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CASTE, SOCIAL MOBILITY AND SANSKRITIZATION: A STUDY OF
NEPAL'S OLD LEGAL CODE

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INTRODUCTION*

Ever since the concepts of Sanskritization were put forward by Srinivas in the context of social change in India¹ this omnipresent social phenomenon caught the attention of scholars, and observations from many parts of India have produced by now a mass of literature on the subject². Srinivas defines the Sanskritization process in these words: "(It) is the process by which a 'low' Hindu caste or tribal or other groups changes its customs, rituals and ideology, and way of life in the direction of a high and frequently, 'twiceborn' caste."³ This tendency for social promotion being a universal characteristic of the all caste-hierarchical societies has, quite appropriately, been found to exist by ethnologists and social scientists in the Nepalese society as well.⁴ It is the objective of the present paper to examine the broad features of this process in Nepal. In the main, the basis of our analysis has been the old Legal Code called the *Ain* in its original codification and *Muluki Ain* in the later years, called the Code from now on in this paper⁵ in which mechanisms for social mobility had been provided

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1 M. N. Srinivas uses this term for the first time in his book, *Religion and Society among the Coorgs of South India*, Oxford Clarendon Press, 1952. See also, M. N. Srinivas, *Social Change in Modern India*, p. 149.

2 M. N. Srinivas, *Social Change in Modern India*, Reading list I. pp. 186-187.

3 M. N. Srinivas, *Social Change in Modern India*, p. 6.

4 John. T. Hitchcock, *The Magars of Banyan Hill*; Bernard Pignede, *Les Gurungs*; Rex Jones, 'Sanskritization in Eastern Nepal', pp. 63-65; Dor Bahadur Bista, *People of Nepal*; C. Von Furer-Haimendorf, 'Caste Concepts and Status Distinctions in Buddhist Communities of Western Nepal', pp. 140-160; Shigeru Iijima, 'Hinduization of a Himalayan Tribe in Nepal' pp. 43-52 and Leo. Rose, 'Secularization of a Hindu Polity: The case of Nepal' pp. 31-48.

5 This original Code incorporating the amendments and additions made up to the year 1866 A. D. was published by the Law Ministry of the Nepal Government in 1965. A. D. (See its full title description under Bibliography) The Code of 1853 A. D. was published with many editions in the subsequent years. See Regmi Research Series, May 1 (1976) compiled by Regmi Research (Private) Ltd, Kathmandu, for a complete account of the successive editions. All the old editions of this legal Code have been repealed by the current one promulgated in 1963 A. D. in which laws establishing caste discrimination have been ended. The time reference for the present study is roughly provided by

within the Hindu caste framework. A description of the Sanskritization process has also been presented from general observations of this phenomenon around present day Nepal or in the recent past.

The Code, the main basis of our present study, embodied the highest set of the country's laws on diverse social, economic, religious and administrative matters totaling one hundred and sixty three categories by means of which legal actions of Nepalese subjects were regulated by the state. The purpose of the Code was 'to ensure that uniform punishment is awarded to all subjects and creatures, high or low, according to (the nature of) their offense and (the status of) their caste'.⁶ This comprehensive Code was compiled in 1853 A. D., and was enacted shortly after. The date of the codification does not, however, imply that these laws had been in practice only since the middle of the last century. Such laws existed before the drafting of the Code also, but in a scattered form, and were subject to diverse interpretations by administrators of justice in the country. A standardization in law was thus felt necessary by the codifiers, and while Jung Bahadur's visit to England in 1850 had probably an enlightening effect on improving legal procedures as well as making the punishment comparatively lenient on many offenses,⁷ the Code on the whole, appears to have reverted to an even greater Hindu Orthodoxy.⁸

CHARACTERISTICS OF CASTE IN NEPAL

The predominant society of Nepal in the hills consists of Nepali speaking Hindus and the Newars, who are further divided into the Buddhist and Shivaite

the first drafting of the Code in 1853 A. D. to 1951 A. D. The revolution of 1951 opened the floodgates of change on Nepal for the first time ever. Still, in rural Nepal the traditional social beliefs are quite strong even now.

6 Mahesh C. Regmi, 'Preliminary Notes on the Nature of Rana Law', p. 110

7 Krishna Kant Adhikary, 'Criminal cases and their punishments before and during the period of Jang Bahadur', pp. 106-112.

8 Hindu Orthodoxy in Nepal has strengthened much more after the Shah dynasty of Nepal came to power, and by the time of drafting the Code, this process may have been completed a great deal. One example of this increased orthodoxy is obtained from the enforcement of the ban on killing cows and eating beef in King Girbana Bir Bikram's time in 1805 A. D. with a greater stricture. Appendix 2 of the Code contains a royal decree of the year 1836 A. D. in which a complete stop has been put to the widely practised custom among all castes of Nepal cohabiting with one's elder brother's wife. This has been called a heinous crime and punishable with severity for its breakers. Further, a greater sense of pollution seems to have been attached to the physical contact of the Hindus with the Europeans by the Shah rulers. Drinking of alcohol by non-drinking castes is a caste-offense according to the Code. But its severity increased if such an alcohol was European made. Even Matawali castes drinking such European alcohol are to be punished by the lowering of their ranking. See Code 87: 30,31 & 32, p. 375.

(Hindu) groups. Like Hindu societies elsewhere, Nepal is also a stratified society consisting of its hierarchically arranged caste-rankings. Caste has been recognised as a unique socio-cultural phenomenon of India by sociologists and anthropologists. Its definition has been variously given, but Berreman's concise summation of it, after having consulted a number of these definitions, seems to be most relevant to Nepal. According to it "castes are ranked endogamous divisions of society in which membership is hereditary and permanent.⁹ Permanency of caste membership is not, however, an indispensable property for those who are seeking to upgrade their mobility. Other definitions of caste have that caste needs more importantly to fulfill such other characteristics as a traditional occupation, commensality rules and ritual purity. We will see below how these different characteristics have played relatively important roles in the formulation of Nepalese caste concepts.

Nepalese caste rules normally prescribe isogamy for its members. Such a wedding is held lawful for the inheritance of property by the issue and for ensuring ritual purity of a caste-member. Caste-endogamy is thus held sacrosanct, because heredity is basic to the concept of caste-purity. For children born of isogamy through socially approved marriages, there is no problem of attaining full ritual status instantly. In the case of hypergamy, this is attainable but only with some struggle.

Isogamy is the only form of marriage allowed for Brahmans to retain their high caste status, although hypergamy is permissible for Brahmans. The issue of Brahmans from hypergamous marriages have a lower caste ranking. In cases where isogamy is not held absolutely essential for caste perpetuation to certain high caste like the Rajputs and the Chhetris, it is still common for them to have a first marriage done endogenously.¹⁰ Hypergamy involves many notions of gradations for the purpose of full ritual acceptance for caste members, which an isogamous marriage would never entail. Thus the principle of caste endogamy in Nepal remains asserted despite the wide prevalence of hypergamy there.

