



An Overview of Manav Nyayashastra (Nyayavikashini)

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Abstract

Manav Nyaya Shastra also known as Nyayavikashini, holds significant historical importance as it established Nepal's first unified criminal justice system. King Jayasthiti Malla endeavored to promulgate this code of law to curb the escalating anarchy caused by legal multiplicity. Enacted in 1436 B.S./1380 A.D., it stands as Nepal's very first codified law, comprising seventeen parts and written in Sanskrit, Newari, and Maithili languages. This comprehensive code addresses four primary areas of law: Griha Nirnaya (Law related to housing), Kshetra Nirnaya (Law related to land management), Jata Nirnaya (Law related to the caste system), Nyayavikashini/Manav Nyaya Shastra (Law related to the administration of justice). The Manav Nyaya Shastra is currently preserved in the Archaeological Department of Nepal.

Keywords: Medieval, Governance, Dharma Shastra, Justice, Code, Inscription, Religion

Introduction

During the medieval period, the *Malla dynasty* ruled in the cities of Kathmandu, Patan, and Bhaktapur before Nepal was unified by Prithivi Narayan Shah in 1771 (1828 BS). Governance and justice during this time were administered through Dharma Shastra, customs, royal decrees, Sanad, and codified laws. One of the most significant contributions to the legal system was Jayesthiti Malla's *Manab Nyayasastra* (Code of Legal Rules for Human Justice), which was an early written code before the Napoleonic Code in France. "Nyayabiksini introduced a highly organized legal system and initiated a functional legal system. It encompassed every minute detail of both criminal and civil procedures."¹ This code was centered on the principles of governance and justice.

¹Sangraula, Yubaraj, *Decolonizing jurisprudence, Lex and juris publication, 2023, Bhaktapur, page -201*

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According to a golden inscription by Prithivi Pal Malla, the judicial system was highly developed and deeply rooted in justice. The inscription emphasized that a society that values justice is a civilized society. It also stated that religion embodies justice, and the king, being subject to religion, is also subject to justice. Thus, justice involves punishing the dishonest and protecting the honest.

The Malla kings stressed the importance of decentralization in administration and justice. Codified laws ensured a just and governed society. When Jayasthiti Malla ascended the throne, social order was in disarray, with incidents such as a major theft at the Pashupatinath temple and attacks by Muslims and Jitamitra Malla. To restore order, Jayasthiti Malla enacted Nyayabikashini. Historians have lauded his legal and social reforms. Prithvi Narayan Shah, in his Divya Upadesh, also acknowledged the legal order of Jayasthiti Malla, admired it, and expressed a desire to establish a similar system if he had the time.

The Nepalese legal system is rooted in Hindu philosophy and has been largely influenced by Hindu religious texts. During the Malla period, written codified laws were introduced by King Jayasthiti Malla, drawing from Manusmriti, Yagyabalkya Smriti, Narad Smriti, and other Hindu scriptures. The primary duty of the monarch was to uphold justice based on Dharma. A king who successfully established a robust system of justice was honored as Dharmaraj (king of justice or religion). Among the Malla kings, Jayasthiti Malla of Kathmandu Valley is considered the most prominent figure.

Research Problem

This article aims to seek the findings of following question:

What are the insights and contributions of Manav Nyaya Shastra (*Nyayavikashini*) regarding comprehensive approach to justice administration of medieval Nepal?

Objectives of the Study

The objective of this term paper would be:

1. To Explore the historical background and significance of the Nyayavikashini, including its origins during the Malla Dynasty and its authorship by King Jayasthiti Malla.

2. To analyze the various legal provisions outlined in the Nyayavikashini, such as those related to property, civil disputes, criminal law, and social practices.

Limitation of the Study

This study is limited to the following extent: -

It only focuses on Manav Nyaya shastra, its legal provisions and structure of justice administration in Medieval period of Nepalese history.

Research Methodology

The paper is based on doctrinal method of research. Review of existing literature on Manav Nyaya shastra (*Nyayavikashini*), including ancient texts, research papers, books, and articles. Historical background of the Malla Dynasty and the authorship of Nyayavikashini by King Jayasthiti Malla. Highlight unique features and contributions to the legal landscape of medieval Nepal. Examine the legal provisions outlined in Nyayavikashini, such as those related to property, civil disputes, criminal law, and social practices. Analyze primary documents and manuscripts of Nyayavikashini (if accessible) to extract relevant information and legal principles and using digital archives or libraries that may hold copies of the original text. Interpret the findings in the context of the legal, social, and historical framework of medieval Nepal. analysis, interpretations, and conclusions in a clear and concise manner.

