

CUSTOMARY LAWS OF SRI LANKA

IN THEIR
HISTORICAL AND CULTURAL BACKGROUND

M. L. S. JAYASEKERA

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Historical & Cultural Background**

by

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INTRODUCTION

In a discussion on the sources and development of the Customary Laws of the Sinhala people from ancient times mainly up to the first three and half decades of the 19th century, we propose to set out the quarters from which these laws obtained their material contents and the processes and historical factors which contributed to their development during the period in question. During this period the people themselves played a leading part in the development of these usages and thereafter the British Judges and the Legislature took control in a large measure to bring them to their present form. Although the thesis is mainly concerned with these laws as they existed before such Judicial and Legislative control, we have discussed their subsequent development when the ancient institutions have continued up to modern times.

In the thesis of which this work consists of this introduction and the first seven chapters and the appendix thereto we deal with the sources and development only of important and fundamental concepts in the Sinhala legal system as developed by the people themselves and where they continued to exist up to modern times. The topics will be discussed from a point of view of jurisprudence dealt with historically.

By a study of the sources and development of these fundamental concepts it is possible to understand the origins and the course of development of the Sinhala legal system itself, as these concepts as we shall see, constitute the backbone of that system. Legal rules as such will not be laid down except so far as is necessary to define and explain the concepts considered.

1. Application of Sinhala Customary Laws

From ancient times up to the early part of the 19th century these customary laws obtained among all the Sinhala people, who today are divided into two sections : (a) Low Country Sinhala people and (b) Kandyan Sinhala people. At the outset it can be said that both sections form ethnically one race, both speak a common language

Sinhala. and both follow the common religion Buddhism which from the 3rd Century B.C. has been the national religion of the Sinhala people.

The Low Country Sinhala people who mainly inhabit the coastal belt in the Western and Southern parts of the island have been ruled from the end of the 16th Century up to modern times when Sri Lanka became independent, by three successive European races viz. the Portuguese, the Dutch and the British respectively.

The Kandyan Sinhala people who inhabit the up-country areas or are descendants from those who peopled those areas that comprised the last surviving Sinhala Kingdom, have always been governed by Sinhala kings from ancient times up to 1815 when they ceded their kingdom called the Kandyan Kingdom or Sinhale² by a Convention called the Kandyan Convention of the 2nd March 1815. The city of Kandy in the centre of the Island was the capital of this Kingdom. The term "Kandy" and "Kandyan" are pure British terms. The term "Kandy" is derived from the Portuguese term 'Candea' which they coined from the Sinhala term Kanda-uda-rata or Kanda-uda-pasrata meaning "the country on the mountain" and "five countries on the mountain" respectively. The two sections of the Sinhala people called each other Uda-rata- minissu (Up-country people) and Pahata-rata minissu (Low-country people) respectively, while the term Sinhala is recognised as applying to both. The city of Kandy is called by both sections of the people Nuwara or Maha Nuwara (City or Great City) or Senkadagalapura (City of the rock of Senkada, a hermit who once occupied a cave in the rock) or Siriwardhanapura (City of increasing prosperity).

2. Sinhala Laws under the Portuguese and the Dutch

Generally it can be said that these customary laws obtained among the Low Country Sinhala people when they were ruled by the Portuguese and the Dutch, as well as among the Kandyans.

-
1. This was formerly called Sinhalese in the English language and during the early 19th century the word was spelt 'Cinghalese' or 'Cingalese'.
 2. Traditionally Sri Lanka had three Sinhala Kingdoms—Ruhunu, Maya and Pihiti. Collectively they were called 'Tri Sinhale'.

Shortly after the Portuguese succession in 1597 to the last kingdom in the low country, the Kōtte kingdom on bequest by the last king, Don Joaō Dharmapala, they entered into a convention called the Malvāna Convention whereby they undertook to govern according to Sinhala laws and customs. We see them thereafter preparing a Tombo of land holdings (a sort of Domesday Book) with a list of proprietors of lands and a foral wherein the customary dues paid to the Sinhala kings were entered so that the Portuguese could exact the same dues. It is quite clear that the Portuguese accepted as a matter of fact the Sinhala customary laws, caste dues and services based thereon as the pages of Portuguese writers like Ribeiro and de Queros show. We see that the Dutch who succeeded the Portuguese in 1656 followed the same policy. Their legislation affecting proceedings in Land Raads (Land courts), memoirs of Dutch Governors, collection of native laws in the report of the Dutch Dessave De Costa³ and Governor Falck's questions to the Buddhist priests clearly indicate the Dutch policy, although they introuced the Roman Dutch Law which today has become the Common Law of Ceylon. In this connection Dr. Hayley has observed :-

"The manners and social system of the low country Sinhalese described by Portuguese and Dutch writers are in the main identical with those of the Kandyans."⁴

3. Sinhala Laws in Early British Times

When the British captured the Dutch possessions in Sri Lanka a Proclamation was issued on 23rd September, 1799 to the effect that they would administer these possessions according to the laws and institutions that subsisted under the ancient government of the United Provinces. Dr. Hayley says that this enactment did no more than continue the administration of justice in the manner

3. C.O.54/123 and 124 P.R.O. London.

4. Hayley p. 24. It was also held in *Bandaranayake v. Bandaranayake*, 24 N.L.R. 245—that a Kandyan Sinhalese is not a person of a different race or nationality from a low-country Sinhalese. This decision followed an earlier one *Manikkam v. Peter* 4 N.L.R. 243 wherein Withers, J. answered the question "What does 'race' connote?". He said that it connotes in his opinion a people belonging to the same stock and stated further "it can hardly be contended that the Kandyan Sinhalese and the Sinhalese of the maritime provinces are not people of the same stock".

exercised by the Dutch who conceded to the native inhabitants their own laws. A Charter of 1801 put the matter beyond all doubt by enacting that in the case of Cinghalese of Mussaimans natives their inheritance and succession to lands, rents and goods, and all matters of contracts and dealings between party and party shall be determined in the case of Cinghalese by the laws and usages of the Cinghalese or in the case of Mussalmans by the laws and usages of the Mussalmans and when one of the parties shall be a Cinghalese or a Mussalman by the laws and usages of the defendant.

A civil procedure code seems to have been published and steps were taken to study the local customs and distinctions of caste and preparations were made for drawing up a system of customary laws as the Governor's despatches show.⁵

Then we see some controversial correspondence between the Governor and the Puisne Judge on the question of exacting from different classes of inhabitants various types of service and compulsory labour based on custom. The Puisne Judge declared to be illegal the exacting of labour from the different castes of natives and the Governor charged the Puisne Judge with putting impediments in the way of Executive Government at a time of national crisis.⁶ Later on we see that the compulsory labour or services called Rājākāriya was abolished in 1832 owing to the liberal policy followed in Britain during this period.

The Charter of 1801⁷ was repealed by that of 1833 which however according to Dr. Hayley contained no provisions altering the substantive law to be administered. Dr. Hayley says that it is clear therefore that the British during the early years never intended to impose the Roman Dutch Law on all classes of the people. He cites Chief Justice Marshall as saying that in his day (1830s) no doubt had ever been entertained that the native

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5. Governor's Despatches of 18th February, 1801—p. 228 (Government Archives—Sri Lanka).
 6. Governor's Despatches of 17th July, 1818—p. 434 (Government Archives—Sri Lanka).
 7. Prof. Derrett informed the writer that this Charter of 1801 was based on the Regulating Act 13 Geo. 3c63 (1773) which provided for the Jurisdiction of the Supreme Court at Calcutta.

inhabitants of the Maritime Provinces were entitled to be governed and had always been governed in the matters mentioned above by their respective usages and customs except there they had been abrogated or altered by positive law. We also find the late Mr. Justice A. St. V. Jayawardene mentioning in a monograph⁸ on Roman Dutch Law and its applicability that even so late as 1835 the Sinhalese Law and not the Roman Dutch Law of inheritance prevailed in the Maritime Provinces. He has cited District Court Kalutara Case No. 603 (Morgan's Digest p. 57. September 2, 1835) where it is stated : "Where one daughter had received in dowry a half of all the disposable estate of the parents, the Supreme Court after consulting the Assessors (who stated that by the customary law of inheritance among the Cinghalese, having received such a large portion as dowry, she could not claim another share at her mother's death, and that the remaining half ought to devolve on the other child) referred the case back for the opinion of the District Court on this point on more mature consideration, and after consultation with those best acquainted with the Cinghalese law of inheritance."

4. Application of Roman Dutch Law to the Low Country Sinhala people

We find that after the fourth decade of the nineteenth century the Roman Dutch Law being steadily applied to the Low Country Sinhala people by the British judges on the assumption that the Dutch applied it to them. In this connection we may refer to more recent observations made by Monceiff A.C.J. and De Sampayo A.J. which throw more light on the application of this law during Dutch times. In *Karonchihamy v. Angohamy*⁹ Monceiff A. C. J. said : "As to its application to the Low-country Sinhalese, the Dutch left the natives of Ceylon for the most part to themselves, but I think that their law prevailed in fact or by fiction in the parts which they settled, and that the area of that law naturally expanded as the settlements were enlarged. If it was no matter to them whether the Sinhalese married, it does not follow that their law (as distinguished from ceremonial) was not binding."¹⁰ He also states that it is too late in the day (1904) to discuss this point, because the Roman Dutch Law has inspite of the Charter of 1801 Section 32

8. The Roman Dutch Law by A. St. V. Jayawardene p. 8.

9. N.L.R. 1.

10. Ibidem at p. 9.

which was repealed by the Charter of 1833, continued to be in force in the Maritime Provinces since the capitulation. However, De Sampayo J. was of the opinion that the Dutch applied the Roman Dutch Law only to a section of the Sinhala people. He states, "The Dutch East India Company was a trading company, and it is a well-known fact that the Dutch whether from policy or from indifference, troubled themselves very little about the native inhabitants, except perhaps in the case of the small number of native Christians who were in the service of the Government or resided in the forts, and left them more or less contemptuously to themselves. The Dutch, therefore, were not likely to extend to the native population in their integrity the personal laws by which they governed themselves, and least of all their peculiar and strictly Christian views of the marriage relations." Accordingly we find that native customs and usages were recognised, and that, even when Roman Dutch Law was in any degree applied, it was so applied with such modifications and qualifications as were suitable to the people."¹²

Mr. A. St. V. Jayawardene was of the view that Dutch introduced the Roman Dutch Law to Ceylon, "but it is the English and not they who established amongst the Singhalese, who made it the law of the land, the Common Law of Ceylon"¹³ Dr. Hayley gives the main reasons for this attitude of the British judges: "The abolition of slavery (1844), of service tenures and other specific native customs, the prohibition of polygamy and the discouragement of caste distinctions appear in time to have led to a general disregard of native customs in the Low-country and to the assumption that the Roman Dutch Law was of universal application except in the case of the Tamils and Moors, whose customs have been crystallised by legislative sanction."¹⁴

The law governing family matters, inheritance and property for the Low Country Sinhala people is therefore at the present day the Roman Dutch law subject to modifications by local statutes, and so Dr. Hayley says, "The Low-country man is accordingly in his legal

11. The matter in consideration in this case was the applicability of a Dutch Placaat of 1674 concerning marriage.

12. N.L.R. p. 23-24.

13. The Roman Dutch Law by A. St. V. Jayawardene, p. 11.

14. Hayley p. 28.

relations strongly divided from the Kandyan."¹⁵ We may of course state that this position is modified by intermarriage between the two groups and emigration to each other's areas.

Sometimes the distinction between the two groups is not quite clear. We find for example some persons described as Low Country Sinhala people and governed by Roman Dutch law although they are descended from Kandyan ancestors who settled down in the Low Country long ago. On the other hand the children of a Low Country Sinhala man who has contracted a binna marriage with a Kandyan woman domiciled in the Kandyan provinces will be subject to Kandyan Law according to section 2 (b) of Ordinance No. 23 of 1917.

5. The survivals of Sinhala customary laws still apply to the Kandyan Sinhala people

Today the survivals of these laws apply to the Kandyan Sinhala people and they are collectively called "Kandyan Law", a pure British term. This is mainly the result of an article in the Kandyan Convention of 2nd March, 1815, on which the Kandyan people surrendered their territory to the British Crown. The Convention stated in article 4 that, "The dominion of the Kandyan Provinces is vested in the Sovereign of the British Empire and to be exercised through the Governors or Lieutenant-Governors of Ceylon for the time being and their accredited Agents, saving to the Adigars, Dessaves, Mohottalas, Corals, Vidaans, and all other chief and subordinate native headmen, lawfully appointed by authority of the British Government, the rights, privileges and powers of their respective offices, and to all classes of the people the safety of their persons and property, with their civil rights and immunities according to the laws, institutions, and customs established and in force amongst them."

In article 5 it was stated that, "the religion of Boodho professed by the chiefs and inhabitants of these provinces is declared inviolable, and its rites, ministers, and places of worship are to be maintained and protected."

The provisions of these two articles had far reaching consequences in the subsequent development of customary laws

15. Ibidem.

and institutions of the Sinhala race and in the development of the control and management of the property of the Buddhist Church in Sri Lanka.

In a saving clause to article 8 the Government reserved the inherent right of Government to redress grievances and reform abuses in all instances whatever particular or general where such interposition shall become necessary.

We see that by virtue of some enactments passed thereafter the operation of Sinhala laws has been whittled down considerably. The Ordinance No. 5 of 1852 which was passed as its title states, "to introduce into the Colony (Ceylon) the Law of England in certain cases and to restrict the operation of the Kandyan Law" enacted in Section 5 that if the Kandyan Law is silent in any matter, the Law of the Maritime Provinces governing such matter is to be applied. The Service Tenures Ordinance 4 of 1870 enabled tenants to commute their services for money payments to proprietors. The present position of applicability of survivals of Sinhala customary laws now called Kandyan Law can best be expressed in the words of Modder thus :

" With the numerous encroachments which the English law has made upon it, the Kandyan law as it obtains at the present day is restricted in its application to the following subjects :—

- (i) Marriage considerably modified and regulated by local statutes as pointed out by him e.g. the Kandyan Marriage Ordinance No. 3 of 1870 ;
- (ii) Inheritance and succession including adoption ; and
- (iii) The right by acquisition mainly upon deeds.¹⁶

There were also certain aspects of feudal tenure in land with the existence of four kinds of holdings called Gabaḍāgam (Royal villages), Nindaḡam (villages given to chiefs for office or as presents for services), Vihāragam (villages given to Buddhist temples for their maintenance) and Dewālagam (villages given to temples of deities).

16. Modder, Kandyan law P. 77.

With the abolition of Rājākāriya or compulsory labour for the King in 1832 Gabaḍāgam ceased to be of effect. In the case of other villages the tenants were allowed, if they so wished, to commute their services for money payment by the Service Tenures Ordinance of 1870. But we still see some tenants performing the services themselves in some cases of Viharagam and Dewalagam. In the famous annual Esala Perahara in Kandy in July-August the tenants perform their services to the Daladā Māligāwa (Temple of the Tooth) for their holdings of Māligāwa property.

6. The Subject Matter

As stated earlier, certain fundamental concepts will be considered from a point of view of their sources as far as they can be ascertained and their subsequent development from ancient times upto recent years discussed. The subject commences with an outline of Sri Lanka history. This is an easy matter as the Sinhala people have been fortunate in having historians and chroniclers from time immemorial. In this connection Professor Geiger, an authority on Sinhala culture and history, has said :

“There is hardly a corner of the Indian Continent of whose history we know so much as we do of that of the island of Ceylon”¹⁷. He was referring mainly to the chief chronicles of Ceylon, the *Dīpavaṃsa* and the *Mahāvāṃsa*. As the *Mahāvāṃsa*, as Geiger has pointed out, is a Kāvya (heroic poem) with Alankāras (adornments) we have to approach it with some degree of caution. Nevertheless it furnishes very reliable and authentic information sometimes confirmed by inscriptions.

Other non-legal topics discussed are the origins and the evolution of the Sinhalese race. These have to be considered not only from accounts in the important chronicle, the *Mahāvāṃsa* and its continuation, the *Cūlavāṃsa* critically examined but inferred also from various other factors like language, caste, political units and institutions like kingship, ‘sabhā’, ‘gama’, religion, anthropometric and other differences between the Sinhala people and their immediate neighbours and also feelings and relations both friendly and hostile, which existed between them in the course of history.

17. Geiger, *Dipavamsa and Mahavamsa* tr. by Ethel M. Coomaraswamy p. 1.

At the outset we might say that there is no precise and affirmative evidence available on these topics in the earliest period, viz. before the advent of Buddhism into Ceylon in the third century BC. There are however the views, opinions and theories of scholars based on certain kernels of fact.

As there are rock inscriptions in Sri Lanka and India thereafter, there is something to go on for one to formulate a coherent picture on these matters. But certainly after the Christian era, we are on a firmer footing because of the existence of established data.

We might say that these matters are dealt with as being relevant to the discussion of the fundamental legal concepts and for a proper understanding of their origins. The Legal concepts commence with a study of kingship in relation to its theory and evolution, and the position and powers of the king in Sri Lanka. The administration of justice in various periods comes up according to available evidence for discussion next.

In the next volume we deal with the various sources of Sinhala Customary Laws which are Hindu Law, Canonical writings and practices of Buddhism, 'Pera Sirit' former or immemorial customs, 'Kula Sirit' customs of clans or castes, 'Gam Sirit' village customs, South Indian and Pre-Aryan customs and enactments of kings occasionally. Freedom and origins and incidents of slavery in ancient and in Kandyan times, caste with its evolution and incidents in the Anuradhapura Kingdom and its subsequent development in the Polonnaruwa, Kotte and Kandyan periods together with marriage and matrimonial rights from ancient times up to the early period of British rule in the Kandyan kingdom will form the Law of Persons.

The Law of Crimes, their categories and punishment therefore form an important topic in Sinhala Customary Laws from ancient times down the centuries. In land tenure the concept of 'gama' and subsequent development of various kinds of tenure are considered as they occupy a special place in the legal system of an essentially agricultural and a feudal society like that of the Sinhala people. Contractual and non-contractual liability in ancient and subsequent times as far as they can be gathered from the sources

will terminate the discussion of legal topics affecting the lay Sinhala people. As Buddhism loomed large in the culture of the Sinhala people for over two thousand years and influenced their attitude to life, the final topic of the thesis is Buddhist Ecclesiastical Law in relation to its sources development and enforcement during the centuries.

7. The Mahavaṃsa and its continuation, the Culavaṃsa as material sources of Customary Laws of the Sinhala Race

In our study of the matters mentioned earlier we shall have recourse to the famous chronicle of the Sinhalese race, the *Mahāvaṃsa* (the Great Dynasty) and its continuation, the *Cūlavāṃsa* (Lesser Dynasty) which have been the subject matter of study and comment by several learned scholars including Professor Geiger. The chronicles seek to depict primarily the ecclesiastical history of the Island in relation to the reigns of kings. They give graphic and elaborate descriptions of the pious and meritorious acts of kings but fail to give substantive accounts of economic, social and political life of the community as a whole.

But we see references here and there to matters considered in this work throughout the chronicles. The origins and the history of the Sinhala race, kingship and its descent, powers and duties of the King, occasional administration of justice and enactments by the king have been narrated. Immemorial customs and traditions especially in the field of constitutional law are referred to as 'Pera Sirit'. Caste or Clan Laws 'Kula Sirit' or 'Kulācāra', village customs, 'Gam Sirit', right of sanctuary 'Abhaya', and Ordinances against killing of animals, birds and fish, 'Māghāta', are prominent and specific legal institutions described in the chronicles. A trace of the four well known caste divisions of the Aryans 'Catubbannam' existed among the Sinhala race till perhaps the end of the Anuradhapura period, when the Sinhala race got formed into a homogeneous whole after the intermarriage of the Aryan clans like the Vijayan settlers, Sakyan clans, the Moriyan, Lambakanna and other North Indian clans, who came to Sri Lanka with the Bō Tree. Caste laws of the Khattiyas (Kshattriyas in Sanskrit) are referred to and examples given. Kālinga influences with immigration from that part of India are mentioned both in the chronicles and the inscriptions. Institutions based on Kautilya's *Arthasāstra* and

Laws of Manu are described in the *Cūlavāṃsa*. The concept of 'gama' meaning village or estate or land and some incidents of land tenure have been brought by the Aryans to Sri Lanka from North India. The 'gama' round the 'vāpi' or tank as typical of the Aryan settlement has been elaborately described by Sir John Budd Phear in his *The Aryan Village* and by Henry Parker in his *Introduction to Village Folk Tales*. Certain aspects of land settlements and inheritance thereof are depicted in the *Cūlavāṃsa* in the reign of Parākrama Bāhu II, whom the Chronicle describes as Manu Nīti Visārado (expert in the laws of Manu) whose principles he utilized in the administration of justice.

In the sphere of Buddhist Ecclesiastical Law the grant and dedication of land to the Buddhist Church (the *Sāsana*) are depicted in the chronicle in the form of the Brahmadevya grant. The effect of 'Sīmā' or demarcation of boundaries of land in such grants is emphasized, as even the king cannot resume such grants. The king, as Protector of the 'Lōka' and the 'Sāsana' (people and the church), had power to cause purification of the Sangha by a 'Dhamma Kamma' when the order became corrupt. The effect and instances of such action by kings have been set down.

8. The Chronicles—the work of the Sangha

The Sinhala people have been fortunate in possessing an ecclesiastical order, the members of which transmitted religious and other learning from generation to generation (*paramparāwa* to *paramparāwa*). The existence of such an order, which is a celibate one of the Theravāda School, produced in Ceylon the two chronicles, the older *Dīpavāṃsa* and the later and more important *Mahāvāṃsa* and its continuation, the *Cūlavāṃsa*. The absence of such an order is felt in India, which does not possess such an ancient and reliable chronicle although there is a learned class in that vast subcontinent. Maine observed about this class, the Brahmins :

"The conception of a celibate order appears to have been unknown to the early Hindus¹⁸." He further comments: "All the world knows that they were also in some sense priests. What we have to bring home to ourselves is the existence in ancient Indian society of a sole instructed class which had an absolute monopoly

of all learning. It included the only lawyers, the only priests, the only professors the sole authorities on taste, morality and feeling, the sole depositaries of whatever stood in the place of science¹⁸.

The position in Sri Lanka is not dissimilar and we have only to substitute the 'Sangha' in place of the Brahmins. Sir Emerson Tennent has given expressions to this idea when he said :

" The literature of the ancient Sinhalese derived its character from the hierarchic ascendancy which was fostered by their government and exerted a preponderant influence over the temperament of the people. The Buddhist priesthood were the depositaries of all learning and the dispensers of all knowledge ; by the obligations of their order the study of the classical Pāli was rendered compulsory upon them and the books which have come down to us, show that they were at the same time familiar with Sanskrit. They were employed by Royal command in compiling the national annals and kings at various periods not only encouraged their labours by endowments of land but conferred distinctions on such pursuits by devoting their own attention to the cultivation of poetry and the formation of libraries".²⁰

These books of the Sinhala race were written on prepared palm leaves called Ūlas. About the chronicles of the Sinhala race Tennent observes :

" But the chefs d'oeuvre of Pāli literature are their chronicles the Dīpawamsa, Mahāwamsa and others ; of these the most important by far is the Mahāwamsa and its Tīka or commentaries. It stands at the head of the historical literature of the East unrivalled by anything extant in Hindustan."²¹

9. Sir Alexander Johnston's Interest in " Native Laws and Customs."

There is another parallel between India and Ceylon. In an attempt to discover the Customary Laws of the Hindus, Sir Willliam Jones the eminent Orientalist and Chief Justice of Bengal in the late eighteenth century found out the Sanskrit literature of the Hindus and thus paved the way for it to be laid before the European public.

18 and 19. Maine : Early Law and custom. p. 13.

20. Tennent, Ceylon. p. 512

21. Ibidem, p. 516.

In the desire evinced by Sir Alexander Johnston, Chief Justice of Ceylon from 1809 to 1817 to know the native laws and customs, the chronicles and the Pali literature of Ceylon became known to the Europeans. In a letter dated 13th November, 1826 to the Chairman and Deputy chairman of the Court of Directors he says :

“ After a very long residence in Ceylon as Chief Justice and first member for His Majesty’s Council in that island and after a constant intercourse, both literally and officially, for many years with the natives of every caste and of every religious persuasion in the country, I felt it my duty to submit it as my official opinion to His Majesty’s government, that it was absolutely necessary in order to secure for the natives of Ceylon a popular and a really efficient administration of justice to compile for their separate use a special code of laws which at the same time that it was founded on the universally admitted, and therefore universally applicable, abstract principles of justice should be scrupulously adapted to the local circumstances of the country, and to the peculiar religion, manners, usages and feelings of the people. His Majesty’s government fully approved of my opinion and officially authorized me to take the necessary steps for framing such a code”²². He then goes on to say how he called upon the most learned and most celebrated of the priests of the Buddha to co-operate with him and to procure for him as well from books as other sources the most authentic information that could be obtained relative to the religion, usages, manners and feelings of the people who professed the Buddhist religion in the island of Ceylon. The priests he says presented to him copies of the “Mahāwamsa”, “Rājāvali” and “Rājaratna Cāri” as containing according to the judgment of the best informed of the Buddhist priests in Ceylon the most genuine account which is extant of the origin of the ‘ Buddha religion ’ of its doctrines, of its introduction into Ceylon and of the effects moral and political which these doctrines had from time to time produced upon the conduct of the native government and upon the manners and usages of the native inhabitants of the country. Sir Alexander got them translated by his official translators and gave them to Mr. Upham to edit them. He also got Dutch Dessave de Costa’s collection of native laws as given in his report to be translated into English and gave the same to the authorities in England.

