

The contractor, the duke, the prime minister and the villagers: exploitation and resistance in nineteenth-century rural Nepal.

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The Contractor, the Duke, the Prime Minister and the Villagers: Exploitation and Resistance in Nineteenth-Century Rural Nepal

CHARLES RAMBLE

Introduction

The Rana administration of Nepal that was ushered in after Jang Bahadur's celebrated *coup d'état* of 1846 represented a "transition from the semi-feudalistic Gorkhali empire to a centralized agrarian bureaucracy" (Regmi 1975: 106). One of the most significant achievements of the regime was the *Muluki Ain*, the National Code that was promulgated in 1854. Although the Code formalized a system of caste-based inequality, it was strikingly progressive in other respects, notably in its provision for an autonomous system of civil administration and an independent judiciary. It also set limits on the authority of the king and the prime minister, although these constraints were eroded under successive generations of leaders. In spite of the few landmark studies of the *Muluki Ain*, a great deal of research remains to be carried out.[1]

Beyond the code itself, very little is known about the provincial structures of governance that prevailed in Nepal prior to the Ranas' rise to power. One of the sources that fed the 1854 *Muluki Ain* was a legal corpus that predated it by more than two centuries: the Royal Edicts of King Rana Shah of Gorkha. In his pioneering study of this work, Theodore Riccardi (1975) emphasizes the need for a better understanding of other systems of governance in pre-unification Nepal

1 Examples include Fezas 2000; Höfer 1979; Michaels 2006, 2012.

and the role these may have played in attenuating the principles of Hindu orthodoxy in the composition of the Code. Such limited knowledge we do have is thanks to the survival of documents that shed light on the political systems of former principalities and minor enclaves. There is, of course, little way of knowing how such laws were actually applied. It is clear that in certain instances they have lived on into modern times through successive changes of national policy as the basis for an effective civil society, and in such cases the interaction of legal prescription and actual practice is accessible to the methods of anthropological enquiry. At the other extreme we have the situation – which surely applies to much the greater part of the country – in which codes of governance were not committed to writing, and are therefore unavailable to the historian, while the political systems themselves have not survived down to the present day for the benefit of anthropologists. We are therefore remarkably fortunate that the duties and rights of a certain highland principality should have been preserved by accident, as it were, in a document dating from 1863. It is this document that will provide the focus of the present contribution.

The legal and administrative codes of certain enclaves in what is now Mustang district have been the subject of several studies (Schuh 1994, 1995; Ramble 2008a, 2008b). One of these enclaves is the dukedom of Baragaon, the southernmost Tibetan-speaking part of Mustang, which secured its independence from the kingdom of Lo in the 17th century and was incorporated into the expanding Gorkha state in 1789 (Pant and Pierce 1989: 21). As in many other parts of Nepal, the aristocratic rulers of the enclave were allowed to keep their privileges over their traditional territory, thenceforth classified as *birta* – that is, state-owned land allocated on a hereditary basis in recognition of service. While the pre-unification laws of Baragaon have been the object of a study by Dieter Schuh (Schuh 1994), no such manuals have come to light that tell us anything about the relationship between Baragaon's noble rulers and their subjects in the Rana Period. In its efforts to maximize revenues from the provinces, the Rana government had developed a scheme known as *ijara*, which entailed auctioning to a contractor (the *ijaradar*) the right to collect specified categories of taxes and fines for a determined period. The system was introduced to Baragaon in 1857, and the consequences of the scheme for the local population are summarized by Regmi:

> The disruptive impact that the *ijara* system had on village life and customs when local *mukhiyas* were set aside in favour of *ijaradars* is well illustrated by the experience which the people of the Kagbeni-Barhagaun region in Mustang underwent during the 1850s. Before 1857, taxes were collected in that region by local *mukhiyas*. In that year, however, a non-resident person made a higher offer, and was appointed as an *ijaradar*. The local *mukhiyas*, consequently, lost their customary judicial and revenue functions. The *ijaradar* even replaced them by his own men, exacted unpaid labour, fines, and unauthorized payments for the villagers, and harassed them in several other ways. The villagers approached Kathmandu for the redress of their grievances. The government, however, only reconfirmed the authority of the *ijaradar* subject to the traditional customs and usages of the local inhabitants. It was careful not to disturb the contractual arrangements that it had made with the *ijaradar*, inasmuch as this could reduce the amount of revenue that the latter had stipulated. (Regmi 1978: 81-82)