- Primary Sources: Original digital manuscript by law commission., historical records, legal texts.
- Secondary Sources: Research papers, books, articles.
- Qualitative Analysis: For interpreting texts and historical records.
- Comparative Analysis: Comparing and contrast Nyayavikashini with other legal codes.
- Thematic Analysis: Identify and analyze recurring themes and concepts.

Result and Discussion

The earliest recorded dynasty of Nepal was the *Gopal Bansa*, which was succeeded by the *Mahispal* and then the *Kirant dynasties*. There isn't much systematic legal history

available for the *Gopal* and *Mahispal* periods, but it is known that both followed Hindu principles. During the *Kirant* regime, the '*Mundhum*' served as the primary legal document. After the *Kirants* were defeated, the *Lichhavi* dynasty took over, and their penal system was based on *Smrities*, categorizing crimes as either simple or grievous. In the medieval period, the *Malla* dynasty began ruling Nepal. King Jayasthiti Malla, the most notable king of this era, brought significant improvements to the legal and judicial systems of the Kathmandu valley. Scattered religious texts were insufficient to regulate societal activities, leading to increased violence and crime, and the erosion of ethics and morality due to the lack of precise laws.

A major theft at the Pashupati Nath Temple motivated King Jayasthiti Malla to establish a strict and precise criminal code. To this end, he formed a commission of five scholars: Kirtinath Upadhyaya, Ramnath Jha, Raghunath Jha, Shree Nath Bhatta, and Mahi Nath Bhatta, with his minister Jayatu Verma as the member secretary.

The resulting Nyayabikashini code was influenced by Hindu religion and Narad Smriti, earning it the name Narad Sanhita . Known as the Manav Nyaya Shastra, it was divided into 17 parts and included comprehensive substantive and procedural rules. “It introduced separate civil and criminal courts, the concepts of plea bargain and insight and regard to the natural justice principles. A precise understanding of the division of the crimes as felonies and misdemeanors was another characteristic of the code.”² It was written in Sanskrit, Newari, and Maithili.

The code comprised four main types of laws as recommended by the commission:

- I. Griha Nirnaya (law on house)
- II. Kshetra Nirnaya (law on area)
- III. Jaat Nirnaya (law on caste)
- IV. Manav Dharma/Nyayashastra/Nyayabikashini (legal rules for human justice)

However, it remains unclear whether these laws were part of the same code or enacted separately. According to Rewati Raman Khanal, King Jayasthiti Malla enacted these four laws, but it is not specified in his book whether they were under the same code or separate.³

² *Ibid.*

³ *Khanal, Rewati Raman. Nepalko Kanooni Itihasko Ruprekha, Mrs. Saraswati Khanal Kathmandu Nepal 2059*

I. Griha Nirnaya (house-related law) was a city planning regulation concerning house construction. It allowed only the higher castes to build houses near roadsides, whereas lower castes had to construct houses farther from the royal palace and away from the main community. Houses were categorized into three types: *Galli* (located in a lane), *Galli Bhitar* (situated in a street), and *Sahar* (in the city center). According to *Vastushastra*, houses for different *Varnas* (castes) had to be built in specific areas. Thus, the four *Varnas*—*Brahman*, *Kshatriya*, *Vaishya*, and *Shudra*—and their sub-castes had distinct houses in different neighborhoods.

II. Kshetra Nirnaya (Law Relating to Land Management): Kshetra Nirnaya dealt with the management of land. It included the division and measurement of land based on its value and quality. Land was classified into four categories: *Abbal*, *Doyam*, *Sim*, and *Chahar*, which are still in use today. The land was measured using a stick of seven and a half hands. This land division system is still found in the Land Management Act, 2021, which was also adopted by the Muluki Ain, 1910 B.S.

III. Jaat Nirnaya (Law Relating to Castes): Jaat Nirnaya Thiti focused on caste and family management. It divided the kingdom into four Varna and 36 Jaat based on their professions, with many sub-divisions of castes. The purpose of Jaat Nirnaya was to reorganize and bring order and harmony to Nepali society, which had become disordered due to the mixing of castes under the rule at that time.

