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Translating *Muluki Ain* of 1854 for Intercultural Communication in Law

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Abstract

This paper attempts to explore intercultural communication in law through the legal translation of Muluki Ain of 1854 into English by applying Peter Newmark's communicative translation approach. It tries to bridge the intercultural communication gap that exists between the source language (SL) and the target language (TL) readers. Communicating legal and cultural aspects of pre-modern Nepali life to the target reader is the primary objective of this research. It collects primary data from the SL book Muluki Ain of 1854 focusing on Hindu cultural provisions of Nepali native law. The data are presented, analyzed, and interpreted from the cultural aspects of the law of pre-modern Nepal. This research finds that the translating law of pre-modern Nepal contributes to communicating the Nepali indigenous legal system that was based on Hindu religious legal principles. The significance of this study is more to the comparative lawyers, legal translators, students of translation studies, and interested readers in translation. This research concludes that the translation of the Muluki Ain of 1854 has communicated the legal culture of pre-modern Nepal all over the world.

Keywords: translation, law, communication, Nepali, Hindu, source language.

Introduction

A nation uses legal language to communicate its judicial, administrative, and legislative affairs. Law as a means of building diplomatic relations gives a nation's identity in the comparative legal systems. Translation of the law of a country intends to create harmonious relations with the neighboring countries, exchanging legal knowledge, multiplying the number of readers, and communicating with the global readers. In most countries, the government officially translates legislative documents of the state like parliamentary affairs, state party decisions, the bilateral and multilateral treaties. The purpose of legal translation is to communicate with the target readers in their language and culture. As Deborah Cao points out "the monolingual country translates law into foreign language or languages for information purposes" (100). The

law of the country is necessary to communicate to the native and the non-native people to promote business, tourism, education, and other human activities. Legal translation is a need for global communication.

The types of legal translation vary by the type of the text, and the purpose of the translation. Some laws are translated for normative purposes, while others are decoded for communicative purposes. The normative legal translation binds the target readers as equal to the SL readers. Bilingual or multilingual countries like Switzerland, Canada, and Hong Kong translate with normative purposes for different linguistic groups of the country. The translation for informative purposes has no legal effect on the target readers, such as the translation of pre-modern Nepali into English. Translation of international instruments and the bilateral treaties of Nepal from English into Nepali is for normative purposes as it creates an equal legal effect to the TL readers as similar to the SL readers.

The legal translation area is unlimited as it includes all the documents having legal consequences. It ranges from a private love letter in the suicide case to the witness affidavit for court evidence, the marriage certificate and divorce decree to the fair-trial judgment, the national constitution, statutes, judicial decisions, and cabinet decisions to the government agreement, treaties, and international conventions. Law of the land is generally translated by the state or an authorized institution but some freelance translators or international agencies can also translate the law. For instance, the Constitution of Nepal, 2015 is translated by the International Institute for Democracy and Electoral Assistance (IDEA) to help the democratic process of Nepal, and the *Muluki Ain*, 1854 of Nepal is jointly translated by Rajan Khatiwoda and his team receiving German government grant for international academic work. Heidelberg Academy of Sciences and Humanities included this translation in the *Documenta Nepalica Series* (Khatiwoda et al. xv). Translating domestic legislation into international language is beneficial to both the sender and the receiver from a cultural point of view. As Rafat Y. Alwazna argues legal translation has become a crucial means of global communication without which dealing between countries, particularly in business and economy would completely be hindered (252). Legal translation provides legal ideas to the TL readers and makes them familiar with the source text (ST). This research explores the intercultural communication challenges in legal translation posed by language and culture and develops some research questions: why is it necessary to translate the pre-modern Nepali law? What is the main objective of the translation? How does it culturally communicate to the target readers as equal to the SL readers? The principal objective of this research is to explore the extralinguistic cultural aspects of pre-modern Nepali law, analyze and interpret it from the Hindu legal

perspectives, and compensate for the loss of the translation. To conduct the research ahead it collects primary data from the unofficial translation of the *Muluki Ain* of 1854 by Rajan Khatiwada, Simon Cubelic, and Axel Michaels and the secondary data from the published books, journal articles, and websites.