In fact, the document on which Regmi bases this account is rather more interesting for our understanding of Baragaon's social history than his summary might suggest. In 1989, in the course of a fieldtrip to Southern Mustang that was to help lay the ground for the future Nepal-German Project on High Mountain Archaeology, Dieter Schuh photographed a number of documents that he later kindly passed on to me for my own research within this project. Two of the items turned out to be Tibetan versions of the Nepali document summarized by Regmi. In the present contribution, they will be identified simply as *Dzong* and *Chongkhor*, corresponding to the names of the two settlements in which they are kept. Since facsimiles and transliterations of the two will be published in a forthcoming collection of documents from South Mustang, the formal features of the two items, as well as the numerous considerations raised by such a hybrid (Tibetan-Nepali) work need not detain us here.[2] Suffice it to say that both are appar-

2 An annotated translation of the document, together with facsimile reproductions and an edited transliteration, may currently be seen on the website of the Franco-German research project "Social History of Tibetan Societies 17th to 20th Centuries," funded jointly by the French National Research Agency (ANR) and

ently copies of a "parent" Tibetan translation of the Nepali original, but that this Nepali document, insofar as it repeats the content of letter written locally, was itself probably partially translated from Tibetan. The two documents are written by different hands in cursive (*'khyug*) Tibetan script, with Nepali marginal notes in devanagari. *Dzong* contains 77 lines and *Chongkhor* 67 (numbers that are specified at the end of each). Both end with the words – written in larger cursive – *sa gal 'du rur phra sna kal tsha*, probably representing the Nepali *sakal durustha nakal cha* – "this (lit. there) is an identical copy of the original" (although the two are not, in fact, identical). The opening few lines of both documents are quite badly damaged.

The document was issued in 1863 (BS 1920) in response to a complaint lodged by the people of Baragaon three years earlier against the *ijaradar*. Several lines of formal preliminaries are followed by a citation of the original complaint. After an acknowledgement of receipt, each of the complaints is addressed in turn. The document then goes on to announce certain irregularities in the record of Baragaon's annual tax payments that have been discovered in the course of the inquiry, and demanding that these be paid. This concluding section of the document will not be discussed in the present article.

The structure and content make the document a priceless source for our understanding of the relationship between the peasantry of Baragaon and their local rulers. Each of the dozen or so complaints in the list gives an instance of how a particular institution or obligation used to be under the traditional rulers, and then contrasts this with the modifications that have been introduced by the contractor. We thus have a picture of civic duties and rights that the community regarded as being especially important, at two different periods: first, prior to 1857, when the *ijara* system was introduced, and secondly, between 1857 and 1860, when the complaint was submitted to the government. Finally, the responses of the government can presumably be taken as a fair representation of how things would look *after* 1863, once the orders contained in the document had been carried out.

A few further words of introduction are in order before we turn to a closer examination of the document. The "local *mukhiyas*" in

the German Research Council (DFG): http://www.tibetanhistory.net/documents-from-mustang/baragaon/

Regmi's summary who were "set aside" in favour of the *ijaradar* were in fact a family of local aristocrats, referred to in the document as the Tshakar Bista. Although the significance of the name Tshakar Bista (*tsha gar bi thi*, among various other spellings) is not clear to me, it probably denotes a family or a group of families rather than a particular individual, and the most likely candidates are the syndicate of nobles who acted as "lords" and tax-collectors immediately before 1857. Among the etymologies that were suggested to me in Baragaon were: Tsharka Bista, i.e. Bistas who had tax concessions in the area of Tsharka, in Dolpo; and *tsha gar* < *Nep. chuṭ-chāṭ,* "Exempt," a reference to their exemption from tax obligations. A local Tibetan document from Baragaon (Tib/35) gives a list of five local noblemen who had held the "lordship" (*dpon*) in turn for a period of nine years from 1849/50 to 1856/57. The last named, Candra Bir, is actually due to take up the position in the coming year, since the document is written in 1855/56. We know from other documents that he is the hereditary lord of Baragaon, and the fact that he is named as the latest in a series does suggest that some kind of agreement was in place among the local lords concerning the right to collect revenues within the enclave.