Commensality is another, and probably, an even more important caste-feature in Nepal. The Code is full of stipulations against the breach of commensal rules by caste-members, the violation of which can result in his excommunication and

⁹ Gerald D. Berreman, *Hindus of the Himalayas*, p. 198.

¹⁰ Haimendorf in his 'Unity and Diversity in the Chhetri Caste of Nepal' p. 54 remarks that hypergamy among Chhetris is concluded in late youth which shows its practice in a polygamous situation only. Caplan in his 'Inter-Caste marriage in a Nepalese Town' p. 52 records most hypergamous marriages made in a small bazaar of the far western hills of Nepal as being primary marriages. But his cases must be considered as exceptions. Caplan's men were people displaced from their own social and cultural milieu having come to live there from far-flung places as government officials, and so had not the same bride-selecting opportunity as would have otherwise existed for them in their own social surroundings.

caste lowering. If the defaulter has implicated other members of his family or his kinsmen or caste brethren in this act, this becomes an offense deserving an even more severe punishment. Copulation with lower caste women who only pollute water but do not defile a person by their touch, does not bring a fall in a person's caste status, if he has not accepted cooked rice from them. But violation of commensal rules, even if unaccompanied by a sexual offense, brings to a person an immediate censure. In the same category of commensality one should probably put rules of food taboo for 'twice-born castes', the breach of which would similarly result in a caste-degradation. Commensality can be an accurate means of judging a caste-homogeneity but at times its evidence becomes quite deceptive. Rosser has elaborately studied the dispute of the Vajracharyas and the Udas of the Buddhist Newar groups of Kathmandu over their caste-status arising just from commensality in the second quarter of the present century.¹¹ These two social groups of Newars have been intimately linked in a priest-client relationship. Commensality was admitted by both groups to have been freely taking place between them before the dispute arose. Based on this practice, the client groups i. e. the Udas staked their claim for equality of social status with the Vajracharyas in the court. But the latter clearly saw in it a move to question and undermine their highest social position among the Nepalese Buddhist community, which they had been exercising by virtue of their ritualistic role. They must have perceived at once the danger of admitting commensality with the Udas to preserving their high position since the Code's injunctions on it were quite clear. Therefore, they denied having ever practised commensality with the Udas and interpreted the twelve-year *Samyak* feast, in which they ate rice cooked by the Udas, comparing it with the non-observance of this rule in the shrine of Jagannath at Puri (India) by the Hindus. Court decisions in this case before 1951 were always made in favour of the Vajracharyas and refusal of commensality with the Udas seems to have weighted the court's decision in their favour.¹²

11 Colin Rosser, 'Social Mobility in the Newar Caste system', p. 105. in Haimendorf (ed). *Caste and Kin in Nepal, India and Ceylon*.

12 The Vajracharyas as priests and leaders of the Buddhist religion had come to hold a preeminent position in their own community parallel to the Brahmans among the Hindus. Commensality to the Newars, especially to the Buddhists, did not, however, seem to have as much importance as it did to the Nepali-speaking Hindus. Neither would the rulers have bothered, if the two quarreling parties had not decided to take the matter to the court, about the lax commensal rules prevailing among them. In fact the Vajracharyas are known to eat cooked rice prepared even by their Jyapu clients. But when the dispute involved too many people belonging to the two groups, the case seems to have got out of the hands of the community. Therefore, the litigants prepared the case in such a way that the court would be obliged to give its judgement invoking the commensal rule. The Vajracharyas of Kathmandu widely say that the Udas are middle order comm-

Ritual purity or pollution to which Srinivas attaches a high significance in caste concepts¹³ is not only an inter-caste but an intra-caste behaviour. A status difference in ritual standing is expressed between initiated and uninitiated members of the same caste. Women during their menstruation period become ritually impure and likewise, widows are at times debarred from attending certain functions. The other ingredient of caste structure, the traditional association of occupation to caste standing does seem to apply only to the lower castes in Nepal. The traditional occupations of the twice-born castes do not seem to be clearly determinable since the main occupation of majority of them was, and still is agriculture. Their main preoccupation lay in tending their fields and deriving income from it either as peasants or landholders. The occupations apportioned to the high castes in the *varna* model may be valid in a very general way in Nepal, as Brahmans still act as priests and some members of the Ksatriya caste are in control of politics and government. But there are two categories of Ksatriyas in Nepal, those claiming Rajput origin (the Thakuris) and the others ordinary *Chhetris*. In the villages the bulk of people belonging to these high-castes are peasants by occupation. The army was not the exclusive domain of the Ksatriyas, as all castes seem to have been enlisted in it. This profession has been filled with greater distinction by the Tibeto-Burman speaking ethnic groups classified in the old legal code as Matwali castes.

CASTE RANKING

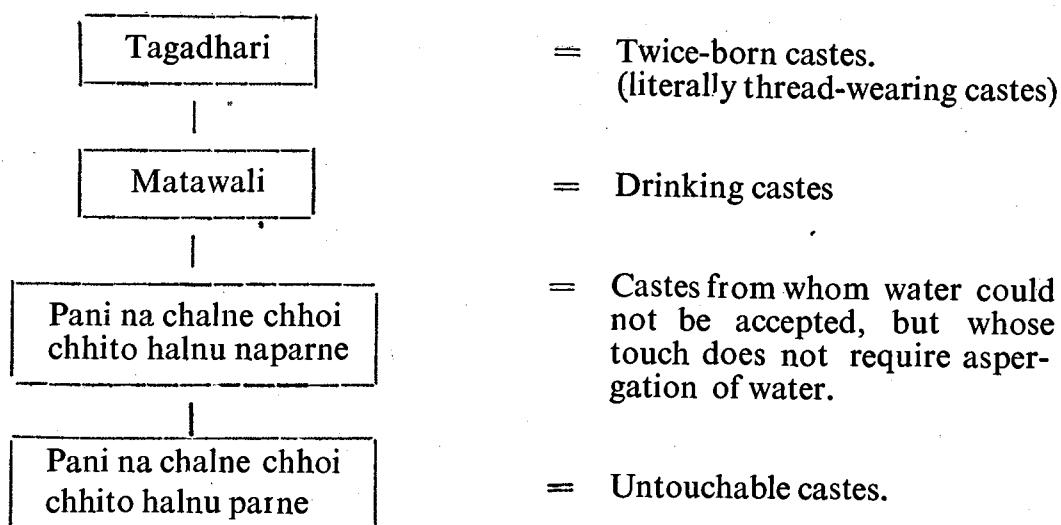
Let us proceed next to describe the caste hierarchy presented in the Code. The Code has tried to comprehend the pluralistic cultures of Nepal into a single scheme of the Hindu caste universe. The large number of non-Hindu social ethnic groups have been made its members and are given a ranking in it. The totality of this caste universe has been paraphrased in the Code as *Char Varna Chhatis Jat* (four *varnas* and thirty-six castes). This phrase shows the familiarity of the Nepalese with the *varna* model and its being the main basis of social division. But the multiplicity of castes had already replaced the validity of the *varna* model for all functional purposes. Likewise, number thirty-six would not seem to bear any correspondence to the actual number of castes existing in Nepal; it is probably indicative only of their multiplicity.