Law, Language, and Translation

Legal translation differs from literary translation because of its distinct legal language and system. The main objective of legal translation in monolingual, bilingual, and multilingual countries is to inform on rights and duties that the country shapes in law in legal language. Debora Cao differentiates legal translation from other technical and literary translations. He says that "legal translation is a special and specialized area of translational activity because of the special nature of law and legal language. This is because legal translation involves law and such translation can and often does produce not just linguistic but also legal impact and consequences" (7). The equal legal impact and consequence are essential to be measured in legal translation. The source law within source legal frameworks is to be interpreted and analyzed textually using linguistic and non-linguistic determinants.

The language used for legal purposes is known as legal language. It comes from the legal culture that people practice somewhere as legal behavior. Changing source law into TL also transfers legal culture into TL. Revolting against the linguistic theory of translation, the cultural turn of the 1980s brought a new change in translation theory and proposed translation as cross-cultural communication. This theory advocates translation as a cultural transfer not a linguistic transcoding from SL into TL. The cultural turn of translation is represented by the modern translation theorists Marry Snell-Horny, Lawrence Venuti, Hans Vermeer, and other modern translation theorists. Mary Snell-Hornby agrees with Gideon Toury that not the linguistic features of the source text are the central issues but the function of the translation in the target culture (49). How a translation functions in a target language culture is crucial for translation assessment. The linguistic transcoding for achieving pragmatic effect to the target readers in their language and culture deserves more in translation. A translator struggles best to achieve an equal effect on the TL readers by the translation as the SL readers are affected by reading the SL text.

One of the primary purposes of legal translation is to transfer source legal culture into TL for cross-cultural communication. Generally, the laws encoded in one language targeting SL readers are translated into the dominant language for mass legal communication. For instance, the translation of Nepali statutes and judicial decisions into English. Edith Grossman, one of the English-speaking world's most influential contemporary translators, points out that "translation allows society to see into other worlds and enables a text to live on forever" (234). Translation connects the world from

religion to law, from trade to diplomatic relations, and so on. Realizing the importance of translation to the current world Grossman further unfolds that translation makes our relationship more meaningful to those with whom we may not have a connection before. It always helps us to know, to see from a different angle, and to attribute new value to what once may have been unfamiliar. As nations and as individuals, we have a critical need for that kind of understanding and insight. The alternative is unthinkable (234). The importance of translation into the present world is for promoting friendship and brotherhood and developing new understandings among people by exchanging different cultural knowledge available in the world. The world without translation can be compared to the nightmare life of the modern world without fuel.

Translating *Muluki Ain* for Intercultural Communication

Legal texts are designed for legal communication regarding social, cultural, political, and economic issues people commonly experience throughout the world. Translating domestic legislation aims to deliver local messages to global readers across languages and cultures. Peter Sandrini acknowledges Reiss and Vermeer pointing out that "any text may be regarded as an 'offer of information'. . . translation is always a part of a global communication effort" (108). Depending on this opinion the translation of the *Muluki Ain* of 1854 is an offer of information for global communication on pre-modern Nepali social life legalized as the Hindu religious law. The Hindu legal provisions were transformed into Nepali customs and got legal status in the code, such as, the *datta guthi* (on trust endowment), *ansabanda babu chhorako* (on a father's division of property among sons), *lognya swasniko* (on conflicts between husband and wife), *bidhuwaka ansa dhanko* (on widow's property rights), *daijo pewa* (women's personal property and dowries), *dharm putrako* (on adoption), *padnyako* (on farting), *gobadh garnya* (killing a cow), *madpan achhuti* (drinking liquor and untouchability), *phikarsita mudinya* (conversion to asceticism), *janai dinyako* (on bestowing the sacred thread), *dharmadhikarko* (on the religious judge), *sati janyako* (on widow burning), *aasoch barnyako* (on observing impurity), *dhog bhetko* (on paying obeisance), *bihabariko* (on marriage), *bibaha nahudai aghi bigranya* (on sexual intercourse before marriage), *upadyayako hadnata* (on incest among upadya brahamins), *chauthodekhi ubho pari rakhyakako jarigarnya* (on sexual intercourse with a woman who previously has had sexual intercourse with more than four persons) *pani nachalnya ghati badhi jatko* (on untouchable caste) and so on. The above legal provisions signify how the pre-modern society of Nepal was guided by Hinduism and its translation as a communication of Nepali legal culture to the target readers. As Sandrini points "A legal text, be it a source or a target text in the translation process, can be rooted in a national legal system, but can also be rooted in a regional or international legal framework"