The identity of the individual who secured the contract in 1857 is unknown. Regmi suggests that he is an outsider, but gives no evidence to support this otherwise plausible assertion. One of the complaints in the list, that the privilege of tax exemption enjoyed by the Bista families in Baragaon has now been extended to the illegitimate children, suggests that (for obvious reasons) the contractor is a local, but it is also likely that the local aristocracy were now paid agents of the contractor. It is known that certain prominent Thakalis had held customs contracts under the *ijara* system immediately in the south of Baragaon, in Thak Khola in 1853 (Vinding 1998: 73). Another strong candidate is a certain Hem Karna Khadga (aka Captain Hemakarna Khadka Chhetri). This individual held the customs contract from 1862 to 1867, and the document seems to suggest that the contractor at the time it was issued in 1863 was the same as the one at the time of the events with which it deals three years earlier (Vinding 1998: 81).

Apart from glossing over the numerous difficulties presented by the text, the paraphrase given here does not follow the order of its

content. Instead, for the sake of a synoptic presentation of the status quo at the three different periods, each complaint, with its "before-and-after 1857" structure, is followed by the government's response to that particular issue. In most cases the response is followed by a brief commentary (in italics).

Finally, a brief word might be said about the authority under which the document was issued. Two names in particular concern us here. One, only partially legible because of physical damage to the text, appears as: *ma hā ra tsā / su rin dha ra / bhig ka raṃ s[-]*: This is a reference to King Surendra Bikram Shah (1829-1881) who was king of Nepal between 1847 and 1881. The other is given as: *si ri smên ma rā dza sku sma ra sku ma ra / smên dza si ri bka' min stā rā / i na (35) bcib pa / dzā na ra la / ra sna u ldeb shing /*—evidently a Tibetan rendering of "Srimān Maharāja Kumāra Kumāra His Majesty Commander-In-Chief General Ranoddip Singh." Ranoddip Singh went on to succeed his late brother Jang Bahadur as Prime Minister of Nepal from 1877-1885, when he was assassinated by his nephews.

Summary of the Document

1a Complaint

Whenever there was a legal dispute in any of the communities of Baragaon, village headmen and senior figures were incorporated into the process of dispute resolution. The contractor simply imposes fines without consulting locally respected figures.

1b Response

Cases should be judged in accordance with customary law, ensuring the inclusion of village headmen and dignitaries.

2a Complaint

(12-15) In the past we used to mix the grain in which we paid our dues: (cheaper) hull barley with (more valuable) naked barley, and mixed unhusked rice with husked rice. But the new authorities have declared that this is not how things used to be done. Furthermore, they levy one *mana* of rice more per bushel (*'bo khal*) than used previously to be the case.

2b Response
If the contractor levies extra taxes or judges cases otherwise than in accordance with customary law you should inform us; legal judgments shall be made in accordance with customary law. Tax payments in grain should remain the same as they were in the past.

3a Complaint
We used to provide fodder and firewood from the first month (February) until the fourth month (May). The contractor has increased this period so that it now extends from the eleventh month (December) up to the sixth month (July).

When we used to weigh the fodder and wood that we collected for the lord, he and his subjects each had a set of scales, and the weight was checked by both sides. Now, however, the contractor has made a long strap to check the quantity of wood by measuring the girth.

3b Response
When fodder and wood are given to the contractor, they should be provided from the eleventh month (December) up to the third month (April). You need not provide them at any other time. If this period is increased or decreased, fines will be imposed accordingly.

A compromise: the nine months of fuel and fodder provision imposed by the contractor have been reduced to five months—still nevertheless one month more than was customary under the Tshakar Bista.

4a Complaint
If the previous lords had to travel somewhere on official business, they used to give us four or five days' notice. Nowadays the contractor's people inform us on the very day of their departure, and if we cannot meet their demand on the same day they fine us.

4b Response
If the contractor receives an order from the government instructing him to travel somewhere, he should give two or three days' notice. If he makes the false claim that the travel arrangements are for official government business, he will be fined.

It has been observed by several writers that of the most irksome categories of tax in pre-1959 Tibet was the provision of transportation services for visiting officials. The unannounced arrival of a group of functionaries in a village with papers entitling them to requisition animals and assistants for onward travel meant that a ready supply of horses and yaks had to be kept in the village, which in turn meant gathering and storing large quantities fodder for them. In the present case, appropriate notice would give the villagers time to bring the animals down from the high meadows where they were pastured.

