---1

Captain (*kaptāna*) Nara Jaṅga
Pāḍe Chetrī ---1

Suvedāra Nara Vīkrama ---1

Īnasāīna Juddha Vikram ---1

On Sunday, the 9th day of the bright fortnight of Phālguna in the [Vikrama] era year 1942 [1886]. May there be auspicious.

Commentary:

Samsera Bahādura is not convinced by the evidences presented by Rājakumārī. Because of the fact that the evidences⁹³ presented by Rājakumārī only mention that her body has been purified but do not specify whether she had granted both expiations, of water and rice or of only water. Thus, he submits a testimony of the eyewitness against Rājakumārī to the court that she has not yet been granted expiation of rice thus; she is not readmitted into the caste.

93 Rājakumārī has presented *patiyāpūrjī* as evidences of rice-expiation (see NGMPP K 175/33, 34 above and NGMPP K 175/35 in <http://abhilekha.adw.uni-heidelberg.de/nepal/index.php/catititems/viewitem/9437/1> last accessed on 05 June 2023).

Facsimile:

[1r]



Document 10 (K 175/2)

A *jabānabandī* submitted to the Adālata Bandobasta Aḍḍā by Samsera Bahādura Pāḍe (VS 1934)

Edited and translated by Rajan Khatiwoda; VS 1934 (1878); National Archives, Kathmandu, Bhadrakālī; 1; Nārāyaṇī Guṭhī; Ka. Po. 15 Gu. Bam.; microfilmed as NGMPP K 175/2 on 02/06/1991; for the digital edition, see <https://nepalica.hadw-bw.de/nepal/editions/show/24220>.

Abstract: This document is a *jabānabandī* submitted by Samsera Bahādura Pāḍe to the Adālata Bandobasta Aḍḍā. It mentions that since he was arrested and his property confiscated, the petitioner is unable to cause the defendant, Rājakumārī Pāḍenī Kṣatryānī, to be taken to the court and make her confess as stated by him in the complaint note submitted to the court.⁹⁴

Edition:

[*lr*]

श्री\

श्री ३ महाराज

१

श्री कोटिलि(ङ्ग)

२

[Seal]

सहि⁹⁵

- 1 लिपितम् नरदेवि टोल वरुया सम्सेर वहादुर पाडे क्षेत्री । आगे मेरा ठाहि-
- 2 ला बावा पृथि वहादुर पाडे क्षेत्रीलाई हाडनातामा ४ पुस्ताकि दिदि-
- 3 का कर्णिको बात लागी १६ सालदेपी मध्यैसतर्फ भागी गयापछि
- 4 नीजकि ज्येठी मुषेनी राजकुमारीलाई आफ्ना विवाहिता लोग्ग्या पृ-

⁹⁴ See NGMPP K 175/18.

⁹⁵ This has been written just before the beginning of the first line of the main text, in the left-hand margin.

