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# THE LEGISLATION OF WIDOW BURNING IN 19th-CENTURY NEPAL

Axel Michaels, Bern

Edition and Translation of the Chapter *Satijānyako* of the *Mulukī Ain*

## 1. Introduction<sup>1</sup>

### 1.1 The (*Mulukī*) *Ain*

The *Mulukī Ain* (hereafter: MA<sup>2</sup>), or *Ain* — as it was called until V.S. 1992 (1935 A.D.)<sup>3</sup> —, is the Legal Code of Nepal enacted during the reign of king Surendra Vikrama Śāha (regn. 1847-81 A.D.) and promulgated on the 6th of January 1854 (7 Puṣa, V.S. 1910). It was prepared at the initiative of Prime Minister Jaṅga Bahādura Rāṇā (1846-57 A.D.). Thereafter it was amended and enlarged several times. It contains the most detailed prescriptions dealing with widow burning (*satī*, in Nepālī sometimes also spelled *satī*) in South Asia, in which not only the sanctioning but also procedures and punishments in cases of contravention were regulated.

The name of this code itself reveals the influence it underwent, it being the Persian *ā'in* together with the later addition *mulukī* 'royal'. The sources of the text, however, are not only Islamic and maxims of the

1 Thanks for comments are due to Mahes Raj Pant and to Philip Pierce who revised not only my English but also helped with some useful remarks.

2 Further Abbreviations:

MA-Ms <sup>a</sup>	Manuscript of V.S. 1910 (1853 A.D.)
MA-Ms <sup>b</sup>	Manuscript of V.S. 1933 (1876 A.D.)
MA-1	Editio princeps of V.S. 1927-28 (1870-71 A.D.)
MA-2	Ed. of V.S. 2022 (1965 A.D.; reprint of V.S. 1910)
MA-3	Ed. of V.S. 1945 (1888 A.D.)
KānūnīŚK	Kānūnī Śabdakoṣa
NepBŚK	Nepālī Bṛhat Śabdakoṣa
V.S.	Vikrama Saṃvat

3 *Mulukī Ain*, 5 pts., Kathmandu: Gorkhāpatra Press, V.S. 2009 (Reprint of the V.S. 1992 ed.), ; see Jean FÉZAS, "The Nepalese Juridical Tradition and its Sources - A List of the *ain* books kept in the National Archives", *Abhilekha* (Kathmandu), VIII.8 (V.S. 2047), pp. 121-34, fn. 40 and no. 2.10.

Indian Mogul administration but also Dharmaśāstras and astoundingly many prescriptive rights<sup>4</sup>.

The significance of this legal text may be seen, among other things, in the fact that it is the first book printed in Nepal. It was printed because Jaṅga Bahādur Rāṇā, during his trip to London and Paris (from 15th January 1850 until 29th January 1851 A.D.)<sup>5</sup>, came to endow printed books with an almost magical sense as the expression of Western superiority.<sup>6</sup> His object was to establish a national caste hierarchy for the multiplicity of Nepal's ethno-cultural units, to bring about homogeneous legislation and, through such legal control over remote areas and separate ethnic groups, to strengthen Rāṇā rule, to reinforce Hindu law in contrast to the British influence in India and to point out that Nepal is "the only Hindu kingdom left in the Kali age"<sup>7</sup>.

The Ain is a kind of constitution, a code of civil and penal regulations dealing with landownership, hereditary matters, marriage regulations and purity rules (particularly as regards commensality), murder and killing (not only of humans but also of cows<sup>8</sup>), thievery, witchcraft, slavery... But also such odd acts as farting and spitting in public or throwing chili into people's eyes or onto their genitals are regulated in separate paragraphs.

The Ain was repeatedly amended and supplemented and is still in existence today, even if in a form that is totally different from the first version. The sources and various editions of the MA have been carefully described by Jean Fézas<sup>9</sup>. The chapter on widow burning has also been

4 MA-2, § 1: *nīti, lok-ko anubhāv*.

5 See John WHELPTON, *Jang Bahadur in Europe. The first Nepalese Mission to the West*. Kathmandu: Sahyogi Press, 1983.

6 Cf. J. WHELPTON, *Jang Bahadur in Europe*, p. 123.

7 MA-2, p. 8f.

8 See A. MICHAELS, "Kuhschützer und Kuhesser. Gesetzliche Verbote der Rindertötung in Nepal", *forthc*.

9 J. FÉZAS, "The Nepalese Juridical Tradition..."; see also *id.*, "Perversion et Hiérarchie au Népal au XIXe siècle: un chapitre inédit du code de 1853: *Gāṛ Mārā-ko* (De la sodomie)", *Journal Asiatique*, T. CCLXXI (1983), pp. 281-344; and *id.*, "The Nepalese Law of Succession - A Contribution to the Study of the Nepalese Codes", in: Kl. Seeland (ed.), *Recent Research on Nepal*, Munich etc.: Weltforum, 1986, pp. 159-186.

discussed by him in a small paper<sup>10</sup>. In the following I present the text of two early versions with variants and a translation of the first editions. For the analysis of the text, i.e. the cultural (social and religious) implications of widow burning in India and Nepal as well as the broader aspects of ritual suicide I refer to two previous articles.<sup>11</sup>

## 1.2 Editions and manuscripts

The Ain was first circulated in handwritten form before the *editio princeps* of V.S. 1927-1928 (see below: MA-1). My translation is based on the following editions<sup>12</sup> and manuscripts:

MA-2 *Śrī 5 Surendra Vikrama Śāhadevako Śāsanakālamā baneko Mulukī Aina*. Kathmandu: Śrī 5-ko Sarakāra, Kānūna tathā Nyāya Man-trālaya, V.S. 2022 (1965 A.D.), 712 pp. (includes amendments and additions made until V.S. 1922-23): Chapter 94 ("Sati Jānyako"): pp. 421-25 (29 paragraphs).

This forms the basic text of the edition presented here. It is an edition of the above-mentioned Ain of V.S. 1910 (1854 A.D.) based on three manuscripts which were presumably destroyed in the devastating fire in the Singha Darbar (Central Government building) of 1971. The edition was prepared by H.M.G Nepal, Ministry of Law and Justice, under the guidance of Surya Bahadur Thapa (who later became prime minister). He dated the manuscripts used for the edition around V.S. 1922-1924.<sup>13</sup> However, in the National Archives are kept more than fifteen manuscripts, the existence of which András Höfer, author of the hitherto most detailed

10 J. FÉZAS, "Sati Janyā-ko : de la crémation des veuves en droit népalais", *Bulletin des Études Indiennes* 2 (1984): pp. 87-97.

11 A. MICHAELS, "Recht auf Leben, Tötung und Selbsttötung in Indien", in Bernhard MENSEN (Hrsg.), *Recht auf Leben - Recht auf Töten, ein Kulturvergleich*, Nettetal: Steyler Verlag, 1992, pp. 95-124 (Vortragsreihe der Akademie Völker und Kulturen St. Augustin, Bd. 15) and "Widow Burning in Nepal", in: Gérard TOFFIN (ed.), *Nepal, Past and Present. Proceedings of the Franco-German Conference Art-et-Senans, June 1990*. Paris: CNRS Editions, 1993, pp. 21-34.

12 All editions of MA used here are out of print and hardly accessible in Western libraries.

13 Preface (*Upoddhāta*), p. 6; cf. J. FÉZAS, "The Nepalese Juridical Traditions...", p. 16.



study of the *Mulukī Ain*<sup>14</sup>, could not know about. Some of these manuscripts differ significantly from the printed version. As a sample I add in the appendix a transliteration of one manuscript dated V.S. 1910 (MA-Ms<sup>a</sup>) with variants from a similar manuscript dated V.S. 1933 (MA-Ms<sup>b</sup>).

MA-1 Kathmandu: Manorañjana Press, V.S. 1927-28 (1870-71 A.D.) — 5 pts.: I (248 pp.), II (200 pp.), III (232 pp.), IV (426 pp.), and Addenda (132 pp.) — Chapter "Satijānyako": vol. III, pp.208-214 (31 paragraphs).

A printing press brought from Europe by Jaṅga Bahādur Rāṇā was probably used for the first printing, the *editio princeps*, of the *Ain*, which appeared 17 years after its promulgation. The edition contains a handwritten document (*lālmohar*) with the seals of the Śāha kings Rājendra (regn. 1816-47 A.D.), Surendra (1847-81 A.D.) and Trailokya (son of Surendra who did not rule) as well as seals of Jaṅga Bahādur Rāṇā and other members from the Rāṇā clan. Each of the 31 paragraphs bears a seal (1,5 x 1 cm) of Jaṅga Bahādur Rāṇā at the beginning and end in order to avoid unauthorized alterations or additions.

Unless otherwise noted in the critical apparatus MA-1 differs in the following features from MA-2:

#### MA-1

*akṣara* "kh", if representing an aspirated voiceless guttural, is written as "ṣ".

The nasal after vowels and before consonants including nasals is mostly assimilated (e.g. *jāñchu*, *bhannyā*, *daṇḍa*).

As a rule, final *au* takes *anunāsika* written as an *anusvāra* (e.g. *jāñchāi*), cf. however § 14.

*śvāsni* or *śvāśni*

*pāunya*

*āśa*

#### MA-2

The aspirated voiceless guttural is mostly written as "ṣ" (it is here transliterated *kh*).