22. P.R.O.-C.O. 54/123 and 124.

10. Turnour's edition of the *Mahāvamsa*

As the text and translation given by Sir Alexander to Mr. Upham was defective and contained many errors, Hon. George Turnour of the Ceylon Civil Service decided to edit the text of the *Mahāvamsa* and issue a translation thereof himself. Turnour in his long introduction to the *Mahāvamsa* discusses the authenticity of the chronicle. In giving his reasons for his venture he says, "This laudable endeavour on the part of the late Chief Justice of the Colony to lay before the European literary world a correct translation of an Indian historical work the most authentic and valuable perhaps ever yet brought to its notice having most unfortunately failed, I have decided on proceeding with the translation commenced some years ago".²³ In addition to the English translation he published the text in Roman characters printed with diacritical marks, for which he gives his reason, "My object in undertaking this publication is principally to invite the attention of Oriental scholars to the historical data contained in the ancient Pāli Buddhistical records as exhibited in the *Mahāwanso*; contrasted with the result of their profound researches as exhibited in their various publications and essays commencing from the period when Sir William Jones first brought Oriental literature under the scrutiny and analysis of European criticism".²⁴ The value of the *Mahāvamsa* as a source both for the laws and usages of the Sinhala race can be understood if we appreciate the reasons which prompted Turnour to study Pali in addition to Sinhala. He observes, "It only remains for me now to explain the disadvantages and advantages under which I have undertaken the translation of the *Mahāwanso* in order that no deficiency on my part may prejudice an historical work of apparently unquestionable authenticity and compared with other Asiatic histories of no ordinary merit. I wish to be distinctly understood that in turning my mind to the study of Pali, I did not enter upon the undertaking with the view of either attaining a critical knowledge of the language or prosecuting a purely philological research. A predilection formed at my first entrance into the civil service to be employed in the newly acquired Kandyan provinces which had been ceded on a convention which guaranteed their ancient laws, led me to study the Sinhalese

23. Turnour's Introduction to the *Mahawanso* P. XI.

24. *Ibidem*

tongue. The works I was referred to for the information I sought though they contained much that was valuable as regards both the institutions and the history of the land all professed to derive their authority from Pāli sources. In further pursuit of the objects I had in view I undertook the study of Pali aided by the translation of the grammar before noticed."²⁵ With regard to chronology of the chronicle although there were discrepancies and inaccuracies in the pre-Buddhist period Turnour says :

“ But subsequent to Dutthagamini in B.C. 164 there does not appear to be the slightest ground for questioning the correctness of the chronology of the Ceylonese history even in these minute respects.”²⁶

He further observes :

“ Whether these unimportant falsifications have or have not been intentionally had recourse to, they in no degree affect the reputation of Mahanama as a historian”.²⁷

11. **Mahāvamsa's Account of the Indian origins of Sinhala Customs and Institutions**

The chronicle has been considered by Vincent Smith as part of the sixth source of Indian history. Apart from this fact the chronicle played an important part in the identification of Emperor Asoka of India, from which source we find a number of Sinhala politico-legal institutions have originated apart from religion James princep who unravelled the mysteries of the Asokan Pillars, wrote about the further elucidation of the Feroziat or Silā Stumba inscription after he had identified the King Piyadassi as the great Indian Emperor Asoka :

“ It was one of my principal objects in publishing my hasty reading of the Ferozlat inscription in the July journal without awaiting the corrections and illustrations of a more matured examination to draw to me the aid of others whose ability, opportunity and interest in the subject might enable them to throw light upon this highly curious monument. Already am I reaping

25. Turnour Introduction to the Mahawanso, P. LVII.

26 & 27. Ibid, P. LII.

abundantly the fruits of this expectation and I lose no time in placing them before the Society. The first correction in point of importance comes as usual from Ceylon, the very Lanka (to apply its own fabulous prerogative metaphorically) the very first meridian whence the true longitude of all ancient Indian history seems destined to be calculated²⁸."

Prinsep was at one time of opinion that the pillar monuments, roads and wells, were erected in India by a King of Sri Lanka. On receipt of a letter from George Turnour whom he called "our Pali annalist" identification of Asoka was possible and it was hailed with delight. Turnour wrote :

" Since I came down to Colombo I have made a most important discovery connected with the Pāli Buddhist literature. You will find in the introduction to my Epitome page LX that a valuable collection of Pali works were brought to Ceylon from Siam by George Nadoris Mudlier (Chief of the Cinnamon Department and then a Buddhist priest) in 1812. In that collection I have found the *Dīpawanso* compiled by the fraternity at Anuradhapura to which the *Mahāwamsa* refers!! It opens with the passage quoted in the Introduction p. LXI. In running over the book cursorily I find the following lines in the Sixth Bhanawaro or Section of 250 lines in Reference to Dharma Soka :

" Dwe sattāni wassāni attarasawassānicha sambuddhe Parinibbutte abhisetto Piyadassino"—two hundred and eighteen years after Passing Away of the Buddha, Piyadassi was crowned (king). After a few lines descriptive of the ceremonies performed at his inauguration, I find :

" Chandaguttassayan nattanatta Bindusarassa, atrajo rajaputto tada asi Ujjeni kara molino"—he the crowned king was the son of Bindusara and the grandson of Chandragupta.

Here then we find that Asoka was surnamed Piyadassi and if you will turn to the 5th chapter of the *Mahāwanso*, especially pp. 28 and 29, you will see the circumstances under which Buddhistical edifices were simultaneously erected all over India."²⁹ James Prinsep then states :

28. J. R. A.S. 1837, p. 723.

29. & 30. *Ibidem*, P. 791.

“ Mr. Turnour has thus most satisfactorily cleared up a difficulty that might long have proved a stumbling block to the learned against the reception of these last inscriptions as genuine monuments of a fixed and classical period the most ancient yet achieved in such an unequivocal form.”³⁰

Apart from the above we find Vincent Smith for example using the “ Synchronism ” of King Meghavanna of Ceylon with the Indian King Samudra Gupta. Professor Nilakānta Sāstri too has received support from the *Mahāvamsa* for his work on the Cōlas. He observes :

“ According to the *Mahāvamsa* the island of Ceylon began to fall under powerful Cōla influence very early in its history. The relations between the Damilās and the natives of the island form one of the main strands in the narrative of the valuable chronicle and the synchronisms furnished by it are among the important sources of our knowledge of Tamil history and chronology.”³¹

Commenting upon the absence of the Elāra legend in Tamil literature and its discussions at length in the *Mahāvamsa* he says :

“ Of these transactions that loom so large in the early history of Ceylon there is no trace in Tamil literature apart from the legend of the Prince and the calf which is placed in the reign of Manu. We therefore lack all means of judging the extent to which the fortunes of the Cōla monarchs of the mainland were involved in the establishment and overthrow of Elara’s power in Ceylon.”³²

12. Other Sources of Material—The Inscriptions

There are rock inscriptions in Sri Lanka dating from the 3rd or 2nd century B.C. after the introduction of Buddhism into Sri Lanka, up to the 16th or 17th century A.D. These are of great historical interest as they afford considerable authentic information, not only on facts of history but on customs and practices throughout centuries of Sinhala history. Sometimes these inscriptions corroborate accounts given in the *Mahāvamsa*. These inscriptions fall into three categories viz. cave, rock and pillar inscriptions. The first discovered inscriptions date from the reign of King Uttiya, the

31. & 32. Nilakānta Sāstri, *The Cōlas*, p. 25.

brother and successor of King Devānampiya Tissa. The earliest inscriptions are in early Sinhala which is very similar to the dialect used by Asōka in his inscriptions in North India. The characters are Brahmi 'lipi' similar to those of Asōkan inscriptions. We see that scholars like Rambukwelle Siddhartha Thero used this similarity to point out the origins of the Sinhala race in India. Other learned writers like. Dr. E. Müller and Professor D. M. de Z. Wickremasinghe the learned editor of the *Epigraphia Zeylanica* too point out this similarity. Dr. E. Muller say, "The Elu (ancient Sinhalese) is a language that bears a close connexion to the so called Magadhi of the Asokan inscriptions".³³ The earliest cave inscriptions bear testimony to the grant of caves to the 'Sangha' strictly according to the Vinaya from which position we shall show later on how the ecclesiastical law has developed. This grant takes the usual form, "lene agata anāgata catudisā sagasa"—the cave given to the Sangha of the four quarters present and not present.

Later we find inscriptions conferring grants of lands to temples with detailed instructions. Various immunities were conferred on temple lands. Right of sanctuary "Abhaya" was given and King's officials were prohibited from entering them. The priests too who enjoyed these lands had to follow a strict religious life.

We also find some enactments of legislation by kings. Some give accounts of customary laws, rules, and regulations. The Wevalkatiya and the Badulla Pillar Inscriptions afford very useful information on the state of the law in medieval times. Incidents of land tenure too can be ascertained from these inscriptions. Matters of Buddhist ecclesiastical law as laid down in 'Katikāvatas' can be ascertained from such inscriptions as the Galvihāre one of Parakrama Bahu the Great. The large numbers of inscriptions left behind by the boastful king Nissanka Malla indicate not only his concept of sovereignty but also his views on criminal law. The Hindu customary laws find a direct place in them. Generally these inscriptions supplement the *Mahāvamsa* accounts and we can from them form some picture of law and legal institutions current at the time they were recorded.

33. Müller : Ancient Inscriptions of Ceylon, p. 8.

13. The Canonical Writings of Buddhists and the Commentaries thereon as Sources of material

We find that these too have contributed their share to Sinhala customary laws. We find for example the Hindu theory of kingship undergoing a change in Buddhist writings. As Buddhism does not accept the idea of God or a Supreme Deity as the Creator of the world, the Divine theory of kingship does not find a place in Buddhist society. So we find the *Aggañña Suttanta* of the *Dīgha Nikāya*, kingship based on a social contract laid down. There is the famous Maha Sammata (Great Elect) tradition of kingship which obtained in Sri Lanka from ancient times. The Sinhala kings claimed descent from Mahā Sammatha the first king who was also thereon. The *Sumangala Vilasini* by *Buddhagosa*, the famous change with the Kshattriyas being considered the first caste relegating the Brahmins to second place. The origins and incidents of slavery are described in Canonical writings and commentaries thereon. The *Sumangala Vilāsini* by *Buddhagosa*, the famous Indian Buddhist commentator of the 5th century of a.d. is important in this respect. We find the 19th century composition of John Armour and the *Nītiniganduva* written on the information of monks deriving the concept of kingship from the *Aggañña Suttanta* of the *Dīgha Nikāya* and origins and incidents of slavery from the canonical writings and the *Sumangala Vilāsini*. The Buddhist rites and practices observed in Sri Lanka contributed their share to the growth of Sinhala customary laws. Some no doubt are derived from Hindu practices and customs as some British Judges have shown in some of their judgments.

14. Other Historical Works

The *Mahāvamsa 'Tīka'* or the *Vaṣatthipakāsni* or the commentary on the *Mahāvamsa* supplements the information of the main chronicles. The 'Tīka' gives for example a detailed and comprehensive account of the 'Abhiseka' ceremony introduced into Sri Lanka in Asoka's time and followed by Sinhala kings thereafter. We then see the 'Tīka' supplementing the *Mahāvamsa* which mentions in great detail the specific things brought from India for such a ceremony. The information in the 'Tīka' which of course was composed about the 10th-11th century A.D. helps us to have an idea of the composition of the Sinhala people in regard to the

castes that obtained among them. Other historical works like the *Rājāvaliya*; *Nikāya Saṅgrahaya* and Sinhala literary works from 13th to 16th centuries supply legal information here and there *Jana Vamsa* is an early Sinhala book on caste.

15. Works of Foreign writers and travellers

Works of foreign writers like Indians, Chinese, Arab, Portuguese, Dutch and British authors on Sri Lanka yield valuable material though some are of a secondary nature. A few wrote their accounts from material obtained in their homelands while many had travelled about in Ceylon and formed their opinions on what they saw and heard. Writings of Buddhaghōsa, Fā-Hien and Ibn Batūta fall into an earlier period. We have earlier mentioned the importance of *Sumangala Vilāsini* of Buddhagosa. Of the later writers Fr. de Queyroz' *Conquista* and Joaō Ribeiro's *Ceylon* discuss the state of society in the Low-country in the 16th and 17th centuries, whereas Robert Knox's *Historical Relation of Ceylon* describes the state of the Kandyan Kingdom in the 17th century. From all three of them we have obtained valuable information. The Dutch writer, Valentine's work on Ceylon too was useful. Of the 19th century writer, Bertolacci's *View of Ceylon*, Davy's *Interior of Ceylon*, Tenant's *Ceylon* and Pridham's *History of Ceylon* have been read with much profit and advantage.

16. Memoirs of Officials.

Memoirs, correspondence and despatches of Governors and other officials during the Portuguese, Dutch and early British periods set out information on caste obligations and dues, land tenure and its incidents principally. In this respect the memoirs of the Dutch Governors are of special importance.

17. Collections of Customary Laws

Collections of Customary laws by European officials, judgments and decisions of a judicial or quasi-judicial nature together with enactments respecting indigenous legal customs during the rule of colonial powers also afford valuable material. Of particular importance are the decisions of the Kandyan Board of Commissioners from 1815 to 1832. Sir Alexander Johnston's *Ceylon Native Laws and Customs*,³⁴ D'Oyly's *Constitution of the Kandyan*

34. C.O. 54/123 and 124 P.R.O. London.

Kingdom, Lawrie's *Gazeteer* and Bell's *Report on Kegalle District*, and Lawrie's unfinished work *Kandyan History and Law*, were also useful.

18. Books on Hindu Laws and Customs

As regards Hindu Sources, the *Ordinances of Manu* (Burnell and Hopkins) Kautilya's *Arthasāstra* (Shama Sastry's translation) have been consulted as well as modern textbooks of Hindu law like that of Maine. Of immense help also were Dr. Sen Gupta's two books, *Evolution of Law* and Tagore Law Lectures of 1950; *The Evolution of Ancient Indian Law*, and Sir John Budd Phear's *The Aryan Village*.

19. Modern Writers.

Among these Modder's *Kandyan Law* is a very detailed work on the modern aspect of the law. Dr. Hayley's *Kandyan Law* is a later work discussing also the developments thereafter in the law. Both these well known textbooks, cited today in the Courts, contain material about the origins of the System too. Dr. Ananda K. Coomaraswamy's *Medieval Sinhalese Art* and Bryce Ryan's *Caste in Modern Ceylon*, have been useful in the sphere of caste. Dr. M. B. Ariyapāla's *Society in Medieval Ceylon* and Dr. Ralph Pieris' *Sinhalese Social Organisation* (in the Kandyan period) have proved useful for accounts of Sinhala politico – social and legal institutions in the respective periods. Codrington's *A Short History of Ceylon* his *Land Tenure and Revenue in Ceylon*: University of Ceylon *History of Ceylon*, Sir Paul Pieris' *Portuguese Era and Ceylon and the Hollanders* and other works have also been utilized.

20. Periodicals.

The volumes of *Epigraphia Zeylanica* have supplied the extracts from inscriptions. Various journals like the *Ceylon Antiquary and Literary Register*, Journals of the Royal Asiatic Society of Great Britain, Journals of The Ceylon Branch of the same society, *University of Ceylon Review* and a few other Journals proved useful. *The New Law Reports* of Ceylon were mainly relied on for case law. The other writers referred to will be included in the bibliography in addition to the above mentioned books, papers and periodicals.

CHAPTER 1

AN OUTLINE OF THE HISTORY OF SRI LANKA (Ceylon)

Section 1. The Anuradhapura Period

1. The origin of the name Ceylon¹: As the Sinhalese form by far the majority of the people of Ceylon an outline of Ceylon history from the earliest known times up to the early part of the 19th century would constitute more or less a history of the Sinhalese race itself.

Ceylon, or Lanka to give its Sanskrit and Sinhalese name, has been known from early times under various names not only to Indians, Chinese and Arabs but also to Europeans like Greeks and Romans who have given accounts of the Island. Writers like PTOLEMY, PLINY and the author of the PERIPLUS of the Erythrean Sea and KAUTILYA in his ARTHASASTRA give descriptions of ancient Ceylon. It has been called by the ancient Greeks and Romans TAPROBANE (PALI TAMBA PANNI). It has also been called PALAISIMUNDU which the author of the PERIPLUS says is derived from Pali SAMANTA.

After the arrival of the SINHALESE it was called in Sanscrit SINHALA DVIPA and in PALI SIHALA DIPA (island of the SINHALESE) a name which in process of time passed into Arabic as SERENDIB. It was also known simply as SINHALA or SIHALA. Through the Portuguese form CEILAO the British coined the term CEYLON as the name of the Island. The SINHALESE term in the past as well as the present is LANKĀ or SRI LANKĀ or LANKĀVA. In Tamil it is called ILAM, which Caldwell explains, is "a word which has been corrupted from the Sanscrit SINHALAM or rather from the PĀLI SIHALAM by the omission of the initial S."² Tamil Dictionaries define the word as the island of the Sinhalese (Sihalathīve).

1. The Name given to the island in the 1978 Constitution is "The Democratic Socialist Republic of Sri Lanka."
2. Caldwell: A Comparative Grammar of the Dravidian languages (1856). Introduction p. 72. See also University of Madras Tamil Lexicon. 1924 Edition.

2. Arrival of VIJAYA

The history of the Sinhalese race begins according to tradition and the Mahāvamsa with the arrival in Sri Lanka of the eponymous hero VIJAYA (Conqueror) and his 700 followers from North Western India in the 5th or 6th century B.C. Circumstances of his arrival in Ceylon, his meeting with the aborigine princess KUVENI and how he became king are related in the Mahāvamsa. Before death Vijaya is said to have requested his younger brother to come to Ceylon. As he could not come he sent his son PAṆDUVĀSADEVA who succeeded Vijaya. Shortly afterwards BADDHAKACCĀNĀ, a daughter of a SĀKYAN king in the Ganges region came with a retinue and married PAṆDUVĀSADEVA. She was followed by a number of her brothers who founded settlements in various parts of the Island.

3. Founding of ANURĀDHAPURA

It would appear that ANURĀDHAPURA has been founded at this period as a village ANURĀDHA GĀMA. There are two views in the Mahāvamsa about its foundation. One view is that it was founded by one of VIJAYA'S ministers while the other view ascribes the foundation to Prince ANURĀDHA a brother of BADDHAKACCĀNĀ. But soon we see it coming into importance as the seat of the King PAṆDUKĀBHAYA who built close to the city a tank to supply water. By the 3rd century B.C. when Buddhism was introduced it has grown into a big city with various amenities provided by PAṆDUKĀBHAYA.

From VIJAYA'S and PAṆDUVASA DEVA'S arrivals and from the two accounts of the foundation of the capital city it is inferred that there were two streams of immigration into Ceylon one from the North West and the other from the North East of India. Both these streams welded together to form the original Sinhalese race.

4. Reign of PAṆDUKĀBHAYA

After Paṇduvāsadeva's death his eldest son ABHAYA became king but the kingship was disputed by his nephew PAṆDUKĀBHAYA son of his sister Cittā and her cousin DĪGHA GĀMANI. PAṆDU KĀBHAYA waged a long and relentless war against ABHAYA and his brothers and on being successful ultimately became king with his royal seat at ANURĀDHA GĀMA which he built into a great city

ANURĀDHAPURA. As the king and his people were of the Hindu faith or at least of the Brahmanical faith known in India at that time the king created monasteries and dwelling places for wandering monks Brahmins, Ājīvakas and NIGANṬHAS. The Mahāvamsa mentions an important event with legal consequences

“Dasa vassābhisitto so gāma sīma nivesayī
Lānkādīpamhi sakale lankīndo Paṇḍukabhayo”.

Ten years after his consecration did PAṆḌUKABHAYA the ruler of Lanka establish the village boundaries over the whole island of Lanka.³

We see here a beginning of local self government which became a prominent feature in the Sinhalese form of government. Candālas or outcastes are also mentioned for the first time. These probably developed into the outcastes of the later period the RODIYĀS of Ceylon.

After a long reign he died and was succeeded by his son MUṬASĪVA who laid out the famous park MAHĀMEGHA in the City.

5. Introduction of BUDDHISM

On Muṭasīva's death his second son TISSA or DEVĀNAM PIYATISSA (TISSA the beloved of the Gods) became king.

During his reign in the 3rd century B.C. the most important event which affected the life of the Sinhalese people and changed its course took place when MAHINDA son of the Indian Emperor Asoka arrived in the Island and preached the doctrine of the BUDDHA. He converted the king and the people to the Buddhist faith and laid the foundation of Sinhalese culture and civilization. That this mission was part of the missionary activity of Asoka is attested by his Rock Inscriptions which refer to Ceylon by the name TAMBAPANNI. The importance of this mission can be gauged by the opinions of writers like K. J. Saunders and Vincent Smith. Saunders states,

3. Mhv. X. 103.

“The missions of King Asoka are among the greatest civilizing influences in the world's history”.⁴

Vincent Smith the learned author of the Oxford History of India says in particular about the mission to Ceylon “ANURĀDHAPURA the Buddhist Rome may serve as the measure and symbol of Asoka's influence on the world.”⁵

With regard to the result of Mahinda's mission itself Smith says

“ The mission to Ceylon was a complete success although the conversion of the island was not suddenly effected by a series of astounding miracles as related in the monkish stories. It was no doubt gradual although tolerably rapid progress aided materially by powerful royal encouragement.

The mission came in C. 251 or 250 B.C. on the initiative of King Tissa who ascended the throne about that time and reigned like his friend Asoka for forty years. During his rule he expended most of his energy in measures for the propagation of the Buddhist religion and in erecting splendid buildings for its service. The leading missionary was Mahendra or Mahinda said to have been Asoka's son or younger brother who settled down in the Island and died there about 204 B.C. His memory is perpetuated by monuments which bear his name. He was aided by his sister who is remembered by her title SANGHA MITTĀ ‘friend of the Church or Order’ as Mahendra or Mahinda was among men.”⁶

Smith sums up the ultimate effect of the mission very graphically :

“ Buddhism won a decisive victory in Ceylon during the long reign of Tissa and has never lost its hold on the island where its influence on the whole has been for good.”⁷

4. K. J. Saunders : The Story of Buddhism. p.76.

5. Vincent Smith : Oxford History of India p.123.

6. Vincent Smith : Oxford History of India p. 122.

7. Vincent Smith : Oxford History of India p. 122.

It is quite possible that Buddhism was not unknown in the Island before the advent of MAHINDA though it was not so widespread. From the arrival of a Sakyan princess Baddha Kaccānā and other matters Dr. E. W. ADIKARAM has pointed out the existence in Sri Lanka of Buddhism before the arrival of Mahinda.⁸

An event with legal consequences was the grant by the King Tissa of the MAHĀMEGHA Park to Mahinda and his followers. The manner of grant was the same as used by King BIMBISĀRA when he donated a park to the Buddha. This became as we shall see a precedent to be followed in grants of land to the Buddhist church.

A branch of the Bodhi tree under which Buddha attained Buddhahood was brought to Sri Lanka by Mahinda's sister Sangha Mittā and a large retinue. This branch, planted in Anuradhapura stands today in the words of Codrington "As the oldest authenticated tree in the world."⁹ The MAHĀVIHĀRA (Great Monastery) the THŪPĀRĀMA and other religious establishments were founded by King Tissa in ANURĀDHAPURA. Thereafter the MAHĀVIHĀRA became a centre of religious activity and learning for centuries to come, as the chief home of THERAVĀDA Buddhism.

The ABHISĒKA or anointing ceremony of the king according to the North Indian pattern was introduced by the Asokan emissaries, and King Tissa was anointed King accordingly. While the MAHĀVAMSA gives the requisites for the ceremony sent from North India to Ceylon at that time. The MAHĀVAMSA, TĪKA or VAMSATTHPAKĀSNI, or commentary on the Mahāvamsa, give the details of the ceremony which was followed thereafter in the consecration of Sinhalese kings.

King Tissa died after a long reign and was succeeded by his younger brother UTTIYA in whose reign a number of cave inscriptions have been engraved. These constitute probably the oldest known in the Island. MAHINDA and his sister died during his reign and they were given grand funerals. Their names are honoured even today in Sri Lanka. UTTIYA was succeeded by two of his brothers, MAHĀ SIVA and SŪRA TISSA one after the other.

8. E. W. Adikaram : Early History of Buddhism in Ceylon p. 47.

9. Codrington : Short History of Ceylon p. 14.

6. Tamil Invasion

We find SŪRA TISSA being ousted from his throne by two Tamil horse dealers who ruled for 22 years. This is the first reference to any Tamil incursion or Tamil rule in Sri Lanka. The MAHĀVAMSA very objectively says that these two usurpers SĒNA and GUTTIKA ruled justly. ASĒLA another younger brother of King Tissa defeated the two Tamils and ascended the throne. After a few years a Tamil prince from the Cōla country invaded Ceylon, defeated ASĒLA and became King in ANURĀDHAPURA. This prince ELĀRA had a long reign at ANURĀDHAPURA while Sinhalese sovereignty was confined to KELANIYA on the West coast and RŌHANA in the South of Sri Lanka.

7. Rise of DUTUGEMUNU

At this juncture there arose the national hero of the Sinhalese, the great King DUTUGEMUNU. He was a great great grandson of MAHĀNĀGA a younger brother of King Tissa. Due to a certain incident MAHĀNĀGA fled to RŌHANA in the South of Ceylon and founded a kingdom there with MĀGAMA as his capital. When Elāra was ruling in Anuradhapura in the North, Dutugemunu prepared for war with Elāra even when his father KĀVAN TISSA was alive and disobeying his father, whence he got his name DUṬṬHAGĀMANI or DUṬṬUGEMUNU, the Gāmini, the disobedient. After his father's death DUṬṬUGEMUNU waged a long and protracted war against ELĀRA and the Tamils and finally defeated them and became King in Anuradhapura. He then founded a number of VIHĀRAS monasteries and dagobas. His *magnum opus* is the famous and great STŪPA, the massive RUVANVELI dagoba, which after restoration in the 20th century stands majestically on the flat landscape in the heart of the sacred City of ANURĀDHAPURA in close proximity to the Bodhi tree. On DUṬṬUGEMUNU'S death his younger brother SADDHĀ TISSA (Pious Tissa) became King. On his death we find the Buddhist clergy and the ministers electing as king THŪLATTHANA a younger son of Saddha Tissa, when the elder son LAÑJA TISSA was away in RŌHANA. The elder brother came and became King after defeating THŪLATHANA. LAÑJA TISSA was succeeded by KHALLĀṬA NĀGA who after a short reign was succeeded by his younger brother VAṬṬAGĀMANI ABHAYA, popularly called VALAGAMBĀHU.

8. **Second TAMIL Invasion**

Now we find seven Tamil chiefs landing at MAHATITTA (near modern MANNAR) with a powerful force and defeating VALAGAMBĀHU who was forced to flee. Five of these Tamils ruled in ANURĀDHAPURA for almost 14 years during which period VALAGAMBĀHU wandered from place to place in order to escape being captured. Finally collecting forces he fought the Tamils and became King once more after defeating them.

9. **Grant of Land to VIHĀRAS**

VALAGAMBĀHU was befriended in his flight by a THERO at VESSAGIRI monastery and for this act of hospitality the wandering monarch made a grant of land to the monastery of the THERO. As no writing material was available the grant was recorded on a ketaka leaf (*PANDANUS ODORATISSIMUS*). Here we find one of the earliest grants of land to a religious establishment for the sustenance of the clergy therein. We find thereafter grants of land to VIHĀRAS and monasteries becoming a regular feature. These grants became the subject matter of stone inscriptions, and they enabled the monks to carry on their tasks of preaching and teaching the doctrine and of writing books and commentaries like the AṬṬHAKATHĀS and the chronicles of Sri Lanka.

10. **Writing of the Scriptures**

A systematic recording in books of the Buddhist Scriptures (TRĪ PITAKA) took place in VALAGAMBĀHU'S reign. These have been handed down by word of mouth although there is evidence in the Mahāvamsa that at least parts of it were in writing. Owing to schisms that arose a convocation of the priesthood was assembled at ALUVIHĀRE in MĀTALE and recording was done, after observing the procedure followed in similar convocations in India. VALAGAMBĀHU was succeeded by MAHACULIMAHA TISSA son of KALLĀTANĀGA. Thereafter CĪRA NĀGA son of VALAGAMBĀHU became King. He was poisoned by his Queen the infamous ANULĀ who ruled through a number of paramours till she was put to death.