5 थि वहादुर पाडे क्षेत्रीसग भेट्घाट् गरी नीजका हातको भात पा-
 6 नी पाई कर्णि स्मेत संसर्ग भया वावत् जिय १ सुद्ध भंन्या वेहोराको
 7 १८ सालैमा पतिया भयाको हुनाले स्मेत् २६ सालमा थापाथलि
 8 ---१---का हुकुम्वमोजिम् नीज ठाहिली आमा राजकुमारीले र मे-
 9 रि आमा रत्नकुमारिले आधि आधि अंस गरी पाईआयाकि रहिछ-
 10 न् । हाम्रा नारायणी भंन्या स्मेत् ज्मा ६ गुठी नीज ठाहिली आमाले मा-
 11 त्र चलन् गरिआयाकि हुनाले नीजले मात्र चलन् गरी षान र हाम्रो वं-
 12 डा भयाको दुकुटि वलमिचि चलन् गर्न नीजले पाउन्त्या होइन भं-
 13 न्या मुद्दा स्मेत्को ३१ सालमा नीज मेरी आमाले अदालत ---२---
 14 मा वादि इजहार दियापछी इटात्रपलिमा सर्दा र सो गुठि तैले चला-
 15 उनु भनी लेखिदियाकि हुनाले भत्के विग्र्याको स्मेत मैले वनाई चलन्
 16 गर्याकि हुं अवंडा दुकुटि दवाई षान रत्नकुमारीले मात्र पाउन्त्या होइ-
 17 न भंन्या मुद्दा स्मेत्को नीज ठाहिली आमाले प्रतिवादि दि सो धनमा-
 18 लमा स्मेत् हामिलाई प्रकाउ गर्दा हाइनातामा कर्णि गर्यामा जात प-
 19 तित भै सुद्र सरहमा गयाका आफ्ना लोग्न्यासग सवै वेहोरा थाहा पा-
 20 ई जानी जानी सग लागी भात पानीमा भजि आयाकि पानीको मात्र प-
 21 तिया पाजां भनी जात भात् वाहेक भयापछी कौनै वेहोराले पनी अं-
 22 स नपाउन्त्याले फुलेई फकाई ढाटी अंस लिन पाउन्त्या होइन । बुद्धा
 23 जात भात् वाहेककि वाहेकै छन् भंन्या इत्यादि मुद्दा स्मेत्को नीज ठा-
 24 हिली आमाका नाउमा मैले ---१---का हजुरमा विंतिपत्र चढाउदा
 25 र नीजलाई भयाका पतियाका माथि लेषियाको फारकको नकल स्मेत्
 26 बुझि यस् मुद्दामा कसो भयाको हो भयाको वेहोरा नढाटि साचो भन
 27 भनी मसग सोद्धा मेरो चित्त बुझ्यो । नीज ठाहिली आमाले सवै गुठि(गन्तु)
 28 चलाइन् दुकुटि दवाई खा[या]कि छन् भनी पक्रिन् भंन्या वेहोराले मा-
 29 त्र लेषियाको मुद्दा उठाई विंतिपत्र मात्र चहायाको हुं । अदालत्मा
 30 तोकाई लगी र सो विंतिपत्रवमोजिम इजहार मुचुल्का दी नीज जे-
 31 ठि आमालाई कायेल गर्न म सकतिन । लेषियाका वेहोराको मै-
 32 ले विंतिपत्र चहायाका मुद्दामा ऐन् रहाका निसाफले जो ठहर्छ
 33 म सामेल छु भनी मेरा मनोमान षुसिराजिसग ज्मानवंदी लेषि अ-
 34 दालत् वंदोवस्तमा चहाजां । इति सम्बत् १९३४ साल मिति चैत्र
 सुदि १३ रोज २ शुभम् ---

Translation:

Thrice-venerable Mahārāja ---1

Venerable Koṭīlīṅga ---2

[Seal]

Signature

[The following] has been written by Samsera Bahādura Pāḍe Kṣatrī, resident in Naradevī Ṭola. After my fifth paternal uncle Prithi Bahādura Pāḍe, accused of committing adultery with a 4th-generation female blood cousin, fled to Madhesa in [VS 19]16, expiation was granted to his eldest wife, Rājakumārī, in [VS 19]18, the details [of which are as follows]: “The body (lit. 1 body) [of Rājakumārī] has been purified. [She had been polluted] by reason of having met her own ritually married husband, Prithi Bahādura Pāḍe Kṣatrī, of having received cooked rice and water from his hand and even of having engaged in sexual intercourse with him.” For that reason, by order of ---1--- (i.e., Thrice Venerable Mahārāja), Thāpāthalī, in [19]26, my fifth paternal aunt Rājakumārī and my mother Ratnakumārī, as it turned out, partitioned the [family] property, with each receiving half.

Since my fifth paternal aunt alone had been enjoying our 6 *gūṭhīs*, including the one called Nārāyaṇī, my mother filed a lawsuit in [19]31 as a litigant [against] her at the ---2--- (i.e., venerable Koṭīlinga) court, stating: “She [Rājakumārī] is not entitled to enjoy [the *gūṭhīs*] on her own, and [she also] should not be allowed to enjoy our part of the partitioned treasury by force.” Afterwards, when [the lawsuit] was forwarded to the Iṭācapalī, Rājakumārī, [my] fifth paternal aunt, filed a defence appeal, stating: “Given that [Ratnakumārī] gave [me] a written statement as follows: ‘You shall run the *gūṭhī*’”, I have enjoyed it, reconstructing what was in disrepair. Ratnakumārī is not entitled to enjoy the unpartitioned treasury on her own.”