The nasal after vowels and before consonants is normally written as *anusvāra* or *anunāsika/candrabindu* (e.g. *jāñchau*, *bhānyā*, *dāḍa*).

Final *au* does not take the *anusvāra* (e.g. *jāñchau*).

*svāsni*

*pāunya*

*āsa*

14 A. HÖFER, *The Caste Hierarchy and the State in Nepal - A Study of the Mulukī Ain of 1854*. Innsbruck: Universitätsverlag Wagner, 1979. (Khumbu Himal, 13/2).

## MA-1

Punction signs such as the dot are rarely used within paragraphs.

*virāma* is used in only a few cases.

## MA-2

The dot is frequently used as a punction sign.

*virāma* is frequently used.

Additionally the following printed amended version of the MA has been consulted:

MA-3 [Cover page missing] Kathmandu: Nepāla Śrī Bīra Deva Prakāśa Yantrālaya, V.S. 1945 (1888 A.D.). — 5 Pts. (*pañjikā*): I (100 pp.), II (80 pp.), III (144 pp.), IV (95 pp.), V (144 pp.) — Chapter "Satijānyā-ko": pt. IV, pp. 65-68 (17 paragraphs).

This is a revised version of the MA arranged by Prime Minister Bīra Śaṃśera (1885-1901 A.D.). His seals are also at the beginning and end of each paragraph. On p. 2 are also the seals of the brothers Deva (Prime Minister 1901 A.D.), Candra (1901-29 A.D.), Bhīma (1929-32 A.D.), Phatya and Lalita Śaṃśer Rāṇā. In the copy of the National Archives which I used there are many handwritten additions, but not in the chapter on *satī*. This amended version was valid until V.S. 2020 (1963 A.D.).

Of the early manuscripts I have used two manuscripts (see Appendix). Both contain, with few variations, the prescriptions of MA-2 and MA-1, if in a different order. The manuscripts are also more concerned with the sanctionings rather than prohibitions of *satī* (see, for instance, §§ 7, 9 or 10 of MA-Ms<sup>a-b</sup>). MA-1 and MA-2 are more elaborate and precise, but as regards the legal prescriptions and the types of punishment, manuscripts and edited texts do not differ significantly. See the following synopsis for parallels and differences.

MA-Ms<sup>a</sup> dated V.S. 1910 (1853 A.D.). The manuscript is kept in the National Archives Kathmandu under the Subject Number (*viśaya na[mbar]*) Ca.La.Na. 28/17. There is no title page, but the catalogue card bears the title "Aina". — Chapter "Satijānyāko": pp. 500-503 and 512 (14 and 4 paragraphs).

The manuscript is written with often faded black ink in Devanāgarī script on fragile so-called Nepālī paper bound in book form (size 34 x 25.5 cm). The MS is numbered and starts on p. 34<sup>r</sup> and ends on p. 856<sup>v</sup> with a hardly readable table of contents of the different chapters. However, several pages are missing in between. There are several additions by different scribes; apparently, this book was used for formulating another amended version. Each paragraph has a stamp at the beginning and the

end: *śrī jaṅga bahādura kūvar rāṇāji sadar*, from which it can be concluded that, at the time of its composition, Jaṅga Bahādura Rāṇā had not yet received the title *prāīma miniṣṭara* (Prime Minister). It seems to be sure that this manuscript predates the manuscripts used for the edition of MA-2.<sup>15</sup>

MA-Ms<sup>b</sup> dated V.S. 1933 (1876 A.D.). The manuscript is kept in the National Archives Kathmandu under the Subject Number (*viṣaya na[mbar]*) Ca.La.Na. 28/18. — Chapter "Satijānyāko": pp. 372-4 (15 paragraphs).

The manuscript is very similar to MA-Ms<sup>a</sup>. It contains 678 pages, with an appendix of 32 pages titled Dhanakuṭā[-]jaḍāke, "From the *aḍḍā* (court) of Dhanakuṭā". On its handwritten front page it is confirmed that Yakṣa Bikram Rāṇā (illegitimate son of Bam Bahādur Rāṇā, who was one of the brothers of Jaṅga Bahādur Rāṇā and prime minister from 1856-57 A.D.) has used this copy in Dhanakuṭā, a village in the east of Nepal.<sup>16</sup> MA-Ms<sup>b</sup> fills a lacuna of MA-Ms<sup>a</sup> at the end of the chapter on widow burning.

### 1.3 Synopsis

Placed within the customary of legal dogmatics, the regulations of MA-2 present the following picture.<sup>17</sup>

Satī is permitted for married women or women held to be married in the eyes of the law<sup>18</sup> (§§ 1, 12) if:

1. they are over 16 years old (§§ 1-3),<sup>19</sup>
2. their sons are over 16 years old (§§ 2, 3),<sup>20</sup>
3. their daughters are over 5 years old (§§ 3, 31),<sup>21</sup>

15 See J. FÉZAS, "Perversion et Hiérarchie...", p. 287.

16 Cf. J. FÉZAS, *ibid.*, p. 289.

17 The following is taken with some alterations and improvements from my article "Widow Burning in Nepal", pp. 26-7. The paragraphs refer to MA-2 unless otherwise noted.

18 § 5 (cf., however, § 12) prohibits *satī* among female slaves (*cākara*) and servants (*kamārā*); MA-Ms<sup>a</sup> prohibits *satī* among concubines (*besyā*); women who had sexual relations with more than three men were held to be such (HÖFER, *op.cit.*, pp. 79squ.). For the three categories of wives see below § 1.

19 MA-Ms<sup>a</sup> (§ 1): 11 years.

20 MA-Ms<sup>a</sup>: no least age is mentioned.

4. they have no other husband (§ 4),
5. they are not pregnant (§§ 6-7),
6. their decision is freely taken and immediately carried out (§§ 9-10, 12, 27), i.e. if
  - a) no force (§§ 16, 20, 22),
  - b) no narcotization (§§ 18, 20-22) or
  - c) persuasion (§§ 18, 20, 21, 30) was used,
7. but rather the attempt was made to change her mind (§§ 9-10, 14-15); MA-3 (§§ 1, 6-7): If this is not possible, the next government office should be informed.

Moreover, *sañ* is expressly forbidden

8. if "only" the son has died (§ 8, MA-Ms<sup>a</sup>: §§ 4-5, MA-3: § 3),
9. in the case of female slaves and servants (§ 5; but cf. § 12: a slave as a wife!, MA-3: § 3),
10. if the husband of a Brahmin woman has died in a remote area (§ 11), i.e. no second pyre is allowed; not in MA-Ms<sup>a</sup> but in MA-3 (§ 4); MA-3 (§ 5): for castes one may accept rice from, a second pyre is only possible if the widow is over 45 years old.

Two stages of immolation are legally pertinent in assigning punishment:

11. a ritual stage, namely the bath (*snāna*), by which *sañ* is initiated, and for which an expiatory payment (*patiyā*) is necessary in cases of retraction; or the breaking of the bracelets (§ 25, MA-3: § 8), by which the ritual decision to commit suicide is confirmed, and
12. a factual stage, namely the igniting of the fire (§§ 11 and 13, MA-3: §§ 7, 13).

Thus, in the case of an abandonment of intent (MA-3: § 7) it is a matter of importance when this has occurred, i.e.

13. after the bath but before the igniting of the fire (§ 14),
14. after the bath and after the igniting of the fire (§ 15) or
15. after the breaking of the bracelets (§ 25).
16. Further, the distinction is made between the main culprit, instigator and accomplice: the main culprit is the person who lights the fire, the instigator the one who gives permission for *sañ* to be performed, and the accomplices are those who carry or merely accompany the widow to the pyre. The degree of punishment consequently depends upon the part played, and also upon nearness of kinship, age and caste status. Whether the son is punished, for example, when he allows an illicit *sañ* to be performed on his mother depends upon whether he

- 21 MA-Ms<sup>a</sup>: 3 years, MA-3: 12 years; MA-3 (§ 2) has the handwritten addendum: "If the daughter is married, then 10 years."

is over or under twelve years old, and whether or not he is a stepson (§§ 25, 27, MA-3: § 3).

17. The Ain also regulates questions of the widow's hereditary rights when she lets herself be immolated, particularly with regard to land and personal property.
18. Interestingly, the text betrays no knowledge of the legal concept of error that serves to mitigate or cancel punishment: If a woman mistakenly supposed that her husband had died and made preparations to have herself immolated, she would still, after the misunderstanding had been cleared up, be fined a penalty of 5 rupees a month or 4 months in prison.
19. The types of punishment include: capital punishment (MA-3: §§ 10, 14), incarceration for life or for a limited period, fines, confiscation of property (both real estate and personal property); moreover — as has been seen — expulsion from the caste. Whoever, for example, incites a mother to perform *satī* at the death of her son is given a life-term jail sentence or even the death penalty, if his status is that of a slave (§ 8). Particularly harsh punishments are meted out on those who narcotize a widow before her immolation, or use violence to force her (§§ 16, 18, 21-22), or in cases where *satī* is performed for a man who is not her husband (§ 8: death of a son). MA-3 (§17) limits the punishment to 12 years imprisonment.