All recognised castes can be grouped in four or five main categories, which, if arranged in boxes, would be as follows:¹⁴

unity into which issues of the hypergamous marriages of the Vajracharyas are admitted. The caste dispute studied by Rosser seems to exemplify the increasing Hinduization (in the *Parbatiya* order) of the Newar high castes.

13 M. N. Srinivas, *Social Change in Modern India*, p. 3.

14 One of the populous social groups, which theoretically should belong outside the caste organization, but maintains as good a caste status as any other groups,



The above hierarchy of the principal social categories in the Code has been determined from the order in which they are found mentioned in connection with laws which lay down punishment for different castes (Code 113-120 and 146-153) for committing incest and copulation with lower or higher castes. The *Tagadharis* who occupy the apex position in the above diagrammatic presentation consisted of several caste groups and their sub-groups. Their linear hierarchical order is as follows:

1. Upadhyaya Brahmans
(Purbiya and Kumai)
2. Rajputs¹⁵
(Thakuri in common language)

is that of the *Dasanama* Sanyasis. Because they are supposed to have renounced the world, taken an ascetic vow for their whole life and severed all connections with their kinsmen. But in point of fact they are married men living with their wives and children and following the caste behaviour of the Chhetris in almost every respect. They have retained just one or two symbolic practices behoving a Hindu ascetic's life. See for a detailed discussion, Veronique Bouillier's, 'Funeral observances of a Group of Non-Ascetic Sanyasi in Central Nepal' pp. 36-45. The ascetics do not fall in any of the boxes we have given in the text. But considering the order in which they are always mentioned in the Code the Sanyasis are to be placed immediately below the Chhetri castes along with Kanphattas, Sevada, Bairagi, Nanak Udasi and Vaghar. (Code 151:1, p. 663).

¹⁵ Throughout the Code the Rajputs (i. e. the Thakuris) receive precedence over the Jaisis, the inferior class of Brahmans, in mentioning them. In view of the Jaisis' unfavoured circumstances of origin, the Rajputs may have considered themselves superior to them in order vaunting a pride over their high descent. For the origin of Thakuris in Nepal see, Prayag Raj Sharma's *Preliminary Report of the Art and Architecture of the Karnali Basin*, pp. 15-20. But in the laws regarding capital punishment and the cuckold's right to kill his wife's paramour, the Jaisi Brahmans are treated in the Brahman's category while the Rajputs get a different treatment.

3. Jaisi Brahmans¹⁶4. Chhetris¹⁷

Below the *Tagadharis* or the twice-born caste, the Code has accorded place to all Nepal's ethnic groups under the name of the *Matawalis*¹⁸. There are two groups of these *Matawalis* recognised, those belonging to the unenslaveable *na masine* class, who have been given an upper ranking, and those belonging to the enslaveable (*masine*) class, who get a lower ranking. In the former class were counted the more prominent groups such as the Magars, Gurungs, the Newars, the Rais and the Limbus. All of them represented the more advanced groups of agriculturists possessing distinct cultures and languages of their own as compared to the other more economically backward groups of Nepal. The slaveable category of the *Matawalis* have been enumerated as follows: Bhotya, Chepang, Majhi, Danuwar, Hayu, Darai, Kumal, Pahari (Code 86: 4, p. 367) and Meche (Code 89:49, p. 392). See also note 47 of this article.

Brahmans are never sentenced to capital punishment nor are they supposed to resort to killing their wife's seducer, if they are cuckolded. There is no such exception shown to the Rajputs, however. The Code also mentions about gradations existing among the Rajputs. (Code 23: 9, p. 116). The relative position of the twice-born castes to each other in Nepal seems to correspond exactly to that of Kumaon's. There are two gradations there of Brahmans and two gradations of the Rajputs. Their highest class of Brahmans, the immigrant Brahmans, appear to parallel with Nepal's Upadhyaya Brahmans, and the inferior Khasiya Brahmans, with the Jaisi Brahmans of Nepal. Similarly the immigrant Rajputs of Kumaon can be equated with Nepal's Thakuris and the Chhetris with Kumaon's Khasiya Rajputs. See, Ram P. Srivastava 'Tribe-caste Mobility in India and the case of Kumaon Bhotias' in C. Von Furer-Haimendorf (ed.) *Caste and Kin in Nepal, India and Ceylon*, pp. 161-212, relevant pages, 189-195.

- ¹⁶ Jaisi Brahmans are born from the re-marriage of Brahman Upadhyaya widows in their own caste. Jaisis present a graded society with differentiated ritual status prevailing among them resulting from their changeable circumstances of birth. The Code recognises three grades of Jaisis in the following order. Good (in descent) Jaisis are those born of Upadhyaya fathers and Upadhyaya virgins brought as wives without the performance of proper marriage rites or from widows. Jaisi daughters married by Upadhyaya Brahmans also beget good Jaisi. Middle order Jaisis are born of Upadhyaya husbands and Jaisi widows or grass widows. *Bhat* Jaisis are those born of Upadhyaya husbands and grass widows (*asaradi*) up to a change of three husbands. See Code 115: 2.3.4: p. 537.
- ¹⁷ *Khas* is the common name by which the Chhetris of Nepal were known until the recent times. It is regarded as an affront to address a Chhetri by this term now-a-days. The Code at one place significantly mentions: "From here on *Tagadhari Khas Jat* has been granted the *Ilkap* (this word is probably a corrupt form of the Persian *Khitab*, meaning title) of Chhetri *jat*. In committing this to writing in documents one should first write the name of the person, then his *thar* (clan), after that the *Ilkap* of Chhetri" Code 89:50, p. 393.

The Code placed all the Newars in the *Matawali*¹⁸ category, ignoring the complexity of their society, which is even more stratified and contains even more numerous caste groups. All the Newar high castes including the Buddhists and the *Saivas* have been given this monolithic definition which may be symptomatic of a rejection of Newar social values by the Nepali-speaking Hindus. An occasional exception is made to the Devabhaju Brahmans, priests of the high caste Hindu Newars, in treating them in the Brahman's category, but they are mentioned in an order well below the Chhetris (Code 150: p. 661). However, regarding the low and polluting castes, one sees the Newari caste stratification system fully adopted in the Code. The castes belonging to the third box in the above diagramatic presentation have come almost entirely from the Newari society with the exceptions of the Muslims, the Mlechchhas which probably refers to the Europeans and the Teli, a low caste of the Terai. Their ranking has been fixed in the Code 160:17, p. 681.¹⁹ Regarding the lowest category of castes described in the Code, their ranking has been determined on the basis of a notion of relative impurity which prevails among these low castes in relation to each other (Code 160: 1-17, pp. 678-81).²⁰

How did the Matawali groups of a single category stand in ranking in relation to each other? The makers of the Code did not regard any one of them to be superior to another. The scheme of division in their case should, therefore, be horizontal rather than vertical. There are cultural and linguistic distinctions separating these various groups of people from each other and the Code seemed to have adopted a policy of minimal interference and actually allowed the retention "for the most part of the

18 The Matawali castes are regarded as the equivalents of the Shudra Class. In this category are also ranged all the Newars. The rendering of the Nepalese castes to the *Varna* scheme of social division does give us three groups; that of the Brahmana, Ksatriya and the Shudra, but quite surprisingly, castes corresponding to Vaisya *Varna* are missing from it. However this may be, the inclusion of the Newars in the *Matawali* group had not upset the common understanding that, because of their commercial pursuits, they must be regarded as belonging to Vaisya *Varna*.