11. **Era of Peace**

On ANULĀ'S death KUṬAKANNA TISSA ascended the throne circa 44 B.C. He inaugurated an era of peace and prosperity which continued during the reign of his two sons BHĀTIKA ABHAYA and

MAHĀ DĀṬHIKA MAHĀNAGA who reigned one after the other. MAHĀDĀṬHIKA was succeeded by his son ĀMAṆḌA GĀMANI. It is said that during the period of 71 years covered by the reigns of these four sovereigns no external enemy threatened the Kingdom, nor did internal disharmony trouble the people. The Kings, nobles and the people celebrated religious festivals and many religious establishments were founded during this period of tranquility. There are a number of inscriptions of this period. The University History of Ceylon says :

“All throughout the island’s history of two thousand years there does not appear to have been any period during which the people were happier.”¹⁰

This happiness and freedom from fear were extended by ĀMAṆḌAGĀMANI to the animal Kingdom as well. The Mahāvamsa testifies “MĀGHĀTAM sakale dīpe kāresi manujadhipo”. On the whole island the ruler of men commanded not to kill.¹¹ KAṆIRAJĀNU TISSA the younger brother and successor of ĀMAṆḌA GĀMANI decided a legal action among the Buddhist clergy. He punished some Bhikkus who were involved in the crime of high treason. After a few kings had reigned for short periods ILANĀGA came on the throne (38 A.D.). He had to meet an uprising of LAMBAKARṆAS and ILANĀGA fled to South India. He returned with troops from South India, defeated the LAMBAKARṆAS and regained his kingship. This King was the first Sinhalese king to obtain help from South India when forced to flee from his kingdom. This plan followed later on by a number of Sinhalese kings in flight brought about disastrous consequences to Sinhalese sovereignty and independence. Ilanāga was succeeded by his son CHANDA MUKHA SIVA or SANDA MUHUNU (one with the face of a moon) who had a Tamil consort DAMIḶĀDEVI the first king to have a Tamil consort according to records. He was succeeded by his brother YASA LĀLAKA TISSA. This King cracked a practical joke with his door keeper SUBHA who resembled him, with the result that he paid for it with his life and SUBHA became king.

10. University of Ceylon History of Ceylon p.173.

11. Mhv. 35,6.

12. LAMBAKARNA Dynasty

Now we see a new dynasty coming into power, the powerful LAMBAKARNA clan, members of which came with the Bodhi tree from North India. This clan had caused trouble to several sovereigns earlier and now at last they obtained the throne. A certain Lamba Karṇa youth resident in the North was in the service of his uncle, an army commander. This youth Wasabha rebelled, fled to Rohana collected an army, fought and defeated Subha and became king. The Vallipuram Gold plate inscription¹² confirms the Mahāvamsa account of King Vasabha who reigned for 44 years (circa 67–111 A. D.) during which reign Viharas, buildings and irrigation works were constructed. He was succeeded by his son Vaṅkanāsika Tissa during whose reign there seems to have been a Cola invasion. He was succeeded by his son Gajabāhu (Elephant's arm) whose name is mentioned in the Thūpārāma slab inscription wherein it is stated that having poured water from the golden vase into the hand of the donee he gave to the community of monks some water rates and royal dues etc. (E.Z. III/116) He is said to have brought the anklet of the Goddess Pattini to Ceylon from South India. After the reign of a number of kings, a king known for his knowledge of law and tradition and named accordingly Vohāratissa came on the Sinhalese throne (215 A.D.). After short reigns of a few Sovereigns we find three Lambakaṇṇas who came to Anurādhapura from their home in Mahiyāṅgane, ruling the country. The first of them Sanghatissa was succeeded as king by the saintly king SAṄGHABŌDHI or SIRI SANGABO.

13. BŌDHISATVA Ideal of Kingship

A theory had been developed due perhaps to MAHAYANIC influence that the Sinhalese King in addition to being a Buddhist had to be a BŌDHISATVA or an aspirant BUDDHA. SANGHA BŌDHI the second of the three MAHIYĀṄGANA LAMBAKAṆṆAS attained this ideal. He is said to have possessed the magical powers of bringing about rain in time of drought through piety. His policy of releasing secretly apprehended rebels, and his causing corpses to be burned in order to spread the idea that criminals had been punished by death through fire, proved ineffective. When GŌṬABAYA, the

12. E.Z. Vol IV. P 229–237.

last of the three rebelled against him he left the capital rather than fight to save his throne. The story is told of how he severed his own head so that a villager who befriended him could get a reward from GŌṬABAYA on production of the head. GŌṬABAYA, who succeeded SRI SANGABO expressed his feelings of remorse by according a grand funeral to the late king and building a VIHĀRA where he died at ATTANA GALLA. He also purified the SANGHA or the Buddhist clergy by exiling the VETULYA VĀDINS of the ABHAYA GIRI VIHĀRA.

14. The destruction of the MAHAVIHĀRA

It would appear that a Cōla monk called SANGHAMITTA well versed in the art of exorcism of spirits (bhuta vijjā kōvido) and a disciple of the chief THERO of the exiled sect came over to Ceylon and ingratiated himself into favour with the king GŌṬHAKĀBHAYA, and became the tutor to his two sons, princes JETṬHA TISSA and MAHĀSĒNA. JETṬHATISSA, the elder prince, succeeded his father when SANGHAMITTA went to India expecting to come back when his favourite pupil MAHĀSĒNA became king. When MĀHASĒNA succeeded his brother the infamous SANGHAMITTA came from South India to Ceylon, influence the king to destroy the MAHĀVIHĀRA, the famous seat of learning, on the pretext that the MAHĀVIHĀRA monks followed a heterodox doctrine, whereas his own sect of the ABHAYAGIRI fraternity followed the orthodox one of the Buddha. Thereupon King MAHĀSĒNA decreed, says the Mahāvamsa

“MAHĀVIHĀRA VASĀSSA ĀHĀRAM deti BHIKKUNO
YO SO SATAM DAṆḌIYO “ti raṅṅo” daṇḍam ṭhapāpayi”

Whosoever gives food to a bhikkhu dwelling in the MAHĀVIHĀRA is liable to a fine of hundred (pieces of money).¹³

When the Mahāvihāra fraternity plunged into distress went to MALAYA (hill country) and RŌHANA, SANGHAMITTA developed an ingenious legal argument as the institution was desolate without inmates for nine years.

13. Mhv. 37 5.

“HOTI ASSĀMIKAM VATTHU PAṬHAVI SĀMINO”.

*Ownerless land belongs to the King¹⁴ and caused the destruction of the famous monastery. The chronicle graphically describes this act of vandalism :

“MAHĀVIHĀRAM NĀSETUM laddhānumati rājato
tathā kātum manusse so yojesi dutṭha mānaso
SANGHAMITTASSA therassa sevako rāja vallabho
SONĀMACCO dāruṇo ca bhikkhavo ca Alajjino
bhinditva lohapāsādaṃ sattabhūmikam uttamam
ghare nānappakāre ca ito'bhayagirim nayum
MAHĀVIHĀRA nitehe pāsādehi bahūhica
ABHAYAGIRIVIHĀRO so bahupāsādako ahu”

And when he had gained leave from the king to destroy the Mahavihara this (bhikkhu) in the enmity of his heart set on people to do so. An adherent of the thera Sanghamitta the ruthless minister SONA a favourite servant of the King and (with him) shameless bhikkhus destroyed the splendid LOHA PRASĀDA seven stories high and carried away (the material of the) various buildings from hence to the Abhaya Giri Vihara and by means of the many buildings that were borne away from the Mahavihāra the ABHAYAGIRI VIHĀRA became rich in buildings.”¹⁵

When a minister rebelled against him the King repented and reconstructed the Vihāra and rehabilitated the priests there. One of the King's consorts aggrieved at the destruction of the famous institution, caused a workman to slay SANGHAMITTA. King Mahāsena built and rebuilt Vihāras and religious establishments thereafter.

We find a high minister deciding a case against a bhikkhu who had been charged with an offence of the gravest kind. The minister decided the case according to right and law, even against the wishes of King Mahāsena.

The MAHĀVAMSA which ends with this king's reign, sums up his activities in Buddhist terms “EVAM PUÑÑAM APUÑÑAM CA SUBAHUM SO UPĀCINI.”

14. Mhv. 37 8.

15. Mhv. 37 9 -12.

Thus did he gather to himself much merit and much guilt.¹⁶ The chronicle ends with the phrase "MAHAVAMSO NIṬṬHITO". The Mahāvamsa is ended.¹⁷

15. The CŪLAVAMSA—The Beginning

Mahāsena was succeeded by his son SIRIMEGHAVARṆA who is considered the first king of the CŪLAVAMSA (the lesser dynasty). He restored into original form every institution destroyed by his father. He set up the Lova prāsāda and rebuilt PARIVENAS. The TOOTH RELIC of the Buddha was brought to Sri Lanka during his reign by a Brahmin princess from the Kālinga country in North East India. This relic in time became an object of worship and devotion by the Kings and the people and constituted the palladium of Sinhalese liberty and independence. It is housed today in the DALADĀ MĀLIGĀWA (Palace of the Tooth) in Kandy and receives obeisance of the Buddhist world.

Sirimeghavarṇa is mentioned in inscriptions in Ceylon. He is also mentioned in a Chinese literary works as sending an embassy to his Indian contemporary King SAMUDRAGUPTA with whose permission he built a monastery in India. He was succeeded by JETṬHATISSA his younger brother.

16. The Physician King BUDDHADĀSA

On Jetṭhatissa's death his son BUDDHADĀSA became King. He was a famous physician and a pious king, fulfilling the Bodhi Satva ideal. His healing activities and establishment of dispensaries and medical halls are mentioned in the chronicle. On his death his son UPATISSA became King. He was murdered at the instance of his queen, who had an illicit affair with his brother MAHĀNĀMA, who then became King.

17. Arrival of Buddhaghōsa

An important event of Mahānāma's reign was the arrival in Sri Lanka of the famous Buddhist commentator Buddhaghosa, a learned Brahmin Buddhist monk from India. Having obtained assistance from the inmates of the Mahā Vihāra he summarised the doctrine of the Buddha as found in the three PITAKAS, and made

16. Mhv. 37-50.

17. Mhv. 37-50.

commentaries on them. He composed the work called the VISUDDHI MAGGA (the path of purity) and rendered into MĀGADHI the whole of the Sinhalese commentaries. He also composed the works SAMANTAPĀSĀDIKĀ and SUMAṄGALA VILĀSINI and returned to India. Sumangala Vilāsini gives a picture of life in his day and also provides some material for the 19th century legal composition, the NĪTI NIGANḌUWA as we shall show later on.

18. Rise of DHĀTUSENA

On Mahānāma's death three Sinhalese kings ruled in quick succession, followed by six Tamils who seized sovereignty and ruled one after the other. During this time all kinsmen of noble families had gone to Rōhana. There was a prince of the MŌRIYA clan whose clansmen had settled here and there in Ceylon. This prince DHĀTUSENA raised an army, fought and defeated the Tamils and became king in ANURĀDHAPURA where he ruled from 463 to 479 A.D. He built the famous tank KALĀWEWA and a number of Vihāras. During his reign MAHĀNĀMA a Buddhist monk said to be an uncle of DHĀTUSENA composed in PALI verse the famous chronicle MAHAVAMSA, from which we have quoted often.¹⁸ Mahānāma used the earlier chronicle, the DĪPAVAMSA and the other historical records and AṬṬHAKATHĀS for his composition. The authenticity and trustworthiness of the chronicle have not only been attested by TURNOUR but also by a recent Scholar, Professor Geiger who in his Introduction to his edition of the Mahāvamsa relies on internal and external evidence to prove its authenticity.¹⁹ In later times the Mahāvamsa has been continued as the Culāvamsa by various monks. It is still being continued by members of the Buddhist church in Sri Lanka, in Pali verse.

DHĀTUSENA had two sons MOGGALYĀNA and KASYAPA and an only daughter. KASYAPA, the younger son by a junior queen, put the father to death at the instance of his brother-in-law and usurped the sovereignty, whereupon MOGGALYĀNA fled to South India. KASYAPA, fearing the return of his brother, established himself in the famous rock fortress of SĪGIRIYA (Lion rock). In the

18. MAHĀVAMSA denotes the Great Dynasty of Sinhalese Kings as opposed to the Cūlavamsa (lesser dynasty).

19. Vide pages XII to XX of Geiger's Introduction to the Mahāvamsa, translated into English for the Pali Text Society by Geiger and Bode. Oxford University Press 1912.

18th year of his reign his brother Moggalyāna came with an army and after defeating him became King. King Moggallāna purified the Sangha by a regulative Act (Dhamma Kamma). We see thereafter other kings purifying the Order by this method. After his death and the reign of his son and grandson there followed a period of dynastic instability.

19. Political Influence of Bhikkhus

After a number of kings, who reigned for short periods, came Aggabōdhi I who ruled from 564 to 598 A.D. He kept piously to the instructions of a Bhikkhu Dāṭha Siva and living according to the law he looked after him heedfully. Geiger thinks that apparently Dāṭha Siva took a post at Court corresponding to that of the Purōhita in Indian Courts. This is the beginning of political influence of Bhikkhus. On the death of the King his sister's son became King as Aggabōdhi II. During his reign a king, a prince of Kāliṅga came with his Mahēsi and minister to Ceylon and entered the religious Order. A number of Kings rule for short periods. One of them Dāṭhopatissa II underwent an ecclesiastical censure at the hands of the clergy as the King had infringed rules as to boundaries of a Vihare. This censure was the Pattanikkujjana or turning down of the almsbowl. After a number of kings, we come to the reign of Mānavamma, who had a long reign of 35 years (691-726 A.D.) and who is looked upon as the founder of a long line of Sri Lanka kings. He had lived in exile under a South Indian King NARASINGHA with whose help he gained his kingdom.

20. An Ideal King

We now find the Cūlavaṃsa giving a description of an ideal Sinhalese king, when it describes Kassapa III, who reigned subsequent to Mānavamma. The chronicle states :

“Atha tassānujo rājā Kassapo ‘ hosi khattiyo
 Samattho rajjabhārassa gahituṃ pubbavuttino.
 Pitā viya niyaṃ puttāṃ so saṃgaṇhi mahājanāṃ
 dānena peyyavajjena atthassa cariyāya ca
 Ṭhānantaraṃ ca dāpesi tassa tassa yathāraham
 Sayāṃ bhunjittha bhoge pi sabbadukkhavivajjito.
 Gihināṃ c’eva bhikkhūnaṃ brāhmaṇānaṃ ca khattiyo
 Vattāpayi sakācāre māghatāṃ c’eva kārayi.

Now his brother next in age the prince Kassapa became king well qualified for the royal burden for taking it over according to ancient custom. As a father (wins) his son so he won his people by generosity by friendly speech and by care for their welfare. Offices he bestowed on various people according to merit and he himself enjoyed the pleasures of life free from all sorrow laymen bhikkhus and brahmanas the prince encouraged the way of life fitting each and carried out the command to kill no living creatures.”²⁰

This King was succeeded by his brother Mahinda who did not take the royal title but remained Ādipāda, as mentioned as Mahayay Mehinday of the Virandagoda Pillar Inscription (E.Z. 5 No. 9 pp. 119-24). This is one of the earliest records of grant of immunities to land. A number of kings follow thereafter. Among them is Aggabodhi VII of whom the Culavamsa says :

Dhamma kammehi sakkaccaṃ sodhesi jinaśāsanam
Vinicchinto dhammena chindi kūṭṭakārake.”

By legal acts (Dhamma kammehi) he carefully reformed the Order of the Conqueror (Buddha) and judging according to Justice he rooted out unjust judges.²¹ A number of kings ruled thereafter till we come to the reign of Udaya I whose reign is significant in that the king preserved judgments in books in the palace because of the danger of violation of justice.²²

21. Sena I

After several kings Sena I came to the throne at Anurādhapura. Of him it is said :

“Cariyaṃ pubbarājūnaṃ samācari yathabhatam
Apubbam pi ca vattesi cariyaṃ dhammasamhitam.”

He adhered to the conduct of former kings in accordance with tradition and he also performed pious actions unheard of before.”

A Pandyan king invaded Sri Lanka during Sena's reign and laid waste the Northern Province. The destruction in Anurādhapura by the invading Tamils is thus described : “Sabbam gahetiva

20. C. V. 48 20-24.

21. C. V. 48 71.

22. C. V. 49 21.

nissaram Lankādīpan Akāsi so chadday itvā puram rammaṃ Yakkhabhakkhitarūpakam.” “ All these (things mentioned) he took and made the Island of Lanka deprived of her valuables leaving the splendid town in a state as if it had been plundered by Yakkhas.”²³ Sena I entered into a treaty with the Tamils, regained the Capital Anurādhapura and ruled justly observing the Dasa Rājadharma. He is also described as a Bodhi Satva.

22. Sena II

Sena I ruled for 20 years and at his death he was succeeded by his nephew Sena II, who is described in glowing terms in the chronicle. He sent an army to South India to help a Pandyar King's son who was placed on the throne after Madura was captured by Sinhalese troops of Sena II. Several kings ruled thereafter. One of them Kassapa IV figures in a number of inscriptions – like Moragoda, Timbirivewa, Kiribatvehera. Kassapa V, son of Sena II is also another example of an ideal Buddhist king who had left behind inscriptions at Medirigiriya Budannehala and Anurādhapura.

23. Mahinda IV

Mahinda IV was an important king who ruled thereafter. He is described as “Mahā punno, Mahātejo, Mahāseno Mahāyaso” rich in merit, rich in splendour, rich in military power, rich in fame. This king married a princess from Kālinga. Mahinda IV has left behind many inscriptions like Vessagiriya, Mihintale, Jetavane and Wevalkatiya. From the last-named inscription we can learn the state of administration of temple lands and understand the machinery of administration of justice and law in his day. A decree of his is mentioned in the chronicle.

24. The destruction of Anurādhapura

Now begins the history of incursions of Cōlas and the ultimate destruction of Anurādhapura and of Sinhalese independence in Sri Lanka except in the province of Rohana in the South. Sena V succeeded his father Mahinda IV. A Senapati under him rebelled against the King and brought in South Indian troops to fight the King who was forced to enter into a treaty with the general. Sena V died, and was succeeded by Mahinda V. The foreign troops rebelled

23. C. V. 50 36.

against him as he could not pay them and the King fled to Rōhana. The Cōla king, hearing of the chaotic conditions in Sri Lanka sent Cōla troops who captured the queen and royal armaments and ultimately the king himself. The king and the treasures were sent to the Cōla King in South India, after the destruction of Anurādhapura which is thus described :

“ Nikāyattitaye dhātugabbhe Lan̄kātale khile
 Mahārahe suvaṇṇādipaṭibimbe ca'nappake
 Bhinditva sahasā sabbe vihāre ca tahiṃ tahiṃ
 Yathojohārino Yakkhā Lan̄kāyaṃ Sāraṃ aggahum.”

“ In the three fraterinities and in all Lanka (breaking open) the relic chambers (they carried away) many costly images of gold etc. and while they violently destroyed here and there all the monasteries like blood sucking yakkhas, they took all the treasures of Lanka for themselves.”²⁴

This conquest of the Rajarāṭṭna in Anurādhapura kingdom was carried out by the Cōla Emperor Rajaraja I (985 - 1012 A.D.) at some date, says Codrington, between A.D. 1001/2 and 1004/5. He further says that the capture of Mahinda V and the regalia took place in 1017 or about that time.”²⁵ Rājarāja conquered all the country save the remoter parts which were still held by the Sinhalese. The City of Polonnaruwa was renamed Jananāthapuram.

SECTION 2 – THE POLONNARUWA PERIOD

1. Rise of Vijayabāhu I

In the meantime the people brought up Mahinda V's son Kassapa in Rohana. He became king and collected troops to fight the Tamils. He died in the 12th year of his reign and there followed a few local sovereigns in quick succession, all trying to oust the foreign enemy from the main kingdom.

24. Cv. 55, 20, 21.

25. Codrington : Short History of Ceylon p. 40.

When the Sinhalese power and independence had reached the lowest ebb and when the Sinhalese culture and civilisation which produced a seat of learning like the Mahāvihāre, had received heavy blows by the destruction and pillage of dagobas, monasteries and Vihāres by Tamil invaders, there arose in that traditional home of heroes Rōhana a prince of royal descent Kittī by name, who resuscitated and revived the national religion and the autonomy of the Sinhalese race. Kittī, who was born in about 1039 A.D., had a very hard struggle in his childhood and after strenuous fighting became master of Rōhana at the age of 17 years when he took the name of Vijayabāhu. The Cūlavamsa describes the various methods adopted by him for success. He practised the well known stratagems known to Hindu law and usage, the Caturōpaya, the four methods of statecraft. After a long and protracted war he defeated the Tamils and recovered Polonnaruva, their base of operations, and also Anuradhapura, the ancient capital. His administrative acts as king as well as his concern for the due administration of justice are described in the Cūlavamsa. His religious and meritorious acts such as building and repair of religious edifices are set out not only in the chronicle but also in rock inscriptions. He caused monks to be brought from Burma to revive the order in Ceylon. From all his activities it can be said that he was a great Sinhalese king, if not, the greatest of them all. In assessing his great services to the Sinhalese race we could quote aptly the opinion of the South Indian historian Professor Nīla Kanta Sastri who quotes from Dr. Paranavitane's A.S.C. Report 1949 the statements that "Vijayabahu was certainly the greatest king that ever ruled Lanka" and "Had there been no Vijayabahu there would perhaps have been no Sinhalese in Ceylon today" and says himself "But beyond the shadow of doubt he was the author of Sinhalese freedom and one of the chief architects of Sinhalese nationality".²⁶ On Vijayabahu's death after a long reign his youngest sister Mittā, her three sons, highest dignitaries and the Buddhist clergy met and unanimously consecrated the Yuvarāja Jayabāhu as king in accordance with the Sinhalese law of succession. Thereafter we see a struggle for power between Vijayabāhu's son Vikkamabāhu and his cousins which went on

26. J.R.A. S (C.B.) 1958. Vijayabāhu, the Liberator of Lanka.

after Vikkamabāhu's death and succession of his son Gajabāhu. Thereafter we see the emergence of Parakkramabahu, Vijayabāhu's daughter's son and Mittā's grandson.

2. Rise of Parakkamabāhu the Great

After a protracted war and continuous struggle against rivals, Parakkamabāhu succeeded Gajabāhu as king at Polonnaruwa. The chronicle gives in detail his methods of preparation to gain power following practices mentioned in Kautilya's Artha Sāstra and other Indian books on war and statecraft. After obtaining sovereignty he sought to bring about reform in various spheres. He purified the religious order and issued a Katikāvata contained in his Gal Vihāra Rock inscription. He also sent troops to South India and took part in a campaign there. His irrigation and building works are described in detail in the chronicle. He reigned for 33 years from 1153 to 1186 A.D. as a great King and after his death we again see disputes and struggles for the throne between various contenders.

3. Kitti Nissanka Malla

Shortly after Parakkama's death we see a Kāliṅga dynasty of kings ruling Sri Lanka. One of them, Kitti Nissanka Malla has left behind many inscriptions of a rather bombastic nature. These inscriptions are of use to us as from them we can get an idea of kingship, legal administration and law in medieval Sri Lanka. One of these Kāliṅga kings Sahassa Malla has provided in an inscription a certain and fixed date in Sinhalese history. In the Polonnaruwa inscription of this King the date of his abhiseka is given thus :

“ Buddha varsa ek dahas sat siya te sālīs havurudu tun mas sat visi davasak giya tena Binara pura dolos vak lada Badadā davas subha nakat mohotin abhiseka kar-vu ”.

(E. Z. II p. 219). D. M. de Z. Wickremasinghe translates it :

“ The Prince . . . was crowned at a lucky moment on Wednesday the twelfth day of the waxing moon in (the lunar month of) Binara after the expiration of 1743 years 3 months and 27 days of the Buddhist Era ”. Dr. Fleet rendered it as Wednesday 23rd August 1200 A.D.

An important figure, general Āyasmanta has acted at this time as kingmaker. He deposed Sahasa Malla and had the government carried on by a Mahesi of Nissaṅka Malla. Āyasmanta also caused a law book to be composed after separating the four castes.

4. Māgha of Kāliṅga

We now see a great calamity overtaking the Sinhalese race when an usurper Māgha of Kāliṅga invaded Sri Lanka, spread havoc and desolation and seized its throne. The cruelties and wicked acts of Magha's soldiers are graphically enumerated. The Cūlavamsa thus says :

“Evam Damila Yodhā te Māra-yodhānu Karino Lokāṃ ca Sāsanam Cāpi Nāsayiṃsu durā-saya.” Thus the Damila warriors in imitation of the warriors of Mara destroyed in the evil of their nature the laity and the order.²⁷

SECTION 3—The Dambadeniya and Gampola Period

We see three cities mentioned in this period, viz. Yāpahuva, Gampola and Dambadeniya. A king of the Vanni called Vijayabāhu of the line of King Siri Saṅgabo fought against the Tamils, defeated them and established sovereignty with Dambadeniya as capital. There is now a gradual withdrawal from the North Central Province plains for safer places and fortresses for the seats of kings.

1. Parakkrama Bāhu II

On Vijaybāhu's death his son Parākkama Bāhu II became king. He was a well known scholar. In addition to his other learning he was called Manu Nīti Visārado 'versed in the laws of Manu'. His legal activities and administration of justice according to Manu Law will be considered later on. He unified the kingdom and overthrew the Tamils who had built fortresses in North Ceylon. An invading Javanese prince was defeated by the King's army under his nephew Vīrabāhu. The King purified the Order of monks, built many monasteries and promoted learning. His reign is described as a reign with justice,

27 C. V. 80 70.

- “ Iccevam paripārento dhammato loka sāsanaṃ while in this wise the king protecting order and laity in justice ” are the words in the Cūlavamsa.

The king's wise counsel to his sons about the three kinds of sons, avajāto, anujāto and atijāto (of a low kind, of a like kind and of a higher kind) is of great interest. He sought the advice of the Buddhist clergy about his successor. The clergy commended the eldest Vijayabāhu for his good qualities, whereupon the king handed over the administration of the government to him.

Vijayabāhu rebuilt Polonnaruva and his father was crowned a second time there. When Vijayabāhu became king he was assassinated at the instance of a General Mitta who then wore the royal ornaments in order to assume sovereignty. An Aryan General, Thakuvārtha then assassinated him, brought the late King's brother Bhuvanekabāhu to Dambadeniya and had him consecrated King.

2. **Tooth Relic taken away after a Tamil invasion**

We see during Bhuvanekabāhu's reign a Tamil invasion taking place under Ariya Cakkavattin who carried away the Tooth relic from Subhagiri and handed it to Kulasekhara King of Pandus. When Bhuvaneka Bāhu I died his son Parākkrama Bahu III became king. He went to the Pandu king and after negotiation brought back the Tooth Relic to Polonnaruwa. The king was followed by Bhuvaneka Bāhu II who was shortly afterwards followed by Parākkrama Bāhu IV, who composed the Daladā Siritā and translated from Pali into Sinhalese 550 Jātaka stories. After this king the next king of importance was Bhuvanekabāhu IV who reigned at Gampola by the River Mahaveli. The inscription of the Laṅkā Tilaka Vihāre belongs to this king. His famous minister Sena Laṅkādhikāri is named therein.

3. **Tamil Occupation of North Ceylon**

It would appear by this time the Tamils had occupied the Jaffna Peninsula and consolidated their position. Before the 12th or 13th century they had made invasions off and on and being driven out had come again and again till they obtained a permanent foothold by about the 12th or 13th century. A reference to their early

settlements is made in the narrative in Parākkramabahu II's reign when Mannāra Vālukagāma Sūkara tiththa (Uratota) had been occupied by the Tamils. Referring to land tenure and revenue in the Jaffna Peninsula Codrington says :

“ The colonization of Jaffna by the Tamils cannot be of extreme antiquity. Such Sinhalese place names as exist, and they are not a few, are not pre-mediaeval and the Vaipava Malai though unreliable as serious history records the presence of the Sinhalese in the Peninsula in the fifteenth century. It was still under Sinhalese sovereignty in the reign of Parākkama Bāhu I (1153-86) as shown by the Mainathīvu inscription. The original land system therefore probably was not substantially different from that prevalent in the rest of the island ”.²⁸ By the time Bhuvanekabāhu IV the Tamils had formed an independent kingdom.