## 2. Text

[ ]	Additions from MA-1
< >	<i>Varia lectio</i> from MA-1.
( )	Remarks
{ }	Emendations
-	Words separated in MA-2 while combined in MA-1
	Words combined in MA-1 while separated in MA-2
,	<i>virāma</i>
<u>kh</u>	The akṣara "ṣ" representing the phoneme kh (see above)
	Marking the end of lines (only MA-Ms <sup>a</sup> )

## *Sati Jānyāko*

1. *kaśaikā vivāhitā vā bhāta khājā calanyā nacalanyā jātā kānyā lyāyākā svāsnile satī jāchau bhanyā 16 varṣa manikā- lāi jāna nadinu.*
2. *viḥā<sup>22</sup> garyākā- ra bhāta khājā calanyā nacalanyā jāt[a]kā kānyā lyāyākā svāsnimā 16 varṣa nāghyākāle satī jāchau bhanyā kācho choro 16 varṣa pugyāko rahenacha bhanyā satī- jāna nadinu.*

22 <viḥyā>.

3. *viḥā<sup>1</sup> garyākā- ra bhāta khājā calanyā nacalnyā jāt, kā kānyā lyāyākā [śvasnimā] 16 varṣa nāghyā ki svāsnile sati jāchau<sup>23</sup> bhanyā chori 5 varṣa napugyākā<sup>24</sup> rahicha bhanyā jāna nadī <i> nu.*
4. *dośro poi bhayākā vā dośro|dekhi vaḍh, tā<sup>25</sup> poi bhayākā svāsnile sati jāchau bhanyā jāna nadinu.*
5. *gaddinasīda<sup>26</sup> mahārājakā rāni śvarge<sup>27</sup> hudā- ra. umarāva bhāradāra raiyat, gaihrakā svāsniharū mardā sati jāchau bhanyā cākara keṭi kamāri gaihralāi sati-jāna nadinu. estālāi sati- jā bhani vacana di polāunyā mokhyalāi 500 rūpaiyā (jāni jāni?) polanyā arū- mahlāmilāi janahi 250 rūpaiyā dāḍa garnu.*
6. *vālakha garbhamā chadā lognyā marnyā svāsnile garbha paidā bhayā|pachi sati jāchau bhanyā. jāna nadinu.*
7. *garbhi <i> ṇi svāsnile garbha rahyāko thāhā- bhayā pachi 1 mainhāko mātraī garbha bhayā pani garbhi <i> ṇi svāsnilāi sati jāna nadinu.*
8. *āphnu choro mardā kumko siḍura<sup>28</sup> bhani chorāko sati jāna nadinu. chorāko sati jāna hūcha bhani vacan,- di polāunyā muḍinyā jāta bhayā ain, vamojim, ā sa sarvasva gari dāmala- garnu. arū jāta bhayā kāṭi mārī dinu. jāni jāni polanyā mahlāmi|harū|lāi aina vamojim, sard(v)asva<sup>29</sup> gari chāḍi dinu.*
9. *viḥā<sup>30</sup> garyāka- ra. bhāta calanyā nacalanyā jātkā kānyā lyāyākā svāsnimā 16 varṣa nāghyākile āphnā khusi rājile khasākā sati jāchu bhanyā. kācho choro|sāga- vasyāko havas, vegal, vasyāko havas,. usko 16 varṣako umera bhayāko rahecha- bhanyā bharasakha samjhāunu vujhāunu gari thāmanu. thāmana nasakiyena<sup>31</sup> haṭaka<sup>32</sup> garna lāgi- bhanyā estālāi sati jāna dinu. āgo dīnyā polanyā|lāi vāta lāgdaina.*
10. *viḥyā garyākā- ra bhāta calanyā na calanyā jātkā kānyā lyāyākā svāsnimā 16 varṣa nāghyākile āphnā khusi- rājile khasamko sati jāchu bhanyā uskī <°-ki> chori 5 varṣa nāghyāki rahicha- bhanyā. bharasakha samajhāunu vujhāunu gari*

23 *jānachaū.*

24 *°-ki.*

25 *vaṭhatā.*

26 *°-sīna.*

27 *śvargya.*

28 *sindura.*

29 *sarbasva.*

30 *viḥyā.*

31 *°-yana.*

32 *haṭa.*



*thāmanu. thāmana sakiyena<sup>33</sup> bhanyā sati- jāna dinu. āgo- dinyā polanyā|lāi khata lāgdaina.*

11. *lognyā laḍāñimā (sic!)<sup>34</sup> gai marnyā- ra rājakājamā bhayo- vā āphnā sokhale desa pardesa ṭaḍhā gai marnyākā svāsnile sati jāchāu bhanyā. ainamā sati jāna hūcha bhani lekhiyākā svāsnimā vrāhmaṇa vāheka arū jātkā svāsnile āphnā khusile sati jāchu bhānyā|lāi sati jāna dinu. vrāhmaṇakā murdā jalāyāpachi 2 citā hudaina nagarnu.*
12. *āphnā gharaki kamāri kānyā dekhi khasamle svāsnī tulyāi rākhyākā 16 varṣa nāghyākā rahicha bhanyā usko choro 16 varṣa pugyāko rahecha bhanyā- ra. chori 5 varṣa pugyākā rahicha- bhanyā khusi- rājile khasamkā sati jāchu- bhanyā kamāri svāsnī bhayā- pani jāna dinu.*
13. *ainale sati- jāna- bhanyā pāunyā bhāta [na-] calanyā jāta|ki sati- poladā ekai-salo- [solā?] gari napolanu vegalā- veglai<sup>35</sup> salo- [solā?] gari polanu.*
14. *āphnā lognyā- mardā ainale sati- jāna pāunyā svāsnile sati jāchu- bhani pāni khānyāi solāmā- caḍhi sāgaramā- pugi us, ṭhāumā garnu parnyā gaurī puḍā gairā jātake vidhi garisakyā pachi aina vamojima prāyaścitta dilāi bhāta-pānimā<sup>36</sup> calāi|dinu thāmiina bhanyā. pani tes, satilāi ajha- pani timi vas <ś> chau ki jāchāu āṭa<sup>37</sup> bhani sam.jhāunu thāmi bhānyā ainale jāna pāunyā sati polyākā kurāmā vāta- lāgdaina.<sup>38</sup>*
15. *sati jāchu- bhani pāni-khanyāi solā- mā caḍhi āgo- smet,- lāi sakyāpachi solāvāṭa- khasi vala- gari uṭhi bhāgi- gayākā satilāi lāṭhā- ḍhūgāle nahānī javarajasti nagari kasaile nasamāti timi āphnā- khusile sati- jāchāu bhanyā- mātraī hāmi polachāu jānau- bhanyā sahi- sābhāra gari ilāja garāi patiyā dilāi gharamā rākhachāu bhanū<sup>39</sup> ra khusile sati jāchu malāi pola- bhanyā. sāchi guhāi rākhi satiko muculkā lekhai- li polanu. vāta- lāgdaina. sāchi guhāi narākhi muculkā nalekhāi polyāko ṭhaharyā āgo dinyā polanyā|lāi aina vamojim, sajāya garnu. sati- jāna bhanyā ilāja garāi sahi sābhāra gari pāniko mātraī patiyā pāuche āgo lāgi vācyākā hunāle bhātako patiyā pāudina<sup>40</sup>.*

33 *sakiyyana.*

34 *laḍāimā-.*

35 *°-vegalai.*

36 *pāni.*

37 *āṭa.*

38 In MA-1 the sequence *pani tes, -satilāi ...thāmi bhānyā* follows *garisakyā pachi*.

39 *bhambu-.*

40 *pāudaina.*



16. *sati jāchu bhani pāni khanyāi solāmā caḍhi āgo nadidā|sammamā sati jānna bhani vā vala- gari solāvāṭa khasi bhāgi jānyā svāsni|lāi kasaile mārāu<sup>41</sup> bhani lāṭhā ḍhūgāle hāni pakri polyā mārāyā bhanyā mārā bhani paihle vacan, dīnyā 1 paihle hānyā 1 paihle samāunyā 1 i- tinko aina vamojimko āsa sarvasva gari dāmala- garnu. indekhi vāhek, arū jānyā samāunyā|lāi auvalalāi<sup>42</sup> 20 doyam,lāi 25 sim,lāi 10 cahāralāi 5 rūpaiyākā darle dāḍa garnu.*
17. *sati jānyā svāsnile sati jāchu. bhani [pāni] khanyāi solāmā caḍhi āgo nadidā-sammamā solāvāṭa khasi laḍi vagi vala, gari uṭhi bhāgi vā malāi napola ḍaralāgyo bhani bhanyā testālāi napolnu. aina vamojim, bhāta pāniko patiyā dilāi dīnu.*
18. *16 varṣa manikā svāsnilāi havas, vā. ainale sati jāna nadīnu. bhānyā lekhiyākā 16 varṣa nāghyākā svāsnilāi kasaile nasā amvala lāgu khuvāi havas, phulyāi phakāi havas, athavā āphnai khusile jāchu bhani havas, pāni khanyāi sati vasyākā svāsnilāi sati jāna nadīnu.  
<MA-1: ainale satijāna napāunyā svāsnilāi havasa vā ainale satijāna pāunyā svāsnilāi havasa kasaile lāgunasā khvāi satijānchu bhanāi pāni khanyāuna lāyāko thaha{r?}yo bhanyā te{s} tālāi sati jāna nadīnu lāgu nasā khvāunyālāi 4 varṣa kaidagarnu myādakā rūpaiyā diyā linu. >*
19. *sati jāchu bhani pāni khanyāi solāmā caḍhi āgo nadidā|sammamā solāvāṭa khasi laḍi vagi vala- gari uṭhi bhāgi vā. malāi napola ḍarlāgyo bhani vācyākā svāsnilāi bhātko ra solāmā pugi āgolāi sakyā pachi vācyākā svāsnilāi pāniko patiyā didā auval,lāi<sup>43</sup> 5 doyam,lāi 3 sim,lāi 2 cahāralāi 1 rūpaiyā godān, dharmādhikāralāi patiyā dilāi<sup>44</sup> dīnu.*
20. *ainale sati- jāna pāunyā svāsnilāi javara- jasti gari karlagāi-<sup>45</sup> bhayo vā lāgu- khuvāi phulyāi bhayo svāsnikā mukhavāṭa. sati- jāchu bhanāi kasaile polecha- bhanyā. polanyā ra polana lāunyālāi aina- vamojim, dāḍa gari aputālīko- bhāga āphu- pāunyā rahecha bhanyā usle pāunyā- jati aputāli raikara jagāko bhayā adālata amālavāṭa linu guṭhi virtā vekhaphigaḍhāra marāuṭ,mānā cāval, {°- cāmala} chāp|jyūni peṭiyā- kharca gaihra jagāko dhanile pāucha us,ṭhāumā sāmela nahunyā bhāi|le āphnu bhāga aputāli khāna pāucha.*
21. *ainale sati jāna pāunyā svāsnilāi lāgu khuvāi phulyāi [phakāi] uskā, mukhale sati jāchu bhanāi sati polecha bhanyā. āgo- dīnyā usaile- janmāyāko choro rahecha*

