

Untouchability in Nepal: Historical Perspective

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Abstract

This study tries to explore how the practice of untouchability developed in the ancient Indian Aryan society and over time entered Nepal and gradually took root in Nepali society. This study presents an argument based on historical facts that the practice of untouchability originated in the Indian Aryan society under the practice of some of the elites who had been in powerful positions. The practice was mainly instituted by the elites to continue exercising their power to subjugate the powerless. As the same, elite Aryans started migrating to Nepal during the ancient period, they brought with them the same practice to continue exercising self-acquired power within the Nepali society. But there was no strongly practiced untouchability in ancient Nepali society. The practice was slowly instituted with the adoption of associated rituals and traditions. The main objective of this study is to explore and analyze untouchability from a historical perspective. The custom of untouchability has existed in Nepal for centuries, there is limited historical evidence of any efforts to abolish it during the ancient and medieval periods. This study combines a qualitative research approach and a historical framework to explore the connection between a social norm and its history.

Keywords: caste system, Dalit, shudra, internationalization, race.

Introduction

Untouchability is a form of discriminatory social institution developed in the ancient period and enforced in society by the elite people against the poor and backward people. This practice gained momentum and took root within the society as it became part of the religion, especially among the Hindus, which categorized people into four sects. As the people in the society started getting educated about fundamental human rights, government institutions became more and more secular, modern societies declared the practice of untouchability an inhuman behavior (Nepal National Dalit Social Welfare Organization, 2006). Today, several countries have abolished this practice and it has been criminalized in Nepal.

In the ancient Indian Aryan society, the practice of treating each other with superiority or inferiority based on birth, race, wealth, power, caste, work, etc. was developed into social behavior, which gradually turned into a practice of untouchability. The tradition that people should not touch each other was based on caste, religion, gender, profession, ideological beliefs, and various other things (Ghurie, 1961). The practice of untouchability developed by the ancient Aryan people in the coastal areas of the Ganga and Jamuna rivers was expanding to different parts of Asia along with the migration of the Aryans. It was during the Aryan exodus, the practice of untouchability also entered Nepal.

Untouchability is a superstitious tradition developed out of the Hindu caste system in ancient India, where some people in power found a good way to control a section of society by relating it to religion. The system was enforced first by the Aryan people who lived in India during the ancient period (Datta, 1968). In Nepal, this system was introduced almost three thousand years ago (Pracrit, 2001). In medieval Nepali society, this system was applied more strictly than ancient in Nepali society. Even the then-rulers of Nepal made rules to strictly implement untouchability. The task of giving social recognition to the practice of untouchability in medieval Nepali society was done by King Jayasthiti Malla (Pant, 1999). In addition to the medieval rulers of the Kathmandu valley, Ram Shah, the king of Gorkha, also practiced untouchability based on the Hindu caste system. At beginning of the modern era, King Prithvi Narayan

Shah and the rulers after him had also recognized this untouchability, so it seems that the tradition of untouchability continued to grip Nepali society until very recent times.

In 1853, Junga Bahadur the first Rana Prime Minister of Nepal; created a civil law to legally recognize caste discrimination and untouchability in Nepali society. In the civil law that he created, a rule was made that people should not drink water that has been touched by people who are considered to be low castes or untouchables. In that national law, such caste groups were mentioned as '*Pani nachalne ra chhoi-chhito halnu parne jat*' (castes from whom water cannot be accepted). After that, they were forced to live in a state where they could not integrate into mainstream society socially, economically, politically, educationally, and religiously (Timilsina & Pudasaini, 2014). In this way, the untouchability system developed in the ancient Indian society entered Nepal in the ancient period, existed through the medieval period, and reached the Rana rule of the modern period. This system was developed as an integral part of Nepalese society.

Because of intelligence and wisdom, human beings have been considered different and superior to other animals. But humans, considered superior, have been discriminating against their own class and community since the ancient period. Discrimination by humans against other animals is also a symbolic behavior of being superior to others, but it is the fault of ancient humans to start discrimination against humans. It is also the weakness of the present to give vitality to that defective tradition and culture. Among the bases of such distinctions, ancient Indian Hindus made the basis of that distinction by looking at the nature of work. When the work is differentiated into big and small, the people who do that work are also called big and small in society (Prasrit, 2006). After the social prestige of the people who are called higher and the social prestige of the people who are called lower started to be considered, gradually those people considered to be lower, started to be treated as untouchables.