4. Confusion of Reigns

There follows a confusion of reigns. A dominant figure is the minister Alagakkōnāra. We also see a Chinese invasion and the Sinhalese King captured and taken to China. The City of Kotte near Colombo seems to have been founded during this period. The plains in the north seem to have been abandoned and the capital shifted from place to place till we come to the Kotte Period.

SECTION 4 – THE KOTTE PERIOD

1. Rise of Parākkramabahu VI

Parakkamabāhu VI was the son of a prince who held office of Jaya Mahale (chief Scribe of the Victorious Bōtree), Scion of an ancient royal clan and his mother was Sunethra Devi. He inaugurated a long reign of peace, during which he unified the whole country, bringing the Jaffna Kingdom too under his power. A number of literary men produced masterpieces in Sinhalese literature during his reign. Some of them give a valuable insight into life and policy of the King's court and also the life of the people. The famous scholar priest Totagamuwe Sri Rahula flourished during this period.

28. Codrington : Ancient Land Tenure and Revenue in Ceylon (1938) p. 52.

Parakkramabāhu VI's reign was indeed a golden age of Sinhalese power. His grandson succeeded him and soon he was set aside by the conqueror of Jaffna who ruled as Bhuvaneka Bāhu VI during whose reign there was a rebellion in the up country against him as his Dedigama inscription testifies.

2. The arrival of the Portuguese

After the reign of a few kings there arrived in 1505 A.D. in Colombo a Portuguese fleet led by Don Lourence de Almeida, son of Francisco de Almeida, the Portuguese viceroy in India. The King in Kotte, the capital of the main Sinhalese kingdom was Vira Parakkrama Bāhu VIII. After entering into negotiations with the king the Portuguese left leaving a small force behind in Colombo, to come again 13 years later. After this king, his two sons Dharmaparkkrama Bāhu IX and Vijayā Bāhu VII were ruling as co-rulers. After some time Vijaya Bāhu seized power and ruled as sole ruler. In 1521 occurred the Vijayabā Kollaya the sacking of Vijaya Bāhu when he was dethroned and his three sons commenced their rule after dividing the kingdom. One son Bhuvaneka Bahu VII (1521–1550 A.D.) became King of the Kotte kingdom, while Māyādunne, another son got the Sitāwaka kingdom and Raigam Bandāra the Raigam Korale, Galle and Kalutara districts. The Kandyan kingdom was ruled by its own rulers.

3. Kōtte, Sitāwaka and Kandyan Kingdoms

Now we see the existence of the above named three kingdoms among the Sinhalese, as Raigam Bandāra had died and his kingdom was taken by one of his brothers. Māyadunne, King of Sitāwaka, was at strife continuously with his brother at Kotte and Bhuvanekabāhu had to rely on the support of the Portuguese, who had come to Colombo in greater numbers in 1518 and established a fort there. There was war between the brothers followed by a short period of reconciliation. Bhuvanekabāhu made his grandson Dharmapāla his heir and to recognize this position sent an embassy to Portugal with a gold statue of the Prince to have the same crowned by the King of Portugal. Māyadunne's struggle was continued by his warlike son Rājasinghe. On Bhuvanekabāhu's death Dharmapāla became King of Kotte in 1551 whereupon he became a tool in the hands of the Portuguese especially after he

had given up Buddhism, his national faith, and embraced Catholicism, having been baptised as Don Jiao Dharma Pāla. Warfare continued between the rivals and soon the Portuguese razed Kotte to the ground and removed Dharmapāla to Colombo where he lived a pathetic life. He died in 1597 but before his death by a deed of donation he gave his kingdom to the Portuguese.

4. Rise of Rājasinghe

We now see the rise of the 'doughty warrior Rājasinghe', the son of Māyādunne. He was continuously fighting the Portuguese strenuously attempting to oust them from Colombo and Sri Lanka, unsuccessfully. He soon overran the Kandyan kingdom and captured it after driving away the king with his daughter and nephew to the arms of the Portuguese. We also see another figure of royal descent joining the Portuguese as Rājasinghe was inimical to him after killing his father. That figure was Konappu Bandāra baptised as Don Joaō of Austria who later became a great Sinhalese King of Kandy under the name of Vimala Dharmasūriya I.

In 1590 Rājasinghe threatened the Portuguese Fort of Colombo. The Portuguese took the nephew of the last king of Kandy who had been baptised as Don Phillip and put him on the Kandyan throne. Konappu Bandāra too went with the Portuguese forces. Don Philip died suddenly. Then Konappu Bandāra turned tables on the Portuguese and proclaimed himself King after defeating the Portuguese. Rājasinghe tried to fight Konappu Bandāra but failing in his attempt retreated and died shortly after in 1593.

5. Portuguese rule in Sri Lanka

After Dharmapāla's death in 1597 the Portuguese who earlier had entrenched themselves in Forts in Colombo, Galle and other towns on the coast since 1518 succeeded to a large territory of Kotte and Sītāvaka kingdoms, as Rājasingha of Sītāvaka was dead himself. Don Jeronimo d'Azevedo, the Portuguese Captain-General, entered into a convention at Malvāna in 1597 with Sinhalese chiefs and agreed to rule their new territory according to laws and customs of the Sinhalese. Thereupon they prepared the Tombo of land holding and dues to exact dues from landholders. The Portuguese policy is thus expressed by de Queyroz the noted Portuguese historian who says :

“As for the government of the natives after the death of the last king D. Joao Perea Pandar when the Portuguese were complete masters of the lowlands all round the Island and of a great part of the States of Candea both in peace and war the same titles were preserved and the same form of government and Dissāvas were sometimes Portuguese sometimes Chingalas”²⁹

We see the Portuguese ruling the lowlands with varying fortunes often in conflict with the kings of Kandy. They often invaded this kingdom and they suffered severe defeats in 1630 and 1638. The kings of Kandy negotiated with the Dutch inviting them to drive out the Portuguese. The Dutch gradually took the Portuguese forts one by one and after the capture of Colombo in 1656 and Jaffna shortly after, the Portuguese were completely replaced by the Dutch in the low country.

6. The Dutch Power in Sri Lanka

There were several attempts by the Dutch to get a foothold in Sri Lanka in the reigns of Wimala Dharmasūriya and his brother Senarat. These proved failures, in the reign of Rājasingha II of Kandy, son of Senarat, the Dutch came under a treaty and gradually ousted the Portuguese from the low country. Between 1640 and 1658 the Dutch offensive against the Portuguese was carried out aided by Rājasinghe II. When the Dutch became masters of the low country Rājasinghe was disappointed with them as they refused to surrender the captured forts. The Dutch were primarily interested in collecting cinnamon and other spices of the island as indeed were the Portuguese. Occasionally there were skirmishes between the Dutch and the Kandyans which resulted in a major offensive in the middle of the 18th century when the Dutch invaded Kandy. Peace was restored by a Treaty of Peace in 1766. The Dutch continued the old system of government inherited from native kings by the Portuguese: Although they introduced the Roman Dutch Law primarily to the Dutch officials and perhaps to some Christian natives they observed the native laws and customs and caste dues based on them. In the Land Raads which they set up, justice was administered following native laws and customs which were collected and put in writing by the Dutch Dissāva de

29. de Queyroz p. 101.

Costa. This collection, translated into English, is available in the Public Record Office, London.³⁰ They continued to rule the low country till 1796 when they were ousted by a British force sent by the Madras government.

7. The Beginnings of British Rule in Sri Lanka

From 1796 to 1798 the British ruled the coastal belt, which they took from the Dutch, through a military governor under the Madras government, and the Governor General of India. In 1798 Hon. Frederick North arrived in Sri Lanka as Governor, which office he held till 1805. The Proclamation of 23rd September 1799 was passed with regard to the laws to be administered. In 1802 Sri Lanka became a Crown Colony. Sir Thomas Maitland succeeded North as Governor in 1805 and he governed the territory till 1812 when Sir Robert Brownrigg took office as the Governor. In 1815 war broke out with the King of Kandy and forces were sent against the Kandyan kingdom. The chiefs and the people surrendered their territory to the British after the capture of the last king Sri Wickrama Rāja Singhe. This surrender was based on the Kandyan convention. The Kandyan kingdom was placed under a Board of Commissioners with Sir John D'Oyly as Resident. The Board heard cases, being guided on points of Kandyan law by Kandyan Chiefs who, acting as Assessors, gave their opinions on these laws. In 1818 a rebellion broke out and after its suppression most of the powers of the chiefs were reduced. With the arrival of a Commission of Inquiry in 1829 and the publication of its Report a new Constitution was granted to Sri Lanka in 1833. The Kandyan kingdom and the low country were amalgamated with the Governor governing the whole of Sri Lanka with the advice of a Legislative Council. The Charter of Justice appointed one Supreme Court for the whole Island. A number of other courts were established shortly after. Sri Lanka continued to be under British rule till it gained independence in 1948.

30. P.R.O. C.O. 54/123 and 124

SECTION 5 – THE KANDYAN KINGDOM

From the 14th or 15th century we see the rise of a kingdom in the up country, the traditional Malayarata (Hill country) after the foundation of the City of Kandy, the capital of the kingdom. Bell says that after Parakkramabāhu had united Ceylon the country was split up into minor districts as have continued to the present day. He adds “ From this period therefore probably dates that constitution upon a settled basis of the Kandyan kingdom with its laws, military and civil organisation ”.

It would appear that though the Kandyan kingdom consisting of the Kande-Uda-Pasrata (Five countries on the Mountain) was nominally under the suzerainty of the Kotte kingdom, but due to difficulties of control it enjoyed virtual independence. The Kandyan kingdom comes into prominence after the arrival of the Portuguese. We have seen how in the course of internal strife. Rājasingha I of Sitāvaka captured the Kandyan kingdom.

1. Rise of Wimaladharmasuriya I

The circumstances under which Don Joaõ of Austria Konappu Bandāra became king of Kandy under the name Wimaladharmasuriya I was discussed earlier. He strengthened his title by marrying the lawful heiress Dona Catherina. Soon he proved to be a great nationalist. He strengthened his kingdom against Portuguese attacks by erecting fortifications. He encouraged the national religion, built a temple for the Tooth Relic and improved the Buddhist priesthood by bringing the higher Ordinations from Burma. When he died in 1604 he was succeeded by his step brother Senarat who thereafter married Dona Catherina. In 1630 Senarat successfully fought off an invasion of his kingdom by the Portuguese under the Captain-General Don Constantine de Sa de Noronha, who lost his life in battle. Senarat sought the assistance of the Dutch to drive out the Portuguese. The negotiations did not materialise till the reign of Senarat's son Rājasingha.

2. Rājasingha II

After Senarat's death in 1635 his son Rajasingha II became king. He successfully negotiated with the Dutch to expel the Portuguese and when they had done so the king was disappointed. After a long reign during which Robert Knox, an English captain's son who wrote the Historical Relation of Ceylon, lived as a prisoner in his kingdom, he died in 1687 when his son Wimaladharmasuriya II succeeded to the throne. This king died in 1707 and was succeeded by his son Vīra Parakkama Narendra Sinha the last king, Sinhalese by race.

3. The Nāyakkar Dynasty

Four Nāyakkar Princes from South India ruled as kings thereafter, one after the other from 1739 to 1815. Vijaya Rāja Sinha the last king's brother-in-law ruled from 1739 to 1747. He was succeeded by his kinsman Kirti Sri Rājasingha who sent an embassy to Siam and got down the higher ordination of the Buddhist priests from there. The Siamese sect originated with the arrival of this mission. His religious activities were numerous. There was a war with the Dutch which was ended by a Peace treaty of 1766 whereby the Sinhalese king lost the last remaining coastal strip to the Dutch. In 1782 Rajādhi Rāja Singha Became king. He was followed in 1798 by the last king Sriwickrama Rajasingha who had a troublesome reign till 1815. Owing to his extreme cruelty he was estranged from the Chiefs and the people. When a war started, the British invading forces met with no opposition and the King was captured and deported along with all his relatives to Vellore in South India. The Kingdom was surrendered to the British as mentioned earlier, and Sinhalese independence and rule by Kings of their own ended after two thousand three hundred years.



CHAPTER II THE ORIGINS OF THE SINHALESE

When we discuss the question of the origins of the Sinhalese race we invariably fall back on the account of its origins as given in the ancient chronicle of the people, the Mahāvamsa. This account is also considered the traditional one of the beginning of the race.

1. The Mahāvamsa version of the arrival of Vijaya called the Vijayāgamanam

The version commences with the narrative of the ancestry of Vijaya the eponymous hero of the Sinhalese and the founder of the race in Sri Lanka and also its first Sinhalese king. Says the chronicle :

“ Vaṅgesu Vaṅganagare Vaṅga rājā ahu pure
Kāliṅga raṅṅo dhītasi mahēsī tassa rājino
So rājā deviyā tassā ekaṃ alabhi dhītaraṃ
Nemittā vyākaruṃ tassa saṃvāsaṃ migarājina
Atīva rūpini āsi atīva kāmagiddhini
Devena deviyā cāpi lajjāyāsi jiggucchitā
Ekākinī sā nikkhamma sericāra-sukhatthini
Satthena Saha añnatā agā Māgadhagāminā
Lā aratthe Aṭaviyā siho satthaṃ abhiddavi
Añnattha sesā dhāvimsu Sīhāgatadisāṃ tu sā.
Gaṇhitvā gocaraṃ siho gacchaṃ disvā taṃ āraḁā
Ratto upāga la ! ento laṅgulaṃ pannakañṅako.
Sā taṃ disvā saritvāna nemitta vacanaṃ Sutaṃ
Abhitā tassa aṅgāni raṅjayanti-parāmasi
Tassā phassenātiratto piṭṭhiṃ āropiyāsu taṃ
Siho sakaguhaṃ netvā tāya saṃvāsaṃ ācari.
Tena saṃvāsaṃ anvāya kālena yamake duve
Puttaṃca dhītaraṃ cāti rājadhīta janesi sā.

In the country of the Vaṅgas in the Vaṅga capital there lived once the King of the Vaṅgas. The daughter of the King of Kāliṅga was that King's consort. By his spouse the king had a daughter ;

the soothsayer prophesied her union with the king of beasts. Very fair was she and very amorous and for shame the king and queen could not suffer her. Alone she went forth from the house desiring the joy of independent life. Unrecognized she joined a caravan travelling to the Māgadhā country. In the Lāla country a lion attacked the caravan in the forest, the other folk fled this way and that, but she fled along the way by which the lion had come. When the lion had taken his prey and was leaving the spot he beheld her from afar. Love (for her) laid hold on him and he came towards her with waving tail and ears laid back. Seeing him she bethought her of that prophesy of the soothsayers which she had heard and without fear she caressed him stroking his limbs. The lion roused to fiercest passion by her touch took her upon his back and bore her with all speed to his cave and there he was united with her and from this union with him the princess in time bore twin children a son and a daughter.”¹ Then it is said that the son Sinha Bāhu escaped with his mother and sister Sinha Valli. The lion searching for them ravaged the country and the king offered a reward to anyone slaying the lion. Sinha Bāhu killed the lion and was offered the kingship as the king had died. He however conferred it on his mother's cousin who had married her and went and founded a city called Sinhapura together with a number of villages in the kingdom of Lāla and ruled there as king with his sister Sinhavalli as his queen. Sinhavalli bore a number of children the eldest of whom was Vijaya (the Conqueror) and the second Sumitta. Vijaya was consecrated Uparāja (Sub King) but because of his lawless conduct he was expelled with 700 followers by his father. They were put in a ship and sent away upon the sea. Vijaya and his men landed at first at a harbour called Supparaka (now Sopara north of Bombay). By reason of the violence of his followers he had to take ship again with them and eventually landed in the region called Tambapanni in Lanka (Ceylon). There a female aboriginal inhabitant Kuvēni helped him to conquer the country from her own people. Vijaya founded a city called Tambapanni and dwelt there with Kuvēni. His followers founded settlements and requested him to be King. He refused this request for the reason given in the chronicle :

“ Iti vutto rājaputto na icchi Abhisecanaṃ
Vinā khattiya kaññāya abhisekaṃ Mahesiyā ”

1. Mh. V. 6, 1-9.

In spite of this demand the prince refused the consecration unless a maiden of a noble house were consecrated as queen (at the same time).²

On a mission being sent to the Pandu King at Madura, the Pandu King sent to Sri Lanka his daughter with a retinue of women. Vijaya married the princess and bestowed her retinue on his ministers and followers. Vijaya was consecrated king. The origin of the name Sinhala (Sinhalese) is thus stated –

“ Sīhabāhu narindo so Sīham ādinnava iti
Sīhalo tena sambandhā ete sabbe pi Sīhalā. ”

“ But the king Sīhabāhu since he had slain the lion was called Sīhala and by reason of the ties between him and them all those followers of Vijaya were also called Sinhala ”.³

2. Criticism of this account

No account of the beginnings of a race has been so much criticised and commented upon as the above called the Vijayā gamanam (arrival of Vijaya).

It has been primarily called the Vijayan legend and nothing more than a legend without any historical foundation. Secondly it would appear to be a biologically impossible one. Then it is said that there is no identification of the precise place or quarter from which Vijaya emigrated. The date of Vijaya's arrival in Sri Lanka has been synchronised with the date of the demise of the Buddha. This aspect of the version too has earned criticism. Two other difficulties present themselves. A port in the North West of India has been mentioned as being visited by Vijaya after sailing from Bengal and before arrival in Sri Lanka. There are a number of similar stories of Indian princes emigrating into foreign countries.

3. Support for the Account of the Vijayan conquest

In spite of these criticisms, if the Vijayan account is considered on a rational basis, there seem to be some elements of truth in it when we take into account other factors associated with it. Some corroborative material available will dispel the theory of legend.

2. Mh. V. 7-47.

3. Mh. V. 7-42.

The biological difficulty can be solved if we bear in mind that the Princess ran away not with a lion as such but with a man with lion like qualities or a member of a clan called Sinhala or of a clan with a lion as the totem. Henry Parker gives his view thus : " On the way either a robber chief called Siha ' lion ' attacked and plundered the caravan and carried off the princess or she joined a member of the caravan who had that name. " ⁴

There seems to be an Indian story about a prince called Vijaya or Sinhala coming to Sri Lanka with a following Mookerji says " Vijayasinha according to legend went (B. C. 543) to Ceylon with a large following. The Rākshasis or female demons inhabiting it captivated them by their charms but Vijaya, warned in a dream, escaped on a wonderful horse. He collected an army, gave each soldier a magic verse (mantra) and returned. Falling upon the demons with great impetuosity he totally routed them, some fleeing the island and others being drowned in the sea. He destroyed their town and established himself as king on the island to which he gave the name of Sinhala". ⁵ Although he asks the reader to see chapters 6 to 8 of the Mahāvamsa he is giving an Indian version of the Vijayan invasion. The Divyāvadāna, a Sanscrit Buddhist work gives the version of an Indian dignitary emigrating to an island peopled by Rākshas women and founding a kingdom. A similar story is found in the Valahassa Jātaka. There are points of similarity and dissimilarity between these versions and that of the Mahāvamsa.

With regard to the identification of the quarter from which Vijaya hailed two views have arisen in recent times. The first view based on the similarity of Sinhalese to Bengali and the reference to Bengal, Kāliṅga and Magadha in the chronicle is that Vijaya came from North East India and that Lāla is Rādha in Bengal. Rambukwelle Siddhārtha Thēro and Mohamed Sahidulah share this view. Sahidullah in the course of two articles points out the similarity of Sinhalese to Bengali. He emphasizes that the Sinhalese word for river " Ganga " is a matter of reminiscence of the Indian river Ganges for the Gangetic tribes who came to Ceylon well before the Christian era. Sinhapura is identified with Singur in West

4. Henry Parker : Village Folk Tales from Ceylon Vol. I. Introduction p. 40.

5. Mookerjee : History of Indian Shipping p. 44.

Bengal. Wilhelm Geiger and Professor Parnavitane hold the other view that Sinhalese is akin to North-Western Indian languages and that Vijaya emigrated from the North West of India. They identify Lāla Raṭṭha with Lāṭa in Gujerāt and Sinhapura with Sihor in Katiavar. Mahāvamsa also mentions the arrival of Vijaya's brother's son Paṇḍuvāsadēva to become King after Vijaya, and also the arrival of a Sākyan princess with a retinue and subsequently her brothers from North East of India.

So we see two streams of immigration to the Island which streams went to form the nucleus of the Sinhalese race. Codrington says of these two streams "It is possible and even probable that Vijaya (the Conqueror) himself is a composite character combining in his person the two conquests."^{6a} Basham considers Vijaya not an individual but a type the bold and ruthless Aryan Pioneer who spread Aryan culture all over India and beyond.^{6b}

With regard to the date of Vijaya's arrival several learned scholars have commented upon it. In this connection we should remember that the Mahāvamsa is a Kāvya, an epic poem written by a member of the Buddhist clergy. The supernatural elements and Alānkāras (embellishments) are bound to be included in a poem of this magnitude. What Turnour has said in this connection in his Introduction to the Mahāvamsa is relevant here.

4. Confirmation from India

As regards the presence of a number of similar stories we wish to state that the grandest and probably the earliest known Indian overseas expansion was the Vijayāgamanam of the Mahāvamsa or the Sinhalāvadāna of Ajanta caves in India. These have been graphically described by L. G. Griffiths in The Paintings in the Buddhist Cave Temples of Ajanta. Other writers like Mrs. Manning⁸ and Fergusson and Burgess⁹ have also described the Ajanta

6a. Codrington : a short History of Ceylon p. 11.

6b. Prince Vijaya and the Ariyanisation of Ceylon by A. L. Basham pp 163-171 of p 171 of Ceylon Historical Journal I (1952)

7. See page 23.

8. See Mrs. Manning : Ancient and Mediaeval India 1869 Vol. I, pp. 392, 399 and 404.

9. See Fergusson and Burgess Cave Temples of India p.132.

paintings referring to the conquest of Ceylon. Mookerji commenting upon the Ajanta paintings says "The conquest of Ceylon laying as it did the foundation of a greater India was a national achievement that was calculated to stir deeply the popular mind and was naturally seized by the imagination of the artist as a fit theme for the exercise of his powers. It is thus that we can explain its place in our national gallery at Ajanta as we can explain that of another similar representation suggestive of India's position in the Asiatic political system of old—I mean the representation of Pulakesi II receiving the Persian embassy."¹⁰ Mookerji ends his comments on the paintings called the Landing of Vijaya in Sri Lanka by saying "Truly Ajanta unfolds some of the forgotten chapters of Indian history."¹¹

5. Maritime activities of the Bengalis

It is interesting to note that Mookerjee gives many instances of emigration overseas of both the Bengalis and Gujeratis in the pre Christian and early Christian era. Of the Benaglis he says "The testimony that history bears to the military, religious and maritime enterprise and achievements of the ancient Buddhistic Bengali in the earlier centuries of the Christian era now scarcely wins belief and acceptance. Yet it is an incontrovertible fact that the Bengal of old gave birth to men who marched armies beyond the frontiers of modern India and ruled for a time as the paramount power in the land; who braved the perils of the deep in armed galleys and carried home foreign itinerants in their ships."¹²

In the famous Boro Budur temple in Java the ships used by the Bangalis are depicted. Describing its sculpture Mookerji says "And the numerous representations of ships which we find in the vast panorama of the bas reliefs of that colossal temple reveal the type of ships which the people of Lower Bangal built and used in sailing to Ceylon, Java, Sumatra, China and Japan in pursuit of their colonising ambition, commercial interests and artistic and religious missions".¹³ He cites the Mahāvamsa account of Vijaya of Bengal colonizing Sri Lanka about 550 B.C. and gives an earlier

10. and 11. R. Mookerji : History of Indian Shipping p. 43.

12. R. Mookerji : History of Indian Shipping p. 155.

13. Mookerji : History of Indian Shipping p. 156.

example of Bengal colonisation overseas. It is also said citing Rhys Davids "that in a still earlier period the Bengalis of Champa near Bhāgalpur founded a settlement in Cochin China and named it after their famous native town."¹⁴ He also quotes from a Bengali poem Kavi Kankana Chanda a detailed account of the fleet of Danapati sailing towards Sri Lanka.

Describing the trading centres and ports of Bengal he says "But by far the most important emporium of ancient Bengal was Tamralipta the great Buddhist harbour of the Bengal sea board. It is referred to in the Mahavamsa (Ch XIX) as Tama Litta and was probably meant by the author of the Periplus when he spoke of a great commercial city near the mouth of the Ganges the trade of which consisted chiefly in cloths of the most delicate texture and extreme beauty. The place is of very great antiquity and existed prior to the days of Asoka, for it figures even in the sacred writings of the Hindus.

The Chinese pilgrim Fa-Hien, when he visited India in A.D. 399 - 414, found it a maritime settlement of the Buddhists. Fa-Hien is said to have come from the harbour of Tamruk to Sri Lanka.

In a discussion on early Indian seamen G. C. Chanda observes from a different angle the Indian settlement in Sri Lanka. He says "the cave dialect of Ceylon appears to lie in the direct line of ancestry of the Bengali language and indicates that the language of Bengal separated from the Magadhi before the second century B.C. This intimate connection between the earliest known phase of the Sinhalese language and the Bengali indicates that the story of the colonisation of Ceylon by a band of Bengali adventurers is not devoid of historical basis. How far the date of the landing of the adventurers is reliable it is difficult to determine. But that the island was colonised before the time of Asoka is almost certain."¹⁵ In an article in the Indian Historical Quarterly Vol. III (1927) an Indian writer claims Vijaya to have been a Senghor Rajput who emigrated from North East India.

14. Ibid, p. 157.

15. G. C. Chanda : Early Indian Seamen, in Asutosh Mukerji, Vol. III, p. 115.

6. Maritime Activities of the Gujaratis

Mookerji says that during the 5th century A.D. the ports of Sind and Gujerat appear among the chief centres of naval enterprise and it was from these ports that Indian adventurers sailed to colonise Java. He says that in 526 A.D. Cosmas found Sunder, Debal and Or but in Soratha or Verval as leading places of trade with Ceylon. He further adds "In the time of the Empire of Sri Harsha succeeding that of the Guptas the people of Surastra were described by Hinen Tsang (about 630 A.D.) as deriving their livelihood from the sea by engaging in commercial and exchanging commodities."¹⁶ He also describes a Javanese legend according to which a great and powerful prince from Gujerat named Aji Saka made his descent on the island about 75 A.D. but was soon compelled to withdraw in consequence of a pestilence or some other calamity.¹⁷ Mentioning another movement to Java Mookerji says "The Javanese chronicles however record besides this abortive attempt another more successful one at colonization made again from the West coast of India about A.D. 603 when a ruler from Gujerat forewarned of the coming destruction of his kingdom started his son with five thousand followers among whom were cultivators, artisans, warriors, physicians and writers in six large vessels and a hundred small vessels towards Java. After some difficulty they got to the western coast of Java and built there the town of Mendan Kumulan. The son soon sent for more men to his father who despatched a reinforcement of 2000 including carvers in stone and brass. An extensive commerce sprang up with Gujerat and other countries and the foundations were laid of temples that were afterwards known as Prambunam and Boro Budur, the grandest specimen of Buddhist art in the whole of Asia. These legendary facts are probably connected with some central event in a process which continued for at least half a century before and after the beginning of the 7th century, a process of Saka migration that was stimulated by the then condition of Northern India."¹⁸

16. Mookerji : History of Indian Shipping, p.

17. Mookerji : History of Indian Shipping, p. 109.

18. Ibid, p. 151.

Now it is interesting to note Dr. H. W. Thambiah's comment on this version of the colonisation of Java. In his attempt to find another source for the account of the arrival of Vijaya in Sri Lanka, if not to discredit the Mahavamsa account, and ignoring completely what Mookerji says at page 43. Dr. Thambiah says "It may be that legends of this nature which influenced Mahanama to relate the advent of Vijaya and his band of 700 followers"¹⁹ We venture to state that he is contradicted by chronological and other factors when he uses an event of 603 A.D. as a possible source for an account of an event which happened a thousand years earlier. It is also relevant to ask how Mahanama who wrote the Mahavamsa between 463 and 479 A.D. (Dhatusena's reign) could have known of an event which happened in 603 A.D.