(117). The above provisions of *Muluki Ain* are deeply rooted in Nepali pre-modern society and its translation makes an intercultural communication to the target readers.

The primary objective of translating pre-modern Nepali law is to cater legal information to the TL readers and if so the context of law formation in Nepal is worth knowing. The globalization of law tends to spread legal communication all over the world whenever, wherever, and however, the law originates. The translation of *Muluki Ain*, 1854, and other statutes is a part of the global communication of Nepali law. The first country code, *Muluki Ain*, 1854 was promulgated after the then prime minister Janga Bahadur Rana's experience of European law and legal system. He was highly influenced by the European legal system that was written and applied the principle of law in the countries. The Napoleon Code (Civil Law System) of France and the Common Law System of England provided him with good knowledge. Consequently, he ordered the enactment of *Muluki Ain*, 1854 as the first country code and that was promulgated on 06 January 1854 getting the royal seal from King Surendra Vikram Shah (Khatiwoda et al. 2). As Agwu Uzoma Patience unfolds "in these present days, no nation can stand and survive alone without interacting in one way or the other with other nations" (2563). This is the evidence given by this translation. Legal translation is required for exchanging universal legal ideas to develop a common understanding among people of different fields, such as trade, business, security, environment, human rights, transborder crimes, corruption, terrorism, sustainable development, and many other common issues.

Hindu Legal Provisions in *Muluki Ain*

The pre-modern Nepali *Muluki Ain* of 1854 consists of a civil, criminal, and penal system with a chapter on court management. It was the collection of the native laws on different fields of social life. Patrick Olivelle reiterates Axel Michaels's critique of the text as "a text at the confluence of Indology and Anthropology, and, indeed, a text that bridges the ancient Brahmanical legal treatises and the needs of a society in the process of becoming a modern state" (Khatiwoda et al. xi). This code appears as a milestone to bridge the pre-modern Hindu Brahmanical legal culture and the need for Nepali society to be a modern state. This code altered the traditional dispute resolution system based on Hindu *Dharmashastra* (religious books) pursuing *Manusmriti* (law of Manu) managing discriminatory punishment system based on caste and gender involved in the same offense. The same offense and different punishments was a copy of Hindu *Dharmashastra*. The Brahmins were out of the death penalty even for heinous crimes. However, this code started giving punishment and justice as per the law mentioned in the code.

According to John Austin, "law is a command of the sovereign backed by sanction" (qtd. in Hasan 1). Law is issued by the sovereign power that people obey as a

habit of obeying but translating one sovereign/law into another language is like a person of foreign face in the native soul. Not only the abstract concepts give different meanings but concrete things like “dogs” that people universally recognize but understand differently as per their cultural affiliation. The “dog” is not only a domestic animal but is also worshiped at the Hindu cultural festival *Kukur Tihar*. Man and dog relations can be different as per the societies where a dog is kept for hunting and where it is kept for love and care. It justifies that the meaning of a word is arbitrary and determined culturally and language changes bring cultural gaps in translation.