Thereafter this property [was confiscated] and we were arrested. Then I submitted a petition to ---1--- (i.e., Thrice Venerable Mahārāja) against my fifth paternal aunt together with the following lawsuit: “[A woman]—one who has willingly eaten cooked rice and received water from [her husband] even after knowing that he has lost his caste status down to the equivalent of a Śūdra as punishment for committing adultery with a blood relation—should not under any circumstances get her share of property on the grounds that she has been granted water expiation, while still excluded from having cooked rice with fellow caste members. She should not get her share of property just by inveigling and lying. According to my inquiry, she is still excluded from having cooked rice together with fellow caste members.”

When I was asked about my inquiry into the copy of the *phāraka* mentioned above regarding the expiation and told to relate truthfully,

without lying, the details of what had happened during that lawsuit, I readily consented.

I have submitted this petition with regard only to the lawsuit whereby my fifth paternal aunt caused us to be arrested [on the basis of the accusation] that my mother had been running all the *gūḥīs* and had been enjoying the treasury by force. I am unable to convince my first paternal aunt to appear in court with the established facts, nor can I give testimony or make her confess, as mentioned in the petition [submitted to you earlier].

I have willingly submitted this *jabānabandī* to the Adālata Bando-basta Aḍḍā. I shall accept the decision, made in accordance with the *Ain* and your judgement, regarding the petition and lawsuit I initiated, the details of which are written [above].

Monday, the 13th day of the bright fortnight of Caitra in the [Vikrama] era year 1934 [1878].

Facsimile:

[1r]

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लिखितमना देवेवलवहवासमो बहाडा पाडेसेवी आगेमोहालि
 लावावा दधिबलाड पाडेसेवीलाइ हाडनामा ४ पुलाकिदिदि
 काकागि कोवातलागी १६ साल देअ सुधेलन कुमागी गयोयलि
 नुअकिसेवीउथेनी पुनकुमारिगाइ आकाविवादिना योग्याय
 धिवहाडा पाडेसेवीलागेइ हाड गरीवीन काहाग कामानवा
 नीवाइकलिष्ठास लग भुयावावत गिअनुइ भेयावे हो ए को
 १८ साले मायनि या भुयाकोडुनाले लोत २६ साल माथावाथेनि
 काडुक नवमोमिसरीध धादिनी आमा एपुकमापोमे
 रि आमा एनकुमाकि अरिआबि अइगरीयाइ आयाकि दिदि
 ए हावा नाएयालीने यासेन आइगुठीनीग बाहिली आनीलेसा
 नवलन गरी ओयाकिडुनालेन जलनाव पलनगरी याम हावा
 डाअवाकोडु कुठिबल निचिलनगरीने निलेपाड वाहोइनने
 यासुदासगत को ३१ साल मावीअओ आमा ले अदलन
 मावादि इनुहादिवायछीइटावयलि मासदादि सोगठिने लेबला
 पुअनीलेविदियाकिडुनाले मुकेविमा कोलेन मेले वनाइ चलन
 गयाकिइ अवंडाकुठिइसाइथान एनकुमापोनेमाव पाडवाहाइ
 ननेयासुदासगत कोनीगहाहिली आमा लेअनिष्ठाविरोधनमा
 लेमासगत हागिगाइपेकाडय दाहाडनामाकागिगियासमागव
 तिन मेसेइसा १६ मागयाका आकलोग्ग्यासगव पेको एथादमा
 इनामीमावीलेलागी भाव वालीयाभनि आयाकि पावी कोमावय
 नियायाओभनीगानअण गहुक भयावकीकोनेवहा एनेयनी अ
 सनपाडवालेकुलेइफुकाइ अर्धी अंलातिन पाडवाहाइनु कुअ
 मानआन वाहकीकिवाहहेइ मं पाइमादिमुहासगत कोनीग
 रिचा आमाकागयामेय कोकउए माविपयचकाउडा
 एविहाइ भयाकावतियाका माथिले विवाहाकाकोलेन कं सिने
 उदियल्लादाकाको भयाको हा भयाकोकोहा एनकादिमावीअभ
 भनीनलगलोका मोलेपिअउचोनीअवाहिली आमा लेसपेगाठिगन
 सलाइनु कुठि दवाइयाकाकिछन भनीथकिनु भेयावेहालेवा
 नलेविथीकोमुदाउवाइविनिपय मानवहायाकोइ अदलन मा
 नोकाइनीगी एलावीनेपवमोमिस इनुहा मुकुकादीनीकुने
 डि आमालाइकायेलगन मसकनिने लेविथाकापेला एकोमे
 लेविनिपयचहायाका मुदामाअण एहाकागि साफुइगो ६६
 मसामेलेइ भनीमेएनोमानछासिगामिलगमानवदीलेविअ
 दलन पेदोवलावावहा आइनि सन्वत १६३४ सालाभितिनेने
 सुदि ११ एव २ अ भ