7. Antiquity of the Vijayan Story

The earlier chronicle the Dipavamsa from which Mahanama borrowed material contained an account of Vijaya's arrival. The Sinhala Atthakatha Mahavamsa the earlier Sinhalese composition too from which material was used by Mahanama would have contained a narrative of Vijaya's coming. Probably the Atthakathas of the Mahavihare and other monasteries would have contained a reference to Vijaya's arrival. The Divyavadana compiled before the 3rd century A.D. gives a reference to the arrival of Sinhala. The Ajanta Caves too depict a conquest of the Island by Indian adventurers.

A representative of at least a part of the Vijayan story has been depicted in the 2nd century before the Christian era. A German scholar Grunwedel bears testimony to this fact in his interpretation of the reliefs in the Eastern gateway of the Sanchi Stupa. He says "The reliefs in the central portion of the first architrave reckoning from below (front) belongs to the narrative representations which we discussed in p.57. In the middle is to be seen a large fig tree with the same kind of building (a Chaitya) encircling it as the relief of the left pillar : it is therefore once more the Bodhi tree at Gaya. A large and solemn procession is winding round it. To the right on the relief a man in royal garb is getting down from his elephant

19. Dr. H. W. Thambiah, Q.C. : Kingship and Constitution of Ancient and Mediaeval Ceylon J.R.A.s. (C.B.) 1963, p. 294.

supported by a draft surrounded and attended by women ; chariots with warriors, elephants with mahouts, archers and musicians fill up the background. On the left a great procession approaches with flowers, vessels with perfumed water, flags etc.; a large band of music with drums of different bands, fifes and conch shells as trumpets fill up the rest of the relief. It is therefore a procession to the Bodhi tree at Gaya, perhaps the occasion of Mahinda's embassy to Ceylon. The winged lions in the inlaid panels may possibly be intended to suggest this ; lions are the armorial bearings of Ceylon, the Lion Island, Simhaladvipa (Pali Sihladipa). The ends of the architraves in the corner under the volutes have a pair of peacocks of unusual size in their reliefs on both sides. On the right end a pair of lovers is represented behind the peacocks. In Pali the peacock is called Mora (Sans Mayura) and as peacocks are the symbol of the Mauryan dynasty their representation on the first architrave might indicate that the central incident which refers to Ceylon takes place in India."²⁰ Grunwedell goes on to describe further representations about events in Ceylon "The middle relief of the second architrave shows a small fig tree in the centre ; this, if the previous relief has been correctly explained, may indicate the newly planted slip. Again a great procession appears just leaving a city. The princes have dismounted; their horses are following the procession. The right side of the relief shows a King kneeling before foot marks presumably Buddha's, surrounded by servants with sacrificial vessels, umbrellas etc. evidently the worship of the Buddha Pada, the foot print of Buddha which he is said to have left in the Samanta Kuta (Adam's Peak) on the occasion of his mythical visit to Ceylon."²¹

Now we have seen a part of the Vijayan conquest in the references to the Sinha as the Lion depicted in the Gateway to denote Ceylon. Grunwedel fixes the period of construction of these gateways to the second century before the Christian era. He comments "It seems most probable then that the gateways were erected in the second century before the Christian era. Stress may also be laid on the fact that the South Gate to judge from the style is apparently the oldest. For different reasons it is probable that it

20. Grunwedel : Buddhist Art in India, tr. by A. C. Gibson, p. 70

21. Ibid, pp. 71 & 72.

was Asoka who erected the Stupa (at Sanchi). The Sinhalese chronicle the Mahavamsa relates that Asoka when he was sent by his father as regent to Ujjayini (Ujjain) made a stay of some time at Chetiyagiri or Vessanagara (Besnagar near Bhilsa). There he married the daughter of a prince and had by her two sons, Ujjeniya and Mahinda, and afterwards a daughter Sanghamitta. The two last took orders and at the behest of their royal father went to Ceylon at the invitation of King Tissa to take thither a shoot of the sacred Bodhi tree and to spread Buddhism in the island. Before their departure for Ceylon they were received by the princess, their mother, who visited them at Chetiyagiri in a hall built by herself. Now before the South Gate stood a lot with Lion capital of which a fragment still remains, bearing part of an inscription apparently of an edict of Asoka from which it follows that the erection of the great stupa belongs to Asoka's time, about 250 B.C., the commencement of the rail followed very soon after and the erection of the South gateway about or before 150 B.C. According to their probable age the gateways stand in the following order, the Southern, the Northern, the Eastern and Western.²²

Therefore on Grunwedel's showing that the gateways at Sanchi had been erected in the 2nd Century B.C. and on our finding a pictorial representation thereon of a symbol derived from the Vijayan Story we can infer that the Vijayan conquest was known in the 2nd century B.C. in India as it had happened a few centuries earlier.

Further, we can state that Dr. Thambiah's position becomes untenable in view of the existence of a large amount of established data in Sinhalese history from 3rd century B.C. The bringing of Buddhism and the Bodhi tree is quite clear. The rock inscriptions from 3rd or 2nd century B.C. in script and language similar to Asoka's inscriptions and existence of a number of other institutions from North India in Sri Lanka have been established.

8. Vijayan conquest, a part of the Aryan migration to the South

Professor Bhandarkar has stated with reference to the Pre-Mauryan period of Indian history the period from about 650 to 325 B.C. "that the principal characteristic of this period is the

22. Grunwedel: Buddhist Art in India, tr. by A.C. Gibson, P.72.

completion of the colonisation of Southern India and Ceylon".²³ He further comments as regards Sri Lanka or Tamba Panni as it was called in ancient days, "that it was certainly known to the Aryans long before the rise of the Maurya power. It has been mentioned not only by Asoka as Tamba Panni in his Rock Edict XIII but also as Taprobane by Megasthenes, who was the ambassador sent by Seleucus Nikator of Syria to the Court of Chandra Gupta, founder of the Mauryan dynasty and grand father of Asoka."²⁴ Prof. Nilakanta Sāstri says "The Ariyanisation of the South was doubtless a slow process spread over several centuries. Beginning probably about 1000 B.C. it had reached its completion before the time of Matyayanas, the grammarian of the fourth century B.C. who mentions the names of the Tamil countries of the extreme South."²⁵ Commenting on the routes followed he states "Other routes than across the Vindhya might have been followed; there is for example the sea routes from the mouths of the Indus to Gujerat and the North Bombay coast; or at a relatively later date the eastern route by Kalinga. Ceylon perhaps was Aryanized by immigrants who followed the sea route from North India as evidenced by their language Sinhalese which is Indo-Aryan."²⁶ Prof. Sastri ventures to suggest the stage of Sinhalese polity in the 3rd century B.C. when Buddhism was introduced into Sri Lanka when he refers to the 2nd and 13th Rock Edicts of Asoka "The Tamils and the Sinhalese must have had settled polity and lived in well ordered states for some time before Asoka could think of starting his friendly intercourse with them".²⁷ He depicts the position of Sri Lanka in the commercial world in the early Christian era when he says "Towards the end of the 2nd century A.D. the direct trade between the Egyptian Greeks of the Roman Empire and India declined, the traffic passing into the hands of the Arabians and still more the Auxumites of East Africa. A new era commenced with the rise of Constantinople in the 4th century A.D. Roman coins reappeared in South India, and embassies were received from Constantine from the people of the Maldives and Ceylon amongst others. Ceylon

23. Bhandarkar Carmichael Lectures p. 2.

24. *Ibid*, p. 7.

25. Nilakānta Sāstri : History of South India p. 25.

26. Nilakanta Sastri : History of South India p. 52.

27. *Ibid*, p. 82.

was becoming important in the trade of the Indian Ocean at this time.²⁸ Prof. Paranavitane observes "Until the colonisation of regions in the Southern hemisphere by various European nations during the last four centuries Ceylon continued to be for about two thousand years the Southernmost region of the globe where an Aryan language was spoken by the mass of the people. This circumstance invests the Sinhalese language and the people who spoke and still speak it with a particular importance in the study of the world's history and civilisation. The fact that a large territory inhabited by peoples speaking non-Aryan languages intervenes between the Sinhalese and the speaking of Aryan tongues in India clearly indicates that the ancestors of the present day Sinhalese migrated to the island from Aryavarttha as the abode of Aryanised Indians was known in ancient days—sometime before the third century B.C. when documents in old Sinhalese were first engraved on stone. The distance which separates the Sinhalese from their nearest linguistic kinsmen also suggests that the migration was not an overland one but along a sea route. The inference that we have drawn from the above premises is generally confirmed by the traditions handed down among the ancient Sinhalese and recorded in the chronicles. According to these traditions the eponymous hero of the Sinhalese race arrived in this island with his followers by sea at the beginning of the Buddhist era i.e. in the sixth or fifth century B.C., some three hundred years before the date to which the earliest epigraphical monument in Ceylon can be ascribed. The evidence of the distribution of the early Brahmic inscriptions indicates that by the third or second century B.C. the ancient Sinhalese had occupied practically the whole of the island. It is therefore not unreasonable to infer that there was an interval of some two or three centuries between the date of the earliest settlement in the island of an Aryan speaking group of people and that of the earliest Brahmi inscriptions in old Sinhalese."²⁹ The above are views, opinions and theories of learned scholars based on kernels of facts of antiquity.

28. *Ibid*, pp. 135 & 136.

29. University History of Ceylon pp. 82 and 83.

9. Other factors useful for reaching a conclusion as to the origins of the Sinhalese race.

To arrive at a final conclusion as to the origins of the Sinhalese race we are of opinion that some factors as the following are relevant and are of great evidentiary value. They are :

- (a) The character of the Sinhalese language, especially in early times.
- (b) Political institutions like Kingship, councils of the people like Rata Sabha and Gam Sabha, concept of village and land tenure like Gama ; caste and caste structure of the Sinhalese in the first phase of their existence in Sri Lanka.
- (c) Names of villages, cities, kings and the people in the early period.
- (d) Religion, religious and cultural contacts with foreign countries.
- (e) Survivals of Art among the people.
- (f) Relations with immediate neighbours and friendly and hostile feelings towards them, in early and later times.
- (g) Anthropometric differences or similarities between the Sinhalese and their immediate neighbours.

10. The Character of the Sinhalese language

The present day language of the Sinhalese is derived from the dialect introduced by the original settlers from India, the earliest written form of which exists in rock inscriptions of King Uttiya, the brother and successor of King Devānampiya Tissa, contemporary of Emperor Asoka. These first Sinhalese inscriptions were the direct result of Mahinda's religious activities. K. J. Saunders says "The Buddhist missionaries brought with them much of the culture of their own land. It seems clear that it was he (Mahinda) who brought into Ceylon the art of stone carving and of irrigation which his father had so successfully practised in India and the Ceylon Buddhist of today thinks of his religion as the force to which his country owes the greatness of her past history."³⁰

30. K. J. Saunders : The Story of Buddhism p. 76.

So the inscriptions of Sri Lanka is a result of direct influence of Asoka on Sri Lanka, and the Sinhalese Kings followed the practice of inscribing on stone which Asoka has initiated. Mahinda translated into the Sinhalese of the 3rd century B.C. the Buddhist canonical texts. There were also the Atthakathas of various monasteries in Sri Lanka and a Mahavamsa in Sinhalese called the Sinhala Atthakatha Mahāvamsa which Mahanama utilised. The Sinhalese version of the Buddhist canon and the Atthakathās as well as the Sinhalese Mahavamsa are now lost, but Buddha Ghosa used them for his Pali compositions in the 4th or 5th century A.D.

The important questions for our purposes are : what language did the original settlers, the ancestors of the Sinhalese, speak ? and what was their language of their home in India when they left it ? Utilising the only available evidence in the early Sri Lanka inscriptions Rambukwelle Siddhārtha Thēro has taken an inscription of Asoka and has rendered it into ancient and modern Sinhalese, Pali or Suddha Magadhi, Sanskrit and Bengali, and has shown the similarity in language of all these renderings. Then he has taken some short inscriptions in ancient Sinhalese of the 2nd century B.C. and rendered them into the dialects of Pali, of which he says there were three forms i.e. Pāli of the Buddhist canon called Suddhamāgadhī, the Asokan dialect used in his inscriptions, and the popular dialect of Māgadhī used by such contemporaries of the Buddha as Makkali Gosāla and demonstrated the similarity in all of them. His view is that the Sinhalese language of the inscriptions strongly resembles the popular dialect of Pali. We can profitably cite some of the examples in his experiment :

From the Rittigala inscription No. 10A :

“Bhatu Sonasa lene Maha suda sane
Catudisā Saghassa putithite”

This will stand in Pali as follows :

Bhātu sonassa lenaṃ Mahā
Sudassanaṃ catuddisassa
Sanghassa patitthitaṃ.

Its translation by Dr. Wickremasinghe is :

“The cave (called) Maha Sudassana of brother Sona is established for the Buddhist priesthood from the four quarters.”

No. 6 :

Bamana utara pusa gutaha lene

In Pali :

Brāhmanassa uttara phussa Guttassa lenaṃ.

English :

The Cave of Brahman Uttara Phussa Gutta.

Vessagiri Inscription Rock B Cave No. 1 :

Dama Rakita terasa agata
Anagata Catudisa Sagasa
Anikata Sona pitaha Bariya
Upasaka Tisaya Lene.

Pali :

Dhamma rakkhita therassa
Āgata anāgata Catuddisa
Sanghassa anikatṭha Sona
Pitussa bhariyāya Upāsikā
Tissāya lenaṃ.

English :

The cave of the female devotee Tissa wife of the father of Anikata Sona (is dedicated) to Dhamma rakkhita Thero (and) to the (Buddhist) priesthood of the four quarters present and not present."

Siddhārtha Thero comments on these inscriptions. "All these early Sinhalese inscriptions belong to the second century B.C. Their language closely resembles the language of Makkali Gosāla both phonologically and inflectionally. The slight difference that you find in some cases such as ha for sa has been brought about by time."³¹ He states that we can see the similarity between Pali (or Suddha Magadhi) and the popular Magadhi as well as between these and the Asokan dialect. "Pali" he says, "has a scholarly appearance phonologically approaching Sanskrit (the older form of

31. J.R.A.S. (C.B.) C. 144 (1935).

the Aryan dialect) and the Asoka dialect has an appearance of a more deteriorated nature resembling closely what is known as Prakrit (the later form of the Aryan dialect) which in its turn resembles the dialect of Makkali Gośāla and of the inscriptions of Ritigala and Vessagiri already quoted. All I have said so far goes to prove that Pāli the Asokan dialect and the dialect used in Ceylon by Vijaya and his followers are of the same language and of these Pāli is the most refined literary form."³²

Siddhartha Thero is of the view that Vijaya came from Bengal and that Lāla the home of Vijaya and his followers is that part of Northern India which lies to the west of the Ganges and includes modern Tamluk, Midhapur and the districts of Hugli and Burdwan".³³ He adds that in Bengal it is still known as Rāra. Language used in Lāla in the 3rd and 4th century B.C. according to him was Māgadhi or Māgadha Bhāsa, the language of the people of Magadha, which was then the leading country in the Aryavartha. He concludes "Magadhi was also the language in which Maha Mahinda Thero the beloved son of Asoka, who introduced Buddhism into Ceylon, spoke. Hence the inevitable and definite conclusion as to the language that was introduced by Vijaya and his followers into Ceylon is that it was Magadhi, in the highly refined form of which the Buddhist canon was recorded and in the slightly refined form of which the Asokan edicts were composed."³⁴

With regard to the two theories of North East or North West of India as the original home of Vijaya, Siddhartha Thero says "It must be said however that the identification of the home of Vijaya either with Lāla of the Eastern coast or with Lāta of the Western coast would not make any difference as to the family of languages to which Sinhalese belongs. It will only change the branch or the subdivision and no more."³⁵

He further says "that all that he had said about the nature and characteristics of the original language of Sinhalese will hold good in either case. If we accept the traditional Sinhalese view we would

32. J.R.A.S. (C.B.) P. 145 (1935).

33. J.R.A.S. (C.B.) P. 145 (1935).

34. J.R.A.S. (C.B.) P. 137 (1935).

35. J.R.A.S. (C.B.) P. 136 (1935).

have to put Sinhalese in the Eastern branch of the Indo-Aryan family of languages and if we accept the new theory we would have to place it in the Western Branch.³⁶

The Mahavamsa lends support for the views of Siddhārtha Thero. We find Mahinda Thero addressing the King "Ehi Tissa" and when the King was startled by the calling of his name he thought that it was a Yakkhā who spoke. Then Mahinda uttered the famous words :

"Samanā mayaṃ Mahārāja dhamma rājassa sāvakā
taveva anukampāya Jambudīpā idhāgatā.

Samanas are we O great King disciples of the King of Truth. From compassion towards thee are we come hither from Jambudīpa.³⁷

It would appear that King Tissa understood the Magadhi of the Thero. Thereafter before preaching to the King Mahinda laid an intelligence test which would have been in the same language. If there was no similarity in language it would not have been possible for one who came from India to carry on a conversation with another who has been resident in Sri Lanka all the time.

It is now generally agreed that Sinhalese is an Indo-Aryan language. There was a difference of opinion on this matter about a century ago. Sir Emerson Tenant and some European scholars like F. Muller and Hass held the view that it belonged to the Dravidian family of languages whereas some others held the view that it was an Indo-Aryan language. Caldwell the learned author of a Grammar of Dravidian languages was of the latter view. In the introduction to his famous work he says "There is no relation however between the Sinhalese language, the language of the Sinhalese people properly so called who were Buddhists and colonists from Māgadha or Behar and the language of the Tamilians".³⁸ R. C. Childers, Prof. Rhys Davids and the famous German scholar Wilhelm Geiger are also of this view.

36. Ibid p. 137.

37. Mh. V. XIV-8.

38. Caldwell : A Comparative Grammar of the Dravidian Languages (1856). Introduction p.72.

James de Alwis was one of the earliest writers who showed that Sinhalese belonged to the Aryan family of languages. He says "I believe it may be affirmed that there is no language like the Sinhalese which has nine-tenths of its vocables clearly derived from a Sanskrit source that may be traced to a Dravidian origin."³⁹ De Alwis cites direct proof of the non relation of Sinhalese to Tamil and shows the differences in Sinhalese and Tamil in words which he classed into –

- (1) Numerals e.g. Eka, deka, one, two.
- (2) Names for days e.g. Sandudā, Iridā, Monday, Sunday.
- (3) Months, e.g. Poson, June.
- (4) Pronouns, Api, we.
- (5) Names, and
- (6) Actions expressive of the common wants of mankind ka (eat) hiti (stand).
- (7) The earliest extant Sinhalese e.g. Kot, Pinnacle; Vinda, enjoyed; Pilivela, due course; Isa, and; Sirit, custom (Tamil Valame); Das, slave (Tamil Adime).
- (8) Words in our authors usually entitled Elu, e.g. ak, eye; aga, end.⁴⁰

He disagrees with Sir Emerson Tenant that it is a South Indian language allied to the Dravidian languages and concludes that Sinhalese is a Sanskritic North Indian language and not a Dravidian dialect.

11. Political institutions like Kingship Rata Sabhan, Gamsabha, Gama and Caste in the first phase of their existence in Sri Lanka.

Ideas of kingship and political institutions like Rata Sabha a (District Council) and Gamsabhā (Village Council) came to Sri Lanka from North India with the early settlers. The conception of Indian polity that kingship was essential in a State and that the want of a king was a calamity to be avoided came to Sri Lanka with the first settlers. The Abhiseka ceremony was brought over to Sri

39. J.R.A.S. (C.B.) 1867-70 p. 15

40. J.R.A.S. (C.B.) 1867-70 p. 15

Lanka by the Asokan emissaries, while the Mahavamsa records the necessary articles for this ceremony sent by Emperor Asoka, the commentary on the Mahavamsa mentions the specific ceremony itself. The early Sinhalese settlers brought the concept of Gama meaning both a village as well as land or estate from their homeland in North India. So was the title Gāmani (lord of the village), which many Sinhalese kings had, brought over from the same quarter. The first settlements were 'Gamas' e.g. Anurādhagama, Māgama etc. Such official titles like Uparaja, Yuvaraja, Amacca, Senevirat, Bhadagarika known in North India existed in the Sinhalese State before the Christian era. Before the introduction of Buddhism and for some centuries after, the Sinhalese had the fourfold caste division of the Hindus. We shall show in the discussion on caste how this division called in Pali 'Catubbannam' (four Varnas) existed though later on they got amalgamated. Kings and princes were always called Katthiyas (Pali for Khsattriya the Sanskrit word). Brahmins too existed in Sinhalese society in the Anuradhapura kingdom.

12. Names of Villages and Cities were Sanscrit.

Some of them had names of villages and cities of North India. Sinhalese word for river is "Ganga" after the chief river in India, Ganges. Kings, ministers and the people had Aryan names, some of them descriptive and some Nakshatra (Astrological) ones. The Sinhalese used Gē names (family names) from ancient times whereas Tamils did not observe that practice. In this connection Dr. Paranavitane observes "The racial memories of the ancient Sinhalese harked backed to Aryavārtha (North India) and they often gave to localities in the island home names of places which were famous in North Indian legend and history. One of the earliest settlements was for instance Ujjeni (Mh. V. ch. 7 v. 45). Early Brahmi inscriptions tell us that certain caves bore such names as Gada Madan (Ganda Mādana) Anotalie (anotatta).⁴¹

13. Religion, religious and cultural contacts with foreign countries.

The Sinhalese were Hindus for the first two or three centuries and thereafter they have been Buddhists up to the present day. They have preserved up to date the Orthodox. Theravāda form of

41. J.R.A.S. (C.B.) Centenary Volume, p.161.

Buddhism and the sacred language Pali. In the whole world they are the only people of an Indian extraction who follow the religion of the greatest Indian of all time. In the Anurādhapura period, religious and cultural contacts were maintained with North India principally e.g. the Embassy to Asoka's Court and an embassy sent by King Sirimeghavanna to King Samudra Gupta. Various North Indians clans came and settled down in Sri Lanka as we shall show later on. Regarding the North India contacts and influence Sir C. Elliot observes "Sinhalese culture, religion and language show traces of Tamil influence but it is somewhat surprising to find that in these and in all departments of civilization the influence of Northern India is stronger. The traditions which explain the connection of Ceylon with this distant region seem credible and the Sinhalese who were often at war with the Tamils were not disposed to imitate their usages although juxtaposition and invasion brought about much involuntary resemblance."⁴²

14. Survivals of Art among the Sinhalese resemble those of North India.

Dr. Ananda K. Coomarasamy writes "We shall find that a study of the decorative forms surviving in Sinhalese Art tends to support the historical account of the Sinhalese as a North Indian race and of the subsequent intercourse between North India and Ceylon in the time of Asoka. We may remark also that the Kandyan village economy differed very little in principle from the village economy of Northern India 2000 years ago. (See Rhys-David's *Buddhist India* Ch. 3) *Phear Aryan Village in India and Ceylon.*"⁴³ On the significance of these survivals he says "Sinhalese Art and culture have an especial interest and value for in them may be found a survival of the Aryan past and of the early Indian or Indo Persian artistic tradition more free from later Puranic and Mohamedan influence than anywhere in India itself."⁴⁴

He gives his opinion on particular elements of Kandyan Art and summarises his conclusions by stating "There can be traced in Sinhalese (Kandyan) Art of the eighteenth century and even much later features which are almost certainly survivals from the early

42. Sir C. Elliot : *Hinduism and Buddhism*, Vol. III p.11.

43. *Some Survivals of Sinhalese Art*, J.R.A.S. (C.B.) 1906, p.73.

44. *Ibid*, p.74.

art of Northern India some knowledge of which may be supposed to have been brought to Ceylon by the Lion race at the time of their immigration, though the main part of it is traceable rather to the Asokan period and the religious and artistic survival that followed the introduction of Buddhism into Ceylon".⁴⁵ He states that this Asokan Art can be studied in the Barhut sculptures. He gives specific items of Kandyan art which can be traced to early art or North India. They are the use of rosettes in mural paintings, a peculiar form of amulet seen at Barhut and found in a modern Sinhalese embroidered jacket, and palmetta patterns on Sinhalese embroideries, wood carving, lacquer painting and pottery.

15. Relations with immediate neighbours and friendly and hostile feelings towards them

Relations of the Sinhalese with their immediate neighbours the Tamils have from the 2nd century B.C. to about the 15th century A.D. have been far from cordial. The Tamils always came to Sri Lanka in pursuit of pillage and plunder till finally they sacked Anurādhapura and for a short period held sway in this kingdom, while the Sinhalese maintained their independence in the South, till the Tamils were finally driven out. Tamils considered the Sinhalese a different race and were often hostile to them. There was some friendly relations with the Pandyan of South India but with the Cōlas it was different. Sinhalese too consider the Tamils a different race and we find in early inscriptions when a Tamil is mentioned by name he is called *Damilā* or *Dammēda*. Then after Vijaya's marriage to a Pandyan princess the next Sinhalese to marry from South India was Ilanga's son Chanda Mukha Siva who married a Tamil consort, perhaps because Ilanaga went to get assistance from the Tamils to put down his rebellious subjects, the first Sinhalese king to do so. Speaking of this queen's charitable act the Mahavamsa says :

“Tassa rañño Mahesica tam gāme Pattim Attano
Tassevāda Vihārassa Damilādevi ti Vissuta”

45. Some survivals of Sinhalese Art J. R. A. S. (C.B.) 1906 p. 74.

This King's (Chanda Mukha Siva's) consort who was known by the name Damilādevi allotted her own revenues from that village to the same Vihara.⁴⁶ Thus the queen consort is described as Damila Devi (or Tamil Queen) as belonging to a different race.

16. Anthropometric differences and similarities between the Sinhalese and the Tamils

Prof. Chanmugan of the University of Ceylon (Department of Anatomy) has conducted a survey by taking specimens of Sinhalese and Sri Lanka Tamils and set down his findings. In the course of his discussion he says "The Sinhalese and the Tamils are similar in their measurements to a greater extent but in the following characteristics the two differ significantly, viz. Maximum Cephalic length where the Tamils have larger heads and maximum Cephalic Breadth where the Sinhalese have broader heads. The sitting height, the Bi-ileac diameter, the Tamils have larger measurements. The Tamils have longer hands and broader feet. They also weigh 6.13 lbs more than the Sinhalese.