19 A. W. Macdonald 'The Hierarchy of the Lower Jat', p. 282. These castes are Musalman, Madhes Ka Teli, Kasai, Kusle, Dhobi, Kulu, Mlechchha, Chudara. The case of the Muslims in the caste system of Nepal has been analytically studied by Marc Gaborieau in his paper entitled, 'Muslims in the Hindu Kingdom of Nepal' pp. 84-105. He observes that this group, judging from the intercaste behaviour, had remained rather apart from the system rather than being a caste group in a linear scheme.

20 A. W. Macdonald, 'The Hierarchy of the Lower Jat', pp. 281-82. These castes in the order of their ranking are Sarki, Kami, Sunar, Chunara, Hurke, Damai, Gaine, Badibhad, Pode and Chyamakhalaka.

21 Mahesh C. Regmi, 'Preliminary Notes on the Nature of Rana Law and Administration', p. 110.

traditional customs and usages of different local or ethnic communities".²¹ The law-makers showed a great concern for reserving certain high Hindu value symbols throughout the kingdom. These have been expressed in the inviolability of the high position of the Upadhyaya Brahmans (this deference to them is reflected in the Code everywhere), sacredness of the cow which could not be killed (Code 66:pp. 296-298), incest (Code 113-120), levirate, copulation with the women of untouchable-caste (Code 156: pp. 670-73) and violation of commensal rules by caste members (Code 90, pp. 407-12). Every caste, high or low, was required to honour these values and not to violate them. In other respects the ethnic groups were given independence to pursue their traditional cultures quite unhindered.

The Code reflects the greatest concern of the rulers of Nepal for controlling the social behaviour of people of all strata of society through Hindu norms and values derived from ancient law books (called *nitismriti* in the Code). The severity of punishment for the breach of law began from the top, i. e. from the Brahmans. In a traditional society such as Nepal, caste provided the greatest security to its members. Loss of a person's caste status could completely unhinge him from playing a meaningful role in material or spiritual life. Sparing capital punishment to a Brahman was not so much out of compunction or his caste privilege as it was from a desire to save the punisher from the sin of killing a Brahman. His life was not taken, but he was deprived of his caste status and reduced to the status of a Shudra from which his position became irredeemable for ever. The severest of offenses consisted of eating rice together with inferior castes, committing state offenses (treason, murder, incest, etc), cohabiting with women of untouchable castes, or eating or drinking tabooed food. Similar violation of social rules by lower castes below the twice-born castes would bring comparatively lighter punishment if this affront was committed amongst their own ranks. However, if they had implicated high castes in their crime the severity of punishment increased. In this circumstance too, the high caste person, who was 'sinned against', lost his caste status because of his having a high ritual standing which admitted no impurity.

SOCIAL MOBILITY

The process of social mobility is one of wide occurrence reported from all parts of India under which social groups have sought to promote their rank in the hierarchy as soon as they have been helped by favourable circumstances.²² Such aspirations of the people have been noticed to exist in Nepal also and the Code itself allowed its practice in a limited form. Although its actual functioning was somewhat

²² By these circumstances is meant coming to possess wealth and political power. M. N. Srinivas, *Social Change in Modern India*, p. 28. The phenomenon of social mobility under the term of Sanskritization has been studied on an all-India scale by the same author in the above book.

rigid, its recognition by the Code should be held as being significant. This mechanism of social promotion is known as hypergamy (Sanskrit: *anuloma vivaha*), a still widely practised custom in Nepal.

In a significant respect, social mobility in Nepal appears to differ from that of India. Srinivas has said in respect to India that 'the unit of mobility was usually the group and not an individual or a family.'²³ All studied situations in Nepal have, however, furnished instances of mobility in individual cases only.²⁴ In a hypergamy, an inferior caste woman is ritualistically wedded or just taken as wife by a high-caste man. Such a marriage would not alter the wife's caste into which she was born or the caste of her natal family because of this successful matrimonial alliance. In fact the high caste husband of this woman is required to continue to observe his commensal segregation from her in order to retain his own caste status. But children from hypergamous marriages are privileged to enjoy a different social treatment and with the wishes of their father or his family members, they can be granted the sacred thread, if the father is of twice-born caste.

Chart explaining the caste-status achieved in normal marriage and hypergamy

Br=Br	Br=Th Th=Th Th=Ch Th=Mt (S) Th=Mt (I)	Br=Ch Ch=Ch Ch=Mt (S) Ch=Mt (I)	Mt(S)=Mt(S) Mt (S)=Mt(I)	Mt(I)=Mt(I)
Brahman	Thakuri	Chhetri	Matawali of Unen- slaveable category	Matawali of Sla- veable category

Abbreviations:

Br=Brahman Ch=Chhetri Th=Thakuri Mt (S)=Matawali (Superior)
Mt (I)=Matawali (Inferior)

²³ M. N. Srinivas, *Social Change in Modern India*. p. 7.

²⁴ Colin Rosser, 'Social Mobility in the Newar Caste System' pp. 68-139. He does not give any example of social mobility occurring through hypergamy among the Newars of the Kathmandu Valley. Either as a result of adopting the rules of the Code or from their own tradition, the Newars also believe in social mobility through hypergamy. The Vajracharyas of Kathmandu for example, believe that their children born of hypergamy are given Udas caste. In the same way high caste Hindu Newar's children from hypergamy must have a custom of being adjusted in a similar manner. Rosser's study has furnished instances of successful upward mobility made by individual Jyapus into the next higher caste of the Shresthas. His illustration of a group effort in this direction, exemplified by the dispute of the Udas with the Vajracharya castes of Kathmandu, ended in a sad failure for them.

Below, we describe a few facts concerning caste-mobility and status change arising as a result of hypergamy.