41 mārū.

42 avala-°.

43 avala-°.

44 garāi.

45 kara-°.

*bhanyā 40 rūpaiyā sautinyā- chorā<sup>46</sup> ra arūle bhayā 100 rūpaiyā voki laijānyā- ra malhāmilāi 20 rūpaiya dāḍa garnu.*

22. *ainale sati jāna pāunyā svāsnī|lāi kasaile lāgu khuvāi javara- jasti gari sati polecha bhanyā tesaile janmāyākā chorāle polyāko- bhayā uskā vāvu āmākā<sup>47</sup> āsa|jyūnimā uśle pāunyā āsa<sup>48</sup> sarvasva- gari 6 varṣa kaida garnu. myādako ḍaval,- diyā linu. arūle polyāko bhayā pailhe āgo- dīnyā muḍinyā jāta- bhayā aina vamojim,ā sa<sup>49</sup> sarvasva gari dāmala garnu. kāṭinyā jātalāi kāṭi māri- dinu. arū malhāmimā aval,lāi 20 doyam,lāi 25 sim,lāi 10 cahāralāi 5 rūpaiyākā darle dāḍa garnu. rūpaiyā natiryā aina vamojim, kaida garnu. sautinyā chorāle polyāko bhayā uśle pāunyā 9 bhāga jatimātraī sarvasva gari li chāḍi dinu.*
23. *sati jāchu bhani pāni khanyāi solāmā caḍhi āgo nadidāsammamā solā|vāṭa khasi laḍi vagi val, garī uṭhī bhāgi jānyā vā malāi napola ḍarlāgyo bhānyā svāsnīlāi aina vamojim, bhāta pāniko patiyābhayā pachi khānau bhani bhāta- pāni nakhānyā bhatāhā gaihra|lāi janahi 5 rūpaiyā dāḍa garnu.*
24. *sati jāchu bhani solāmā- pugi āgolāi<sup>50</sup> sakyā pachi umki vācyākā svāsniko pāniko- patiyā bhayā<sup>51</sup> pachi pāni khānau bhānyālāi janahi 5 rūpaiyā dāḍa garnu. estā svāsniko bhāta bhanyā caldaina.*
25. *kasaiko lognyāmaryo svāsnile sati jāna bhani curā phori juṭho vāryā pachi tehi curā phori juṭho vārnī svāsnī sati jāchu bhani pāni khanyāi bhanyā ra testālāi kasaile poli diyo bhanyā 12 varṣa ubhīkā chorāle rahecha bhanyā khata vāta lāgdaina 12 varṣa dekhi māthiko chorā bhayā pani arū bhayā pani mokhya polnyā- ra. hūcha bhani vacan, dīnyāko aina vamojim,koā sa sarvasva garnu. arū malhāmi|lāi auvalke<sup>52</sup> 10 doyam,ke 7// simke 5 cahārke 2// rūpaiyā dāḍa garnu tyo- sati poli aputāli- parnyā rahecha- ra aputāli khānyā mokhya- bhai polyāko rahecha bhanyā tesale<sup>53</sup> khāna pāunyā aputāli- ra tesko aina vamojim,ko āsa sarvasva pani garnu. aputāli khānyā- bhāi mokhya polanyā rahenacha bhanyā. aputāli sarkāra (or sarkari) lāgdaina dāiyā|vālāle pāucha<sup>54</sup>.*

46 *choro-*.

47 *°-ko*.

48 MA-1 interpolates here: *bhāga sati mātraī sarvasvagarīli chāḍidīnu sautinyā chorāle polyāko bhayā uśle pāunyā*, which is at the end of this § of MA-2, if in a slightly different word order.

49 not in MA-1.

50 *lāgi*.

51 *divā*.

52 *avala-°*.

53 *teśa-°*.

54 *pāūchan*.

26. *kasaiko lognyā maryo svāsnile maryākā āphnā lognyākā goḍā dhoi pāni usai-dina khāicha*<sup>55</sup> *bhanyā pani tehi pāni pachi- khādi rahicha bhanyā- pani svāsnilāi khatavāta- lāgdaina. patiyā prāyaścita- pani garnu pardaina.*
27. *ainamā sati jāna nadinu bhanyā lekhiyākā svāsnimā kasaile khusi|rāji sita sati jāchu bhani pāni khanyāyā pani sati jāna nadinu. aina vamojim, patiyā garāi dinu. āphna khusile sati jāchu bhani pāni khanyāyā pachi hāmi|lāi kyā- holā bhani estā sati kasaile polecha bhanyā 12 varṣa maniko chorāle*<sup>56</sup> *rahecha-bhanyā khatavāta lāgdaina. 12 varṣa dekhi māthiko choro bhayā- pani arū bhayā pani mokhya polanyā- ra polana hūcha bhani vacana dinyāko aina, vamojim, ko āsa sarvasva garnu. arū malhāmimā avalke 10 doyam, ke 7// simke 5 cahārke 2// rūpaiyākā darle dāḍa garnu.*
28. *sati|lāi aina vamojim, patiyā garnu. parnyāmā patiyā nagari bhāta pānimā sarovara hunyā sati|lāi- ra sarovara garnyā|lāi 5/5 rūpaiyā dāḍa garī patiyā garāi bhāta pānimā aina vamojim, calāunu.*
29. *svāsnī mānis,- kasaile arkā kohi maryāko dekhi merai lognyā marechan, bhānyā ṭaharāi navujhi sati jāchu bhani pāni khanyāīcha. pachi tahakita gardā usko lognyā maryāko rahenacha jyūdai ṭaharyo bhanyā- tahakita nagari maryāko merai lognyā ho sati jāchu bhani pāni khanyā|unyā estā*<sup>57</sup> *vekupha svāsnī|lāi 20 rūpaiyā dāḍa garī patiyā garāi dinu. dāḍakā rūpaiyā natiryā mainhākā 5 rūpaiyākā darle kaida garnu.*
- [30. *ainale sati jāna napāunyā svāsnī lāi kasaile phulyāi phākāi uskā mukhavāṭa sati jāñchu bhanāi pāni khanyāuna lāyāko ṭaharyobhanyā testālāi sati jāna nadinu phulyāi phākāi sati jāñchu bhanāi pāni khanyāuna lāunyālāi 50 rūpāṭā dāḍa garnu.*]
- [31. *vihyāgaryākā ra bhāta khājā calanyā nacalanyā jātakā kanyā lyāyākā chorāpani choripani hunyā svāsnimā kāñcho choro 16 varṣa nāghyāko rahecha chori 5 varṣa pugyāki rahinacha bhanyā testā svāsnile sati jāñchu bhanyā sati jāna nadinu.*]<sup>58</sup>

55 *khāi.*

56 *choro.*

57 *yastā.*

58 §§ 30 and 31 are only in MA-1.

3. Translation<sup>59</sup>On Going for [becoming] a Sati<sup>60</sup>

1. If someone's wife, married or brought [for marriage] as a virgin<sup>61</sup> from a caste (*jāta*)<sup>62</sup> from which one may or may not accept<sup>63</sup> cooked rice [and other cooked] tiffins, says 'We (plur.maj.) go for Sati' [and] if she is under 16 years, let her not go.
2. In regard to a married wife or (lit. and) a wife brought as a virgin from a caste from which one may or may not accept cooked rice [and other cooked] tiffins, who has crossed 16 years [and] says 'We go for Sati', let her not go for Sati, if [her] youngest son has not yet reached 16 years.
3. In regard to a married wife or (lit. and) a wife brought as a virgin from a caste from which one may or may not accept cooked rice [and

59 Additions are put in [ ], explanations in ( ).

60 Sati is used in three different meanings: a) the widow burning, b) the wife who intends (or is forced) to burn herself, c) the burned wife who is believed to become Sati.