Gobadh Garnya (on Killing a Cow)

This legal provision is in chapter 66 of the *Ain* prohibits killing cows in Nepal respect her as a mother in the form of the goddess "Laxmi Mata" and worship her every year in *Laxmi Puja*, the day of the Hindu cultural festival. The “cow” is compared to “mother” so she is addressed as *Gaumata* (cow as mother). The Hindu epic *Mahabharat* portrays lord Krishna as a cow and calf protector since his childhood while playing with friends in Brindabana (India). The cow worshipping tradition began in Hinduism since the beginning of the religion. Regarding this, Mohankumar Pokhrel says that a cow is a component of nature and needs the special care of human beings. The *Hindus* regard her as *gaumata* and care for her with special love and respect by worshipping and providing her with grass, grains, fodder, and porridge (120). The meaning of cow is not similar in other cultures as it is in Hindu culture. They simply mean a cow is a milk-giving animal like a buffalo but the people from the Hindu religion understand differently than this. Foreign law does not protect cows like in Nepal where she is the national animal and like a mother protects children by giving milk.

Motivated by Hindu philosophy hurting and killing cows is legally prohibited in Nepal. The *Muluki Ain* of 1854 declares capital punishment to the cow hunter. Section 9 of this chapter states that if a party kills a cow or ox inside the territory of Gorkha Kingdom if the work is seen by the second party and if he suggests to the first party not to kill the cow, and if he ignores it and kills the cow in his or her presence, in that case, if the second party kills him on the spot, the second party shall not be accountable for the murder (403). Nepali law protects the cow and ox and punishes the offender. So, the meaning of "cow" to the TL readers may be different and leaves a gap of knowledge in translation. A good translation needs to be equivalence with an equivalent effect between the ST and the TT as Eugene Nida suggests. The protection of animals is not only the Eastern culture but also in the Western World. Immanuel Kant, the German philosopher and one of the central Enlightenment thinkers, thinks animals as man's instruments and deserve protection only to help human beings in their relation to one

another. He who is cruel to animals becomes hard also in his dealings with men" (Sunstein 387). He suggests protecting animals well. Only a cruel man becomes cruel to the animals and is likely to be cruel to human beings in the long term. Saving animals indirectly saves human beings.

Sati Janyako (on Widow Burning)

The *Muluki Ain* of 1854 made some legal provisions for regulating *sati*, a traditional Hindu culture that existed in Nepali and Indian Hindu communities. *Sati* signifies a widow who is burnt alive in the pyre of her husband. It traces back to Hinduism which performing the act of *sati* by a widow was considered praiseworthy and voluntary. The pregnant woman, a mother of a baby, and in some other circumstances would not be allowed to be a *sati*.

Similar to the Nepali society, the Indian society was not away from the *sati pratha* (widow burning system). It was taken as a cultural practice until the British ruler abolished it in 1829. Priya Soman unfolds that the Indian activist Raja Ram Mohan Roy pressurized Lord William Bentick, the then British India Governor General, to pass the famous Regulation XVII that declared the *sati* system illegal and punishable by the court of law (75). Prime Minister Chandra Samser Rana abolished *sati pratha* completely from Nepal on 25th Ashad 1977 BS (08 Jul 1920 AD) though the first Prime Minister Jang Bahadur Rana and his successors could not abolish it when they were in power (Rules of Abolition... 1). The *sati* system was common in pre-colonized Indian society and pre-modern Nepal.

The myth of *sati* connects to the lord Shiva and his wife "Sati" who jumps into the burning fire (*yagya kunda*) in front of her father Dakshya Prajapati as a resistance is strongly rooted in this practice. Sati jumps into the fire as a result of the extreme hating and dominating of her husband lord Shiva by Dakshya Prajapati. He did not invite Shiva to a *yagya* (religious ceremony) due to Shiva's habit of taking marijuana and remaining under its influence. Dakshya Prajapati invites all his relatives except Shiva and Parwati. It hurts Sati so much that she jumps into the burning fire to justify a Hindu woman's devotion to her husband was a narrative in pre-modern Nepali society.