Today we are living in the 21st century with rapid development in science and technology, globalization, liberalization, and democratic government, the practice is still a major social problem in Nepal. Even today, untouchability, a form of discrimination, is still found in practice in many parts of the country. Even though it is fully criminalized by the law, many people have lost their lives due to violence caused by the practice of untouchability. This has continued to deprive a significant population of Nepal of enjoying their dignified lives, and access to justice, education, and other benefits (Rizal, 2006). While there have been some positive changes in the mindset of the people with the implementation of the law against untouchability, many Dalits continue to face violence and discrimination still today. As untouchability continues to be one of the recurrent topics of discussion in social discourse in Nepal, it is worthwhile to dig into the history of this practice: whether it originated within Nepal or it was brought to Nepal by migrants from India. The main objective of the article is to explain the reason for the development of untouchability, to explore how the untouchability practice entered Nepal and how the ancient and medieval societies preserved and passed it on to modern society.

Review of Literature

It is found that untouchability and similar behavior have been maintained directly or indirectly in some places in human society. In Hindu society, the tradition of one man not touching another man, treating him differently, and allowing him to do certain tasks only developed in the ancient period. Such a system is based on differentiation. It is believed that with the beginning of the development of civilization, one group of people started to treat other people differently. In that too, the practice of untouchability is the ultimate form of discrimination. In general, untouchability is a rule which states that one person should not touch another on the basis of caste, class, religion, gender, profession, ideological belief, or another similar task (Mainali, 2006). Since the ancient period in the world, especially after the beginning of the animal husbandry and agriculture era, some people started to discriminate against other people. Such behavior greatly influenced society at that period. That arrangement gradually began to take hold. As a result, the system was passed down from generation to generation and reached the present state. In the society, the bases of ranking among people were economic system, business, religion, color, caste, sect, gender, etc.

(Ahuti, 2006). The practice of untouchability was developed when the people who had reached the upper level discriminated against the people who were in the lower levels determined in this way.

The practice of untouchability, which has been maintained since ancient period in Nepal, is not based on the caste system. Since caste system is the main basis of the discriminatory systems among people, the National Dalit Commission in Nepal has considered caste oppression as the basis when giving the definition of untouchability. In that definition, Dalits are people who suffer from the discrimination of untouchability in the society and are economically exploited, politically neglected, backward in education, deprived in religious and ritual behavior (Kisan, 2001). Even in the context of untouchability, in Nepali society, castes that are discriminated as untouchables, touchable and others, even the communities that were classified as untouchables in the civil law before 1963, have been treated in any kind of discriminatory way (Pandey, 2007). In this way, since the development of civilization, it seems that Nepali society has been reviving the social tradition that some people have been belittling and demeaning other people to lower their social dignity.

If we look at other discriminatory systems in human society such as untouchability, since the development of civilization, there has been a tradition of one person forcing, harassing, and discriminating against another person. Even in the pyramid age of ancient Egypt, landlords used to discriminate against agricultural slaves and other slaves. But at that time, even though the situation of discrimination between humans and humans increased greatly, the tradition of untouching did not develop in that period (Sinart, 1975). Due to the discriminatory behavior and attitude of people to do and look at people in different countries of the world, races such as English, French, German, Italian, Austrian, Czech, Croat, Pole, Lithuanian, American black race, African black race, European white race, Ming, Yau have developed and even among them, each other used to push, pressure, control and put them to work (Davis, 1968). In this way, the practice of forcing people to work as slaves is found to be more common in the agricultural era. This is also a model of differentiation, but the tradition of untouchability has not been developed among them. It is found that the tradition of untouchability was developed in ancient Hindu society and continues to this day.

Methodology

Given the nature of the research topic which tries to connect a social norm with history, this article follows a qualitative research design and historical research framework. Secondary sources are the main sources used to back up the arguments presented in the article. These sources have been collected from various libraries and private collections, including online sources. While it appears to many that the practice of untouchability originated in Nepal, this article argues that it was originally developed in ancient India and brought to Nepal almost during the same period by migrants and it has continued through the middle, and the modern period. Tracing this very cross-country migration of a social ill requires analyzing the historical connections between the two countries. The research design, therefore, includes a historic-social analysis of key events that trigger migration, such as wars, pilgrimage, and trade which led to the practice of untouchability travel seamlessly across the country into Nepali society. The analysis begins with the tracing of the history of untouchability back to ancient India when Aryans were in power, and goes on to unpack the migration of the ancient Hindu Aryans into Nepal along with the tradition of untouchability and how the tradition got further nurtured during the medieval and modern times of Nepal. The secondary sources cited in this research have been listed as references in the APA format.