IV. Manavnyayashastra (Law Relating to Administration of Justice): *Manav nyaya shastra* is the first codified law in Nepal, aimed at managing the administration of justice. It included provisions for land management, the caste system based on occupations, land transactions, and punishments according to the severity of crimes. This legal code, known as *Nayabikashini*, was influenced by Hindu scriptures such as *Manusmriti*, *Yajnavalkya Smriti*, *Narada Smriti*, and others.

Subjective arrangement of Manav Nyayashastra⁴

There are seventeen chapters (*Prakaran*) in *Nyayavikasini* containing different subjects of governance, law and order of Malla regime. An overview upon each of them has been presented here in brief as underneath:

⁴ *Manav Nyaya Sastra, pdf soft copy, Nepal Law Commission, www.lawcommission.gov.np*

Chapter on Debt Transaction (*Rinadanaprakaranam*):

The chapter on Debt Transaction (*Rinadana*) in the *Nyayavikashini* (*Manavnyaya shastra*) discusses various aspects related to debts and responsibilities of creditors and debtors. Here are some key points covered in the chapter:

i. Definition of Debt Transaction: The act of giving and taking debt is defined as *Rinadana*.

ii. Responsibility of Sons and Grandsons: After the father's death, his sons must pay his debts in proportion to their shares. If the sons fail to pay, the grandsons must pay the debt.

iii. Second Marriage of a Widow: If a widow with a son remarries, her second husband receives her woman-property, while the property of the first husband goes to the son.

iv. Debt Responsibility of Second Husband: A second husband must pay the debts of the widow's first husband if she was poor and sonless.

v. Payment Terms for Debts: Debts taken by the father, paternal uncle, and elder brother who are abroad do not need to be paid back for twenty years.

vi. Validity of Transactions by Wife: Transactions done by a wife are valid with the husband's consent. In the absence of the husband, the son's or king's consent is required.

vii. Dispute Over Property: Three types of evidence—documentary evidence, witness, and possession—are considered in order of gravity.

viii. Profession of Money Lending: Money lending is the profession of Vaishyas, who earn interest through usury (*Vardhusi*).

ix. Receipt for Payment of Debt: After the debt is paid, the creditor must provide a receipt to the debtor.

x. Provisions for Swearing: Different castes have different provisions for swearing. Brahmins swear by the truth, Kshatriyas by their weapons and vehicles, and fear of punishment in the next life is used as a deterrent against lying.

Pledge, Bailment or Deposit (*Upanidhi prakaran*):

Both the depositor and the deposit holder have responsibilities and duties. If the depositor's permission is required to make a profit from the deposit and this permission is not obtained, the depositor can file a complaint. The government should punish the deposit holder and ensure the return of the deposit. When money is borrowed from a

trustworthy person in a time of need, with security exceeding the borrowed amount, it is called *Naso*. A deposit kept secretly in another house is called *upanidhika*. An unaccounted and sealed material hidden outside the packet is called "*Upanidhi*" deposit. If the deposit holder fails to return the deposited goods after the property is repaid, the depositor can complain to the king, who should punish the wrongdoer and ensure the return of the goods. If the deposit is lost, the holder must pay the equivalent value in cash. The government should punish the deposit holder and ensure the return of the deposit. In such cases, the recovered deposit and penalty should be given back to the depositor. If the deposit holder claims the goods are lost even after the repayment, and this does not align with the rules set by the king and god, it is considered deception.

Joint Venture (*sambhuyotthanprakaran*):

Joint investments for business purposes were common during the *Malla* regime. The profit and loss of a shareholder were directly proportional to their investment. Strict tax enforcement was in place, and tax evaders or cheats had to pay eight times the amount they evaded. The environment for foreign investment was prioritized, and foreign merchants were provided with security.

Resumption of Donations and Gifts (*Dttapradanik prakaran*):

This chapter discusses religious gifts known as "*Dan*." If someone improperly gives any goods and wants to take them back, this action is referred to as 'Resumption of Gifts' under the law. Four kinds of gifts are mentioned:

- i. Gifts that must not be given.
- ii. Gifts that can be given.
- iii. Gifts that have already been given.
- iv. Gifts that are prepared but not yet given.

Only the property left after caring for one's wife, children, parents, and other relatives is considered eligible for gifting. Gifts made out of fear, anger, or deceit are not considered valid "*Dan*."