1. The untouchable castes lived quite outside the frontier of the high-low caste interrelationship of any form. This barrier could not be crossed at all.
2. The lowest social ranking among the clean castes was given to the *Bandha* (bondsmen) and the *Kamara* (slaves). In case a member of a twice-born caste seduced a bondswoman or woman slave, and children were born as a result of it, the father or his kinsmen may grant such a child sacred thread, or if the child was a daughter, give her away in marriage in the ritually performed marriage of the high castes. (Code 91: 2,4,pp. 413-14).
3. Similarly, children of twice-born castes begotten from Matawali wives of the unenslaveable or slaveable category could be treated in the same way as described in 2. (Code 91: 3,p. 413).
4. The social mobility of castes could occur only up to the Thakuri level at the upper end. Children of Brahmans from hypergamy could never attain their father's caste.
5. The strict commensal rules prescribed for castes had to be pursued even in hypergamy. Hypergamy was, therefore, likely to occur in a polygamous situation, where the first wife was usually endogenously married. (Code: 146-153).²⁵

One remarkable fact of hypergamy is that its practice seems to have swelled the ranks of the Chhetri caste most of all, so that they are the most numerous and widely settled group of people in Nepal today among the *Parbatiya* Hindus. The Chhetri clans show a diversity of names, but one set of these names are Brahmanical clan names. These names seem to have been inherited by the Chhetris from their Brahman fathers as a result of hypergamous marriages. These Chhetris are not considered inferior in

²⁵ Hypogamy (Sanskrit: *Pratiloma Vivaha*) too affects the social status of a person and results in a social mobility, although in a downward direction. Hypogamy is, however, a punishable act in the Code. The punishment for committing this offense for a male is imprisonment and fine or only fine depending on the highness of the caste into which the offense has been committed. The punishment for the female is the loss of her natal caste status. She is reduced to the caste of the man who has seduced her. Their children get the caste-status of their father. The woman's natal family also needs paying penitence tax to the government in order to obtain their caste purification from this impurity. Haimendorf's observation regarding hypogamy that this is commonly followed in marriage between two unequal grades within the same caste looks extremely doubtful. Except in a Brahman's hypergamous marriage, the social rule of caste or class for children born of hypergamous marriages is decided by the father's caste. This arrangement is also applied in hypogamy.

grade from the other Chhetris for any kind of social inter-change, but Haimendorf describes a slightly different situation among the Chhetris of the Kathmandu Valley. There, according to him, the children of Brahman male and Chhetri woman adopt Khatri names instead of the father's Brahman clan name²⁶. The full form in which these names are written is Khatri-Chhetri (now--a days the anglicized abbreviation of K. C. is being more common). Thus hypergamous marriage in the Kathmandu valley seems to have introduced yet another problem, that of caste grade among Chhetris derived from a notion of purity of descent. This has given the Chhetris a notion of *jharra* (pure) and non-*jharra* statuses.²⁷ In fact, the Chhetri caste in Nepal has been one of the most open-ended society in its making, and represents the greatest instance of cultural-biological admixture in Nepal. The most effective form of Hinduization and Nepalisation of diverse ethnic groups in Nepal has taken place within the ranks of this caste, which was also known by its more historical and a generic name Khasa until the recent past. This caste has been subject to a wide-spread infiltration from below by people of more obscure and non-descript social origin, who were keen to emulate their lives according to the Hindu norms. It, no doubt, makes the issue of status grades very important to the older and more prestigious clans of Chhetri families living in or outside the Kathmandu Valley. Despite this weakness of their rank, the Chhetri caste has not produced any case of fission leading to the birth of an endogamous sub-caste among them. The question of *jharra* and non-*jharra* status, which is expressed in social behaviour towards each other, can, however, be ameliorated with one or two lucky marriages so that a full caste status is ultimately attainable after a period.²⁸ The principle of hypergamy is applied one or two generations further down in order to achieve a full status caste restoration. In the hills of central Nepal where I have done some detailed enquiries among Chhetri groups the common belief is that the full restoration to the Chhetri caste of the offspring born of the Brahman and the Chhetri fathers from their hypergamous marriages is completed in three generations. Then an offspring is accepted as a full-status caste member. This practice puts faith in the process of gradual purification which results from a Hindu fathering of them. Despite this diversity of the origin of the Chhetris, it has 'preserved an almost tribal feeling of homogeneity and solidarity' throughout Nepal.²⁹

Issue of Thakuri (Rajputs) castes born of hypergamous marriages are known to be adjusted within their own ranks³⁰.

26 Haimendorf, 'Unity and Diversity in the Chhetri Caste of Nepal.', pp. 31-32.

27 Haimendorf, *Ibid*, pp. 32-40.

28 Haimendorf, *Ibid*, pp. 47-56.

29 Haimendorf, *Ibid*. pp. 63-64.

30 Lionel Caplan, 'Inter-Caste Marriage in a Nepalese Town', p. 53.

Social mobility among the Newars does not exactly follow the *Parbatiya* model presented by the Nepalese Code. We have already said elsewhere in this paper that the codifiers of the Nepalese social law looked upon the Newars as one single social group for invoking inter-caste relationship rules, so only a most perfunctory treatment of caste-rules in inter-caste marriage of Newars has been given in the Code. (Code 145: 1-5, p. 644).

The problem of the caste of offspring from such inter-caste marriages would be a matter of concern only for the Newars and in this situations their tradition was allowed to prevail in resolving such situations satisfactorily. In this the Code made very little interference.

* * *

The Nepalese social process as mirrored in the Code gives us new insight, which might have an importance for understanding the theory of caste in general in South Asia. In no other situation of this study made in India has anyone based it on a written Code. Most material on social mobility has been compiled from the observed phenomenon by the social scientists in the course of their field work amidst various communities. This Code deserves a more detailed and careful analysis than attempted here. It is possible that in actual practice the behaviour of castes in Nepal does not wholly correspond with the injunctions of the Code. Unfortunately, field-based studies on social groups of Nepal have not been done widely, but the Code can still be said to reflect the Nepalese reality by and large. The politics of Nepal before 1951 A. D. had been one of a traditional authoritarian form and this, compounded with Nepal's total isolation from the outside world, had made Nepal's social evolution a strictly controlled and a regulated affair. The political authority in Kathmandu established in 1768-69 A. D. did not undergo much change affecting the nation's social outlook, and hence it may be said that the social process of Nepal sailed throughout the period of our study on a steady and an unchanging course. Nepalese history of this time was neither characterized by the fluid political situation of India before the coming of the British nor was it set on by new socio-economic forces such as those unleashed by *pax Britannica* in India which made castes behave as they do in that country and enabled them to reap advantages of a different sort.³¹ Even in the instance of the Ranas who were powerful enough to keep the Code in abeyance to their advantage, their behaviour in regard to caste promotion did not go far outside the injunctions of the Code. The Ranas were catapulted to power in 1846 A. D., largely through the efforts of Jung Bahadur, who, before coming to power, belonged to a Chhetri family of Kunwars. After coming to power he adopted a more pretentious name of

³¹ M. N. Srinivas, *Social Change in Modern India*, p. 32.

Rana for himself as well as for his sons and brothers and had a new family genealogy written connecting his lineage with the Rajputs of Chitor.³² In a ruthless pursuit to gain higher status (or power?) the Ranas forced matrimonial relations with the house of the King of Nepal, which was Thakuri, both hypergamously and hypogamously. The objective of these acts probably lay in creating a political legitimacy for their rule more than in achieving social ascendancy for their family. Despite these efforts, the Ranas could not ever succeed in raising themselves into the Thakuri caste nor did their unchallenged political power lead to caste-fission among the Chhetris creating a distinct Chhetri subcaste. All Ranas are today a large family of the *sapinda* groups of Chhetris within seven generations descended from a common ancestor, the father of Jung Bahadur.