61 The MA (cf. § 23) distinguishes three categories of wives of the wearers of the sacred thread (*tāgādhārī*), i.e. the twice-borns: a) *vihā gari lyāyākā*, "[virgins (*kanyā*)] brought by performing a proper (i.e. 'Vedic') wedding ceremony" (= *vivāhitā*); b) *diyo kalasa puji lyāyākā*, "[virgins] brought by performing the [simplified] rites of the lamp and water pot" (= *lyāitā*); c) *manomānasāga lyāyākā*, "[virgins] brought by consent (i.e. without any marriage ritual)" (= *lyāitā*). Cf. MA-2, p. 377.2, HÖFER, *op.cit.*, p. 74. Since *svasnī* always means a married woman, the additional phrase *vivāhitā lyāyākā* must be considered as signifying one of the marriage categories or a particular marriage status; it is, however, not always repeated in the following paragraphs: cf. §§ 9 and 10.

62 The prescription refers to either second or further wives or wives from a lower caste; both cannot be married with full rites. In the first case, the (second) wife belongs to a caste from which cooked rice is acceptable, i.e. from a caste without status difference; in the second case, she may even be the only wife but comes from a lower caste from which cooked rice is not acceptable, so that she cannot be regarded as *vivāhitā*. For *bhāta* (cooked rice) as a status marker see HÖFER, *op.cit.*, p. 55squ.

63 *calnu*, lit. "to move (intr.), walk, go". The German use of *gehen* as something which is acceptable comes close to the meaning of the verb. For further remarks on *calnu* see HÖFER, *op.cit.*, p. 55 fn.9.

- other cooked] tiffins, who has crossed 16 years [and] says 'We go for Sati', let her not go, if [her] daughter has not yet reached five years.
4. If a wife who has a second husband or more [than two] husbands, says 'We go for Sati', let her not go.
  5. When the queen of the reigning king reaches heaven or (lit. and) the wives of wealthy persons, high noblemen and all kinds of [other] subjects<sup>64</sup> die by saying 'We go for Sati', none of let the serviceable girls and female slaves<sup>65</sup> go for Sati.<sup>66</sup> Punish those chief persons<sup>67</sup> who give permission by saying [to the slaves] 'Go for Sati' and thus cause [their] burning with a fine of 500 Rupies, (and) the other mourners<sup>68</sup> who are involved in the burning, each with 250 Rupies.
  6. If a wife who carries a baby/foetus in her womb when her husband dies says after the delivery 'We go for Sati', let her not go.
  7. If a pregnant wife knows about her conception (lit. foetus), even if the foetus is just one month old, let [such] a pregnant wife not go for Sati.
  8. Let [a wife] who thinks at the time of her own son's death that he is the [auspicious] vermilion of her shoulder<sup>69</sup>, not go to [become her] son's Sati. Confiscate lawfully all property<sup>70</sup> and imprison for life any member of the shaveable<sup>71</sup> caste who gives permission and who [thus] causes her burning, thinking that it is allowed to go for one's son's Sati. If he belongs to another caste [enslave him and] cut off his

64 raiyat, > rāyat, "subject, tenant".

65 For *cākara* cf. HÖFER, *op.cit.*, p. 123, for *kamārā* cf. MA-2, pp. 682sq. (Chapter *Kamārāko*).

66 Cp., however, § 12.

67 *mokhya* > *mukhiyā*, "village headman, revenue collector, local state representative"; in this context it could also mean the chief mourner.

68 *mahlāmi* > *malāmi*, any "mourner at a funeral".

69 When a man marries, a red mark with vermilion is made on the forehead of the bride, and some parts of the same red powder are strewn on the shoulder of the mother of the bridegroom.

70 *sarvasva garnu*, the confiscation of one's whole property; *āsa sarvasva*: including the inheritance of the deceased person.

71 *muḍinyā* (< Skr. *muṇḍita*) *jāta* refers to Brahmins who, according to the Dharmaśāstras, cannot be killed. In lieu of capital punishment they are degraded and their hair is shaven (cf. HÖFER, *op.cit.*, p. 113), sometimes in stripes.



- head.<sup>72</sup> After the lawful confiscation of their property, release [other] mourners who were knowingly involved in burning her.
9. In regard to a wife, married or (lit. and) brought [for marriage] as a virgin from a caste (*jāta*) from which one may or may not accept cooked rice, who has crossed 16 years and says of her own will and gladly, 'I (lit. we) go for Sati', and who stays either with her younger son or alone, the son's age having reached 16 years, restrain her as far as possible by convincing and persuading her [to change her mind]. If it is not possible to restrain her, let her go for Sati. Those who light the pyre and burn her will not be affected by accusation<sup>73</sup>.
  10. In regard to a wife, married or (lit. and) brought [for marriage] as a virgin from a caste (*jāta*) from which one may or may not accept cooked rice, who has crossed 16 years and says of her own will and gladly 'I (Lit. we) go for Sati', and whose daughter has crossed 5 years restrain her as far as possible by convincing and persuading her [to change her mind]. If it is [not<sup>74</sup>] possible to restrain her, let her go for Sati. Those who light the pyre and burn her will not be affected by any punishment<sup>75</sup>.
  11. If a wife, whose husband has died having gone to war or (lit. and) had been on governmental duties, or has died having gone out of his own [private] pleasure to far-off [or] foreign countries, says 'We go for Sati', and if, as a wife from a caste other than the Brahmins, being entitled by the Law to go for Sati, she says 'We go for Sati', let her go for Sati. A second pyre (lit. two pyres) is not allowed once the corpse of a *brāhmaṇa* has been lit; don't let it happen.
  12. If a master has kept his own slave girl from maidenhood on as his wife, and if she has crossed 16 years, if her son has [also] completed 16 years and her daughter has reached 5 years<sup>76</sup>, [and moreover] if she says of her (own) will and gladly 'I go for Sati', let her go, even if she is a slave-wife.

72 For a death penalty the person has to be enslaved.

73 *vāta* = *doṣaropaṇa*, *abhiyoga* (NepBŚK, s. v.); cf. *infra*, § 10.

74 Both editions leave out the prohibitive *na-*°, which is found in § 9. Since *sakiyena* is already a negative form, however, the prefix is obsolete.

75 For *khata* as an "punishable act" (cf. § 9: *vāta*) cf. HÖFER, *op.cit.* p. 185 and KānūnīŚK, s.v. *khata: muddābāṭa ṭahariera sajāya pāune kasūra, abhiroga, dāga*.

76 Cp. § 3.

13. Do not burn [a woman] who is entitled by the Law to go for Sati in one pyre (i.e. together with her deceased husband) if she belongs to a caste from which one cannot accept cooked rice; burn her by making a separate pyre.
14. If a wife whose husband has died and who is allowed by the Law to go for Sati says 'I go for Sati', (and) if she pours water [over her head], ascends the pyre and reaches the river (lit. ocean), even if at that place the necessary *gaurīpūjā* has been completed in accordance with the rules of the different castes, [in such a case] remind that [would-be] Sati [to change her mind] by saying once more [to her] 'Remain or go, decide!' If she can be stopped, grant rehabilitation [to her] according to the Law and continue to give/accept cooked rice and water [to/from her].<sup>77</sup> If she cannot be stopped and is allowed by the Law to go for Sati, there will be no accusation in the burning incident.<sup>78</sup>
15. If [a wife] says 'I go for Sati', throws water [over her head], ascends the pyre after it has been lit, if she [thereafter] falls from the pyre [or] stands up with [her last] effort [and] runs away, [and] if [this] Sati<sup>79</sup> is not hit with sticks [or] stones [or otherwise] forced [or] caught by anybody, tell her: "Only if you say 'I go for Sati voluntarily', will we burn you; if you say 'I do not go', we will care for you, give you medicine [for the wounds caused already by the fire], grant rehabilitation and keep you in [your] home"; and if she [still] says 'I go voluntarily, burn me!', [then] burn her after having appointed a witness and an eyewitness and having written a report on [that] Sati. [In such a case] nobody will be affected by accusation. If it is determined that [she] was burnt without being appointed a witness and an eyewitness and a report being written, lawfully punish those who burnt [her], and those who lit the fire. If [the wife] says 'I do not go for Sati', she is rehabilitated only for water, once you have treated [her] medically and provided [her] with the right care; since [the wife]

77 In case this is not given, see § 28.

78 The translation follows MA-1, since the word order in MA-2 is apparently jumbled.

79 Although the woman is not yet physically dead, she is ritually dead and already considered as (the goddess) Satī, since she has performed the last rites by throwing water over her head etc.



has survived the fire, she is not rehabilitated for [the acceptance of] cooked rice.