Breach of Contract of Service (*Abbhuyopettyashrusrusa prakaran*):

This chapter outlines the responsibilities of both service providers and employers. When a person agrees to provide service while living at their own home under the command of their family or employer from a specific start date to a particular end date and fails to

comply with this agreement, it is considered a breach of contract for service (*AbhyupettyayaShrusrusa Vivadpad*).

Shastra (ancient texts) identifies five types of domestic service providers, four types of laborers, and fifteen types of slaves. Laborers include a student (*Shissya*), an apprentice, a hired worker (*Bhritak*), and an overseer (*Adhikarmakrita*). The offspring of a slave born in the house will also be considered a slave.

Additionally, the chapter addresses social responsibilities such as not leaving dirt on the road, avoiding touching private parts, ensuring hands are cleaned after meals, disposing of feces and urine properly, and not touching the master's body parts with private parts. These actions are deemed impure, while other works are considered pure

Non-payment of Remuneration/Wages (*Betanassyanpakarma prakaran*):

This section discusses the duties and responsibilities of various workers, including potters, herders, and others. It primarily focuses on the role of herders, indicating that animal rearing was a major occupation at the time. Employers were required to pay the agreed-upon wages to workers at the start, during, or upon completion of their work. During this period, commercial sex work (prostitution) was permitted. If a sex worker took payment but did not provide services, she was required to return double the fee. Similarly, if a man did not pay after receiving services, he faced the same penalty. Additionally, encroaching on another's land was prohibited.

Sale without Ownership (*Aswamibikrayanamak prkrn*):

If someone's goods are sold without their consent and the owner discovers this, the ownership rights revert to the original owner, and the buyer loses possession. If the purchase was made openly with witnesses, the buyer is not considered a thief. If movable or immovable property is sold by someone other than the owner, the seller must pay the total price to the rightful owner. Additionally, the buyer receives the same amount as the owner and must pay the relevant government taxes as per the law. If the purchase was made secretly, the buyer is deemed a thief.

Non-delivery of Property (*Bikriyasampradana prakaran*):

When a buyer has paid for goods, they have the right to receive them. If the seller fails to deliver the goods, it is termed as non-delivery of property. Both movable and immovable properties are included in sales and purchases and can be referred to as

monetary commodities (*Drabhyapannya*). If any sold movable or immovable property is lost, burned, or stolen before it reaches the buyer, the seller is required to compensate the buyer for the loss.

Beware of sale and Purchase (*Krittwanushaya prakaran*):

When an individual fully pays for an item at a shop and later feels deceived, a dispute known as *Krittwanushaya*, or reneging on a purchase, may arise. If the buyer discovers that the purchased item is incorrect, it should be returned to the seller undamaged on the same day. Returning the item on the second day will incur a reduction of thirty percent of the purchase price, and on the third day, the reduction will be sixty percent. After the third day, the seller has the discretion to decide whether to accept the return or not. This chapter also has clearly established the *doctrine of caveat emptor* (let the buyer beware while purchasing) earlier than the European law of sale of goods.

Nonobservance of trade consensus (*Samassyanapakarma prakaran*):

The term "Samaya" refers to the rules established by heretics and groups to govern their transactions. If these rules are violated, it is termed "nonobservance of conventions" under disputes. The king must ensure that group members are prevented from actions that oppose the king, are undesirable to the people, or hinder financial resources. If any organized group causes losses to each other by forming their own confederacies (alliances, unions, or combinations of persons for unlawful purposes) and resorts to violence or destruction, they must be removed. Such activities must not be tolerated.

Land Boundary Dispute (*Kshetrasimabibadapad prakaran*):

Disputes concerning bridges and unclear boundaries of agricultural fields are known as land boundary disputes. Local authorities are responsible for resolving conflicts related to state territorial borders or agricultural field boundaries. Society should establish boundaries through representatives such as the main city's creditors, village heads, creditors of organized groups, dignitaries, and elders.

Boundaries should be marked using husk, charcoal, broken clay jar pieces, wells, trees used for garden decoration, house foundations, and elevated or low-lying land like ant hills. Additionally, boundaries should be indicated by paddy fields, roads, old bridges or dams, and land areas left by rivers during floods.