SANSKRITIZATION

Although the predominant groups of people living in Nepal today are Hindu, it is actually a multi-ethnic society consisting of a large number of diverse ethnic populations living alongside the Hindus.³³ Preliminary language surveys of Nepal have revealed 'forty mutually unintelligible languages still being spoken'. It reveals the presence of a wide array of cultures and social groups represented by this linguistic plurality. There is no means at our disposal to know the exact number of Hindus in relation to these ethnic groups. Only an approximation can be made by computing the number of speakers of the the main languages listed in the census.³⁴ This seems to put the total number of these ethnic groups and communities around 20 to 25 per cent of Nepal's 12 million population. Whereas the Hindus are an ubiquitous people found settled everywhere at all the rice-growing altitudes, the other ethnic groups are known to live mainly in their traditional habitats.

The Himalayas and its foothills have been described as the abode of the many Mongoloid groups of cultures referred to by probably a more general regional term of the *Kiratas*³⁵ in the epics and other Sanskrit literature. The Aryans later extended

³² G. H. D. Gimlette, 1928. *Nepal and the Nepalese*, H. F. & G. Witherby, London, p. 128.

³³ See Dor Bahadur Bista, *People of Nepal*, for an account of these diverse people.

³⁴ The number of speakers of Nepali, Newari, Maithili, Bhojpuri and Awadhi totals to 79.05%. The speakers of the other smaller Sino-Tibetan, Indo-Aryan, Austro-Asiatic and Dravidian (Tharuwani has been included in this group. Although its linguistic classification will be disputed it gives an estimation of the Tharu speakers, one of the distinct tribal groups) language total to 22.15%. The two figures present a small discrepancy. But this is to be ignored in our rough approximation. See Subhadra Subba, 'The Languages of Nepal,' pp. 140-143.

³⁵ Suniti Kumar Chatterji. 1970. 'Contributions from Different Language Culture Groups:' *The Cultural Heritage of India*, The Ramakrishna Mission Institute

their domain from the plains to penetrate into these hills. There are three separate dates of the advent of Hindus in Nepal. The first Aryanised settlers came to the Kathmandu valley around the first century of the Christian era. The Sanskritization which ensued as a result of this penetration developed over time into the Newari state and its distinctive civilization. Another phase of Hindu penetration started in the far western hills of Nepal around the 12th century A.D., this time from the Kumaon hills. These new waves of Hindus, comprising Brahmans and probably Thakuris (whose descendants claimed a highly prestigious Rajput Ksatriya origin a little later) laid roots of an aggressive and forceful Hinduism which was destined to spread all over Nepal over a relatively short span of time. These new Hindus integrated in and eventually dominated a strong and an extensive Kingdom based in Semja and Dullu, both in the Karnali basin of western Nepal, in the 12th-14th century period.³⁶ When this Kingdom of Jumla broke up, a myriad of small principalities dotted the hills of Nepal gradually spreading eastwards, ruled mainly by the various Thakuri houses. The Kingdom of Gorkha, founded in the middle of the 16th century A. D. and which ultimately threaded all these microstates with a common culture and language into a large unified state of Nepal in the 18th century A. D. , shows only an example of this process of the Hindus pressing constantly eastwards in the Nepalese hills.³⁷ The Sanskritization process which started in these hills with the coming of these hill Hindus (*Parbatiya* Hindus) had not only a cultural content, but a far-reaching political significance as well. This Hindu rule was actually responsible for laying the roots of Nepal's political, administrative, economic and social structure.

The first group of people who came under the force of the Hindu socialization were probably the Khasas.³⁸ The early history of the Khasas has been studied at length by Grierson in his fundamental *Linguistic Survey of India*.³⁹ These distinct peoples who eventually arrived to settle in the hills of the Himalayas appear to have been only marginally Hinduized. The Hindus of the Karnali basin have called their Kingdom *Khasa desa* lending credence to the theory that this was a country populated by the Khasas.⁴⁰ Gradually these Khasas were brought over to accept the

of Culture, Calcutta (Reprint.) Volume I. pp. 86-90.

36 Prayag Raj Sharma, *Preliminary Study of the Art and Architecture of the Karnali Basin, West Nepal*, pp. 17-19; Guiseppe Tucci, *Preliminary Report on Two Scientific Expeditions in Nepal*, Rome, 1956, p. 107-12

37 Prayag Raj Sharma, *Ibid*, p. 13.

38 Prayag Raj Sharma, *Ibid*, pp. 14-15.

39 G. A. Grierson, 1968, *Linguistic Survey of India*, Motilal Banarasidas, Delhi (2nd edition), Vol. IX, pp. IV. pt. 2-8.

40 Prayag Raj Sharma, *Preliminary Study of the Art and Architecture of the Karnali Basin*, p. 14.

Sanskritized way of life. All kinds of social interchange must have followed including inter-marriage. We have got a 16th-century document showing the granting of the sacred thread or the snatching it away at will from their servants or dependants, bearing today's Chhetri clan names by the petty rulers of Western Nepal.⁴¹ This could be a typical example illustrating the process of Sanskritization in medieval Nepal. The same clan-names as to-day's Chhetris appear in the records of the Kingdom of the Karnali basin. The owners of these names appear to be the Khasas, which gives a good basis to infer that these Karnali Khasas had represented the ancestors of to-days' Chhetris of Nepal.⁴²

Aside of the above two groups, there is a third group of Hindus in Nepal. These are the Hindus of the Tarai. Most Tarai dwellers of to-day are comparatively recent migrants from adjoining regions of India having pushed gradually northwards beginning from the Indian border in the last two or three hundred years.⁴³ Their settlement in the Tarai has been part of an official policy of the hill rulers of Nepal in order to expand cultivated acreage in a thinly settled Tarai land in the preceding centuries, but a few of those places in the Tarai which have a holy associations and are religious places of pilgrimage will have an older history of settlement.

* * *

Sanskritization in Nepal which happened as a consequence of the arrival of these various groups of Hindus, achieved its growth in two distinct stages. The first stage is marked by a heavy importation of Sanskritic ideas in their untransmuted forms to all socio-cultural, economic and political aspects of the lives of the hills, and the second stage, by the absorption of these Sanskritic ideas into a regional and locally expressed forms. An acculturation of Hindu— Ethnic cultures materialised in this second stage.