Document 11 (DNA 15/91)

A rukkā from the king granting Prime Minister Jaṅga Bahādura Kūvara allowances previously enjoyed by Bhīmasena Thāpā (VS 1903)

Edited and translated by Rajan Khatiwoda; VS 1903 (1846); National Archives, Kathmandu, Ms. no. 628; microfilmed as NGMPP DNA 15/91 on 24/07/2000; for the digital edition, see <https://nepalica.hadw-bw.de/nepal/editions/show/2170>.

Abstract: This royal decree grants Prime Minister Jaṅga Bahādura Rāṅā the same privileges and benefits that were previously enjoyed by General Bhīmasena Thāpā, including the reception of traditionally sent gifts from Koṭa Bhaḍāra and other places on occasions such as Dasain and Phāgu.

Edition:

[*Ir*]

1 श्रीदुर्गाज्युः\

[Royal seal]

- 1 स्वस्ति श्रीमन्महाराजाधिराजकस्य रुक्का ---
- 2 आगे प्राइम् मिनिष्टर यान कम्यांडर इन चिफ् जनरल जङ्ग वहादुर कुंवरके ।
- 3 अधि जनरल भिमसेन थापाले दरवारवाट पायावमोजिम् तोसाषाना कोट भ-
- 4 डार अरु जगा जगावाट जान्या षान्या पिन्या सराजाम् कपडा लत्ता दसै फा-
- 5 गुका मामुली दैदस्तुर गैह् सवै वहाल गरिवक्स्यौ । आपना षातिरजामा-
- 6 सित हाम्रा निमक्को सोझो चिताइ जनरल भीमसेन थापाले षाइ पाइ
- 7 आयावमोजिम् तोसाषाना कोट भडार जगा जगावाट षान्या पिन्या सराजा-
- 8 म कपडा लत्ता दसै फागुका मामुली दैदस्तुर गैह् सवै वेला वेलामा ली भो-
- 9 ग्य गर । इति सम्बत् १९०३ साल मिति मार्ग वदि ५ रोज १ । शुभम् ---

Translation:

Venerable Durgā!

[Royal seal]

Hail! This is a *rukkā* from the glorious supreme king of great kings.⁹⁶

Āge: To Prime Minister and Commander-in-Chief General Jaṅga Bahādura Kūvara.

We have assigned [to you] everything that was previously received from [our] court (*darabāra*) by General Bhīmasena Thāpā and went through the [Kausī] Tosākhānā, Koṭa Bhaṇḍāra and other places, [including] food and drink, dress, usual obligations (*māmuli*) and customary fees (*daidastura*) [delivered by the subjects] during the Dasaī and Phāgu festivals. Being loyal to our salt and mindful of your duty, enjoy everything, [including] food and drink, dress, usual obligations and customary fees [delivered by subjects] on Dasaī and Phāgu that were enjoyed (lit. eaten and received) by General Bhīmasena Thāpā, collecting them from time to time from the Tosākhānā, Koṭa Bhaṇḍāra and other such places.

Sunday, the 5th day of the dark fortnight of Mārga in the [Vikrama] era year 1903 (8 November 1846). Auspiciousness.