Man-Woman Relationship (*Stripunsayognamak prakaran*):

The rules governing marriage between a man and a woman are referred to as *Stri-purus-yoga* (man-woman relationship). It is crucial for both the man and woman to mutually accept one another before starting their relationship, an act known as *Varan*. This means that a man needs to accept the woman and vice versa. It is preferable for them to become husband and wife after performing the necessary marriage rituals, rather than just mutually accepting each other, as relationships formed solely by choice tend to have many flaws.

For men belonging to the four Varnas—Brahman, Kshatriya, Vaisya, and Sudra—it is recommended that they marry a woman from the same Varna. Similarly, for women, it is preferable to have a husband of the same Varna. Those from higher Varnas can marry women of lower Varnas. Marriage is prohibited within seven degrees of paternal relations, five degrees of maternal relations, and within the same *Gotra* and *Pravara*.

Types of Marriage:

There are eight forms of marriage in the sacrament for the four Varnas: Brahman, Kshatriya, Vaishya, and Sudra. These forms are Brahma, Prajapatya, Arsa, Daiva, Gandharva, Asura, Rakshasa, and Paisacha.

Rape and Punishment: If a man commits sexual intercourse with a virgin who had no passion for sex he must be punished by two fingers cut off. If a man commits sexual intercourse with an upper caste woman who had no passion for sex, he must get death penalty and his entire property must be confiscated. If a man has sexual intercourse with a woman of his own caste who had passion for sex there is no fault. He must marry that girl covering with the ornaments and with all decorum. Incest was strictly prohibited.

Partition of Inheritance (*Dayabibhag prakaran*):

The concept of inheritance and property division, known as "*Dayabibhagam*" or "*Dayabhaga*," has been a cornerstone in many legal systems, particularly those influenced by Hindu law. This framework outlines the rights and conditions under which paternal property is divided among sons and the specific circumstances under which daughters and their offspring are entitled to inherit a mother's property.

Key highlights include:

- Sons are entitled to partition the paternal property after the father's death.

- Daughters have rights to their mother's property posthumously, and if deceased, their offspring inherit these rights.
- Conditions for sons to partition property during the father's lifetime include the cessation of the mother's menstruation, marriage of all sisters, and the father's disinterest in property.
- The father retains the right to allocate property among sons during his lifetime and can choose to favor the eldest (Jethabhag) or distribute it equally.
- Personal property given by the mother out of affection remains undivided and is the mother's exclusive domain.

Violence or Offences (*Sahas prakaran*):

When someone acts impulsively without thinking, driven by their pride in their own strength, it is referred to as *Sahas* (violence, use of force or crime). There are three levels of violence: the lowest (*pratham sahas*), the middle (*Maddhyam sahas*), and the highest (*Uttam sahas*), corresponding to minor, moderate, and severe offences. According to Shastras, these types of violence have different characteristics.

Minor offences *pratham sahas* includes acts such as breaking, stealing, or destroying fruits, roots/yams, water, or similar activities, encroaching on land boundaries, and destroying agricultural products. Moderate offences *Maddhyam sahas* involves attempting to break and destroy clothes, animals, food, drinks, and household utensils. Severe offences *Uttam sahas* includes actions such as trafficking goods like poison and weapons, killing a person with poison, weapons, or similar items, molesting another person's spouse, and committing acts that can cause death.

Insults and Assaults (*Wakparussya and Dandparussya prakaran*):

Verbal assault, considered harsh and offensive, is divided into three categories: harsh abuse (allegations), vulgar abuse (coarse language), and violent abuse (degrading speech). The penalties for these assaults increase with their severity. Physical assaults, such as hitting or throwing hot ashes, also carry specific penalties.

The penal system categorizes offenses based on their severity. Minor offenses carry fines less than one hundred, while middle-level offenses require at least a five hundred fine. Severe offenses can result in the death penalty, confiscation of property, exile, branding as a criminal, or amputation. These penalties apply to all castes except the death penalty

for Brahmins, who are instead banished and shaved, often branded or publicly shamed for their crimes.

Gambling or Wagering (*Dyutasamahwaya prakaran*):

Activities such as gambling with ivory pieces, glass pieces, dice, Salaka, and other similar items, making wagers, or holding contests of strength involving birds and bulls, with payment to the winners, are collectively referred to as gambling and contests (*Dyutasamahwoy*). The person facilitating the gambling must provide the necessary wealth to the gambler and then reclaim it with a ten percent interest once the gambler wins. In a game of wagering, if a player follows the rules and rolls the same number on ivory pieces twice, they lose the game. If there is uncertainty about who is the winner and who is the loser, the gamblers should rely on the observing gamblers to decide. These observing gamblers act as witnesses to the gambling activities.