The etymological meaning of "*sati*" is a woman with chastity, purity, and faithfulness to her husband. Some people connect this system to the cruelty and war crimes committed by the invaders against the wives of the defeated soldiers, whom they would capture and force for sexual abuse in front of their husbands. They would go to *sati* to save their chastity and release from cruelty. Swechchha Gadtaula and Yong Kyo Chung support this point and mention that "the *sati* system became more popular during the era due to the Muslim invasion of India. Indian women preferred death than to be humiliated at the hands of the invaders. This also highly influenced the then

Nepalese society and the custom became more popular" (165). So the word "*sati*" does not only mean "widow burning" but has many symbolic meanings in Hinduism. It may be a revolt against the patriarchal society that compels a woman to accept volunteer death rather than live in this cruel world to the widow.

Nepali Legal Provision

There are some legal provisions for a widow that suggest whether a widow is to be *sati* or not. She was not allowed to go *sati* if she was pregnant, was under 16 herself, had her youngest son under 16, and possessed multiple husbands. Some of the legal provisions are analyzed here for cultural communication. "If someone's wife, married or brought in from a caste from which one may or may not accept cooked rice and other cooked food, says 'I shall go for *sati*', and if she is under the age of 16, she shall not be allowed to go" (sec. 1). It prohibits under 16 widows going *sati* regardless of their castes and statuses in the society. The *sati* system is based on the caste system as well but this provision is equal for all widows under 16 years. Although the childhood marriage of a girl to a senior-aged man made her a widow before she was 16 years old, she would get legal protection not to go *sati* recognizing her as a child. "If married wife or brought in from a caste from which one may or may not accept cooked rice and other cooked food, and who is past the age of 16, says "I shall go for *sati*" and if her youngest son has not yet reached the age of 16, she shall not be allowed to go for *sati*" (sec.2). This legal provision made a widow responsible for caring for children and banned her from going *sati*. The youngest son had to be over 16 years old if had more than a child and had protected the best interest of the child now guaranteed in the principle of juvenile justice.

Similarly, the widow having a daughter under 5 years was not allowed to go *sati* (sec.3). A wife having more than one husband was banned from being a *sati* of a husband (sec. 4). The *sati* of high-ranking females by maiden servants was restricted (sec.5). A pregnant woman can't go *sati* (sec.6). A mother was not allowed to go to her son's *sati* (sec. 8). The volunteer *sati* was allowed except the conditions mentioned in above sections (sec.9, 10). The war widows are allowed to go to *sati* except Brahmins. The second pyre was not allowed for the Brahmin widow once the corpse of a Brahmin was lit (sec. 11). Except for Brahmins, a widow could go to *sati* if she was from cooked rice acceptable caste burning herself in a separate pyre but not in the same pyre (sec. 13). If an intoxicated *sati* runs away from the pyre fearing to be burnt, she was not forced to go to *sati* and be granted expiation for cooked rice and water (sec. 17, 18). The intoxicated and forceful *sati* was fined 40 rupees if the agent was her son. The fine was raised to Rs. 100 rupees if he was a stepson. The one who carried her to the cremation ground and the other funeral attendants were fined 20 rupees (sec. 21). The

provision of fine, confiscation of property, and the death sentence would be given to those who forcefully burnt the widow intoxicating her (sec. 22). Those who reject water and cooked rice from the running intoxicated widow before setting the fire shall be punished Rs. 5.00. If she ran after setting the fire the cook food would not be accepted (sec. 23, 24). A widow could go to *sati* breaking her mourning period in her choice but it must be voluntary. The act of going to *sati* forcefully was banned and fined heavily to the chief attendants and nominally to the other attendants of the funeral fire (25). If a widow drank water washing the feet of her dead husband on the same day or she continued to drink that water later as well, such a woman would get rid of impurity. She neither needed expiation nor needed to undergo penance (*prayaschitta*) the section 28 reads. If a woman declared to go *sati* and poured water on her head assuming a dead man was her husband without investigating the fact and later found that her husband was not dead but alive such a foolish woman would be fined Rs. 20 or would be imprisoned 1 month for 5 rupees a day (sec. 29).