Commentary:

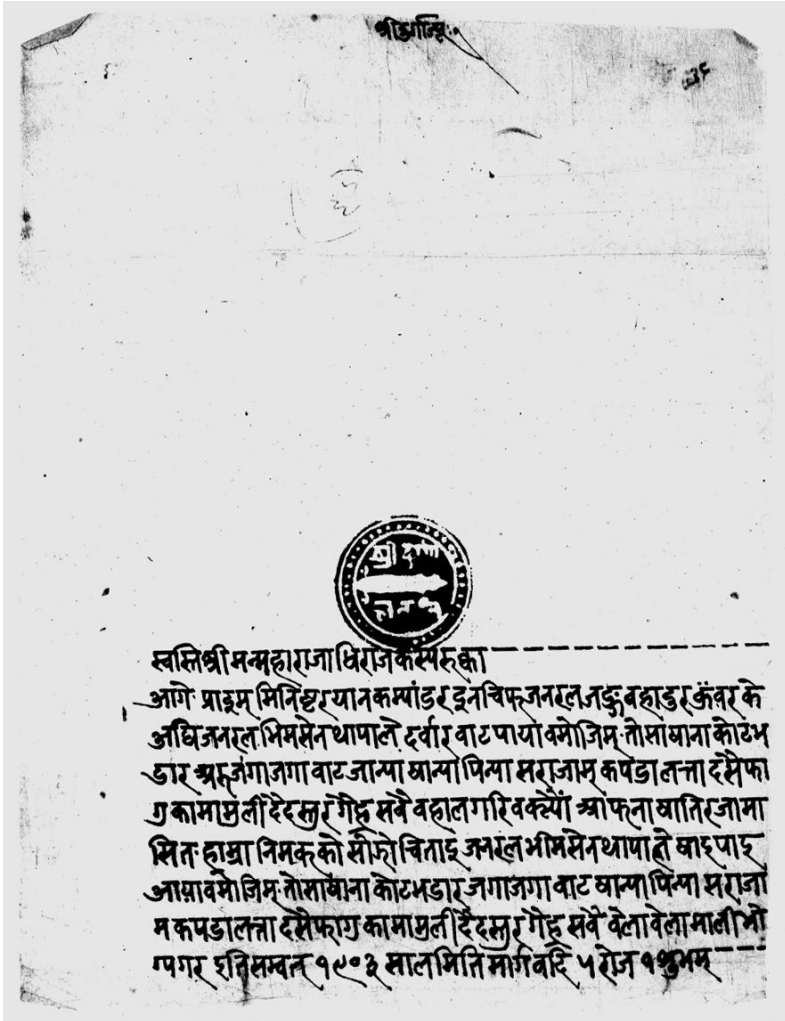
By this executive order Jaṅga Bahādura is granted privileges previously enjoyed by Bhīmasena Thāpā, and that, strangely enough, more than seven years after the latter's death in 1839 (on Bhīmasena's end, see Acharya 1971: 15; Adhikari 1984: 22). This series of entitlements were steps along the way to Jaṅga Bahādura's empowerment after the Koṭa Massacre on 14 September 1846. In a multi-step process, rights

96 The title *mahārājadhīrāja* could here refer to either the technically still reigning King Rājendra or to his son and technically still crown prince Surendra. Already in August 1842, Rājendra had ordered that his son Surendra be addressed with the title *mahārājadhīrāja* (Pandey 1973: 51, Whelpton 1991: 110). In November 1844 (1st of the bright fortnight of Mārga VS 1901), Rājendra issued a document officially conferring the title on his son and empowering him to "conduct the affairs of the administration" (tr. by Acharya 1971: 21). Did this empowerment include the right to issue *rukkās* as *mahārājadhīrāja*? In 1846 (VS 1903) after the Koṭa Massacre on 14 September, King Rājendra officially announced his intention to go on a pilgrimage (Pandey 1973: 50 n. 1), and in a *lālamohara* issued on the 10th of the bright fortnight of the month of Kārttika, he authorized Surendra to ascend the throne "in case, while on pilgrimage, he would be made captive by the British government or in case he would not come back even at his fortieth year of age" (ibid.: 50). On the same day the present document was issued, Surendra was appointed prince regent in the absence of the king (ibid: 51 n. 5). Whelpton (1991: 170 n. 96) refers to a *lālamohara* that was issued on the 12th of the dark fortnight of the month of Mārga (13 November 1846) still in Rājendra's name. Rājendra left Kathmandu for Benares on 23 November 1846 (Whelpton 1991: 166). Only on 12 May 1847 was Surendra officially crowned king of Nepal (ibid.: 173).

and titles were transferred to Jaṅga Bahādura Kūvara, while the reigning Śāha king Rājendra and his heir Surendra were deprived of their power to govern the country. Another *lālamohara* issued on the same day, appointed Surendra prince regent (Pandey 1973: 50; cf. n. 1).