Result and Discussion

Origin of untouchability

The origin and development of the practice of untouchability first took place in India among the people of the Aryan race. The Aryan people had been expanding in the Himawatkhand of the Indian Peninsula since the ancient period (Adhikari, 2013). Traditionally, the Aryan people, who developed in the Indian peninsula, first developed caste based on work (Ghurie, 1961). Varna system is the system of classification into Brahmin, Chhetriya, Vaishya, and Shudra based on work (Pandey, 1969). Aryan people,

who first started agriculture in India, gradually developed the tradition of ruling over people, and had a struggle with the nomadic Bhils (Tribal People) who came from different places to make a living in this region. Many such nomadic people were also of the Arya race. At the same time, there was a conflict between the people of the Aryan and others for profession, business, and methods of livelihood (Nehru, 1988). After that, they gradually took the nomadic and uncivilized non-Aryan people under their control and made them workers. At the end, the service-providing class became sudra.

In the struggle between the Aryans and non-Aryans in Jambudvipa's Bharatkhand, the non-Aryans; were defeated in the rebellion and turned into slaves, and they were forced to work. They had not developed the intellectual ability to do things other than physical labor. That is why they fell into the category of service providers. They started doing so-called normal, dirty, and hateful work, and this changed their appearance. Having to work in the sun all day in agriculture, even the skin of that category started to look dark. At that time, some Shudras who worked cleanly were touchable and the filthy classes who worked in garbage began to be seen as untouchable. But with the passage of time, all the Shudras were forced to do servile work, which was considered waste, and eventually, they too became untouchables (Gatewood, 1985). By the time of the Mahabharata period, it was believed that if a Shudra touches a Brahmin, the Brahmin can be purified only by taking bath, pranayama (the process of restraining breath), achaman (to sipping water from the hand), and penance (Prasrit, 2006). Thus, when the sense of purity and impureness developed in the people of the ancient Aryan race, people of the Shudra varna appeared in society. Those ancient Aryans established a caste system to keep themselves pure and holy and to classify the work based on the ability of people in the society. Based on a caste system, it seems that the practice of untouchability has developed in society because of Varna. As the age of civilization progressed gradually, that society was divided into four varnas. One of them was Shudra. Those Shudra Varna people gradually appeared as untouchables in society.

Untouchability in Nepal

It is believed that the practice of untouchability was introduced in Nepal at the beginning of AD era. After the people of Aryan origin from India expanded to the northern region around starting of AD, it is believed that untouchability entered Nepali society as well. After this, the caste harmony concept was also developing in Nepali society at that time. In the beginning, people used to give more importance to livelihood than the state system. Classification of work was necessary for that livelihood. In the same order, the caste system was developed. During the development of the caste system, the form of high and low status developed among people. As such, the behavior of caste discrimination developed in India was extended and automatically entered Nepal (Manohar, 2010). But the form of untouchability in ancient Nepalese society was not the same as at the beginning of the 21st century (Pokharel, 2010). At that time, the number of people was also very low. People who migrated were compelled to live together with each other. All the Shudras were not considered doing garbage work. Due to that reason, the situation of caste discrimination and untouchability could not be presented so strongly.

The period after the ninth century or 879 AD was considered the Middle Ages in Nepal (Shah, 1992). The medieval period is also divided into two parts namely the pre-medieval and post-medieval periods. Pre-medieval Nepali society was very disorganized. There was a lot of social disorder. Then Jayasthiti Malla, an early ruler of the post-medieval period, reformed that disordered society to some extent. He ruled Nepal from 1382 to 1395 AD. At that time, he brought some Maithili and Indian Brahmins to the Kathmandu Valley and reorganized the Nepalese society based on the ancient text Manusmriti. Organizing society also meant classifying people based on work. When assigning jobs to people with differently based on their abilities, the understanding was easy. That is why Jayasthiti Malla tried to implement the caste system strictly in society. Due to this, different characters were developed again in Nepali society. The development of different characters meant the development of a state of distinction between people. Due to this, the practice of untouchability became powerful again in Nepali society.