By analyzing these provisions, it is found that Nepal was following an inhuman *sati* culture as a patriarchal rubbish that was continuing from the past. The Malla period was the most flourishing age of the *sati* system in Nepal but according to Arpita Tripathi, the *sati* system was not so universal in ancient Nepal. The Changu Pillar Inscription is the first inscription dated 464 AD which mentions the practice of *sati* in the country (9). Nepal practiced the *sati* culture under the influence of Hindu religious acts for a widow taking *sati* as a virtuous performance for a Hindu widow without analyzing the widow's social and economic difficulties to continue her life after her husband's death.

Aasoch Barnyako (on Observing Impurity)

Death is common all over the world but performance after death varies by religion and culture. Death is a transformation of life into new life in Hinduism so they perform ritualistic works after death in order to be born into a good life. The death makes the bereaved family and their house impure for some days during the impurity observation period. According to Veenat Arora, Hinduism explains that death is inevitable but not the complete annihilation of a being. It is a transitional moment that leads to something new. Every creature carries a physical body and an underlying self (soul). Death is a temporary moment that separates the soul from the body (11). The SL term *mrityu* not only means “death” but also “transformation of old life into new” in Hinduism.

Having been influenced by Hinduism the *Muluki Ain* enacts some other provisions for observing impurity at the demise of an enthroned king and queen, one's family members, close relatives, *gayatri guru* and his wife, and fictive kinsman (*mita*). A slave must observe impurity at his master's death. These legal provisions are

influenced by the Hindu's "Purana" (religious books). Arora says that *Garuda Purana* prescribes the rituals that have to be performed by the kin of the deceased to keep *aatma* nourished on its way to *Yamaloka* (a mythical place to the deceased). Along with the prescriptions, there is also a detailed account of the terrifying repercussions that may happen to the deceased and their kin for non-compliance with these rites (13). The code mentions that:

One needs to observe mourning for an enthroned king, queen consort, or crown prince, the Upadhyaya and Jaisi Brahmins shall observe mourning for 3 days, shaving their heads, but not their mustaches. They shall not observe the one-year mourning period (varṣi). Members from other castes shall observe mourning for 13 days, shaving their heads and also their mustaches. They shall neither wear a cap nor turban. The one-year mourning period shall only be observed for 45 days. One shall not wear clothes in a monochrome red color. There is no fault in wearing red spotted fabrics. One shall not eat betel, shall not carry a red umbrella, and shall not wear leather shoes. While worshipping gods and deities, one shall worship them simply without playing any musical instruments, for 3 days. From the 4th day onward, one shall play musical instruments again, sing hymns, and worship them according to the tradition. The *chaiṭhi* ritual after birth, the name-giving and rice-feeding ceremony, the marriage ritual, and initiation shall be performed without playing musical instruments and singing auspicious songs. The Dasai and Tihar festivals shall be celebrated. For 13 days, it shall not be allowed to build a wayside public shelter, rest house, or any other house or to tile a house. After that period, it is allowed. (544; sec. 1)

Pre-modern Nepal would follow the Hindu religion and social practice strictly as law. The observing impurity period was differently managed for different castes based on the holy books. The Brahmins were in privileges on observing the impurity of the enthroned king and queen. Shaving the head by a male and abandoning to wear the red dress was mandatory during the mourning period. The white dress was prescribed for death impurity as a symbol of purity and simplicity by heart and mind. Not only for the demised of grown children but also for the demise of the fetus by miscarriage mourning was observed mandatorily. As the code mentions that:

If a woman is pregnant, and if she has a miscarriage of a 3 to 6-month-old fetus, the mother shall observe the birth impurity at the rate of 1 day for every month of pregnancy. The father shall be purified just by taking a ritual bath. The other kinsmen shall not observe such an impurity. If a child is born after 7 months of

pregnancy, whether dead or alive, the parents and the kinsmen shall observe the birth impurity for 10 days. (546; sec. 11)