16. If [a wife] says 'I go for Sati', throws water [over her head], ascends the pyre, [and then] says, before fire is applied [to the pyre], 'I do not go for Sati' or falls with [her last] effort from the pyre, escapes [and] runs away [and] if somebody says in regard to such a wife 'Let's burn [her]', if he hits her with sticks and stones and catches her, if [moreover the wife] is burnt and dies, [then] inflict lawfully and after the confiscation of [their] inheritance and property, life imprisonment on those who said 'Kill her': to him who first gave permission, to him who first hit her, and to him who first caught her. Apart from them, punish those who went and caught her with a fine of 20 rupies for *avala*, 25 for *doyama*, 10 for *sima*, and 5 for *cahāra*.<sup>80</sup>
17. If a wife who is permitted [by the Law] to go for Sati says 'I go for Sati', pours water<sup>81</sup> [over her head and] ascends the pyre, [but] falls from the pyre before fire is applied [to the wood], slips [from it], stands up with [her last] effort or runs away, and if she says 'Don't burn me, I am afraid', [then] do not burn her. Grant her, in accordance with the Law, rehabilitation for [the acceptance of] cooked rice and water.
18. Do not allow to go for Sati a wife bent on Sati<sup>82</sup>, who is below 16 years, or a wife who has crossed 16 years, [but] who has been specified by the Law [as someone] not to be allowed to go for Sati, [and/or a wife] who has been given by someone intoxicants, *amvala*(?), [or] narcotics (mostly opium) [or] wheedled und coaxed, or [a wife] who says of her own will 'I go [for Sati]' or who has thrown water [over her head].<sup>83</sup>

80 These terms are the usual categories of rank, having their origin in the quality of irrigable land: cf. KānūnīŚK and NepBŚK, s.v., and U. MÜLLER, *Die ländlichen Newar-Siedlungen im Kāthmāṇḍu-Tal - Eine vergleichende Untersuchung sozialer und ökonomischer Organisationsformen der Newar*. Giessen: Selbstverlag des Geographischen Instituts der Justus Liebig-Universität Giessen, 1984, p. 102. They denote also tax classes and indirectly property status. It is not clear whether the prescription refers to the individual degree of participation in the case or to assets.

81 *pāni* is missing in MA-2.

82 *basyākā*? < Skr. *avaśya*?

83 This § is not clear at all. It seems that the redactors were confused by different sub-clauses indicated with dots, *havas*, and *vā/athavā*. The prescription is self-

- <MA-1: If it is determined that a wife — regardless of whether she is not permitted by Law to go for Sati or is permitted by Law to go for Sati — has been given narcotics [or] intoxicants by someone and has [thus] been induced to say 'I go for Sati', or if she has been forced to take (i.e. pour) water, do not allow such a [wife] to go for Sati. Punish those who give her narcotics [or] intoxicants with four years' imprisonment, [but] if they pay [the equivalent] amount in rupees for the term [of imprisonment, i.e. 4 years], take it [and release them]. >
19. If a wife says 'I go for Sati', pours water [over her head and] ascends the pyre, [but] falls from the pyre before fire is applied [to the wood], slips and is swept downstream, [or] stands up with [her last] effort and runs away, or if she says 'Don't burn me, I am afraid', grant to [such a] surviving wife rehabilitation for cooked rice [and water],<sup>84</sup> and to a wife who survives after she has ascended the pyre and the fire is lit, rehabilitation [only] for water<sup>85</sup>; grant the rehabilitation as *godāna* in favour of the *dharmādhikāra*<sup>86</sup> [according to the following rates:] for [a woman belonging to] the *avala* (-rank) 5 rupees, to the *doyama* 3, to the *sima* 2, and to the *cahāra* 1.
20. If somebody forces a wife who is, by Law, permitted to go for Sati [and] makes the wife explicitly say 'I go for Sati', having brought her under his control or given her narcotics [or] coaxed her, and if she is [thereafter] burnt, punish, according to the Law, the one who burnt her and [the one] who caused her to be burnt; [moreover, regarding] his share of [the inheritance] of the sonless<sup>87</sup> [deceased], whatever he is entitled to get [from them] shall be taken by the *adālata* and

contradictory in several aspects. However, the variant in MA-1 seems to solve some of the problems.

84 Cp. §§ 14 and 23.

85 Cp. §§ 15 and 24.

86 Only the *dharmādhikāra*, who is the *rājguru*, can give *patiyā*; cf. the long chapter 89 (*Dharmādhikārako*) in MA-2. For the difference between *patiyā* ("rehabilitation" [through the government] in the sense of re-admittance to one's caste") and *prāyaścitta* ("absolution [through a priest] from a guilt", expiation) see HÖFER. *op.cit.*, pp. 185-188. Both terms are, however, sometimes used as synonyms.

87 For a detailed discussion of *aputāli* see FÉZAS, "The Nepalese Law of Succession...", *loc. cit.* The daughter is, with few exceptions, excluded from the inheritance.

*amāla*<sup>88</sup>, if the sonless [deceased] was [a tenant or resident] of *raikara*(-land); the *guṭhi*-, *birtā*-, *vekha*-, *phigaḍhāra*-, *marauṭa*-, *mānacāmala*-, *cāpa*-, *jyūni*-, *peṭiyā*-land<sup>89</sup> [and] the income (from it) goes to the owner of all this land; a relative shall receive, according to his share, the [moveable] property<sup>90</sup> of the sonless [deceased], [though only] if he has not joined in the gathering at that place [where the burning took place].

21. If somebody burns a wife who is, by Law, permitted to go for Sati, having given her narcotics [and] coaxed<sup>91</sup> her [and] made her explicitly say 'I go for Sati', punish the one, who lit the fire with [a fine of] 40 rupees, if he is her own son, [and] 100 rupees if he is her stepson or somebody else, [and] the one who carried her [to the funeral] and other participants in the funeral party with [a fine of] 20 rupees.
22. If somebody burns a wife who is, by Law, permitted to go for Sati, having given her narcotics, [and] if that Sati is forcibly burnt, imprison him for six years, if she is burnt by her own son, after the confiscation of all his share in the inheritance which he is entitled to get from his father and mother. If he pays [the equivalent] of double the term [of imprisonment, i.e. 12 years], take it [and release him]. If she is burnt by somebody else, [and] if [this person] belongs to a shaveable caste (i.e. Brahmin, cf. § 8) and is the first to light the fire, punish him in accordance with Law, after the confiscation of his share [in the inheritance], with life imprisonment. If he belongs to a slayable caste, kill him by decapitation. Punish other [actively involved] participants in the funeral party [according to the following rates:] for

88 Two governmental offices.

89 Roughly speaking, *raikara* is state land, *birtā* private land, and *guṭhi* land owned by religious or welfare corporations; *vekha*, *jyūni*, *mānacāmala*, *cāpa*, and *peṭiyā* are lifetime *birtā* land grants made as a reward for governmental services (see M.C. REGMI, *Land Tenure and Land Taxation in Nepal. Religious and Charitable Land Endowments*. 2nd. ed. Kathmandu: Ratna Pustak Bhandar, 1978 (1st. ed.: 4 vols., 1963-1969), pp. 282sq. for specifics); *marauṭa* (> *maroṭa*, *marvaṭa*) is land granted to the bereaved families of soldiers killed in war (see KānūnīŚK, s.v., and Regmi 1978: 290); *phigaḍhāra* (> *phikdāra*) is inheritable and transferable land granted as a reward for governmental services and issued by documents which bear the stain of betel juice spat (< *phiknu*, "to spit") by the donor (cf. REGMI 1978: 291).

90 *Khāna*, lit. "eating, food", cf. *sampatti khāna*, "to inherit".

91 Only MA-1.

the *avala*(-rank) 20 rupees, for the *doyama* 15, for the *sima* 10, and for the *cahāra* 5. If they do not pay, imprison them according to the Law. If [the widow] is burnt by her stepson, release him after the confiscation of only nine-tenths from what he is entitled to get (i.e. to inherit).

23. If a wife says 'I go for Sati', pours water [over her head and] ascends the pyre, [but] falls from the pyre before fire is applied [to the wood], slips and is swept downstream, [or] stands up with [her last] effort and runs away, or if she says 'Don't burn me, I am afraid', [and] if she in accordance with Law already has been granted rehabilitation for cooked rice and water<sup>92</sup>, punish all those of the same caste who explicitly do not accept cooked rice and water [from her]' with a fine of five rupees.
24. If a wife says 'I go for Sati', ascends the pyre, [but] runs away after it has been lit and [thus] survives, and if she afterwards is granted rehabilitation for water<sup>93</sup>, punish the relatives who say 'We do not accept water [from her]' with a fine of 5 rupees each. Cooked rice, however, cannot be accepted from such a wife.
25. If any wife whose husband has died says 'I do not go for Sati' and breaks her bangles and observes the mourning [period], [but] if that wife who breaks her bangles<sup>94</sup> and observes the mourning [period later] says 'I go for Sati' and if she is burnt by somebody after she has poured water [over her head], and if that person is her own son [in an age] below twelve years, he will not be affected by any accusation. If, however, the son is above twelve years, as well as in the case of others, punish them according to the Law with the confiscation of their share in the inheritance, [but only] if they are the chief persons in the burning and/[or] give permission for it. Punish other participants in the funeral party [according to the following rates:] for the *avala*(-rank) 10 rupees, for the *doyama* 7½, for the *sima* 5, and for the *cahāra* 2½. If that Sati is burnt, punish, according to the Law, with confiscation of that (i.e. the widow's) property (*aputāli*) which the person who was mainly [involved in burning her] was [actually] entitled to inherit and did inherit, [and confiscate as well his share in the other, ancestral parts of inheritance]. If [somebody] is entitled to