As regards indices the Tamils have a larger stature sitting height-index in keeping with their larger bodies. The Sinhalese have a larger forearm in relation to their leg. The Sinhalese are Brachy Cephalic and have a higher index than the Tamils, who are Mesaticephalic. The Tamils have a higher Cephalic Breadth Height index and Fronto Parietal index. In all other respects the differences are insignificant."⁴⁷ He finally summarises the anthropometric measurements and differences "The result of twenty nine measurements and fifteen indices in the Sinhalese and Tamils show that they differ significantly in eight measurements and five indices. Both are similar in many respects to other Mediterranean races."⁴⁸ V. Gordon Child gives a definition of the Brachycephalics. He says "The most generally adopted criterion is the ratio of head breadth to head length which when reduced to percentage is called the Cephalic index. Skulls in which the breadth is 80 per cent or more of the length are termed Brachycephalic or

46. Mh. V. 35-48.

47. Anthropometry of Sinhalese and Ceylon Tamils by Prof. P. K. Chanmugam, Ceylon Journal of Science Vol. IV Part I p. 12.

48. Ibid, p. 15.

short headed ; where the ratio is 75 per cent or less the skull is classed as dolichocephalic or longheaded. Indices between 75 and 80 denote Mesaticephalic skulls."⁴⁹ Childe gives a warning that the length breadth ratio gives but a very rough classification. In his search for the cradle of the Aryans he seems to think that the Brachycephalics who inhabited the possible cradles considered were Aryans.

17. **Sinhalese origin—Aryan**

On a consideration of the above factual matters together with the views, opinions and theories of scholars discussed earlier and the pictorial representation of the Sinhalese conquest of Sri Lanka in Ajanta and the representation in the gateway of SANCHI STUPA we conclude that the Sinhalese are a people of Aryan descent. They were and are different from Tamils, their immediate neighbours who speaking a Dravidian language and following a different religion Hinduism, have a different way of life and culture.

Owing to the invasions and conquests of the Sinhalese by South Indian races half way down Sinhalese history and the juxtaposition of the Sinhalese and Tamils for quite some time, certain South Indian customs crept into Sinhalese society in the 12th or 13th century A.D. The presence of these in Sinhalese society at the end of the Kandyan period would make an observer not fully conversant with the implications of these invasions and conquests believe that these were present among the Sinhalese from the earliest stages of their history, when in fact they were not.

18. **Professor Derrett's views**

Now Professor Derrett after taking into consideration some of the customs and practices prevalent among the Kandyan Sinhalese in 1815 has come to the conclusion that the Sinhalese were of Non-Aryan descent. He says "We have surveyed a good part of the Kandyan law so far as it may be known from the published sources. Where the institutions are such as might legitimately be believed to have remained little if at all modified by the passage of the centuries, particularly in a highly conservative and remote community, such as the Sinhalese were for at least a millenium

49. V. Gordon Childe : The Aryans p. 97.

during which time the orthodox Hindus would never mix socially with them, the natural inferences to be drawn from the similarity between Kandyan law and Indian laws and customs point in a certain direction."⁵⁰

In a footnote he says "Sinhalese were mlecchas (See Haradatta on Gautama Dh. Su I 9.17) and so unfit for contact of any kind. Their interference in South Indian politics in the 13th century, is not likely to have made them individually more welcome amongst the orthodox." Then he goes on to state his conclusion that "It seems that the Sinhalese were a people of predominantly Non-Aryan descent with a way of life substantially identifiable as akin to that common in modern South India."⁵¹ He also says that the Aryan ideas do not seem to have passed them by. The Aryan strain in the Sinhalese he chooses to call Sub-Aryan.

19. Criticism of the Views

The Professor's conclusion no doubt coincides partly with the ideas of the quarter that rendered him assistance for his research project—but we cannot accept it as it militates against overwhelming evidence to the contrary.

In the first place to arrive at a conclusion as to the origins of an ancient race one has to consider habits, customs and practices prevalent at the very threshold of its existence in the country of settlement and not those in existence some 2,300 years after. While admitting that there are institutions such as might legitimately be believed to have remained little if at all modified by the passage of the centuries in the highly conservative and remote Sinhalese community we must not forget the fact that the Sinhalese have been subject to numerous invasions by South Indian communities on various occasions, as shown in Chapter One.

At certain stages in the 10th, 11th and 13th centuries the Sinhalese Kingdom in Anuradhapura and Polonnaruwa went under the sway of the Colas and Magha of Kalinga with the result that a

50. Ibid.

51. J. D. M. Derrett, *Origins of the Laws of the Kandyans*, University of Ceylon Review, 1956 at p.

number of South Indian customs got engrafted into Sinhalese society at that time. Polyandry and hospitality (navatam hire) came into Sinhalese society in this manner as we shall show later on.

If Professor Derrett's conclusion is correct, a curious and an unnatural position would follow in that the non-Aryan Sinhalese would have expressed, at the very beginning of their existence, their common wants as part of mankind in an Aryan speech.⁵² This was a very unlikely situation. He accepts the position that some customs and practices are similar in Kandyan and Hindu law. He finds the Dhiga form of marriage the usual one which is identical with the Brahma form of marriage. He seeks to give a source of origin to the Bhinna form with the arrival of the Nayakkar princesses. We shall show that the Bhinna form existed even in Sigiriya times and it represents probably the Putrikā Putra idea. It was, and is utilised mainly in the cases of heiresses. The Nayakkars were destitute adventurers who exploiting their royal birth found Sri Lanka a happy hunting ground for their kith and kin. Their influence was felt only after 1739 from which year up to 1815 four of them ruled the Kandyan kingdom. With regard to marriage whether Dhiga or Binna a ceremony called the Pōruwa ceremony was observed from ancient times. Both de Queyroz and Cordiner describe the details of the ceremony as practised in the 17th and 19th centuries.

As a false picture has been exhibited through Professor Derrett we take this opportunity of making our observations on some matters discussed by him for the purpose of record and also for focussing attention on some aspects of them which will enable any reasonable person to have a correct view of the origins of the Sinhalese.

Professor Derrett comments that the alacrity with which the Sinhalese added Buddhism to their Hindu like cults seems to suggest that they were temperamentally averse to Brahman worship and that at the time of their arrival in Ceylon they may have been an unorthodox or heretical sect. We would say that it is generally believed that the Sinhalese were of the Hindu faith known

52. Vide James de Alwis' analysis at pp. 112, 113.

in India at that time but that Buddhism was not unknown to them as inferred by some scholars. The views of Vincent Smith and Dr. Adikaram set out on pages 40 and 41 show that there was no alacrity in the conversion to Buddhism. Oldenburg is of the same view. On this point Knighton says "Considering it then as altogether improbable that the mission which came from India during Tisso's reign had for its object the promulgation of Buddhism for the first time in Ceylon we must suppose that although Buddhism existed previously in the Island, yet that it was in such a corrupt and unsystematic form as to render its establishment on a proper footing expedient and necessary."⁵³

In our view the conversion may have been effected for the following reasons :

(a) The excellence of the principles of Buddhism based on the cardinal doctrine of Ahimsa, respect for lives of all living beings human and animal. Asoka's conversion was also for the same reason after the battle of Kalinga. The Ahimsa doctrine would have probably made the new religion agreeable to an agricultural community whose main occupation was growing rice using cattle for the purpose.

(b) In existence at that time among the Sinhalese of a Sakyan Group or at least a group from the Magadha country. These would have been Buddhists or would have known the tenets of Buddhism.

(c) The mission was sent by the dominant personality in India at that time to the King of Sri Lanka.⁵⁴ It was headed by the son of that personality. The eloquent preaching and the way of life of Mahinda and the conversion of the King and the royal household would have facilitated the conversion of the people. Sangha Mitta too aided Mahinda in his endeavours. Knighton's observations are very relevant here. He points out "No one who regards for a moment the lives of Mahinda and Sanghamitta can possibly doubt their extreme devotion to the principles which they had embraced. The one resigned a Kingdom for a priesthood, the other left friends, relatives, wealth and comfort to propagate her opinions in a foreign

53. Knighton : History of Ceylon, p.20

54. Social or even political consideration were not lacking here.

land with which she was unconnected. Nor do we find in the character of these amiable enthusiasts anything of that overbearing priestly pride so common to those who imagine themselves the bestowers of heaven upon their unworthy fellow-motals; they assumed neither the political influence of a Wolsey nor the insolent haughtiness of a Thomas A. Becket⁵⁵ "Yet we also have to bear in mind that Mahinda and Sanghamitta lived to a ripe old age in Sri Lanka to which country they came when they were quite young. They never went back to India and died in Sri Lanka after perhaps a half a century of religious work and efforts at conversion which can best be described in the words of Knighton "Mahindo continued to act as he had done at first; that is went about preaching the mild tenets of Buddhism and doing good of no despicable character, in establishing these where beastly ignorance and the most grovelling superstition had before reigned. Sanghamitta on the other hand when she had fulfilled the object of her mission by ordaining the numerous band of females who offered themselves as candidates for the priesthood retreated as befitted her sex and character to a retired station where in the practice of the precepts which her brother preached she presided over a convent of female devotees who like herself had abjured the world, its vanities and sins.

There is something surpassingly engaging in this amiable picture of a brother and sister (and these too the son and daughter of a powerful monarch)⁵⁶ leaving their native land to propagate what they believed to be the truth amongst a foreign people and there devoting their lives, their energies and their talents to win this nation from the paths of error into the ways of truth."⁵⁷

With regard to the equal status of women with men which Professor Derrett finds in existence in South India and in Ceylon we would point out that the position of women in Sri Lanka was derived not from South India but from a more powerful and older source, Buddhism, which permeated the entire life of the Sinhalese from ancient times. From the inception equality of women has been

55. Knighton :*History of Ceylon*, p27.

56. Renunciation by exalted personages strikes the Oriental mind forcibly. Buddha and Mahinda in ancient times and Gandhi in modern times are good examples.

57. Knighton : *History of Ceylon*, pp.27 and 28.

emphasized in Buddhism wherein they had the same opportunity of realising the four noble truths and following the eight-fold path to attain Nirvana. During the Buddha's own lifetime the female order of Bhikkunis was founded to enable Buddha's stepmother to enter the order. The female religious order was established in Sri Lanka by Mahinda's sister Sangamitta who enrolled King Tissa's sister in law and other royal ladies into the order. We see this equality translated into lay life when we see the Sinhalese King's consorts being granted maintenance villages. From the accounts in the Mahavamsa sometimes confirmed by inscriptions we gather that some queen consorts had established vihares and monasteries from revenue derived from their villages. We shall have occasion to mention specific acts of such charity not only by queen consorts but also by princesses as well. These take place within a few centuries after the introduction of Buddhism. But among the cave inscriptions before the Christian era we find the names of wives of prominent officials or even of ordinary women as grantors of caves to the priesthood. Then we find Queens ruling the country in their own right, very early in the life of the Sinhalese race. In Kandy times the queens had a separate establishment, the Palle Wasala (Lower Palace) which had its own maintenance villages, Pallewasala Gabadagam.

With regard to the suggestion that Sinhalese called themselves Aryans because the Buddhists referred to any respectable member of the Sangha as an Aryan we would say that it is hardly a tenable argument. For that matter, Buddha's whole doctrine is called the Ariyadhamma, meaning the noble Dharma. The Burmese and Thais who too have venerable Theros among them do not call themselves Aryans on that account nor do we find South Indian Dravidian races calling themselves Brahmins or even Aryans because their Hindu priests are all Brahmins and also Aryans. Professor Derrett is of the opinion that the Sinhalese claim to be Aryans is based on descent from Vijaya and his followers and he states "that only a small fraction of the present day Sinhalese may be in part descended from Indo-Aryan speakers." He is in error in this matter as the Sinhalese claims are based on a number of immigrations from the North West and North East of India, a process which continued for some time in the early period, as we shall show in the next Chapter.

With regard to the far from negligible Tamil element in the Sinhalese language which Professor Derrett speaks about we would say that it is true of the Sinhalese language today. Any scholar of the Sinhalese language could speak to the absence of Tamil words in Sinhalese before the Christian era. James de Alwis has shown how different Sinhalese words are from Tamil in very important matters.⁵⁸ The Tamil words came to the Sinhalese language in an appreciable extent from about the 10th century A.D. Views of Professor Geiger, an authority on Sinhalese language and culture are relevant on this point. He says "It is an undisputable fact that the Sinhalese language is one of the modern Indo-Aryan vernaculars and stands in a line with Gujarati, Marati, Bengali, Hindustani etc.' The fact is sufficiently proved by Sinhalese phonology and morphology and it is acknowledged without reservation in the Linguistic Survey of India, I, p. 145."⁵⁹ In his last work after a study of the subject for half a century he shows the Tamil influence and the resistance to such influence by the Sinhalese in the early Polonnaruwa period. Speaking of the Sinhalese and their language he says "They even preserved their old Aryan language in spite of the geographical isolation. The dialect which the first colonists spoke was probably cognate to that in which the Western and South Western inscriptions of Asoka are composed. In Ceylon it was influenced and enriched by dialects of Aryan immigrants who came from North Eastern India from Bengal, Bihar and Orissa, so that it became a mixed dialect which in the sequel developed on the same lines as all the Indo-Aryan vernaculars.

A peculiar influence of Tamil was certainly not lacking but it was not too strong. It is a remarkable fact that in the classical literature TAMIL loan words are rare in comparison with those borrowed from Pali and chiefly from Sankrit. This clearly shows that the educated Sinhalese earnestly strove to emphasize the Aryan character of their language."⁶⁰ There was in ancient times a form of pure Sinhalese called Elu. In modern times there is also the pure form Suddhasinhala (Pure Sinhalese) which has no Tamil or

58. Vide p. 112.

59. Geiger : Dictionary of the Sinhalese Language Introduction p. XVCI.

60. Geiger : Culture of Ceylon in Mediaeval Times (1960) p. 20.

other foreign words. When Professor Derrett says that at the time of the first immigration Sinhalese were not very literate, it is pure guesswork. There were a number of immigrations and they would have been literate as other Indians for them to have understood and embraced Buddhism. Nila Kanta Sastri has spoken of the Sinhalese civilization for Asoka to have sent his mission. Several tanks and irrigation systems have been constructed as well as cities built before Mahinda's arrival. We would show the significance of these later. Well established Aryan concepts before Mahinda were the essential nature of Kingship and the dislike of an Arājika Janapada (kingless country) idea of Gama with a Gamini at the head, Catubbannam (four castes) and Patriline in descent of kingship.

The reasons for the ostracism practised by the orthodox Hindu world on the Sinhalese, if there was any, would be based not on racial but on religious grounds. There were historical causes too. Cultural contacts with North India were maintained by the Sinhalese up to about the 8th or 9th century A.D. We see the mission of King Tissa to Asoka and Asoka's Buddhist mission to Ceylon. Then there is the arrival of the Tooth Relic from Kalinga. A mission was sent by King Siri Meghavanna to the Indian King Samudragupta for permission to build a monastery at Buddha Gaya. Sir Emerson Tenent quotes the Kashmiri Chronicle Rajatarangana that on the eighth century the king of Kashmir Draja Pada sent to Sri Lanka for engineers to form a lake.⁶¹

Now why did this intercourse cease? There were several reasons :

- (a) Muslim conquest of North India. Siddhartha Thero has pointed out that after the Muslim conquest of North India the Sinhalese Buddhist lost contact with that part of India. This took place in about the 8th or 9th century A.D. upto which period the Sinhalese kept contact with at least their fellow Buddhist in that part of India. Buddha Ghosa's arrival in Sri Lanka in the 5th century A.D. proves this position.
- (b) Brahmin opposition to Buddhism and its end in India. The Brahmins as a caste never tolerated Buddhism which denied them their privileged position, did not advocate belief in God

61. Tenent : Ceylon p. 468 Vol. I—quoting Rajatarangini Liv Sl. 592, 505.

or the efficacy of ritual and sacrifices to God. Though individual Brahmins like Sariputta and Moggalyana, Buddha's chief disciples, embraced Buddhism and others like Buddha Ghosa wrote books and commentaries thereon, Brahmins were out to destroy it from within and without. The coming of Mahayāna form of Buddhism would have helped them. They could not tolerate this Kshatriya doctrine. Kane says "Learning by a Brahmana from a Kshatriya was considered even in Upanishad times as contrary to the natural order of things."⁶²

Brahmins like Kumarila Samy and Sankara Acharya were continuously striving to drive out Buddhism from India and they succeeded eventually in this attempt, till there was no vestige of it in the land of its birth. The Sinhalese, being sprung from Hindu stock would have incurred the hostility of the Brahmins for following orthodox Buddhism.

Before this millenium the Sinhalese had inherited the Indian traditions and learning. They had accepted the religion of the Buddha, whom a modern Brahmin Pandit Nehru called "the Greatest and wisest and brightest son of India."⁶³ They had received the vehicle of its expression Pali and one of the oldest ecclesiastical orders in the world. In medicine Law, Astrology, Poetry and Grammar they studied the Sanskrit learning which was also taught at Pirivenas along with Buddhism. Hence when Buddhism died out in India about the 9th century A.D. the Sinhalese who had by this time built up a fine Buddhist civilisation had no need to go for cultural or religious matters to that country except for pilgrimages to the holy places of Buddhism.

It is relevant to note that the Sinhalese maintained cultural contacts with other Buddhist countries like Burma and Thailand periodically from the 11th to the 18th century A.D.

(c) Rise of Cōla Power

The Cōla power has risen in the 10th century A.D. and due to their expansionist activities the Sinhalese got involved in the maelstrom of South Indian politics. The Cōlas for a time overwhelmed the

62. Kane : History of Dharma Sastra Vol. 5, p. 864.

63. In the Convocation Address at the University of Ceylon on 12th January, 1950 reported in the University of Ceylon Review April 1950, p. 75.

Sinhalese and held sway in the Mūla Rājadhāni of the Sinhalese with only the South, Rōhana left for them. They had to fight defensive wars to get back their kingdom which had been laid waste by the Tamils.⁶⁴ We thus see that the antipathy of the Sinhalese to the Tamils which Professor Derrett speaks about does not rest merely on the conquests and invasions, but it is chiefly due to the wholesale destructions of the Buddhist places of worship such as Vihares, Temples, Dagobas and images, and the pillage and robbery therefrom. Under the circumstances prevailing in Ceylon in the 11th, 12th and 13th centuries contact with North India became again impossible. There were also Javanese and Chinese invasions in the 14th and 15th centuries. Thereafter came the three European races, the Portuguese, the Dutch and the British who prevented the Sinhalese hemmed in the centre of the Island from any outside contacts except for sending religious missions to Burma and Thailand and receiving same therefrom.

64. The German Scientist Ernest Kaeckel in his book *A Visit to Ceylon* (1882) (translated by Clara Bell. *The Ceylon Historical Journal*, Vol. 23. Tisara Prakashakayo Ltd., P. 60) says "In the northern part of the island, on the eastern coast and throughout a large extent of the central Highlands, the genuine Cinghalese were in their turn driven out by the Malabars or Tamils who crossed over from the South of the peninsula chiefly from the Malabar coast. They differ from the Cinghalese in every respect—in stature, features, colour, language, religion, manners and customs—and belong to a totally different branch of the human race the Dravida race. The Cinghalese are assigned by most anthropologists and no doubt correctly to an ancient offshoot of the Aryan race. They speak a dialect which seems to have sprang from a branch of the Pali and the Malabars have a perfectly distinct language, the Tamil. The Cinghalese again are generally Buddhists; the Malabars are Hindoos, that is Brahmins. The brown hue of the smaller and slighter Cinghalese is generally perceptibly lighter verging on cinnamon colour or a dark tan; that of the tall and brownly Malabars is very dark coffee coloured or blackish".

CHAPTER III

THE EVOLUTION OF THE RACE

From the origins outlined in the last Chapter from which an inference of an immigration from the North West of India is concluded we see the evolution of the Sinhalese race with the amalgamation of further arrivals from various parts of India in the course of the 2,500 years of history of the people in the Island.

1. Other Immigrations before Mahinda's arrival

With reference to Vijaya's arrival Dr. Paranavitane is inclined to think relying on the Indian version in the Divyavadana that a group of merchants or members of the Vaisya caste rather than Kshattriyas were the first settlers.¹ It would have been quite probable that some of Vijaya's followers married the aboriginal inhabitants due to necessitous circumstances while others espoused the maidens who came with the princess from Madura. A thousand families of eighteen guilds were said to have come at that time from the Pandyan country.² According to Bhandarkar the Pandyans were said to be Aryans. The only point in favour of such a theory in the Sri Lanka chronicle is that Vijaya desired marriage with a Khattiya (Sanskrit Kshattriya) maiden and the fourfold division of caste of the Aryans was unknown to the Dravidian races of South India. We have pointed out earlier that this part of the Mahavamsa is not as reliable as the parts after the introduction of Buddhism when written records and annals came to be kept.

Then after Vijaya's death the arrivals of Panduvasudeva and his retinue and the Sakyan princess Baddha Kaccana with her retinue are mentioned. The chronicle goes on mention the arrival of six Sakyan princes, (sons of Sakyan Pandu, the son of Amithodana), the brothers of Baddha Kaccana. Their names and the settlements they founded are specifically mentioned :

1. J.R.A.S. 1936 p. 443-63.

2. Mhv. IX-9-12.

“Ramena vāsitaṭṭhānaṃ Rāmagoṇaṃ ti vuccati
 Uruvelā-nurādhānaṃ nivasā catathā-tathā,
 tathā Vijitadīghāyurohaṇaṇaṃ nivāsakā
 Vijitagāmo Dīghayu Rohanaṃtica vuccare
 Kāresi Anurādho So vāpiṃ dakkhiṇato tato
 Kārāpetvā rājagehaṃ tattha vāsaṃ akappayi

The place where Rama settled is called Ramagona, the settlements of Uruvela and Anurādha (are called) by their names and the settlements of Vijitha Dighayu and Rohana are named Vijitagama, Dighayu and Rohana. Anurādha built a tank and when he had built a palace to the south of this, he took up his abode there.”³

From the accounts of the arrival of Vijaya Panduvasudeva and Baddha Kaccana which rest on tradition scholars like Geiger have put certain interpretations. He seems to think that there were three immigrations, one from the North West and the other two from the North East of India. He has also shown how the Sinhalese language has been formed or enriched by the Aryan dialects of both the North West and North East of India. A matter of some interest in this connection is the existence of stories and traditions in both Gujerat and in Bengal of emigrations therefrom to Ceylon in very early times.³ That Ceylon was known in North India before Mahinda's mission is attested by the statement in Kautilya's Arthasastra that gems of various kinds as well as fragrant aloe wood came from Palasimundu (Para Samudra or Ceylon).⁴

We also find in Devanampiyatissa's time sea voyages from Tamalitha (Sanskrit Tamralipti) to Jambukola in Sri Lanka mentioned in the Mahavamsa. As Tamalitti is the harbour in the region of the south of the Ganges now called Tamluk, it is quite possible that before Mahinda there were arrivals of Aryans from North East India to Sri Lanka. All those who arrived thus would have gone to form the nucleus of the Sinhalese race.

3. Vide Ceylon Historical Journal Vol. II (July and October 1952) P. 8-13 article entitled Ceylon in the literature and traditions of Gujerat by Bhogilal J. Sandesara. He cites a Gujerati proverb, 'Lankani ladine Ghogha. No bride is from Lanka and the bridegroom from Ghogha.

4. N. Law : Studies in Ancient Hindu Polity, p. 87.

2. Pandukabhaya's success is the victory of the Sakyans over the Vijayan Colonists

Earlier we have seen how after the death of Panduvasudeva' when his son Abbaya became king his nephew Pandukabhaya disputed the Sovereignty after Abhaya had ruled for sometime. After a protracted war he overcame his uncles and became king and established his rule from Anuradhapura. He was the son of Digha Gāmini and grandson of the Sakyan prince Dighayu and in his victory Dr. W. A. de Silva saw the triumph of the Sakyans over the Vijayan colonists.^{5a} Heinz Bechert thinks that there was a claim on a mother right but judging from what happened thereafter W. A. de Silva's view seems correct.^{5b} After Pandukabhaya came his son Mutasiva and after Mutasiva his son Tissa or Devanampiya Tissa. The chronology of kings before Tissa rests on tradition and there is no precise evidence on this point though there is a clear picture in chronology after king Tissa. Now we see a number of kings in patrilineal descent ruling Ceylon till in King Wasabha a new dynasty, the Lambakanna comes into power. We see a number of Sinhalese kings asserting that there were of the Sakyan race through descent from Pandukabhaya. Describing the zeal, and the faith of the celebrated Sinhalese hero king Dutugemunu Dr. Adikaram says : "The Buddha was to him a kinsman too, whom he affectionately revered and not merely the founder of a faith." In a footnote he adds "According to the Mahavamsa tradition Duttha Gamani was a direct descendant of the Buddha's paternal uncle Amithodana. See Index to the Mathavamsa p. 79 by J. Still Colombo 1907."⁶ He then goes on to state "The Sumangala Vilasini tells us that after his victory over the Tamils Dutthagamani could not sleep for one whole month as a result of his excessive joy. The matter was brought to the notice of the bhikkhus and one night eight theras chanted in the presence of the King the Citta Yamaka of the Abhidhamma Pitaka. The chantig induced sleep and the king waking up the following morning exclaimed with joy 'there is no remedy which the children of my grandfather (Ayyaka) do not

5a. Dr. W. A. de Silva : History of Buddhism in Ceylon, B.C. Law, Volume p.455.

5b Heinz Bechert : Mother right and succession to the throne in Malabar and Ceylon—The Ceylon Journal of Historical and Social Studies, Vol. 6 No. 6 1963 p.35.

6. Dr. E. W. Adikaram : early History of Buddhism in Ceylon, p. 65

know. They know even the medicine that induces sleep.⁷ We can understand the motives that impelled Dutugamunu to fight and win back the Anuradhapura kingdom.

We also see two kings in subsequent times claiming Sakyan descent also through Pandukabhaya. A prince named Lamani Mahinda, who ruled in Rohana describes himself in the Katara-Gama inscriptions as "the incomparable ornament of the Saha (Sakya) race who is the son of Uda Mahaya descended from the lineage of King Padu Abha."⁸

In the fragmentary slab inscription found at the Buddhist railing near the Eastern Dagoba Anuradhapura, King Mahinda IV traces his descent to Pandu-Kabhaya and Suddhodana and asserts his connection with the Sakyas. This inscription states: "Siribar Saha-Kula-kot okavas (Parapure) n bat Sudovun Maharaj hu anva (ye) n a Paduvas Dev Abha Maharaj Parapure n Bat Sirisangabo Mahind Maharaj.

King Siri Sangabo Mahind, the pinnacle of the illustrious Saha (Sakya) race who is descended from the lineage of Okavas who has come down in the succession of the great King Sudovun (Suddhodana) and who is descended from the lineage of the great king Padu vas Dev Abha."⁹

These assertions in rock inscriptions in the 10th century of the Christian era tend to support the Mahavamsa version of the arrival in Sri Lanka of Sakyans when the Sinhalese race was in the early stages of formation. The task of Mahinda in conversion would have been rendered easier in that these Sakyans would have formed an important element in the Sinhalese race at the time of King Tissa. We then see the Sinhalese race being augmented by further arrivals from North East of India in King Tissa's reign, following Mahinda's mission.

