

2.16 Contraction of Sinhalese Legal System During the Rule of Western Invaders

A.S.P.S.P.Sanjeewa
Department of History, University of Kelaniya.

ABSTRAT

The inception and the development of the Sinhalese judiciary and legal system go back to the period of Sinhalese kings. As in India, at the beginning Sinhalese laws were not late down in writing. Even though at times certain laws were put into writing, basically the law existed as customs. One of the basic responsibilities of the ruling king was to look after and maintain existing laws and customs laid down by the previous kings. The king was counted as the ultimate source of law and the decision maker at crucial points.

The Sinhalese laws were implemented and obeyed by the people throughout the country. The Sinhalese law affected even the foreigners. During times of many foreign rulers they had used Sinhalese laws to facilitate their rule. One clear example was king Elara.

These laws were treated as the accepted laws in the country up to the time of the last king, Sri Wicrama Rajasingha. By this time Dutch invaders who were ruling the costal area had introduced some of their own laws in those areas. There is evidence to say the Dutch had tried to implement the Sinhalese laws, customs, and judiciary system in the areas under their rule.

Anyway during the period of Dutch and British rulers they introduced separate laws for Muslims, and Tamils in Jaffna. The British declared that the Sinhalese laws will have no effect over the foreigners, Tamils, and the people from the low country who are living in the Kandyan kingdom. Due to these reasons finally the Sinhalese laws were limited to the so called Kandyan. Therefore the Sinhalese law or the Kandyan laws became a private law.

My objective is to study the way in which the Sinhalese law became a private law.

Key words: Legal system, court system, private law.