

Confrontation of a Traditional Law with a Colonial Rule: The Kandyan Scene, 1815 to 1833

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The British established their power in Kandy in 1815. They commenced their rule in the Kandyan Provinces as a separate administrative entity. Two factors were behind this decision. One is the political compulsion: the British were very much careful not to make immediate reforms which may have had a negative effect on the support they received from the Kandyan nobility. Secondly, the British were bound by the Convention of 1815 in such a way that they were not in a position to bring about arbitrary changes to the existing system. Therefore, they took the position of showing the Kandyans that they would continue the existing administrative system including the indigenous legal system and the law. However, in practice, even at the beginning the British did not fully abide by their promise to retain the existing system. The aim of this paper is to examine the changes which took place in the Kandyan Law during the initial years of British rule in the Kandyan Provinces consequent to their policy. This period, i.e. the first fifteen odd years, starting from 1815 was disregarded by most of the previous researchers, who have studied the British impact on traditional customary law of the Kandyans. This was due to their intense focus on the more pronounced and influential reforms such as C.H. Cameron's Reforms to the Judicial System in 1833. Therefore, this study pays attention to a period which was less prominent when it comes to legal history of Sri Lanka. Emphasis would be on changes which took place during this period and the manner in which those changes occurred. The research question is: when did the changes to the traditional law of the Kandyans start; was it after 1818 or 1833? In this research historical methodology was adopted making use of documents pertaining to early British rule in the Kandyan Provinces as the main primary source. The hypothesis is that although the changes to the existing law was more pronounced after 1818 and structural changes began to occur after the 1833 Reforms, in reality the changes to the law started with the Kandyan Convention of 1815 itself. The study revealed three different occasions where changes to the law were apparent. It was also concluded that these 'minor' changes were very much instrumental in shaking or weakening the existing law which was a key factor which facilitated the subsequent structural changes.

Keywords: *Traditional Law, British Rule, Kandyan Convention, Kandyan Provinces*

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