92 Cp. §§ 14 and 19.

93 Cp. §§ 15 and 19.

94 Breaking of the bangles is expression of the status of a widow.

- inherit the [widow's] property [and] is not the chief person [in burning her], her property does not go to the government (i.e. is not confiscated), [instead] the agnatic relatives get it.
26. If a wife whose husband has died washes the feet of her deceased husband, she will not be affected by any punishment even if she drinks the water on the same day and even if she continues to drink that water later. It is also not necessary to grant to her rehabilitation or expiation.
  27. In regard to a wife who is not entitled by the Law to go for Sati, let her not go for Sati, even if she says voluntarily 'I go for Sati' [and] even if she pours water [over her head]. Grant according to the Law rehabilitation to her. If [however] she says out of their own will 'I go for Sati' and, after she has poured water [over her head], 'What will happen to us', [and] if she is [indeed] burnt by somebody, he will not be affected by accusation, if [this person] is her son [in an age] below 12 years. If, however, the son is above twelve years, as well in the case of others, punish them according to the Law with the confiscation of their share in the inheritance, [but only] if they are the chief persons in the burning and/[or] give permission for it. Punish other participants in the funeral party [according to the following rates:] for the *avala* (-rank) 10 rupees, for the *doyama* 7½, for the *sima* 5, and for the *cahāra* 2½.<sup>95</sup>
  28. Punish the Sati to whom rehabilitation is not granted, [although] according to the Law it should be, and who makes no distinction in regard [to the acceptance] of cooked rice and water, as well that person who contributes to [this] non-distinction (i.e. commensality), with 5 rupees each. After she has been granted rehabilitation she may, according to the Law, offer cooked rice and water [to other caste members].
  29. If a certain woman is led to believe by somebody that her husband has died after she has seen that some other person die, [and] if she without understanding says 'I go for Sati' [and] afterwards pours [water over her head, and] if inquiries are later made and it is ascertained that her husband is still alive, punish with a 20-rupee fine and grant rehabilitation to such a stupid wife, who does not make inquiries [and] does not ascertain [the truth] and [thus] pours [water over her head] after she has said 'My husband is dead; I go for Sati'. If she does not pay

95 Cf. § 25.



the rupee fine, imprison her at the rate of one month for each five rupees (i.e. 4 months).

- [30. If it has been determined that a wife who is by the Law not entitled to go for Sati has been wheedled [or] coaxed by somebody into saying explicitly 'I go for Sati' and into pouring water [over her head], do not allow such a wife to go [for Sati]. Punish the one who wheedled [or] coaxed her say 'I go for Sati', [and] to pour water [over her head] with a fine of 50 rupees.]
- [31. If a wife — married or brought [for marriage] as a virgin from a caste (*jāta*) from which one may or may not accept cooked rice [and other cooked] tiffins — who has son(s) as well as daughter(s), and whose youngest son has [already] crossed 16 years [but whose] daughter has not yet reached 5 years, says 'I go for Sati', do not let her go for Sati.]<sup>96</sup>

#### Appendix (Text of MA-Ms<sup>a</sup> with variants of MA-Ms<sup>b</sup>)

##### *Sati jānyāko*

- 1.<sup>97</sup> *sati jādā 11 varṣa dekhi manikā svāśnilāi. jāna kasaile nadinu estālāi lāguharū khuvā|i bhayo phulpāi patyāi bhayo vā. āphnā khusile sati jānchu bhani pāni khanyāi tāpani testā | sati polyo bhanyā polanyāmā aputāli khāna pāunya kasaile polyāko rahecha. aputāli|ko bhāga pāunya. kōhi us thāu mā samel, rahyāchan bhanyā tīnko aṃsa aputāli. raikara<sup>98</sup> ja|gāko sarkārako humcha. birtāguṇi jāgīra<sup>99</sup> khuvāko jasko jagā ho usaile pāucha. poldā mā u|sa thāumā samail,<sup>100</sup> nahunya bhaiko. bhāga aputāli usaile pāucha. estā satilāi<sup>101</sup> janahi 20/20 rūpaiyā daṇḍa garnu rūpaiyo<sup>102</sup> nati|ryā aina vamojima kaida garnu.*

96 § 31 is a combination of §§ 2 and 3.

97 *anusvāra* and *anunāsika* have been transliterated in this text by "ṃ". | marks the end of a line in MA-Ms<sup>b</sup>.

98 *raikyara*.

99 *jāgira*.

100 *sāmela*.

101 Ms<sup>b</sup> inserts here: *āgodinyālāi 100 sati bokilāi jānyālāi*. Cp. § 4.

102 *rūpaiyā*.

2. *12 varṣa dekhi manikā balakha svāśniharīle āphna khusale havas, arū kasaile bhani suni havas, | pāni khanyāyā chan bhanyā bhani<sup>103</sup> satilāi auvalalāi<sup>104</sup> 5 doyamlāi 3 simlāi 2// cāhā|ralāi 1 rūpaiyākā darle dharmādhikārale godāna tī patiyā dinu estā satilāi napo|lanu patiyā bhayā pachi bhāta pāni<sup>105</sup> kasaile kāḥayo bhanyā 5/5 rūpaiyā daṇḍa|da garnu jasle estā saṭi polchan,. aina vamojima tesalāi daṇḍa garnu.*
3. *tesro liṃga dekhi ubhokā vesyā rākhayākā svāśni ra vesyā bhayākā āphnu kailhe kailhe māca jā|nyā mātra garyākā kamariharīlāi satijāna nadinu estālāi āgo dīnyā ra vokilāi | jānyālāi lekhiyā vamojūṇ daṇḍa garnu rūpaiyā natiryā aina vamojima kaida garnu pāni<sup>106</sup> khanyāyāko bhayā dharmādhikāralāi godāna dī lāi patiyā garāi dinu, estā kāhāta|ko aghibhāṭa khānyāle bhāta khāna huncha. pāni khānyāle pāni khāna huncha aghibhāta pā|ni khānyāle khāyānan, bhanyā. 5 rūpaiyā daṇḍa gari khuvāi dinu.*
4. *gaddi nasimda māhārājakā pāṭa vaṇdhārā nilagāyet,. bhārādāra gaihrakā janānā mardā keṭi cākara. | kamāriharīle sati jānchau bhanyā jāna nadinu, pāni khanyāyākā bhayā pāni aina vamojūṇ | godāna dī lāi bhāta pāniko patiyā garāi dīnu. estālāi āgo dīnyālāi 100 | voki laijānyālāi 20/20 rūpaiyā daṇḍa garnu.<sup>107</sup> rūpaiyā natiryā aina vamojima kaida garnu.*
- (p. 500)
5. *gaddi nasida māhārājakā mahārānikā ra vajīrakā [vajarikā?] pariyāra svāśniko sati jānyā keṭi | ra. kamāriharīmā jo sati jāncha testālāi vacana dīnyā jo ho uslāi 500 rūpaiyā | daṇḍa garnu polanyālāi 250 daṇḍa garnu kumko sidūra<sup>108</sup>. bhani chorāsita<sup>109</sup> sati jādā vacana. | dīnyā brāhmaṇa bhayā aina vamojima aṇsa sarvasva garī. dāmala garnu. arījātālāi jyāna. |ko vadālā jyāna polanyālāi sarvasva garnu. pāni mātra<sup>110</sup> khanyāyāko rahecha bhanyā patiyā. | garāidīnu. aghi bhātā pāni khānyāle khāna huṇcha kasaile bhāta pāni khāyānan, bhanyā. | 5/5 rūpaiyā daṇḍa gari bhāta pāni calāi dīnu.*
6. *kasaikā sati jādā āgolāikana havas, āgo nalāikana havas, solā vāṭa khasi bhayo. solāvāta vala gari uṭhikana bhayo bhāgi gai bhanyā testālāi na mārnu*

103 *pani*.

104 *avalalāi*.

105 Ms<sup>b</sup> inserts: *mā calchan. bhāta pāni*.

106 *pāni*.

107 Cp. § 1.

108 *kumako simdura*.

109 *chorāsa[m]ga*.

110 *mātra*.



*auva|l,lāi<sup>111</sup> 5 dauyāmlāi<sup>112</sup> 2// simālāi<sup>113</sup>. ra cāhāralāi 1// rūpaiyā li bhāta pāniko | prāyaścitta dinu aghi jasjaskā bhāta mācalchan, unale bhāta khānu estālāi. | kasāile lāṭhā ḍhumgāle hāni paktri polyā māryā bhanyā. māra bhāni pailhe bhāṇnyā ra pailhe hāṇnyā | samāunyālāi dāmala garnu arū hāṇnyā samāunyā doṣṛā teṣṛā. cauthā gaihramā au|vallāi 20 doyāmlāi 15 simālāi 10 cāhāralāi 5 rūpaiyā jari vānā garnu | natiryā aina vamojima kaida garnu.*

7. *sati jādā āgo diyāpachi solāvāṭa polikanaumkā vā. āgo nalāgi umkā. ye|stā umkyākā svāśnilāi. lāṭhā ḍhumgāle nahāni javarajasti gari arkāle nasamā|ti. timi āphnu khuṣile sati jāṇchau bhanyā polacha jāṇnau<sup>114</sup> bhanyā ilāja garāi sahi. | sām̐bhāra garī patiyā dilāi gharamā rākhachau<sup>115</sup> bhannu ra. tesa svāśnile khuṣile sati jā. |nchu bhanyā. sati polānu. polanyālāi. vāta lāgdaina. sati jānna bhanyā ilāja garā|i sām̐bhāra gari. patiyā dilāi. aina vamojima. bhāta pāni mā linu.<sup>116</sup>*

(p. 501)

8. *ainale sati jāna pāunyā svāśnile khasamkā sati jāṇchau bhāni pāni khanyāyā pachi ghairamā | chadā havas, vāṭi ghārāmā pugyāpachi havas, solāmā vasyā<sup>117</sup> pachi havas, āgo nadi|dāsammamā tesa svāśnile malāi napola ḍar lāgyo ma sati jānna bhāni bhanyā estā svā|śnilāi. sati kasāile napolānu. polanyālāi. aina vamojima sajāya garnu ainale sa|ti jāna hunyā svāśnile āphu khasamkā sati jāṇchu bhāni pāni khanyāi sakyā|pachi sati jānna<sup>118</sup> bhāni pharkanyā svāśniko bhāta caldaina pāni calcha pāniko mātraī patiyā dinu.*
9. *āphnule<sup>119</sup> janmāyākā 12 varṣa<sup>120</sup> māthikā chorā sagana bhayākā<sup>121</sup> ra. chorā nuhunyā<sup>122</sup> svāśni|harīle āphnā khusi rājile khasamko sati jāṇchau bhanyālāi jāna dinu. na chekanu | estā sati voki laijānyā āgo dīnyālāi khata vāta lāgdaina. lāgu khuvāi ka|ra lagāi polyāko rahecha bhanyā āgolāi dīnyā sautinyā chorā ra*

111 *avalālāi.*

112 *doyāmlāi.*

113 Ms<sup>b</sup> inserts: 2.

114 *polachu jānau.*

115 *rākhachu.*

116 Ms<sup>b</sup> has 1½ lines more which are, however, unreadable in my copy.

117 [*khasyā?*].