Throughout recent Nepalese history the Hindus have been in control of Nepal's state politics by virtue of being its rulers. These rulers have invariably claimed a high Ksatriya caste status of Rajput origin for themselves⁴⁴ and have tried to connect their lineages with the genealogies of the mythical Sanskritic heroes, although the actual circumstance of the origin of the different Thakuri clans in Nepal may vary. All these rulers gave Brahmans a high position out of respect for their faith in the long Hindu tradition and presented them with gifts of land and other wealth. Their concepts of politics and administration had been shaped by the Sanskritic laws derived from

41 Prayag Raj Sharma, *Ibid*, p. 15.

42 Prayag Raj Sharma, 'The Matawali Chhetris of Western Nepal', pp. 43-60.

43 Frederick H. Gaige, *Regionalism and National Unity in Nepal*, pp. 59-62.

44 Prayag Raj Sharma, *Preliminary Art and Architecture*, etc. pp. 15-16.

Kautilya's *Arthashastra*, the *Mahabharata*, the *Manusmriti* and other *Smritis*. This Hindu domination of politics set the real tone for starting the Sanskritization process. Only the political agility of these Hindus had succeeded in forging the idea of a nation-state among the highly divided and mutually insulated cultures of Nepal. The desire for integration and the welding together of a pluralistic society into a single nation may itself be a Sanskritic activity in Nepal.⁴⁵ A powerful instrument of extending communications across the various cultural-linguistic barriers used by these Hindus was their language, Nepali. Adoption of it by smaller groups of people has itself been called a Sanskritization process in Nepal. Again, the Hindus living in a country as culturally diverse as Nepal were bound to create a high incidence of inter-marriage with the different ethnic groups and communities. The tradition which honoured hypergamy in Nepal, formally recognised by the Code, is an outcome of this Hindu—non-Hindu ethnic group interrelationship. Hypergamy has indeed been a unique mechanism by means of which non-Hindu ethnic groups have been readily admitted into the caste system of Hindu society. The great zeal for Hinduization or Sanskritization is underlined by the high twice-born status which the tradition of Nepal allows for the issue of hypergamy in Nepal. It is true that such a social arrangement may ultimately have been created by accepting the notion of the superior blood of the high-castes in the new caste-entrants, but this arrangement allowed the sons and daughter of a Matawali to be suddenly elevated to twice-born caste status. The Code made many social and ritual behaviours in line with the high tradition of Hinduism obligatory for all the twice-born castes, which makes it clear that although the attainment of a higher caste standing was possible, to preserve it needed the inculcation of a great many new habits and the pursuit of a new lifestyle necessary for the aspirant.

In spite of the fact that the Code of Nepal established the supremacy of Hindu values, still its adopted policy was one of non-interference with the traditional customs and usages of the ethnic groups if they did not directly contradict basic Hindu values. This allowed for the independence of the ethnic cultures and their languages which continue to be preserved despite a long Hindu rule.⁴⁶ Some of the prominent communities such as the Newars, Magars, Gurungs, Rais, Limbus and the Lepchas, who

45. Leo Rose, 'Secularization of a Hindu Polity: The case of Nepal', pp. 31-48.

46. Shigeru Iijima has succinctly contrasted the cultural traits of the Himalayan ethnic groups from those of the Hindus. The Hindus, according to him, follow a caste system, refrain from eating beef, are sedentary agriculturists, perform Sanskritic Hindu rites and speak Nepali, a derivative of the Indo-Aryan family of languages. On the other side, the smaller cultural groups follow no caste system, consume liquor and chicken, are pastoralists, traders and agriculturists, follow a syncretised religion, have Mongoloid features and speak a derivation of Tibeto-Burman language. Shigeru Iijima, 'Hinduisation of a Himalayan Tribe in Nepal', pp. 43-44.

according to the Code belonged to the unenslaveable category, have not only preserved their caste names, but also retained a sense of pride in their ethnic heritage.⁴⁷ One notices no desire by these communities of Nepal to abandon their clan names in order to adopt Hindu caste status. The Magars have been regarded as one of the first ethnic groups to be Hinduized because of their early contact with the Hindu groups. Although many Magars may have lost their language and imitated some Hindu mannerisms in the process they have not been totally absorbed into Hinduism. Belonging to a non-Hindu ethnic group usually did not imply suffering any degradation in social or secular terms in the every day life of Nepalese villages, although its ritual notions at times did express a discriminational nature. Wealth and power brought social prestige to a member of any ethnic group in the entire village and commanded a respectful form of address even from the high castes. Members of the ethnic groups were employed in limited numbers in the high civil service and army posts by the Hindu rulers in absolute trust. They also filled all sort of administrative posts in the village and district levels. Their jobs brought them into close contact with the authority of the *darbar* (palace) in Kathmandu. This has been one of the prime factors for inducing other communities to emulate the life-style of the Hindu *darbar*. The wealthier members of these groups have shown a greater tendency to imitate Hindu mannerisms and life-styles of the urbane ruling class. This imitation has been observed to exist among many ethnic

⁴⁷ The *Matawalis* of enslaveable category had faced a greater danger of extinction. Slaves, which were the main props of the Nepalese land-based economy, were essential elements to the society and were largely enlisted from the ranks of such *Matawalis* both in the government and the private households. The revenue contractors such as the *Ijaradar* and the *Amali* also got a claim over slaves under legal dispensation (Code 86, p. 367-68). The enslaved persons were weaned away thus from their own social milieu, once they were reduced to slavery. As slaves they quite naturally adopted the customs of their masters in their life.

There is no basis to judge why certain groups of *Matawalis* were ranged in the enslaveable category in the Code. Those included in it certainly fell within the more economically and culturally backward peoples than the others and it must have been this reason, if anything, for their domination. But all the people of enslaveable castes did not constitute a slave population of Nepal, as some scholars have tended to believe. Slavery was awarded to individuals in punishment of certain types of offence regarded as severe by the Code. If the offender was a pregnant woman, the unborn child would also be affected by the sentence. (Code 86: 3, p. 367). The offences punishable by inflicting slavery included sexual intercourse with a high-caste woman by a person of the enslaveable caste (Code 153 p. 367) or any act of his which caused the purity of the high castes to be compromised (Code 80: 10, p. 410, Code 60: 12, p. 274), stealing of children (Code 68:39, p. 310) or committing incest (Code 118:3 p. 548). The slaves who were called by the term *Kamara-Kamari* were inferior in status and even worse in their fate than the bondsmen and women called *bandhya bandhetyani*. The latter were people, who, driven by utter poverty would agree to sell themselves in bondage to their buyers. Their freedom was at least repur-

groups, and anthropologists have labelled this Sanskritization.⁴⁸ Its influence is judged from the adoption of Nepali language, shedding of tribal dress, and the inculcation of wider Hindu religious beliefs in public life. In the village situation, Brahmans are enlisted for priestly services, but it does not mean that tribal customary rites were completely abandoned. In fact, a selection process seems to have always been at work in the emulation of Hindu customs or retention of traditional non-Hindu practices. Gurungs, Rais and Limbus are known to call in the services of the Brahmans only for performing birth rites of their children (incidentally, this might explain all the Hindu names of the non-Hindu groups in Nepal), preparing horoscopes or for performing the *Satyanarayana puja* (worship to Vishnu, one of the high Hindu divinities).⁴⁹ Gurungs are also known to call in Brahmans for performing their marriage ceremony. But in regard to other life-cycle rituals, they seem to adhere to their own traditional priests, oracles or mediums. Magars, probably, because of their greater Hinduization, use the services of the Brahmans more often even for performing death-rites⁵⁰ and in some areas have no other priests of their own.