Facsimile:

[1r]



Document 12 (R-Ain, A 1375/5)

A *lālamohara* issued by King Pṛthvī Vīra Vikrama allowing Prime Minister Vīra Samsera to expand and amend the existing laws, particularly promulgated in VS 1936 (1879) by then Prime Minister Raṇoddīpa Siṃha (VS 1942)

Edited and translated by Rajan Khatiwoda; VS 1942 (1885); National Archives, Kathmandu, Ms. no. 6.1599; microfilmed as NGMPP A 1375/5 on 13/07/1989.

Abstract: This *lālamohara* encompasses a directive aimed at improving and updating the existing criminal and civil laws that were initially instituted in 1879 (VS 1936) by the former prime minister. The laws established in 1879 not only offered precise definitions for criminal and civil cases but also delineated the duties and jurisdiction of specific government offices and their officials. Additionally, they provided invaluable guidelines for composing various legal documents, including crucial sample templates that were absent in the *Ain* of 1854 and its subsequent amendments.

Edition:

[p. 2v]

श्री दुर्गाज्यु

Royal seal of King Pṛthvī Vīra Vikrama with the legend: श्रीनाथस्य स्वस्ति श्रीश्रीश्रीमहाराजाधिराजपृथ्वीवीरविक्रमजङ्गवहादूरशाहवहादुरशंशेर (...)

- 1 स्वस्ति । श्रीगिरिराजचक्रचूडामणिनरनारायणेत्यादिविविधविरूदावलीविराजमा-
- 2 नमानोन्नत्श्रीमन्महाराजाधिराजश्रीश्रीश्रीमहाराजपृथ्वीवीरविक्रमसम्से-
- 3 रजङ्गवहादुरसाहवहादुरदेवानां सदा समरविजयिनाम् ---
- 4 आगे हाम्रा भरमुलुकका सदर मोफसलका अमिनि र अडा गौडाका हाकिम कारीन्दा रैयत्
- 5 प्रति । आजसम्म अमिनिको मरमामिला गर्दा कानुन भयाको नहुनाले सवाल सनदले मा-
- 6 त्र काम चलाई आयाको हो । अवउप्रान्त दुवै सरकारको वन्दोवस्तमा विरोध नपन्या रीतसं-
- 7 ग मुन्सीषानाका हाकिम र भारादार स्मेत् राषी कौसल गरी कौसलमा ठहर्यावमोजी-

- 8 म् र हुकुम अहदवमोजिम् कानुन तयार गर्नु भन्त्या श्री ३ महाराज रणोद्धिप सिंह राणा
 9 वहादुर के सि यस आई थोङ् लिन पिम्मा को काङ् वाङ् स्यान प्राईम मिनिष्टर याण्ड
 क-
 10 म्यांडर ईन चिफ्लाई हुकुम वक्सी वन्याका कानुन् हामिवाट पनि मंजुर गरि सम्बत्
 11 १९३६ साल दुतिय⁹⁷ आश्वीन सुदी १० रोज ६ मा लेषियाका कितावमा हाम्रा रोह्व
 रमा कौ-
 12 सलका तजविजमा सच्याउन्त्या षारेज गर्न्या ठहर्याको सच्याइ षारेज गरी नजा चाहि
 न्या
 13 कानुन् थपिवक्स्याको छ सवैले येसै कानुन्मा लेषियावमोजिम् काजकाम निसा-
 14 फ् गर्नु यस्मा लेषियावमोजिम् नगरी घटि वढी गर्न्यालाई मुलुकि वडा ऐनवमोजिम्
 15 सजाय गर्नु कितापमा लेषियाको कानुन् सच्याउनु थपनु पर्दा हाम्रा प्राईम मिनिष्टर
 16 कौसलका तजवीजमा ठहर्यावमोजिम् अैनषानाका हाकिमले थपनु मेटनु सच्या-
 17 उनु हुंछ । औ हाम्रो वेहेत्तर हुन्या प्रजाप्राणिलाई सुविस्ता रक्ष्या हुन्या कानुन अरु
 18 पनि प्राईम मिनिष्टरले वढाउनु थपनु हुंछ भनि हामिवाट हुकुम वक्स्यौ । श्री प्राइम
 19 मिनिष्टर लगायेत् अमिनिको काजकाम गर्न्या कारिन्दा स्मेत्ले यसै कानुनवमोजि-
 20 म् काजकाम निसाफ् गर्नु भन्त्या भै चलिआयामाफिक् सम्बत् १९४२ साल मार्ग वदी
 १ रोज
 21 २ देषि उप्रान्त पनि तिमि श्री ३ महाराज विर सम्सेर जङ्ग राणा वहादुर प्राईम मि
 निष्टर याण्ड कम्यां-
 22 डर ईन चिफ्ले पनि साविक्मा विरोध पर्न्या र नजा चाहीन्या स्मेत् घटाउनु वढाउनु
 हुंछ भन्त्या हु-
 23 कुम वक्स्यौ ।