The re-classification of the caste system by King Jayasthiti Malla had the greatest impact on the Newari society of Kathmandu Valley. It is believed that its influence still persists in the Newari society (Aahuti, 2006). In the social reforms of Jayasthiti Malla, he made rules such as 'from Khusale to higher

till Kulu caste's not to drink water, Pode caste not to touch other higher castes. He also made a rule of different punishment systems based on caste (Budhathoki, 1982). For such castes, the rules were determined to restrict food, shelter, and clothing. In particular, an arrangement was made to organize the Nepalese society which was in a state of chaos at that time. But its long-term impact was negative. Later, gradually people started to avoid or differentiate each other according to caste-based works in Nepali society. But the practice of untouchability continued in society. Gradually, Nepalese society became very complex. Sometimes the rulers made rules to encourage untouchability, and this practice gained vitality. In this way, rulers like Ram Shah, Prithvi Narayan Shah, and Jung Bahadur Rana had a great contribution to continuing the rules made for the medieval Nepalese society. It is for this reason that untouchability has continued in Nepal even in the modern period.

In the second half of the medieval period, King Ram Shah of Gorkha also extended the varna system of Kathmandu valley which was established by Jayasthiti Malla, and the custom of untouchability within it to the Gorkha kingdom. Since the reign of Ram Shah, in the Gorkha state, there was a system of punishment according to the caste for those who went outside their caste system like food and drink, marriage, etc. Belonging to the same clan, royal family, ascetic, mendicant, Bard, Brahmins, etc., were forced to be expelled from the country if they committed murder crimes, and the Shudra and similar castes committed to doing the same crime were punished with the death penalty (Kisan, 2001). Due to this, untouchability in Nepalese society was further developed. In the days that followed, the practice of untouchability was spreading to places outside the valley. In order for the caste-based system implemented by himself to remain in Nepal for a long time, King Ram Shah instructed his successor to be punished according to the conditions by touching the Dharamshila (Wasti, 2006). This declaration helped stabilize the discriminatory laws and penal system based on caste in Nepal but in addition, untouchability was also promoted in the Gorkha state. Later, during the unification of Nepal, many people of Gorkha expanded to the Kathmandu valley and the eastern parts, so that the untouchability system expanded all over the country.

Prithvi Narayan Shah, the founder of the unification of Nepal also upholds Nepali society and culture and maintained traditional social values and beliefs. When Prithvi Narayan Shah was defeated in the battle of Kirtipur with Malla kings in 1957, during the time to save his life and to lift him to Nuwakot by Duwan and Kasai. King Prithvi Narayan Shah raised their caste of them and made 'Putawar' (Sharma, 1968). In the same way, King Prithvi Narayan Shah committed caste eradication by handing over the small children of Digbandhan Sen, the king of Makwanpur, to the Sarki caste as a punishment. Based on this evidence, it seems that in Nepali society at that time, there was a difference in respect and prestige of people based on caste and untouchability. Since there is a difference in the dignity of people based on caste, it is seen that caste is promoted when someone is to be rewarded and lowered when punished. When the caste was lowered, the touchable caste was to be untouchable and when the caste was promoted the untouchable caste was to be touchable. Based on this, it is clear that how active even the rulers were in creating caste discrimination and untouchability in Nepalese society.

After the unification of Nepal or the reign of King Prithvi Narayan Shah to till the rise of Rana rule, there was political instability in Nepal. Due to this reason, social deformation and disharmony in society also increased. Even during that period of instability, the tradition of unequal punishment for the same crime based on caste continued. At that time, people of the same caste were assigned to manage the food of the Damai and Saraki castes (Regmi, 1986). After the beginning of the Rana rule, during the reign of Jung Bahadur in 1853, the first written civil law was created in Nepal. In that civil law, it was mentioned that the social tradition related to caste discrimination and untouchability will be strictly enforced. In the civil law, it was mentioned that those people of higher ranks or castes in the society should not use and should not eat cooked food touched by the untouchables, and if lowers touch it, they can be purified by sprinkling gold water (Kanun Kitav Rajyasam Samiti, 1965). In this way, it seems that the practice of untouchability, which has been maintained in Nepal since the ancient period, was still given legal recognition during the Rana period.