King's Miscellaneous conducts (*Prakeernak prakaran*):

The roles and responsibilities of the king are outlined in this miscellaneous chapter, which also details the consequences of obeying or disobeying the king's orders. Additionally, it will cover the rules of livelihood for mixed castes and any other topics not addressed in previous chapters. A king must carefully follow the stages of life: *Brahmacharya*, *Grihastha*, and *Sannyasa*. If a previous king's contemporary committed any injustice out of ignorance, the current king should rectify it. A king is respected by his subjects and is responsible for protecting them, honoring the elderly, wise, and experienced individuals, resolving disputes, and diligently attending to his own duties

Stealing and penalties (*Chaurprakeernak Namak Prakaran*):

This chapter delves into various forms of theft and crimes such as abduction, incest, and the punishment of criminals. It distinguishes two types of thieves: those who steal in the owner's presence and those who do so behind their back. A wise king must identify these thieves. Direct cheats include those who take others' wealth through *Tantramantra*, use fraudulent measures, accept bribes, commit violent robberies, engage in gambling, prostitution, copy designs, and earn a living by fortune-telling. Indirect thieves attack and rob when victims are asleep or intoxicated, including those who raid villages, break into homes, destroy roads, open others' cattle farms, and beg on the streets.

The chapter also covers methods of interrogation and investigation. When thieves are

detained, officials should question them about the crime's details, such as location, time, direction, and personal information like name, caste, residence, and family.

Additionally, it discusses ordeals, primitive tests believed to reveal guilt or innocence through dangerous trials. A wise king should only administer an ordeal with the consent of both the plaintiff and the defendant. The procedures for conducting various ordeals are also explained.

Truth Finding procedure and Evidences (*Byabahar prakaran*):

This chapter contains the proclamation to make true statement by the witnesses that reads a false witness is subject to the same sin which leads to go to same hell where relevant offender goes for the grievous crime.⁵ Likewise, the provision of divine examination (*Divya parikshya*) is only referred to the grievous offences but ordinary offences was referred to be decided by the divine oath.

In the absence of direct evidence, this chapter outlines a method of divine examinations to distinguish between the guilty and the innocent: are known as five *Divya Parikshya*:⁶

Body weight (*Tula parikshya*),

Using fire or extreme heat (*Agni parikshya*),

Drowning in water (*jal parikshya*),

Poisoning (*Bishpaan*),

Standing with purity (*Koshpaan*)

Separate procedure for each of them has been mentioned in this chapter to proceed such divine examinations. For example, The process involves heating clarified cow in a pot made of gold, silver, copper, iron, or clay. The cow ghee, which evokes fear in the soul, should be enchanted with the following mantra: "Om salutations to righteousness, o clarified butter! You are as pure as ambrosia used in sacrifices. O clarified butter! Just as you have the power to purify, let you burn the sinner and remain cool as snow for the pure and sinless." The mantra should be chanted, and a ring made of gold, silver, copper, or iron, washed multiple times in water, should be placed in the hot clarified ghee.

The accused, after fasting for a day and wearing wet clothes following a ritual bath, must retrieve the ring from the heated ghee with their hands. The examiner then inspects the

⁵ *www.commission.gov.np* , Digital copy, *Nyayavikasini*, provision no 565

⁶ *Ibid.* provision no.k 568

accused's fingers; if there are any burns or scratches, the person is deemed impure. This method is also supported by the teachings of *Pitamaha*.

***Sapta prakaran and Taptamash prakaran*⁷**

Saptamash prakaran reads about provisions relating to the reduction of gold weight, restriction on *divya parikshya* for female, restriction on any *divya parikshya* for the prosecutors. Such examination is only prescribed for offenders.

The last, 21st chapter of this historical legal code is *Taptamash prakaran*. That is like additional provisions and procedures relating to *Agni parikshya*, specially the examination of accused by interring his fingers into high heated cow-ghee to retrieve out the ring that after fasting for a day and wearing wet clothes following a ritual bath.