[p. 2r]

[Seal of Prime Minister Vīra Samsera]⁹⁸

- 1 स्वस्ति श्रीमद्दतिप्रचण्डभुजदण्डेत्यादि श्री श्री श्री महाराज विर सम्सेर जङ्ग राणा
 वहा-
 2 दुर प्राईम मिनिष्टर याण्ड कम्यांडर इन चिफ् ---

[Seal of Commander-in-Chief General Khadga Samsera]⁹⁹

- 1 राजि--- श्रीमद्राजकुमार कुमारात्मज-
 2 श्री कम्यांडर ईन चीफ् जनरल षङ्ग स-
 3 म्सेर जङ्ग राणा वहादुर

97 For *dvitiya*.

98 The legend of the seal is not readable because of the quality of the reproduction.

99 The legend of the seal is not readable because of the quality of the reproduction.

Translation:

[p. 2v]

Venerable Durgā!

[Royal seal of King Pṛthvī Vīra Vikrama]

Hail! [A decree] of him who is shining with manifold rows of eulogy [such as] ‘the venerable crest-jewel of the multitude of mountain kings’ and Naranārāyaṇa (an epithet of Kṛṣṇa) etc., high in honour, the venerable supreme king of great kings, the thrice venerable great king, Pṛthvī Vīra Vikrama Samsera Jaṅga Bahādura Deva, the brave swordsman, the divine king always triumphant in war.

Āge: To the chiefs and other officials of *aminīs*, *aḍḍās* and *gaudās*, and [to] subjects in the administrative centres (*sadara*) and districts (*mophasala*) throughout our realm.

[The following royal order] has come down from earlier times: “There has been no law until today [pertaining to] conducting legal cases at *aminīs*. We have been handling [such] matters (*kāma calāunu*) only on the basis of *savālas* and *sanadas*. [Therefore,] we gave the following order to the thrice venerable Ke Si Yasa Āī (i.e., KCSI) Thoñ Lina Pim Mā Ko Kāñ Vāñ Syāna, Prime Minister and Commander-in-Chief Mahārāja Raṇoddīpa Siṃha Rāṇā Bahādura: ‘Hold a Council meeting, having invited the Chief of the Munsikhānā and [other] *bhāradāras*, and draft a law in line with the decisions of the Council during its meeting, our orders and [international] treaties, [and] in such a way that it does not conflict with any arrangements between the two governments (i.e., the Nepalese and British Indian).’ We approved the resulting law, and on Friday, the 10th lunar day of the bright fortnight of the intercalary Āśvina in the [Vikrama] era year 1936, we cancelled or corrected [existing provisions] and added newly required ones to the volume of written [law] based on what was thought needed to be corrected or cancelled during the Council’s deliberations in our presence. We [hereby] order: ‘Everyone shall perform their tasks and deliver justice according what is written in this law. Whoever does not act in accordance with what is written in this [law] but deviates [from it] shall be punished in accordance with the main (*baḍā*) *Ain* (i.e., MA).’ If a law written in this volume needs to be corrected or a [new] law needs to be added [to it], the chief of the *Ain Khānā* may so add, delete or correct