7. Ibid.

8. E.Z. III p.224

9. E.Z. III p. 228

3. Groups that came with the Bodhi Tree

After the arrival of Mahinda to Sri Lanka we see the arrival of his sister Sanga Mitta to Sri Lanka to establish the female order of Bhikkhunis. She brought the Bodhi tree from India to Sri Lanka along with a large concourse of people from North East of India. Their descriptions are given in the chronicle and we find a representative gathering of castes and clans. The three upper castes of the Aryans are represented in the escort provided by King Asoka for the tree. The Aryans who came with the Bodhi tree would have spoken a language similar to the Sinhalese of that time. They soon settled down among the Sinhalese and contributed in no small measure to the further development of the race and its culture.

As there were written records, annals and Atthakathas kept in the monasteries after the advent of Buddhism the account of the arrival of these groups can be taken as accurate and authentic. The Mahavamsa says –

“Mahābodhirakkhaṇattam atthārasa rathesabho
devakulāni datvāna atthāmacculāni ca
atthā brāhmaṇakulāni atthā setthikulāni ca
gopakānaṃ taracchānaṃ kulingānaṃ kulāni ca
tattheva pesakārānaṃ kumbhakarānaṃ eva ca
Sabbesaṃ capi senanaṃ nagayakkhānaṃ eva ca
hemasajjhughate ceva datvā atthatthā mānado
āropetvā mahabodhim nāvaṃ gaṅgaya bhūpati
Saṃghamittam mahātherim sahekāda bhikkhuṇim
tatthevāropayitvāna aritthapamukhe pi ca
Nagarā nikkhamitvāna Vinjhatāvim aticca so
Tāmalittim anuppatto satṭahenva bhūpati.

When the lord of chariots¹⁰ had appointed to watch over the Bodhi tree eighteen persons from royal families and eight from families of ministers and moreover eight persons from brahman families and eight from families of traders and persons from the cowherds likewise and from the hyena and sparrow-hawk-clans (from each one man) and also from the weavers and potters and from all the handicrafts, from the Nagas and the Yakkhas; when

10. Mhv. XIX 1

then 'the most exalted prince'¹¹ had given them eight vessels of gold and eight of silver¹² and had brought the great Bodhi tree to a ship on the Ganges and likewise the theri Sanghamita with eleven bhikkhunis, and when he had caused those among whom Arittha was first to embark on that same ship he fared forth from the city and passing over the Vinjha mountains the prince arrived in just one week, at Tamallitti."¹³

Geiger comments on the significance of the word "*devakulam*" used in this passage. He says the word 'deva' is evidently to be taken in the sense of king and merely as a synonym of Khattiya. Kula means here the individual belonging to a class or craft.

Taraccha (= Skt. Taraksa) hyena and kulinga (= Skt. kulinga) the name for the bird of prey, the 'fork-tailed shrike' seem to designate certain clans or craft. Perhaps the names have a totemistic origin."¹⁴

Geiger is of the opinion that these totemistic clans were Aryans. We also see the members of the three Aryan castes Kshatriyas Brahmins and Vaisyans in this group. The caste structure of the Sinhalese at this time was the same as we shall show later on.

What happened at Tamalitta the port of departure for Sri Lanka is thus described :

"Mahā bodhiṃ mahārajje abhisin̄ciya kāmado
maggasira sukkapakkhe dine pātipade tato
Uccāretuṃ mahābodhiṃ tehi yevaṭṭhartṭhahi
sālamūlamhi dinnehi jātuggatakulehi so,
ukkipitvā mahābodhiṃ galamattaṃ jalamtaḥiṃ
ogāhetvā sā nāvāya patitṭhāpayi sādhuḥkaṃ.

When the wish-fulfiller had consecrated the great bodhi tree as a great monarch he then on the first day of the bright half of the months of Maggasira commanded that the same noble persons, eight of each (of the families) appointed at the foot of the great Sala tree to escort the great Bodhi-tree, should raise up the great Bodhi-tree ; and, descending there into the water till it reached his neck he caused it to be set down in seemly wise in the ship."¹⁵

11. Mhv. XIX-4

12. Mhv. XIX-4

13. Mhv. XIX-6

The chronicle goes on to describe the arrival of the Bodhi tree at Jambukola (modern Sembiliturai in the Jaffna peninsula) and what honours were paid to it. The people who celebrated a festival of the Bodhi tree are mentioned.

“Khattiyā Kājaraggāma candanaggāma khattiyā
Tivakkābrahmaṇo ceva dīpavāsijanā pica
devānubhāvena gañchiṃ mahābodhi mahussukā.

The nobles of Kajaragama and the nobles of Candanagama and the Brahmin Trivankka and the people too who dwelt in the island came thither also by the power of the gods (with minds) eagerly set upon a festival of the great Bodhi-tree.”¹⁶

We see a new order or rank coming into existence among a section of the group that came with the Bodhi-tree.

The Chronicle says :

“Yāni setthikulān aṭṭha mahābodhiṃ idhāharuṃ,
bodhāhāraikulānīti tāni tena pavuccare.

The eight (persons from the) merchant guilds who had brought the great Bodhi tree hither were named therefrom the 'Guild of the Bodhi-bearers.' ”¹⁷

Some of the descendants from the Kshattriyas who came with the Bodhi tree figure prominently in subsequent Sinhalese history. We find the Lambakanna clan descended from these Kshattriyas even obtaining kingship in Sri Lanka. Some of the clansmen married the Bhikkhunis who came with Sanghamitta after they had given up their robes and their descendants came to be known as the Mehanivara wamsays, being descended from nuns. One of the princes Sumitta was appointed Jaya Mahalena, guardian of the Bodhi tree and his descendants still perform the same task. It is about a female descendant of one of these princes that Governor Sir William Gregory remarked in his autobiography that she had a

16. Mhv. XIX. 54, and 55.

17. *ibid.*, 67.

pedigree of two thousand years.¹⁸ About the Lambakannas Dr. Malalasekera says "The Lambakannas (long eared ones) descended from the princess who came over from India along with the branch of the sacred Bodhi tree had multiplied in numbers and acquired much influence in the country. They became a perpetual source of trouble ultimately supplanting the ancient line of kings."¹⁹ King Wasabha who reigned in the early part of the Christian era was the first king of the Lambakanna dynasty.

Apart from the Mahavamsa there exist family traditions handed down from father to son among some Sinhalese families descended from those who came with the Bodhi tree. These tend to corroborate the accounts in the chronicle. Dr. Malalasekera referring to such a tradition says "When Buddhism was introduced into Ceylon and a branch of the Sangha established in the Island the Ceylonese Bhikkhus followed the example of their predecessors in Jambudvipa and handed down in succession in the Church historical accounts of the Order. The zeal for keeping such records of their doings does not seem to have been confined to the Order alone; from time to time archaeologists have discovered amongst the cherished possessions of distinguished families of the Sinhalese gentry, authentic accounts of their doings handed down from father to son faithfully preserved and brought up to date by each succeeding generation. Thus in a copy of the Rajavali-sangraha (which is an abridged Rajavaliya) written down to the reign of Kirti Sri Raja Sinha and now forming part of the library of the late Hugh Nevill there is attached to the end of the book a separate account of the family of one Yatihelagala Polvatte Vidane in whose possession the copy was found. The Vidane's family holds descent from the Bodhidhara princes who accompanied the branch of the sacred Bo-tree to Ceylon and settled down there. The present account is composed in much later language but it is clearly based on older records and contains accounts of the doings of the family from quite early times. It is useful as showing the nature of personal records kept by the Sinhalese from which the various histories were afterwards compiled suppressing matters of private interest alone."²⁰

18. Sir William Gregory : Autobiography p. 303

19. Dr. Malalasekera : The Pali literature of Ceylon, p. 49.

20. Dr. Malalasekera : The Pali literature of Ceylon, pp. 131 and 132.

It would appear from the Mahavamsa that Mahinda's arrival was a sequel to a mission sent to Asoka by King Tissa. Apart from Mahinda's mission, and the arrival of the Bodhi tree and its escort it would appear that articles necessary for the Abhiseda ceremony of a king were also sent by Asoka to king Tissa. While Mahavamsa describes the articles sent the Mahavamsa Tika or Vamsattapakasini describes the ceremony itself²¹. This ceremony was followed down the centuries in the inauguration of the Sinhalese kings.

King Tissa also took a part of Asoka's name and thereafter he was called Devanam Piyatissa (Tissa the beloved of the Gods).

4. The evolution of the Sinhalese as a nation and the state of Sinhalese civilisation in the early Anuradhapura Kingdom

By the early Christian era the Sinhalese had built up a Buddhist civilisation. This had to be gauged today from accounts in the chronicles, the inscriptions, the ruins of Anuradhapura and Polonnaruwa and the mighty tanks in the ancient Sinhalese kingdom.²² Shortly before the beginning of the Christian era the Sinhalese people formed by the amalgamation of the various groups of Aryan immigrants from North Western and North Eastern parts of India had developed into a nation with a high degree of civilisation and culture. They had built cities, villages and settlements with tanks and a wonderful irrigation system for agricultural purposes in addition to Buddhist Vihares, monasteries, dagobas and religious institutions for teaching and learning religion specially and other subjects generally. They had produced a vast literature in Pali and in Sinhalese on religious subjects and written historical records and chronicles like the Dipavamsa, Mahavamsa and Atthakathas. The Mahavihara however, had also

21. G.E. Mitton : The Lost Cities of Ceylon (1916) at pp.2 and 3 says "In the fifth century A.D. a priest of the royal house called Mahanama set himself the task of recording in orderly sequence the story of his native land by means of gathering his facts from existing records in the vernacular and collating them. His version carried the tale up to A.D. 301. Hence it was taken on by one pen after another in the same style, each scribe telling in simple fashion and with marvellous human simplicity of the life lived by king and people when Ceylon was a kingdom and the royal cities were centres of civilisation and learning, though as yet our national ancestry had not been evolved and "English", "Scottish" and "Irish", much more "American" or "British" in its modern connotation were unknown."

22. Mt. pp 305-306

become a centre of Buddhist studies which attracted scholars from outside Sri Lanka like Buddha Ghosa and Fa-Hien. They sent embassies to foreign countries like Rome, China and North India: Pliny speaks of the Sinhalese embassy to Rome "Legatos quattuor misit principe eorum rachias."²³ A few centuries after, the Christian era the rot started setting in with the advent of more foreign mercenary troops and the internal disharmony among the higher ranks of the people in the 8th and 9th centuries which culminated in, as we have said earlier, the destruction of Anuradhapura and the glory thereof and temporary loss of the chief kingdom to the Sinhalese. Sir Emerson Tenant very graphically values the activities of the Sinhalese and the Tamils (Malabars) in Ceylon at the end of the Anuradhapura kingdom. He says "Notwithstanding their numbers and their power it is remarkable that the Malabars were never identified with any plan for promoting the prosperity and embellishment of Ceylon, or with any undertaking for the permanent improvement of the island. Unlike the Gangetic race who were the earliest colonists and with whom originated every project for enriching and adorning the country the Malabars aspired not to beautify or enrich but to impoverish and deface; and nothing can more strikingly bespeak the inferiority of the southern race than the single fact that everything tending to exalt and to civilise in the early condition of Ceylon was introduced by the Northern conquerors whilst all that contributed to ruin and debase it is distinctly traceable to the presence and influence of the Malabars."²⁴

E. B. Denham in Ceylon at the census of 1911 p. 2 remarks "It is remarkable that the Sinhalese should have been able to preserve a separate nationality, when it is realised that the seaboard of the country was the fighting ground of rival invaders while Tamil invasions from the south of India overthrew her ancient capitals."

23. Natural History Book VI; Chapter XXIV, 89 Loeb, Edn. 1942. Pliny states the time of the arrival of this Embassy; *Hactenus a priscis memorata nobis diligentior notitia Claudi principafu contigit legafis etiam ex ea insula advectis*: So far the facts stated have been recorded by early writers. We have however obtained more accurate information during the principate of Claudius when an embassy actually came to Rome from the island of Ceylon. *Ibidem* P. 84.

24. Tennent Ceylon Vol. I, P 401

5. Immigrants from Kalinga

We see arrivals of groups of further Aryan immigrants from time to time from Kalinga^{25a} to Sri Lanka. These came in various periods sometimes on their own and sometimes following royal brides for Sinhalese kings. When in course of time these arrivals from Kalinga became powerful in court circles we see a Kalinga dynasty of kings established on the Sinhalese throne. A large number of Sinhalese inscriptions have been left by these sovereigns, especially Nissanka Malla. Some of them give very valuable information on law and legal administration in Sinhalese society in the 12th and 13th centuries. These Kalinga colonists certainly went to enrich the Sinhalese race but when some of them obtained sovereignty they wished to preserve it for themselves and felt jealous perhaps of the aspirations of the then newly emerging Govi caste, their own relations and kinsmen, as inscriptions show. D. M. de Z. Wickremasinghe discussing the Dambulla Rock inscription of King Nissanka Malla says "From the earliest time there were frequent intermarriages between the royal houses of Ceylon and those of Kalinga and Pandya. In consequence, numbers of Indian princes and princesses with their retinues immigrated from time to time and settled in the island. They became merged in the Sinhalese people and many held offices under successive kings. They regarded the country as theirs and the nobles as members of their own race. But the attitude of those who came to the island about the time of Parakrama Bahu I was evidently different. They seem to have been imbued with a strong national spirit. Their great desire was to keep the sceptre of the island in the hands of their leaders and to make Ceylon a happy hunting ground for their kith and kin from the Indian continent. They found the nobles of the Govi Kula however practically descendants of their own kinsmen—very powerful and aspiring to the throne. To counteract this the sovereigns resorted to the well known traditions of the Vijayan colonisation of the island and proclaimed to the Sinhalese people that they alone were the pure descendants of the race of Vijaya and that for this reason as also because they were defenders of the Buddhist religion the throne of Lanka belonged to them and to no

25a Law identifies KALINGA with ORISSA (p.157) GEIGER says that people of KALINGA were Aryans.

other clan. We see this expressly stated in the Galpota and the Dalāda Mandira records of Kittī Nissanka Malla the king mentioned in the inscription under discussion."²⁵

If we turn our attention to the Culavamsa and the rock inscriptions the colonists from Kalinga are specifically mentioned, sometimes descriptively and sometimes by name.

According to B.C. Law "the ancient Kalinga country seems to have comprises modern Orissa to the south of the Vaitarana and the sea coast southwards as far as Vizagpatham".²⁶

Two of the earliest arrivals from Kalinga were the prince and princess who brought the Tooth relic during King Siri Megha Vanna's reign in the 4th century A.D. They settled down in Kirawella in the Kegalla district and some of their descendants became brides of Sinhalese kings and princes in later times. Thereafter we see a king, queen and a minister of Kalinga coming to Sri Lanka probably being driven away by an enemy. They entered the Buddhist monastic life and dwelt in Sri Lanka. Next arrival from Kalinga was a princess, as the bride of King Mahinda IV (middle of tenth century). The Culavamsa says :

" Vījjamāne pi Laṅkāyaṃ Khattiyānam narādhipo
 Kāliṅga cakka vattissa vaṃse jātaṃ kumārikaṃ
 āndapetvāna taṃ aggamaheṣiṃ attano akā ;
 tassā puttā duve jāta, dhītā ekā manoramā.
 Ādipāde akaputte dhitarāṃ cāpi rajiniṃ,
 iti Sīhalavaṃsaṃ ca paṭṭhapesi sa bhūpati.

Although there was also in Lanka a race of nobles the Ruler of men had a princess of the line of the ruler of Kalinga fetched and made her his first Mahesi. Of her were born two sons and a charming daughter. He made his sons Adipada and his daughter a queen ; thus the Ruler founded the royal house of the Sinhālas."²⁷

It would appear from this passage that it was exceptional for a Sinhalese king to have a consort from outside. The Royal clans in Sri Lanka married among each other as for example the

25. E.Z. vol. i.p. 124.

26. B.C. Law : Historical Geography of Ancient India (1954) p. 157.

27. C.V. 54 9-11.

Lambakarnas and the Moriyas, both descendants of those who came with the Bodhi tree. After the Lambakarna dynasty came to an end with King Mahanama and the Tamil occupation thereafter we see that the Sinhalese royalty was restored in the person of King Datusena who was of the Moriya clan, perhaps same as the Asokan. This clan continued to rule Sri Lanka for some time. King Mahinda IV has left behind a large number of rock inscriptions. Next Kalinga group came in Vijaya Bahu's reign. King Vijaya Bahu I who regained the Anuradhapura kingdom from the Tamils had two Mahesis or chief queens. 'One was the famous Kalinga princess Tiloka Sundari (Beauty of the three worlds). The Culavamsa mentions :

“ Kalingadharanī pālavaṃsajaṃ cārudassanaṃ
Tilokasundariṃ nāma sukumāraṃ kumārikaṃ
Kālingaratthaṭṭhaṭṭhā rājā ānāpetvā ciraṭṭhitim
Nijavaṃsassa icchanto mahesitte bhiseceyi ”.

The King wishful for the continuance of his line fetched from the Kalinga country the charming young princess of the royal family of Kalinga, Tiloka Sundari by name and had her consecrated as his Mahesi.²⁸

She conceived five daughters, Subhadda Sumitta, Loka Natha Ratnawali and Rupavali and a son, Vikkramabahu. The chronicle mentions by name other Kalinga princes and a princess, relations of Tiloka Sundari who came from Sihapure and settled down in Sri Lanka.

“ Madhukaṇṇava bhīmarāja balakkāra sanāmake
mahesibandhave rājaputte Sinhapurāgate
passitvāna mahīpālo tadā saṃjātapitiko
tesaṃ pādāsi paccekaṃ vuttim so anarūpakam
Te sabbe laddhasakkāra saṃmānā dharaṇipatim
ārādhayantā satataṃ nivattimsu yathārucim
Etesaṃ rājaputtānaṃ Sunārivhaṃ kaniṭṭhikaṃ
Adā Vikkamabāhusa nijavaṃsaṭṭhitatthiko ;

28. C.V. 59-29-30.

When he beheld the princes Madhukannava, Bhimaraja and Balakkara, kinsmen of the Mahesi (Tiloka Sundari) who had come from Sihapure, the monarch found pleasure in them and granted each of them befitting maintenance. All of them having enjoyed such honour and distinction, dwelt ever loyal to the Ruler, where they pleased. The younger sister of these princes, Sundari by name, he, concerned for the continuance of his house, gave to Vikkamabahu (to wife).²⁹

Next prince who came from Kalinga was Parakramabahu I's nephew and successor Vijayabahu II. He is said to have invited Kitti Nissanka Malla from Sihapure in Kalinga to Sri Lanka. Nissanka Malla became Uparaja of Vijayabahu II and after his death succeeded him as King of Sri Lanka. This king has left behind as said earlier a large number of inscriptions. After the reign of a few sovereigns Nissanka Malla's stepbrother Sahassa Malla became King of Ceylon for a brief period. It would appear that a large concourse of Kalinga people came to Sri Lanka at that time as the inscriptions indicate. In his famous Galpota inscription Nissanka Malla gives his parentage as well as the manner of his arrival in Sri Lanka. The inscription says :

“Sri matantutum guna genen hivi Okaass-raja parapurehi vu akasa-cari Kalinga-Cakravarttin Vahanse kulena Vijaya rajayan Budunge niyogayen deviyān visin aragganna laduva Lakdivubesa yaksa pralaya kota manusyavasa kala ek dahas satsiyaak havurudu giya kalhi Budu Bosat sakvittan upadana utum damba divhi Kalinga-rata simhapurayehi mema raja parapureta tilakayak bandu Sri Jayagopa rajayan vahanse nisa Parbbati maha devin vahanse kusen ipada Raja-peraherin vaedai taman yona parapurin himi Lakdiva rajakaranu mena vai Lakdiva Kula Je (tu) maha rajun ayadamin maha peraharin me Lakata basa epa himiya tanaturu raja isuru vindimin.....maha mahima ati Siri Sangabo Kalinga Parakramabahu Viraraja Nissanka Malla aprati Malla maha rajapa vahanse.”

King Vijaya descended from a family of Kalinga Chakravartin who had the power of travelling through the air and who belonged to the royal line of the Okkaka dynasty exalted by (the possession

29. C. V. 59-29-30.

of) an assemblage of auspicious and infinitely sublime qualities when one thousand seven hundred years had elapsed since this king protected by the gods in accordance with the behest of the Buddha arrived in the Island of Lanka and destroying the Yakkas made it an abode for mankind, there was born the great King Siri Sangabo Kalinga Parakkramabahu Viraraja Nissanka Malla Aprati Malla in Sinhapura in the country of Kalinga in noble Dambadiva the birth place of Buddhas, Bodhisatvas and universal monarchs. (he was born of the womb of the great queen Parvathi into King Sri Jayagopa who was like a tilaka ornament to his royal line (of the Okkaka dynasty).

Invited by the king who was his senior kinsman to come and reign over his hereditary kingdom of Lakdiva, landed with a great retinue in Lanka and having been installed in the office of Epa and enjoyed the Kingship³⁰

So we see that King Nissanka Malla had come with a large retinue from Kalinga and became King. His stepbrother Sahasa Malla too, who became king has left behind inscriptions. These Kalingas went no doubt to enrich the Sinhalese culture. Parker shows the Kalinga origin of a number of Sinhalese folk tales.³¹ With regard to the exact locality of Simhapura (mentioned as the birthplace of King Nissanka Malla) B.C. Law states "Identification of Simhapura which is mentioned in the Mahavamsa (VI. 35.64) as situated in the Lala country, i.e. Radha. It was probably a part of Kalinga which might have included a portion of Radha. According to others it may be the same as the modern Sinha Pura as between Chicacole and Narasanka Peta (e.g. IV, p. 143.) The Belava copper plate of Bhoja Varman proves that the Varmans ruled over Simhapura.—N. L. Majumdar (Inscriptions of Bengal Vol. II. p. 16).³²

6. Tamil mercenary forces of the Sinhalese king

It is quite possible that the Tamil mercenary force of King Ilanaga the first Sinhalese king to hire such forces and those of subsequent kings would have settled down in Ceylon and got merged in the

30. E. Z. II, p. 98

31. Parker: Village folk Tales of Ceylon, Introduction pp. 38, 39. Tales were brought by Nissanka Malla's followers.

32. B.C. Law: Historical Geography of Ancient India, p. 260.

Sinhalese race. Then we find that after the Cola occupation of the Anuradhapura kingdom in the 11th century some of the Cola troops called the Velaikkaras taking service under the Sinhalese King Vijayabahu I. The Velaikkaras had left behind a Tamil inscription³³ whereby they undertook to guard the Temple of the Tooth. From the inscription we know that they were not Buddhists but belonged to a sect of the Hindu faith and that they observed the caste divisions of Valankai and Idankai (right hand and left hand castes) which obtained among the Tamils. These mercenary troops had maintenance villages granted to them and they would have become Sinhalese in course of time. As the financial resources of the Sinhalese kings were limited, these called Kulee Senanga were few in number and were scattered in villages like Kaikavala.

There may have been Tamil forces of Elara's conquest living among the Sinhalese after Elara's defeats but, records are very scanty. There are however a few inscriptions which describe the persons figuring in them as Tamils by race. It is also said that King Gaja Bahu brought 12,000 Cola prisoners to Sri Lanka. The Mahavamsa does not mention such an event.

7. Pandyan princess among the Sinhalese

We have stated earlier Vijaya's marriage to a Pandyan princess and the survival of Pandyans in Sri Lanka, according to a traditional account in the Mahavamsa. But a definite record of a Pandyan arrival is contained in the Culavamsa. According to the Culavamsa Vijayabahu gave his sister Mitta in marriage to a Pandyan prince after he had refused her to the Cola king. Now Mitta had three ambitious sons Manabharana, Kitsiri Mega and Siri Vallabha who after Vijayabahu's death became kings of principalities. It would appear that these Pandyan princes belonged to an Aryan dynasty of South India.³⁴ Manabarana, the eldest married Ratnavali daughter of Vijaya Bahu I and Tiloka Sundari of Kalinga. Their son was the celebrated hero Parakramabahu the Great King of Sri Lanka. Sometimes the Sinhalese maintained friendly relations with the Pandyans even taking their side in their quarrels with their rivals the Colas. In the Kotte period too we see

33. E.Z. II pp. 242-256.

34. Vide Cv. 63-14-16.4

some intermarriages between Pandyan and Sinhalese royalty and it is quite possible that a number of Pandyan princes settled down in Sri Lanka.

8. Other^{35a} Aryan groups that amalgamated with the Sinhalese

In the confused times that followed the occupation of the Anuradhapura Kingdom by the Colas and before the success of Vijaya Bahu the Culavamsa refers to an Ayodyan ruler of Rohana :

“Rāmanvayasamubbhūto tadā'yojjhapurāgato
Jagaṭipālanāmena visauto bhūbhujattajo
rane vikkamapandū tam ghātāpetvā mahabbalo
tato cattāri vassāni rajjam kāresi Rohaṇe.

Then a powerful prince of the line of Rama known by the name of Jagatipala, a sovereign's son who had come from the town Ayojjha (the present Oudh in India) slew Wikkamapandu in battle and ruled as a mighty man in Rohana four years.³⁵

It would appear that Colas slew him in battle and sent his Mahesi and daughter to the Cola kingdom. This Mahesi and her daughter Lilavati escaped from the Colas and came to Ceylon in Vijayabahu's reign. Vijayabahu on learning of her lineage made Lilavati one of his Mahesis. The Culavamsa mentions the presence of Aryan troops, i.e. Rajputs in Sri Lanka in the 13th century. Vijayabahu IV, the son and successor of Parakkramabahu II was murdered by a general Mitta who usurped the throne. In order to get into favour with the troops, the usurper began to give them pay. Culavamsa says :

“iti cintiya sabbesam ado Thakurakadinam
Ariyakkatayodhanam bhatim datum Samarabhm

They began in the first instance to and over their pay to the chivalrous Ariya warriors at the head of whom was Thakuraka.³⁶ The Aryans then said that Sinhala warriors should be paid and won over. The Sinhala troops were paid but the Aryan (foreign) troops

35a. Groups from NW India, NE India and groups that came with the Bo tree were the earlier groups.

35. Cv. 56-13 and 14.

36. Cv. 90-16.

refused to accept pay and said that they would say everything in the presence of the King. They were then taken to the king's abode where they saw Mitta sitting on the throne. The Culavamsa describes the incident that followed.

“Tato Thakurako Yodho nibbhitikamano tada
Sannam datva sahayanam tikhinam khaggam attano
Gahetvatam khanam yevatassa senapatissa so
Chinditvana lahum sissam patayittha mahitale.
Atna tasmim jate mahako a hale taca
Sabbe pi Sihala yodha eki bhuya mahaboala
Kasmaltan akiecam tu tumhemi Vihitam ? iti
thakurappamukkhe sabbe pucchimau Ariye bhatae.
Bhuvanekabhujinadassa Subhapabata vasiho
Niyogena katam etam, iti te punar abrvini
Tatha hotu, ti sabe pi yodha Ariya Sihala
Samaggibhuya rajanam Bhuvanekubhujissaram
Subhacalapura tamha Jambuddonipuram tada
Samanetvana tam rejje abhisincimsu Sadaram. ”

Then the warrior Thakuraka who was possessed of an undaunted heart gave his comrades a sign, took his sharp sword and in a moment swiftly struck off the Senapati's head that it fell to the ground. Now when hereupon a great hubbub arose in the town, all the Sihala soldiers who were almighty force banded themselves together and asked the Ariya soldiers with Thakuraka at their head: "Why have you done this evil deed" They replied "It took place at the command of king Bhuvanekabahu who abides in Subhagiri". With the words: "Be it so", all the Ariya and Sihala warriors united and brought the king their lord Bhuvanekabahu from the town of Subhagiri to the town of Jambuddoni and with reverence consecrated him king."³⁷

There is a reference to Sri Lanka in Tod's Annals of Rajastan. Codrington says^{38a} that these Arya troops were Rajputs and their chief was called Thakuraka a well known Rajput title. These Rajputs in course of time got merged in the Sinhalese people.