118 *jāna.*

119 *āphu.*

120 Ms<sup>b</sup> inserts: *dekhi.*

121 *saṃga nabhayāka.*

122 *nahunyā.*

*arū para caṃ| (k?)rilāi 100 āphnule janmāyākā chorāle āgo diyāko bhayā 40 rūpaiyā li | ki lai jānyā mahlāmīlāi. 20/20 rūpaiyā daṃḍa garnu.*

10. *16 varṣako umera pugyāko kāncho choro cha bhanyā vā. āmā vāvu<sup>123</sup> saṃga vasyako havas, | vā. vāvu āmā saṃga chuhi vasyāko havas, testā svāśnīle sati janchau bhanyā bharasa | khasamu jhāṭhanu vujhāunu gari thāmanu thāmana sakiyena. hax{vas,?}<sup>124</sup> garnalāgi bhanyā. | testālāi jāna dinu. nasā amvala khuvāi. satilāi gīxaulāyāko<sup>125</sup> rahecha bha|nyā polanyāharūlāi aina vamojima. sajāya garnu. nasā amvala nakhvāika|na āphnā khusile jānchu bhani bhanyā. sati polanyālāi ra. āgo dinyālāi khata vāta lāgdaina.*

(p. 503)

11. *sati jānakho kanyā<sup>126</sup> svāśnikā chorāharū rahyānacham<sup>127</sup> 3 varṣa nāghyāki chori mātra rahicha bhanyā. | tesa svāśnilāi samujhāi<sup>128</sup> vujhāi thāmanu. vujhāudā thāmana sakiyena. bhanyā sati jāna di|nu. āphnai kākhai mārāhyākim<sup>129</sup> 3 varṣa maniki duda khānyā chori cha bhanyā testā svāśnilāi sa|ti jāna nadinu. pāni khanyāi sati vasyā ki rahicha bhanyā. pani dharmādhikāravāṭa. patiyā. | garāi dinu estālāi sati laigi polanyālāi aina vamojima sajāya garnu. duda chā|ḍnāko bhayā. chori hunyā svāśnilāi sati jāna dinu.*
12. *mahāroga bhayākā chasyā roga bhayākā svāśnikarīko<sup>130</sup> lognyā maryo<sup>131</sup> ra uskā sati jā|nchau bhanyā kākhasaṃmāvalakha chorā chori bhayā pani nabhayā pani<sup>132</sup> estā rogi svāśni ve|syā rākhyāko bhayā pani āphnā<sup>133</sup> lognyākā sati jānchau bhanyālāi sati jāna dinu. na chekanu estālāi āgo dinyā ra voki lai jānyālāi khata vāta<sup>134</sup> lāgdaina.*
13. *kasaikā bhāta khājā nacalnyā kaṃ jātakā dośrā liṃga sammakā lyāyākā bhāta nakhāyā|kā svāśni ra. āphnā gharaki kaṃnyā kamāri khasamale svāśni tulyāi rākhyāki cho|rā na bhayāki svāśni āphnā khusi rājile sati jānchau bhanyā na*

123 vāvu āmā.

124 In Ms<sup>b</sup> also unreadable.

125 sati lāgi polyāko.

126 janyā.

127 rahyānachan.

128 samajhāi.

129 kākhyā rahyāki.

130 -kā.

131 maryā.

132 nabhaya pani om.

133 āphnu.

134 vāta om.

*chekanu jāna dinu. | voki laijānyā<sup>135</sup> āgo dīnyālāi khata vāta lāgdaina. estā sati poldā vegalavegalai polo gari polanu.*

14. *kasaikā<sup>136</sup> lognyā maryo svāśnile sati jānna bhani curā phori juṭho varyāpachi tehi | curā phori juṭho vārnyā svāśni sati jānchu bhani pāni khanyāi bhanyā ra. testālāi kasaile poli diyo bhanyā 12 varṣa dhokā<sup>137</sup> chorālē rahecha bhanyā khata lāgdaina. 12 varṣa | dekhi māthiko chorā<sup>138</sup> bhayā pani arū bhayā pani mukhya polanyā ra. polana huncha bhani | vacana dīnyāko aina vamojimako aṃsa sarvasva garnu arū mahlāmīlāi auvalke | 10 doyam,ke 7// sim,ke 5 cāhārake 2// rūpaiyākā daṇḍa garnu. tyo sati poli a|putāli parnyā rahecha ra aputāli khānyā mukhya bhāi polyāko rahecha bhanyā tesko ai|na vamojimako aṃsa sarvasva pani garnu tesale aputāli pani<sup>139</sup> khāna pāudaina. virtā guṭhi | jāgīrakā jagāmā bhayā us jagākā dhanile pāucha. raikara jagāko bhayā sarkara lā (end of p. 503; the facing page no. 512 (sic!))<sup>140</sup> continues:<sup>141</sup>*

(p. 512)

*Maryo bhani sunā|umā*

1. *kohi pardes, gayākā mānis,lāi. kasaile gharamā āi phalānu tā maryo sunā|yo ra usai khavarmā svāśni sati pani gai cha. pachi tyo maryoko mānis, jyūdai āi|pugyo bhanyā. tyo sunāunauna āunyā mānis,lāi kāṭṭinyā jātalāi jyānako va|dala jyāna linū. vrāhy{m}aṇa jātalāi dāmala garnu.*
2. *pardesa<sup>142</sup> gayākā mānislāi kasaile phalānū tī maryo bhani sunāyo kājakjyā hunana | pāudaina āipugyo bhanyā maryo bhani sunāunyālāi 100 rūpaiyā daṇḍa garnu. rūpaiyā na|tiryā aina vamojim, kaida garnu. maryo bhanyākālāi kehi pardaina.*
3. *kohi pardesa gayāko cha. uslāi kasaile gharamā āi phalānuta maryo bhani sunāi dī|yo ra. gharakā yariyārale juṭhovāryā chan. kājakjyā garyā chan. pachi tyo maryo bha|ni sunāyāko mānis, maryāko rahenacha ra jūdai gharamā āyo bhanyā. maryo bhani su|nāunyā mānis, jo ho uslāi 150 rūpaiyā daṇḍa garnū. rūpaiyā natiryā aina vamojima kaida garnu. pardesavāṭa ghara āunyā mānisle*

135 *laijānyālāi.*

136 This § is almost identical with § 25 of MA-2.

137 *dosro ?*

138 *māthikā choro ra arū.*

139 *pani om.*

140 The page numbers have apparently been added by another scribe.

141 Ms<sup>b</sup> continues: *gcha aputāli khānyā bhāi mokhya polanyā rahenachan bhanyā aputāli sarkāra lāgdaina dāiyā vālāle pāucha.* It also adds a §15 which is, however, identical with § 26 of MA-2.

142 The last three paragraphs of this chapter concern not only *sati* but any funeral.

*prāyaścitta garnu pardaina tirthyā | bhojale śuddha huncha. tirthyā bhoja gari gharamā vaśnu.*

4. *kohi mānis, le āgā ḍaḍhyālāle poli bhayo pānimā laḍi vagi bhayo rūkhubhi|ra chānāryāl, vāṭa khasi bhayo cauyā yāhaihnale hāni mici bhayo ḍhumṅā muḍho lā|gi bhayo vā arī kīrā lekhyerāmibhaithaliyākālāi phalānu tā chuṭi bhayecha bha|ni kurā garyākāmā suṇṇnyā cāhikā vūddhile napugi manale marecha bhanyā ṭaharāi u|skā dājyabhāi gaihrālāi phalānutā maryo bhani sunāyecha ra. tesai khavaramā suṇṇyā|le juṭho smet, vāryāchan, bhanyā arkāle bhanyāko kuro suni vujhi bhanyā koṭha ha|rnāle maryo bhanyālāi 20 rūpaiyā daṇḍa garnu. juṭho vāryāko rahenachan bhanyā 10 rūpaiyā daṇḍa garnu. rūpaiyā natiryā aina vamojim, kaida garnū.<sup>143</sup>*

143 The next page (no. 513) is blank; p. 514 deals with pollution (*asauca*).