After making further contributions to institutionalize untouchability in the civil law made during the Rana period, this system continued to flourish in Nepali society. As the Nepalese society continued to

move forward on the basis mentioned in civil law, a system of untouchability continued to gain stability. The Rana period and the laws and constitutions made after the Rana period or up to the year 1963 were interpreted and analyzed based on what was mentioned in the civil Act of 1853 (1910 BS) during the reign of Jung Bahadur Rana. In the civil law enacted in 1963, a new law was created by mentioning that no one can be discriminated against based on caste in Nepal. But that law did not mention what kind of punishment will be given if someone discriminates. That law could not be fully implemented because the punishment provision was not specified (Aahuti, 2010). In the other part of the law, it was mentioned that the traditions that have been going on since time immemorial will not be considered as discrimination. Due to this, the first law against untouchability, which has been in Nepali society for centuries, became inactive. Due to such legal weakness, the practice of untouchability in Nepali society continued to gain vitality.

The Panchayat system of government remained in Nepal for about thirty years. At that time, there was not much initiative to reduce or remove untouchability in Nepali society. After the people's movement against the Panchayat rule in 1990, democracy was restored, and a new constitution was framed in 1991. In the constitution, it was mentioned that no Nepalese citizen shall be discriminated on the basis of caste and if discriminated against he/she shall be punished. Despite this, the practice of untouchability remained in society as the implementation side was weak. Also, in 2006, an interim constitution was created in Nepal which mentioned 'discriminatory behavior will be punishable and the victim will get compensation as determined by law' (Adarsh Book House, 2006). Although the constitution suggested that the practice of untouchability has been completely ended in Nepal, but due to the lack of strict implementation, this traditional belief remained unchanged (Karki, 2011). Similarly, in the year 2014, the complete constitution of Nepal was declared by the Constituent Assembly. In that constitution, it was clearly mentioned that no one can be discriminated against based on caste, class, gender, etc. (Ministry of Law Justice and Parliamentary Affairs, 2006). But no matter how many constitutions, laws, and civil laws have been made in Nepal, the practice of untouchability has not yet come to an end. It is not that there are no such social differences in different countries of the world, but the nature of Nepal's and some other Asian countries' differences are found to be rare. It seems that the people and rulers of Nepal also are responsible for the existence of such bad practices

Conclusion

The caste system developed in India in the ancient period and the practice of untouchability developed to maintain the caste hierarchy was brought into Nepal by those who migrated to Nepal in the ancient period for reasons including food security, trade, and wars. That system has been maintained in Nepali society even today. At present, this system is seen as a harmful social practice and a criminal offense. While we know that the practice of untouchability has been taking root in Nepali society for generations, there is no concrete evidence on whether there had been any campaigns against the practice of untouchability during the ancient and medieval periods. In the name of social reform, medieval king Jayasthiti Malla re-classified the caste system and applied untouchability to Nepali society as in ancient Indian society. After that, this system gradually became a part of Nepali society. Since the kings of the medieval period were devoted to religion and culture, the people of Nepal were loyal to the kings. Due to this, the practice of untouchability in society continued. Later, rulers like Ram Shah of Gorkha and Prithvi Narayan Shah also continued the tradition in the medieval Nepali society, and the tradition of untouchability was continuously nurtured in the society. With the death of King Prithvi Narayan Shah, political instability began in Nepal. As a result, the Rana rule emerged. Untouchability continued in Nepali society even during that period of instability and during the Rana oligarchy. The first Rana Prime Minister Jung Bahadur created a civil law and gave legal recognition to caste-based untouchability. The Rana continued to rule Nepal for 104 years, during which, the practice of untouchability continued unchallenged. In the constitution of Nepal in 1963 AD, untouchability was declared as an act against the law. But as the law remained silent on the punishment for the violators. So, the particular provision of the constitution regarding untouchability was not implemented. In the subsequent laws and constitutions, caste discrimination and untouchability were criminalized, ending untouchability in the book of the law. While

there have been some positive changes with a good number of new-generation Nepalese rejecting untouchability, a large section of the Nepali society still continues to practice caste-based discrimination, partly due to the lack of a strong mechanism to implement the law and lack of public awareness.

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