Accordingly, death impurity observation for parents is 13 days for *Brahamins*, *Chhetriyas*, and *Baisyas*. During this mourning period, the house and family of the demised are impure so no visitors eat food or drink water in this particular house family but people visit the house with food and fruits to the impure observers (*Kriyaputri*). The 10th, 11th, and 12th days are the most important days for offering funeral cakes (*shradha karma* and *pinda daana*) to the departed soul. The impurity observation duration ends in 13 days. Nepali law would fine those who don't observe the death impurity of their parents and others enacted that:

If a son, after hearing the news of the death of his father or mother, does not perform the funerary rites and does not observe mourning, he shall be fined 20 rupees and be forced to perform the funerary rites. Apart from the father and mother, if someone does not observe the death impurity of his kinsmen for whom a mourning period is prescribed in the *Ain*'s regulations, he shall be fined 5 rupees. If someone does not observe the death impurity of his maternal or nuptial relatives, or fictive kinsmen (*mita*), *guru*, or the wife of the *guru*, for whom a mourning period is laid down in the *Ain*'s regulations, he shall be fined 2½ rupees. If the amount of the fine is not paid, he shall, by the *Ain*, be imprisoned. (558; sec. 60)

All 68 sections of this chapter prescribe the way death impurity was observed and the penalty to the disobeyer. The kinsmen of the bereaved had to observe the impurity fearing social stigma. Some types of foods were prohibited during this period as the act mentioned:

If a household is afflicted by death impurity, the main persons who perform the funerary rites, including the persons who are mourning are not allowed to consume fish, meat, millet, black lentils (*masa*), oil, alcohol, liquor, garlic, shallots, black soybeans, onions and mushrooms. If anyone eats any of these things during the mourning period, he shall be fined 1 rupee. (558; sec. 62)

Normally, the persons who perform funeral rites are allowed to eat the foods mentioned in Hindu holy books and it was legalized by this *Ain* in section 61. However, this is left to the choice of the *Kriyaputri* and is not mandatory. The cow products were allowed whereas salt was strictly prohibited. Rice could be eaten once at midday after *pinda daana karma* (offering funeral cake) without curry. The law is:

If a household is afflicted by death impurity, the persons who are observing mourning including the main persons who perform the funerary rites are allowed to eat rice, barley, wheat, corn, pea, lentils called *rahara* and *mugi*,

rock-salt from the Indus, ginger, milk, curd, ghee, sweet items made out of sugarcane, green and root vegetables. If someone declares of his own volition that he does not want to eat any of these foods and vegetables during the mourning period, he shall not be held accountable. (558; sec. 62)

These legal provisions evidence that observing impurity in Hinduism is a great challenge to the observer for the observing period is long and many taboos to be respected. Simply the translation of SL cannot convey the cultural meaning to the TL readers and it brings cultural loss in translation.

Conclusion

Nepali legal translation has become a means of cultural communication to the TL readers which the translation of *Muluki Ain* is justified in this research article. The Hindu cultural aspects of the law for protecting the cow, regulating the *sati* system, observing death impurity, and others have been legalized in this pre-modern Nepali law. The provision to fine, sentence to jail, and heavy punishment to the offender is managed in the law depending on the gravity of the crime and the consequences it would bring to the society. The penology was based on the Hindu caste-based system and gave privileges to the Brahmins. The principle of equality before the law was absent in the law. However, the translation of *Muluki Ain* of 1854 has culturally communicated the pre-modern Nepali legal practice around the globe. The purpose of the translation for global communication has been achieved through this translation. Due to the limited knowledge of the target reader on SL, the cultural aspect of the text may be lost in translation and this research has compensated for it to some extent by giving some extralinguistic cultural knowledge of the *Muluki Ain* and filling the cultural gaps. It suggests the readers look at translation as not only an act of linguistic transcoding between the SL to the TL but also an intercultural communication.

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