5a Complaint

20-21 There are six noble houses that traditionally pay no taxes. Nowadays, even their illegitimate children pay no taxes.

5b Response

There is an investigation in process concerning a report that no taxes were levied for the 1827, a year when the Tshakar Bista were in power.

Now that the Tshakar Bista is no longer in charge you should levy taxes from his illegitimate children and pay his tax to the government agent (*dza khyer rdar* < Nep *jāgirdar,* but presumably signifying *ijaradar*?).

*Both parts of the response are apparently non sequiturs to the complaint. The figure of six Bista families that were exempt from major taxes is confirmed in a later document that allocates their domestic tax (*sirto*) to Jagat Jang Rana as part of his private estate (*khangi; *RRS 1981: 56). The second part of the response specifies that it is the illegitimate offspring of the Tshakar Bista who should pay taxes, whereas the complaint seems to imply that the illegitimate descendants who are avoiding tax are the offspring of the contractor. The first part of the response alludes to an unfortunate (for the villagers of Baragaon) discovery that is developed later in the document (see below).*

6a Complaint

21-22 In the past, whenever anyone was fined, the fine was levied half in grain and half in cash. Nowadays, the contractor levies all the fines in cash only.

6b Response
When a fine is levied on anyone, act in accordance with custom: see whether it is a major or minor matter, but levy the fine exclusively in cash.

In this case the response is one of unequivocal support for the new policy of cash payments that has been introduced by the contractor.

7a Complaint
22-23 In any of our communities, when a court case was held judgment was passed by the headmen, local dignitaries and the lords acting together.

7b Response
Elders who were appointed in the past but who are incapable of acting appropriately should be got rid of, and a new person should be installed on the basis of a discussion among the community.

The complaint seems to raise an issue similar to that addressed in no. 1.

8a Complaint
23-27 When we used to pay taxes to the Tshakar Bista they would permit us a small rebate, and the duties we used to perform on their behalf were light. Since 1857 (*sob rta gsal* < Nep. *cauda sāl*, BS 1914), when they ceased to be the lords of Baragaon and the contractor took over, there have been no more tax rebates, and the hardship of our obligatory work has become greater than it was.

8b Response
Even though you used to perform services for Tshakar Bista, now that he is no longer the lord you need not perform services for him.

The response deftly avoids the real issue raised in the complaint and thereby provides passive support for the contractors' strict exaction of taxes.

9a Complaint
Nowadays, if anyone fails with someone of low status such as an artisan or a butcher, he is absolved by ritual purification and removal

of impurity and pays a fine of eight rupees; those who have "mixed mouths" [with these offenders] can be purified by drinking "gold water" paying a fine of one anna. This is the custom.

9b Response
If someone fails with a member of the same caste who is not of the same "mouth," he may be released after gold water has been poured into his mouth and a fine of one rupee imposed. If there is anyone who has "mixed mouths" with them, gold water should be poured into their mouths and a fine of one anna levied.

The complaint makes little sense as it stands, since it fails to make clear the distinction between "then" and "now." It is likely that the document—either the Nepali original or the first Tibetan translation—on which both our witnesses are based has omitted a sentence, possibly due to "eyeskip:" we are not told the size of the fine that was traditionally levied on individuals who were guilty of sexual relations with low-caste women. The response does not in any case tackle this issue, but merely addresses the milder misdemeanor of having sexual relations with a member of the same caste with whom one should not "share the cup." In the paraphrase of the complaint, I have used the masculine pronoun ("he is absolved") since it is said that no redemption was possible for a commoner woman who had sexual relations with a man of artisan rank.

10a Complaint
People are not free to trade as they wish. It should not be permissible to cause us hardship by putting an obligatory retail price of thirty rupees on goods that were purchased for twenty rupees.

10b Response
When people go trading, they shall not have to make obligatory purchases. If they are forced to do so and the government receives a report the offenders will be fined.

Within living memory the Thakali wardens of Baragaon, who succeeded the subbas as de facto local rulers, imposed obligatory purchase of overpriced commodities on the community.

11a Complaint

30-31 When we have to weigh out fodder and wood for the lords, if we are unable to go for even two or three days because the hills are covered in snow they fine us.

11b Response

When the people provide fodder and wood to the nobles, if the hillsides are covered in snow there may be no fines, but when the paths on the hill are open they should provide whatever is required.