in accordance with whatever has been deemed necessary in deliberations by the Prime Minister and Council. We have ordered, too, that the Prime Minister may add or expand other laws if they are deemed to be beneficial to us (i.e., the king's government) and convenient for and protective of [our] subjects. Every official including the Prime Minister who performs tasks at *aminīs* shall perform them and deliver judgement in accordance with this law." In line with [this earlier royal order] we [hereby] issue the order that from Monday, the 1st day of the dark fortnight of Mārga in the [Vikrama] era year 1942 onwards you, too, thrice venerable Mahārāja, Prime Minister and Commander-in-Chief Vīra Samsera Jaṅga Rāṇā Bahādura, may add new required [laws] or remove ones that contradict customary [practice].

[p. 2r]

[Seal of Prime Minister Vīra Samsera]

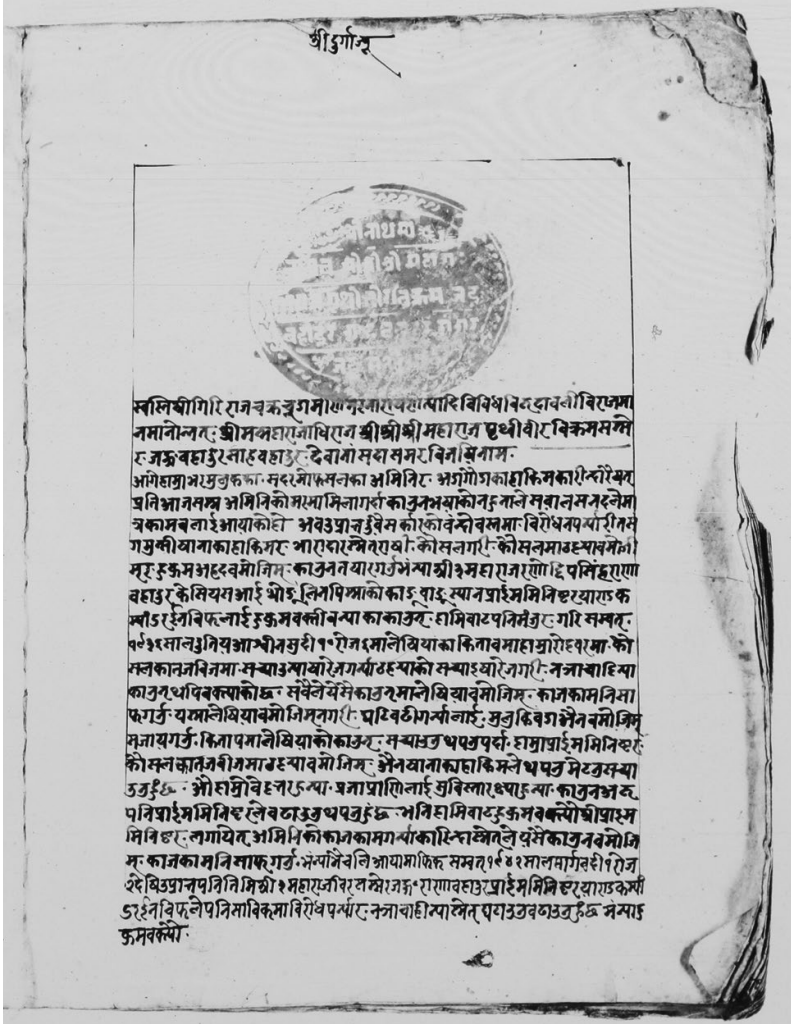
Hail! The thrice-venerable Mahārāja, Prime Minister and Commander-in-Chief Vīra Samsera Jaṅga Rāṇā Bahādura, who is very mighty and has arms like a staff etc.

[Seal of Commander-in-Chief General Khaḍga Samsera Jaṅga Rāṇā Bahādura]

Approved by a venerable prince born to a prince, the venerable Commander-in-Chief General Khaḍga Samsera Jaṅga Rāṇā Bahādura.

Facsimile:

[p. 2v]



[p. 2r]