chasable by repaying the sum to their buyers, although in their condition it would be quite difficult to accumulate the needed amount for it. Slavery in the Code was something which could in no case be opted through selling oneself. (Code 81:3, p. 352 and Code 82:1, p. 355) This could be meted out only as a punishment for categorised offences as stated above in a legal court and became an irredeemable situation for such a hapless person. Slaves could be turned free only with the will of their masters or in the case of a woman, she would be freed if she became her high-caste master's wife. Such freed slaves who still lived in the master's household were known as *Gharti* or *Parya Gharti* (Code 161:19, p. 689) Children born of slaves would also be slaves. Slaves could be sold freely as property by their owners and at one time slave trade was widely practised in Nepal (See Jahar Sen, 'Slave Trade on the Indo-Nepal Border in the Nineteenth Century', *Kailash*, Vol. I, No. 2, 1973. pp. 159-66). But the children born of a slave-mother and a high-caste father would be able to earn their freedom if they were owned up by the father and his family. In substance the slaves represented a class who had no caste of their own and thus had no social root in their own rank and file. The Nepali term *masnu* meaning to annihilate adequately explains this extreme socially degraded position of these slaves. A slave could not regard anything as his property including his wife and children since everything he would have belonged to his owner. At one place the Code (Code 82:8, p. 357) says most clearly, therefore, that slaves may be awarded all kinds of punishment but they should not be punished for guilts which requires confiscation of property. (I am grateful to Mr R. R. Khanal for giving me some information in this respect).

48 Rex Jones, 'Sanskritization in Eastern Nepal', pp. 63-75.

49 Rex Jones, *Ibid.*, pp. 68-71; also see John Hitchcock, *The Magars of Banyan Hill*, pp. 77-78 and Bernard Pignede, *Les Gurungs, Une Population Himalayenne*, p. 388.

50 John Hitchcock, *The Magars of Banyan Hill*, pp. 54-55.

The most widely-cited case of Hinduization in contemporary times is the one presented by the Thakalis.⁵¹ These are the inhabitants of the Thaksatsaya and Panchgaon villages of the Kaligandaki basin on the Beni-Mukthinath trail. Although, linguistically, these people are akin to the Gurungs living south of them, their many cultural traits are closer to the Bhotiyas. Gombas belonging to the Lamaistic sects abound in their regions, although most are in a state of neglect now--a--days.⁵² These Thakalis, who once were patrons of these Gombas, have completely turned away from their Tibetan religion and learning, and have been modelling their thoughts, beliefs and practices on those of the high caste Hindus. The Thakalis have been a very clever and successful trading people, who until recently carried on the trans-Himalayan salt-trade along the Mustang-Baglung trail. This trade received a boost with the monopoly they came to exercise as a result of the authority granted to them by the rulers in Kathmandu in the last century. The title of Subba granted to the family which received this monopoly also brought them additional authorities to exercise in the region. The new situation in which they came to acquire both power and wealth, induced the Thakalis to change their life-style, reject what they considered their embarrassing Bhotiya past in a society of different values and to bring it as close to the Hindu high-castes as possible through imitation. They cast away their custom of eating yak-meat, a repulsive act to the Hindus. One interesting feature of the Thakalis was that their social reforms were backed by a corporate decision of the whole community as this was made possible by the existence of their unique institution of traditional village council headed by their village chiefs (*mukhiyas*).⁵³ The Subbas who were in fact the greater beneficiaries from the trade monopoly accumulated wealth and exercised a high power in their region. This role led them to develop a psychology close to the ruling elites of Kathmandu. They even created mythical stories of their Thakuri origin linking them with the rulers of Jumla. The attempt of the Thakalis to conceal their true origin in all these above activities becomes quite obvious. But it should not be interpreted as a serious bid on their part to raise themselves to the Thakuri caste as such a bid would never have met with success in view of the Code's tight social control. Such group endeavour in social mobility would never have been allowed to happen in Nepal unilaterally by people making legendary claims of their origin. The story of the Thakuri origin as well as the haste in which the Thakalis were

51 Haimendorf, 'Caste Concepts and Status Distinctions in Buddhist Communities of Western Nepal,' pp. 146-151. Also see Shigeru Iijima, 'Hinduization of a Himalayan Tribe in Nepal', pp. 48-50.

52 D. Snellgrove, *Himalayan Pilgrimage*, pp. 177 f.

53 Andrew E. Manzardo and Keshav Prasad Sharma: 'Cost-cutting, Caste and Community: A Look at Thakali Social Reform in Pokhara', *Contributions to Nepalese Studies*, Vol. 2, No. 2.

keen to give up their traditional habits—the chief among them being the ban on eating yak meat—looks like an apologia for their Bhotiya past. The Bhotiyas had a very low position in the caste-framework proposed by the Code. In fact one sees contemptuous references to the Bhotiya people everywhere in the Code, unlike other *Matawali* castes. The punishment for committing state offences of certain category awarded to the Matawali castes was to lower them to the Bhote caste (Code 42:1, p. 212). Such a low estimation of the Bhotiya people undoubtedly springs from the common habit of all Bhotiya groups in Nepal of eating yak-meat. The concern of the Thakalis, therefore, appears to have been to get away from this past and attain new social recognition within Hindu society at par with that of the major tribal groups. To this extent their effort seems to have been quite successful, for the Thakalis have not been enumerated in the same class as the other Bhotiyas of Nepal in the Code.

CONCLUSION

The foregoing account shows a very rigid Hindu model to have been operative in the pre-1951 Nepali society regarding Hindu-tribal interaction. Notwithstanding it, it is a unique model the like of which has not yet been reported from anywhere in India. Ethnic identity faced with two options in the workings of this model. It either was destined to lose it completely in the caste change which followed hypergamy in the next generation or in the absence of that, to preserve it intact. No case of individual or group mobility in the upward direction would have been allowed by the Hindu Code except through hypergamy. Resort to deception and subterfuge was liable to punishment. For groups or communities retaining their ethnic identity, Sanskritization became only an imitative act limited to changing their outward life-style, but actually producing no real caste social mobility. Imitation has led to some erosion of the language and culture of the ethnic groups but it has not led to the extinction of ethnicity. People who have been obliged to migrate from their traditional habitats have been uprooted from their cultural and linguistic moorings, but these migrants have taken their ethnic identity wherever they may have gone to live. Newars settling outside the Kathmandu valley and other communities settling outside of Nepal in India, have continued to retain their clan or caste names, although they may not be speaking their own language any more. Sanskritization in a traditional sense is unlikely to exert influence in Nepal in the future and its place will likely be taken by westernization or modernisation. In the new situation, newer symbols of status would come to be created by the upper class families in urban centres which would set the pace for emulation by the new aspirants of social ascendancy. But ethnicity in any new adjustment is likely to endure as the stigma attached to non-Hindu customs will disappear with new forms of socialization.

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