12a Complaint

After the fields of the nobles have been harvested, before we commoners have finished our harvesting they send in their horses, dzos, cattle, donkeys and goats, and destroy the fields of the common people.

13b Response

31-32 Until the fields of the people have been harvested, the nobles' livestock—horses, dzos, donkeys, goats, yaks, mules and so forth may not be grazed in them. If they do graze them they will be fined. If the people's fields are eaten by the lords' animals, whatever fines are customary should be levied.

The aristocrats' practice of letting their horses graze in commoners' fields once their own had been harvested in fact continued in parts of Mustang until relatively recent decades.

Conclusion

In spite of the exotic setting of the confrontation, the general situation will be familiar enough to anyone who is familiar with the modern industrialized West: the government decides that a certain venerable public institution is inefficient and too unwieldy to be worth overhauling, and decides that it is an appropriate candidate for privatization. It leases the resource to the private entrepreneur who makes the highest bid and probably has the best connections, and the latter in turn sets about streamlining the old dinosaur in the hope of recouping his investment and maximising his revenue. Because the lessee or buyer is a foreigner of some sort, he has little patience with the picturesque

cultural clutter that encumbers his acquisition, and duly applies the scalpel and tightens the screws. The labour force, for whom life under the old system may not have been very profitable but was at least reasonably comfortable, feel disenfranchized by such cultural insensitivity and put upon by the measures taken to increase efficiency. Local protests fall on deaf ears, and another of the states' organs is called in to mediate in the affair.

The response of the government in the present case was remarkably measured. By no means was the petition rejected out of hand: in certain cases the complaints were upheld, whereas in others it was the contractor's innovation that was sustained. Clearly, the government was in the difficult position of having to support the contractor – if word got about that the Baragaon *ijara* was a bad investment, it would be hard to attract contractors after the expiry of the current agreement – and at the same time appease the local population. Just why the Rana government, not usually known for its consideration towards rural farmers, should have supported the petitioners is an interesting question that probably has two answers. On the one hand, there was the real possibility that the people of Baragaon might respond to the contractor's excesses in the way that a sizeable percentage of Nepal's peasantry had already reacted to intolerable taxation: by fleeing their homes, thereby leaving the government without a local tax base. But beyond this, the government's conciliatory attitude may have involved an element of public relations. Just six years after these events, in a nearby area of Nepal's middle hills, a charismatic Magar named Lakhan Thapa established a utopian kingdom that challenged the legitimacy of Rana rule. The revolt was soon crushed, and Lakhan Khan hanged outside his home (Lecomte-Tilouine 2013b). The oral tradition that has grown up around the execution plays down the confrontation between the Ranas and this short-lived adventure.

Interestingly enough, the story surviving in folk traditions does not make Jang Bahadur the principal villain of the piece but the local Parbatiyas, who supposedly prevented the order for a reprieve sent from Kathmandu from being delivered until after the execution. This suggested the possibility of an alignment between the *matwāli*s and their high-caste yet far-off rulers against their high-caste immediate neighbours who occupied an intermediate place in the hierarchy. It

was this possibility which the Rana authorities in 1950-1 and, subsequently, the restored Shah dynasty, both strove to exploit. (Whelpton 2013: 39)

Evidently, the remote rural population of Nepal was not only the breadbasket of the nation, but also a potential power-base for its leadership.

And as for the villagers themselves: on the one hand, this document may well be yet another depressing reminder of the exploitation and oppression that Nepal has *always* suffered, and continues to suffer, at the hands of its elites. But enough research has been carried out in recent times to show that, far from being something novel, resistance has a well-established and well-distributed heritage in the country,[3] and seen in this light our document is a further testimony to the antiquity of a people's irrepressible aspiration for justice and good government.

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3 See, for example, the articles contained in Gellner (2013) and Lecomte-Tilouine (2013b).

(Comitato Corpus Juris Sancriticum et fontes iuris Asiae Meridianae et Centralis; vol. 6)

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Sucāruvādadeśika – a very beloved/beautiful/ delightful teacher/guide whose speech/music is delightful – honors Professor Theodore Riccardi, Jr. of Columbia University through contributions by various of his students and colleagues. Professor Riccardi was known to them as an intellectual who studied, taught, mentored and served through the many years of his engagement with Nepal. The contributors to this volume reflect a range of academic expertise, moral engagement and artistic inspiration that he commanded among students, peers and colleagues, which they have tried to express in this *festschrift*.

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