Brief analysis of the contents

Manav Nyaya Shastra also known as Nyayavikashini is an ancient legal code of Nepal. We can analyze briefly through the underneath dimensions of its overview:

Historically

Nyayavikashini was developed during the Malla Dynasty, under the reign of King Jayasthiti Malla. The Malla period is known for significant cultural, architectural, and legal advancements. This legal code aimed to provide a systematic approach to justice and governance that it had early and elderly established many principles of law in front of other legal systems of the globe.

Legally

Nyayavikashini covers various aspects of law, including:

- Property Law: Rules regarding the ownership, transfer, and inheritance of property.
- Civil Law: Guidelines for resolving disputes between individuals, such as contract issues and debt recovery.
- Criminal Law: Definitions of criminal offenses and corresponding punishments.
- Social Regulations: Norms related to marriage, family relations, and community responsibilities.

Influences and Significance

The code is heavily influenced by Hindu legal texts like the *Naradsmriti* , *Manusmriti* and *Yajnavalkya Smriti* . These influences are evident in the moral and ethical principles

⁷ Last two and short chapters of *Nyayavikashini*.

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embedded in Nyayavikashini. It played a crucial role in structuring the legal framework of medieval Nepal and maintaining social order.

Comparatively

When compared to other contemporary legal codes, Nyayavikashini stands out for its comprehensive nature. It integrates civil, criminal, and social laws into a single framework, reflecting the complexity and sophistication of the society it governed.

Modern Relevance

Though ancient, Nyayavikashini offers timeless principles of justice and governance. Its emphasis on fairness, equity, and structured legal processes continues to inspire modern legal systems and scholars.

Conclusion

King Jayasthiti Malla stands out as the most prominent Malla King of Kathmandu Valley in terms of legal and judicial systems. His judicial reforms were remarkable, addressing the need for a codified law when scattered religious texts could no longer regulate societal activities. He formed a Committee of five scholars (*pandits*) from different castes to create a code, resulting in the promulgation of the Nyayabikashini (*Manav Nyaya Shastra*) in 1436 Bikram Era (1380 A.D., Nepal Era 500). This codified legal document, the first codified law in Nepalese history, helped to manage law and order effectively over the *Malla* regime and onward.

King Jayasthiti Malla also implemented widespread social codes, establishing rules for tribes from birth to death, standardizing land measurement based on fertility, and setting building standards. To maintain social harmony based on caste division, he reorganized the mixing of Varnas through *Jata Nirnaya*. Historians commend him for his legal and social arrangements, with some provisions of the Nyayabikashini being adopted by the *Muluki Ain* of 1910 B.S. and the *New Muluki Ain* of 2020 B.S.

Despite its significance, the Nyayabikashini had flaws, such as cruel punishments, caste-based bias in punishment, and unscientific investigation methods, making it impractical today. Nonetheless, King Jayasthiti Malla's contribution to the organized legal system in Nepal's history and the influence of the Nyayabikashini on subsequent laws is noteworthy. It is a significant historical legal document that provides deep insights into

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the legal, social, and cultural fabric of medieval Nepal. Its comprehensive and systematic approach to justice makes it a valuable reference for both historical and legal studies.

References

- Sangraula , Yubaraj , Decolonizing jurisprudence, Lex and juris publication,2023 , Bhaktapur
- Banjade, Mohan. Kanun nirmanma atmanirbharata,,Gorakhapatra online,kartik 2, 2076 Nepal Gyanmani. Nepal Niropan, 2055
- Khanal, Bishal. Nepalko Nyaya Prashasan, Ek Aitihāsik Simhabalokan, Aatharai Publication, Kathmandu Nepal, 2044 B.S.
- Shrestha, Gyayindrabahadur, Hinduvidhishasta ra Nepalko kanuni byabastha,,2050
- Khanal, Rewatiraman. Nepalko kanuni itihashko Ruprekha,2059
- Khanal,vishnuprashad.Aitihāsik kanuni dastabej :Nyayavikasini,Nepal journals online,vol.2,no.2(2024) www.nepjol.info
- Tripathi, Rewati Raj. Nepalese Legal System, LumbiniPrakashan, Kathmandu Nepal. (2 nd Ed.) 2011.
- Singh,Topbahadur,Neplako sambaidhanik itihash ra sambaidhanik abhilekh haru,2066
- Banjade,Mohan.Jayasthiti Malla ka kanuni sudhar-avhibdn tyo chet lai.Mansir 4,2077