37. Cv. 90-24-30.

38a Codrington : Short History of Ceylon, pp. 79 and 87.

9. South Indian troops of Kalinga Magha, other South Indian adventurers and Brahmins who came to Sri Lanka

From the accounts given in the Culavamsa of the destructive activities of Kalinga Magha and his South Indian forces consisting of Tamil and Kerala troops we can reasonably think that after Magha's defeat his surviving forces settled down in Sri Lanka and got merged into Sinhalese society. Thereafter we see for the first time customs and practices, unknown to the Sinhalese people before and which these forces brought from their home lands, becoming current among the Sinhalese. The Culavamsa mentions the disturbance of family laws of the Sinhalese by these foreigners. We shall discuss these matters in the relevant place.

Next we see a number of Tamil and other South Indian adventurers coming to Sri Lanka and flocking to the Sinhalese Court for preferment. The family of Alagakkonara, which held responsible and very high positions in Sri Lanka, and the father of Sapumal and Ambulugala seem to be of this kind. There were also a number of Tamil writers of Sannas in Kotte. From about the 12th century to about the 15th century some very small groups of people had come to Sri Lanka from North West^{38b} and South India and some found favour with the Sinhalese kings. One of these groups seemed to have been invited by the Sinhalese kings for the specific purpose of weaving pashta (fine) cloth. We find that some of the Sinhalese castes of today claiming descent from Brahmins as numbers of South Indian Brahmins had come to Sri Lanka from time to time and from Kshatriyas who formed the Rajput regiments. Some of them held the rank of Purohiths (domestic priests) but owing to Buddhist influence they did not wield the same influence as in India. Sannasas like the Oruvala sannasa and the Sabaragamuwa Maha Saman Dewale Sannasa show that those Brahmins had been given lands, some as Danakshetra.

^{38b} Early inscriptions refer to Kambojhas meaning Kambojas from N.W. India. University History of Ceylon Vol. I Part I p.88. King Nissanka Malla mentions them in an inscription "Kambodinta ran pili adivu kamati Vastu de paksin no badana niyayen Samanta kota paksinta abhaya di ; and bestowing on Kambodi in gold and cloth and whatever other kinds of wealth they wished. He commanded them not to catch birds and so gave security to birds". E.L.II p.80

In the early 18th century with King Narendra Sinha's marriage to a Nayakkar princess her kinsmen began to come to the Kandyan kingdom. They began to wield some influence when four of their number occupied the Sinhalese throne from 1739 to 1815. On the capture of the last king, the fourth Nayakkars to be king of Kandy, and his subsequent exile to South India, all his relatives were exiled too, lock stock and barrel. Their descendants however still continue to reside in various parts of South India in abject poverty living on small pensions granted by the Sri Lanka government.³⁹

With the advent of the European powers some European element went into the composition of the Sinhalese race. The Portuguese tried to have a mixed race in Sri Lanka to serve as soldiery for their rule but the policy was a failure.^{40a}

The observations that Robert Knox, who lived in the 17th century for twenty years as a prisoner in the Kandyan kingdom, makes about the Sinhalese are interesting. "It is more probable they came from the Malabars their country lying next, tho they do resemble them little or nothing. I know no nation in the world do so exactly resemble the Chingulays as the people of Europe."^{40b} A number of English writers of the early 19th century who came to Sri Lanka, like Lord Valentio and James Cordiner had noticed the differences between the Sinhalese and the Tamils even in respect of colour and appearance as their writings show.^{40b}

We see that the Sinhalese are mainly descended from Gujeratis, Bengalis, Sakyas, Mauryas and the people of the ancient kingdom of Kalinga, all of whom Geiger has identified as Aryans (P. 295).

They also have Veddah, Dravidian, Rajput, few other North Indian and European elements in them. They have observed the four Varna system of Caste, which they inherited from their original ancestors, from about 5th or 6th Century B.C. to about the end of the 12th Century AD although its effects were modified owing to

³⁹In sessional Papers of Ceylon 1893 a British Collector of South India describes their pitiable condition and states that claiming to be Kshatriyas they refuse to marry from other castes.

^{40a} They could not keep their power with the help of the mixed groups.

^{40b} Robert Knox : Historical Relation of Ceylon Part III, Ch. 3, p.98.

the influence of Buddhism as Geiger has pointed out. This cast system however got amalgamated during the 12th or 13th century and reproduced itself on a quasi Dravidian basis. Codrington has shown that in the incidents of Panguwa in land holding there is a survival of the Hindi joint family estate. Some other legal concepts and institutions derived from Kautilya's Arthashastra (like Ande and Betma etc.) and Laws of Manu (like Digha, rights on cattle trespass, Paraveni property descending from father to son from generation to generation, Ge names so inherited etc.) have also survived among the Sinhalese as part of their Hindu inheritance.

While their immediate neighbours in the sub continent like Tamils, Malayalis etc., speak Dravidian languages and follow Hinduism, the Sinhalese have for over two thousand years spoken an Indo Aryan tongue and followed Theravada form of Buddhism.

We can then say that the Sinhalese are predominantly an Aryan race speaking an Indo-Aryan language.

CHAPTER IV

THE THEORY AND EVOLUTION OF KINGSHIP IN SRI LANKA

1. Essential nature of Kingship in Hindu Polity

From the earliest times up to the end of the Kandyan Kingdom in 1815 the Sinhalese people have been ruled by a form of government which had a single individual at its head. The government consisted of the monarchical form which the people had inherited from their country of origin. In this connection Dr. John Davy observes –

“The Sinhalese have no notion of any species of government excepting the pure monarchical; they say that a King is so essential that without him there would be no order nor harmony, only confusion and dissension that would soon prove fatal to society and supposing this species of government founded upon a kind of natural instinct as well as on ancient custom they remark that even birds and beasts have their kings, the answer reigning over one and the lion over the other.”¹

Professor Bhandarkar has shown that the prevalent forms of government in India between 650 to 325 B.C. were the monarchical and the Gana or Samgha forms of government. The former was the rule by one person and the latter by many. The royal dynasties of Magadha, Kōsala, Avanthi and Vatsa represent the monarchical while the Licchavis and the Mallas represent the Gana or Samgha form which was the exception to the rule.

This is of special interest to us as it is during this period that the ancestors of the Sinhalese came from North India to Sri Lanka and being familiar with the monarchical form of government which prevailed in their original homeland, it is reasonable to infer that they brought it with them to Sri Lanka. Professor Bhandarkar has

1 Dr. John Davy : An Account of the Interior of Ceylon p.140

shown by reference to Hindu texts why it was essential according to Hindu polity for a State to have a King.² The basis of the argument for the essential nature of Kingship in a State was the Matsyanyaya (maxim or parable of the fish). He says –

“There seems to have been a very favourite maxim with the Hindu writers on political science and is constantly repeated when they have to explain the necessity of placing a King at the head of government.”³

This principle of Matsyanyāya also formed the basis of the theory of punishment in Hindu law as mentioned by both Kautilya and Manu. We shall show later on how this principle came to the Sinhalese Criminal Law too. The result of not having a King in a State has been mentioned in the Rāmāyana from which Bhandakkar cites a passage –

“N-Ārajake Janapade svakam bhavati Kasyachit
Matsya iva jana nityam bhakshayanti parasparam”.

Ayodya Kānda ch. 67 V. 31.

In a country where there is no king nobody possesses anything which is his own like the fish the people are always devouring one another.

2. Origin of Kingship in Hindu Polity

As to the origin of kingship he says that one theory is that it is based on social contract which was originated in Europe by Hobbes and developed by Locke and Rousseau. Bhandakkar says that this was known to Kautilya. Due to the Matsyanyaya the people elected Manu son of Vaisvat to be King and entered into a contract with him allotting to him one sixth of grain and one tenth of merchandise as his share so that he may protect them. This is also the Buddhist theory.

The other Hindu theory is the divine origin of Kingship. When men assailed by Mōha or infatuation, lobha greed and wrath, and Rāga or unrestrained sexual indulgence, confusion set in and the

2. D. R. Bhandarkar : Carmichael Lecture I.

3. D. R. Bhandarkar : Carmichael Lecture I.

gods approached Vishnu the lord of creation to create a King. He created a King and Brahma had composed earlier the treatise dealing with what the Hindu law was concerned with, namely the fourfold purpose of life, the pursuit of welfare, Artha, of pleasure, Kāma and salvation Moksa along with the performance of duties, Dharma. The divine Vishnu entered the personality of the monarch. Since that time there has been no difference between Deva and Naradeva (god in human form).

Both Kautilya and Manu lay down rules affecting all aspects of kingship in Indian society. Manu for example in Chapter VII discusses the laws (dharma) for kings, how they should be occupied, what his origin is and how his supreme perfection is effected. "Protection of all this (his realm) according to Justice is to be done by a ksatriya who has duly received the Vedic initiation (Manu VII 2). For this world being without a King it trembles everywhere from fear the Lord (Prajapati) then created a King for the protection of all this world. (Manu VII. 3.).

3. Some Attributes of a Hindu King

Manu lays down :

"And he (King) burns like the sun, the eyes and minds nor can anyone on earth even behold him. (Manu VII. 6).

He is fire and wind ; he (is) the Sun the Moon the King of Justice ; he is Kuvera the great Indra in grandeur. (Manu VII. 7).

The King is created the protector of the castes and orders each being devoted to its own duty in order. " (Manu VII. 35).

The King is expected to know the three Vedas and should learn good conduct from the Brahmans whom he must honour.

Manu says again :

"Let him day and night apply himself to the conquest of his organs ; for one whose organs are conquered is able to bring the people under control." (Manu VII. 44).

He is also expected to avoid named vices and comply with a moral code. Manu also lays down minute details for the conduct of the King's daily routine and life and of governing the country through

ministers. In Kautilya's Arthasāstra the elements of sovereignty are stated to be the King, the Minister, the country, the fort, the treasury, the army and the friend.⁴

4. The Buddhist theory and origin of Kingship

The Buddhists in India as well as in Ceylon would have inherited the conception of Kingship in a state from the Hindus but in some important respects the Buddhist theory and origin of kingship differ from those of the Hindus. These differences can be attributed to two factors :

- (a) The absence in Buddhism of a belief in a Supreme God and therefore the corresponding absence of ritual ceremony and sacrifices to and reliance on such a God for salvation. Hence a divine origin of kingship is ruled out.
- (b) Although there is no observance of caste differences as such in Buddhist theory, the Kshatriyas (Pāli Khattiyas) the caste in which the Buddha was born were considered the first caste, relegating Brahmins to second place. When we keep these matters in mind we can easily understand the theory and origin of kingship as laid down in Buddhism.

In the Aggañña Suttanta (a book of genesis)⁵ the genesis of human beings and theory and origin of kingship are discussed.

When the Buddha was staying near Savastthi, Vāsettha and Bhāradvaja, two Brahmins, were passing their probation among the brethren desiring to become bhikkhus. Both of them approached the Buddha, saluted him and walked after him as he walked to and fro. Buddha then asked Vāsettha whether the Brahmins reviled them as they being Brahmins by birth and family had gone into the homeless life. When Vāsettha answered in the affirmative, Buddha asked him in what words they were reviled. Vāsettha said the Brahmins said that only Brahmins were the best social grade and other grades were low. They were of pure breed and that they were the genuine children of Brahma born of his mouth etc. and that they had renounced the best rank and had gone over to that low

4. Kautilya's Arthasāstra Book VI ch. I. Shama Sastri's translation p. 319.

5. Aggañña Suttanta of the Digha Nikaya in Sacred Books of the Buddhists, Vol. IV

class the shaven recluses. Then the Buddha said that the Brahmans had quite forgotten the past (ancient lore) when they said so. On the contrary Brahminees, wives of Brahmans were known to be fertile, were seen to be with children, bringing them forth and nursing them. The Buddha added that it was those very womb born Brahmans who said that they were genuine children of Brahma born from his mouth. By this they make a travesty of the nature of Brahma, and added that what they said was false. Buddha then said that there were the four classes, Nobles, Brahmans, tradesfolk and workpeople (Khattiya, Brahmana, Vessa and Sudda). Here and there a noble deprived of a living being of life, was a thief, was unchaste, spoke lies etc. Here and there Brahmans, tradesfolk and work people were like that. Then here and there Nobles abstained from killing, theft, in-chastity etc. and similarly there were Brahmans, tradesfolk and work people like that. Seeing that among each of the four classes there were good and bad qualities the wise did not admit the claims put forward by the Brahmans. Buddha then said that whoever among all these four classes became a Bhikkhu, an Arahant, one who has destroyed the deadly taints and had destroyed the fetter of re-birth and had become free because he had perfect knowledge he was declared chief among them and that in virtue of a norm (a standard) and not irrespective of a norm. He illustrated this position by an example.

Thereafter the Buddha gave a genesis of people and the world. According to this view after a long long period this world passes away. When this happens beings have mostly been reborn in the World of Radiance and there they dwell made of mind, feeding on rapture, self-luminous traversing the air continuing in glory and thus they remain for a long long period of time. Then this world begins to re-evolve. Then beings who had deceased from the World of Radiance usually come to life as humans. They become made of mind feeding on rapture, self-luminous traversing in air continuing in glory and remain thus for a long long period of time.

Now at that time all had become one world of water and of darkness that maketh blind. No moon, nor Sun appeared, nor stars were seen, neither were months, years or seasons. Then after a long time the earth with its savour was spread out in the waters. Even as a scum forms on the surface of boiled milky rice that is

cooling so did the earth appear. It became endowed with colour, odour and taste. Some being of a greedily disposition tasted the savoury earth and craving entered into him. Others followed his example and began to feast on the savoury earth. Their self luminance faded away, the moon and sun became manifest. As the beings fed on the earth their bodies became solid, some were well favoured and others ill favoured. The savoury earth disappeared and while the beings were bewailing the disappearance an outgrowth like mushrooms appeared. When the beings fed on it, it disappeared and creeping plants appeared. When they fed on it and it disappeared rice appeared ripening in open spaces. When the beings gathered rice in an evening the next morning it stood ripe and grown again. When they were feeding on this rice, some beings being of a lazy disposition gathered rice for two meals and sometimes for two days. When these beings began feeding on the hoarded rice, rice did not appear from where it was cut. Then these beings began quarrelling among themselves, lying and cheating arose. They began to bewail their lot, the result of their evil deeds.

They gathered together and decided to select a certain being who should be wrathful, when indignation is right, who should censure that which should rightly be censured, and should banish him who deserved to be banished. They decided to give him in return a proportion of the rice. Then these beings went to the being among them who was the handsomest, the best favoured, the most attractive, the most capable, and said to him : 'Come now good being, be idignant at that whereat one should rightly be idignant, censure that which should rightly be censured, banish him who deserves to be banished. And we will contribute to thee a proportion of our rice.' And he consented and did so and they gave him a proportion of their rice. The Buddha continued : "Chosen by the whole people Vāsettha is what is meant by Maha Sammatta; so Maha Sammatta (the Great Elect) was the first standing phrase to arise (for such a one). Lord of the Fields is what is meant by Khattiya; so Khattiya (Noble) was the next expression to arise. He charms the others by the norm – by what ought (to charm) – is what is meant by Raja; so this was the third standing phrase to arise. Thus then Vāsettha was the origin of this social circle of the Nobles according to the ancient primordial phrases (by which they were known).

Now it occurred to some of those beings that evil deeds had become manifest among them in as much as stealing, censure, lying. Punishment can be noticed and banishment. They put away (bāhenti) evil and immoral customs. They became the Brahmans. They made leaf huts in the forests and meditated. Some who could not do so settled in the outskirts of villages and towns making books. They were the Ahāyakā (repeaters of the Vedas)

There were some others of these beings who, adopting the married state, set on foot various trades. These became the Vessā (tradesfolk).

The remainder of these beings took to hunting and such like trifling pursuits. They were the Suddas.

The Buddha ended by saying that whosoever of these four classes becomes a Bhikkhu and an Arahant who has destroyed the intoxicants, who has done that which it behoved him to do, who has laid down the burden, who has won his own salvation, who has wholly destroyed the fetters of rebecoming, who through knowledge made perfect is free – he is declared chief among them in virtue of a norm, not in the basence of a norm. He cited a verse spoken by Brahma –

“Khattiyo setṭho jane tāsmin
 Ye jetta paṭisārino
 Vijjā charana sampañño
 So setṭho deva manus

The Khattiya is the best among this folk
 Who put their trust in lineage
 But one in wisdom and in virtue clothed
 Is best of all 'mong spirits and men.”

We thus see the Maha Sammatha tradition of kingship taking root in the Sinhalese state after the Sinhalese became Buddhists.* Kings and princes are called Khattiyas (Sanskrit Kshattriyas,

The principle of election of Sinhala kings ets surprising conformation from Pliny when he states “Elegi regem a populo senecta clementiaque que 4. The king was elected by the people” on the ground of age and gentleness of disposition”. Pliny : Natural History–Book VI Ch. XXIV Pp 406.

Sinhalese Kāt or Kātkula) in the chronicles. Sinhalese kingship though confined to the solar or lunar race (Surya Vam sa or Soṃa Vamsa) became an elected one as the people and the church (Lōka and Sāsana) selected their King from members of the royal family. This elective principle of kingship on the Maha Sammata tradition based on a social contract, is shown in the chronicles.* We find Kings sometimes consulting the nobility and the chief priests as to who should be his successor as we have shown in the case of Parakkama Bāhu II selecting his eldest son Wijayābāhu. The Maha Sammata concept is also shown in the name of an early king of Kandy called Senā Sammata Vikkama Bāhu (Vikkama Bahu elected by the Senā or people). Maha Sammata is also mentioned in the Mahāvamsa as the ancestor of the Buddha.⁶ King Okkāka (Sanskrit Ikṣvāku) is mentioned as another ancestor.

Now we find Sinhalese kings claiming descent from Maha Sammata and also King Okkaka. We have also seen a few kings claiming descent from Buddha's family as they belonged to the Sakyan clan through descent from Panduka-Bhaya. The Maha Sammata claim of kings who were not of Sakya descent was probably meant to show that they were Buddhist kings who accepted the Buddhist theory of kingship and that they were continuing the Buddhist traditions. The theory of kingship and the book of genesis as contained in the Aggañña Suttanta of the Digha Nikaya have been taken into the Nīti Nighanduva compilation of the 1820's, which Sir A. Lawrie says was not known to either Sir John D'Oyley or Sawers

5. Tradition of Manu

Later on we find Sinhalese kings claiming descent from Manu or Vaivasvat Manu. We see in the Culavamsa for the first time the reference of Kings as being descended from Manu. By this time the laws of Manu or a part of it came into the Sinhalese legal system through spread of Sanskrit learning. As a result probably of this position we see Maha Sammata given the additional name

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6. Mhv. 2 - 1. Maha Sammata Rajassa Vamsajo hi mahamuni "Sprung of the race of King Mahasammata was the great sage."
 7. Niti Nighanduva or the vocabulary of law translated by Le Mesurier and Panabokke (1880) pp. 4 and 5.

Vaivasvat Manu and kings claiming descent from him. Bhuvēka Baḥu VII in his Palkumbure Sannasa says that he was a lineal descendant of Maha Sammātha named Vaihsvata Manu. Prof. Geiger summarises the position thus : "The Kings of the Royal clan belong to the Surya Vamsa or the Solar dynasty. Thereby they are closely connected with the Sakyan clan the family of the Buddha which also was a branch of that line. They call Maha Sammāta and Okkaka their ancestors. This is in agreement with the tradition handed down in Visnu Purāna and Rāmāyana according to which the first two names in the list of kings of the Solar dynasty are Manu Vaivasvata and Ikṣvaku ('Okkāka). The name of Maha Sammāta does not occur except in Buddhist books. His identity with Manu Vaivasvata however is doubtless. For the Buddhists Manu Vaivasvata was Maha Sammātha's surname and in later Sinhalese Sannasas (Bell's report on Kegalle District p. 93) we meet with a combination of the two names Maha Sammāta called Vaivasvata Manu.⁸ In the Sandēsa poems of the 14th and 15th and 16th centuries we find kings described as belonging to the family of Manu or descended from Manu.

6. The Evolution of Kingship in Sri Lanka

We have seen how the Sinhalese had been from earliest times ruled by one individual at a time. There is a view that before Devānampiya Tissa this individual was not a king proper but only a popularly elected leader and kingship proper evolved out of this leadership as a result of the introduction of the Abhisēka ceremony by the Asokan emissaries. Dr. Paranavitāne has come to this conclusion from the presence of two royal titles in ancient Ceylon inscriptions. The first title for consideration was the title of "Gāmini". He says : "In the chronicles this title occurs as a part of the personal name of some of the kings belonging to the pre-Christian and early Christian centuries. According to the Mahāvamsa the first Sinhalese King of whose name Gāmani formed a part was the celebrated Duttha Gamani Abhaya (circa 101 - 77 B.C.) the national hero of the Sinhalese people. The Chronicle gives the reason for the grant of this title to him—

8. Geiger : Culture of Ceylon in Mediaeval Times p. 112.

“Sabbam nimittham disvana tuṭṭha citto Mahīpati
 Datvā Saṃghassa pāyāsaṃ Nāmaṃ puttassa kārayi
 Mahāgāme nāyakattaṃ pitu nāmaṃ ca attano
 Ubho katvāna ekajjhaṃ Gamaṇi Abhaya iti.

When he saw all these omens king glad at heart bestowed rice milk on the brotherhood, and to his son bringing together in one both the lordship over Mahagama and the name of his father he gave the name Gāmani Abhaya.”⁹

Dr. Paranavitane continues to give other instances when the title was used. “Even before him in times which were semi-mythical a Prince called Dīgha Gāmani the father of Pandukābhaya is mentioned in the chronicle. After Duttha Gāmani this title forms part of the names as given in the chronicles of Vattagāmini Abhaya (circa 44 - 17 B.C.), Amada Gāmani Abhaya (circa 79 - 89 A.D.) and Gaja Bahuka Gamaṇi (circa 173 - 195 A.D.).”¹⁰ He says that “Gāmani” was used not as a personal name but as a title and that it was adopted by many more kings than those above mentioned, of whom it occurs as a personal name in the Mahavamsa. Referring to the inscriptions he says: “There are a number of inscriptions which refer to the reigning king by the title Gāmani Abhaya alone without any other particulars which enables us to identify him with any king mentioned in the chronicles. The word “Gāmani” is the name as Sanscrit Grāmani and is found in inscriptions as Gāmani or Gāmini. Grāmani means the leader of the Grāma, the most familiar meaning of which is “village”, but which bear also the connotation of community, multitude, troop, etc. This meaning of the word was quite well known to the author of the Mahavamsa for he explains that Prince Gāmani was so called because he was the lord of Mahagama. On the same reasoning it may be explained that the Anurādhapura princes who had the title or name were so called because they were lords of Anuradhagama.”¹¹ Dr. Paranavitane shows the use of the word in Vedic literature. “It is usually taken to mean the headman of the village but the Gramani in Vedic times seems to have been a more

9. Mhv. 22, 70 and 71.

10. J.R.A.S. 1936.

11. J.R.A.S. (1936) p.

important personage than the village headman is at present in India and presumably had military functions to perform.”¹² Dr. Paranavitane says that in Pali writings *Gāmani* not only means a headman but is also used as the title of the leader of any kind of corporation, political, military, mercantile etc. He asks the question why Ceylon kings used this title side by side with *Rāja Maharāja* and *Devānampiya* and answers the same: “In my opinion the answer is that the title was a legacy of the times when the forbears of the early kings of Ceylon ruled the Island not as Kings but as elected popular leaders of the community (*Gamani*).”¹³

7. **Maparumaka, Mapurumuke or Mapuruma**

He then deals with the other title which first occurs in the 3rd century A.D. and continues till the 9th century A.D. The title is a corruption of *Maha Pramukha* (Sanskrit *Maha-Pramukha*; Pali *Maha Pamuka* or *Maha Pāmokha*). He says that though *Maha Parumukha* itself does not occur in the earliest inscriptions epithet *Parumukha* is found very frequently in them but not as a royal title. He says that the difference in meaning between these two titles is one of degree only, royal title being *Maha* (Great) prefixed to the less pretentious one. He gives the significance of the title *Parumukha*. It is the same as Sanskrit *Pramukha* and the Pali *Pamukha* or *Pamokha*. He says that it is hardly likely that the word *Parumukha* is derived from Tamil *Peru Makan* and if there is any connection between the two words it appears from the fact that the Tamil word itself is derived from Sanskrit *Pramukha*. He continues “The Pali word *Pamukha* is often cited to denote the President of a guild or corporation (*Sreni*) and some of the *Parumukas* met with in early inscriptions might have been the heads of such bodies particularly in view of the fact that the existence in Ceylon of such corporate bodies is attested by Brahmi inscriptions. The Pali word *Pāmokha* is also used to denote the President or leader of a corporation (*Gana pāmokha*).”¹⁴ The *Maha Parumukya* he thinks is the chief of the *Pamokhas* and is the equivalent of the King.

12. J.R.A.S. (1936)

13. J.R.A.S. (1936)

14. J.R.A.S. (1936)

8. Introduction of Abhiseka by Asokan emissaries

Kingship proper in the true Indian tradition evolved when the Abhiseka ceremony was introduced by the Asokan emissaries in the reign of King Devānampiya Tissa : though there were kings from Vijaya's time. Dr. Paranavitane seems to think that they were not properly consecrated although the Mahavamsa speaks of Abhiseka ceremonies earlier, as the author was speaking of ceremonies current in his day. Dr. Paranavitane says that his contention gets support from the Mahavamsa reference to the articles sent by Asoka for the Abhiseka ceremony. The chronicle says :

“Tesam anappake bhoge datvā vāsa gharāni ca
Sahāmaccehi mantento passitva patipābhatam
Vālavijānim unhisam khaggam chattam ca pādukam
Molim vatamsaṃ pamangam bhingāram haricandanam
Adhovimam vatthakotim mahaggham hatthapunchanam
Nagahatam anjanam ca arunabham ca mattikam
Anotattodakajam ca Gangāsālilam eva ca
Sankham ca nandiyavattam vaddhamanam kumārikam
hemabhajana bhandam ca sivikam ca maharaham
haritakam āmalakam mahaggham amatosadham
sukahatānam sālinam Satthivāhasatāni ca
abhisekopakaranam parivaravisesitam

When he had allotted to the (envoys) abundance of all things for their entertainment and dwelling houses he took counsel with his ministers considering (what should be sent as) a return gift : and he took a fan, a diadem, a sword, a parasol, shoes, a turban, ear ornaments, chains, a pitcher, yellow sandalwood, a set of garments that had no need of cleansing, a costly napkin, unguents brought by the Nagas, red coloured earth, water from the lake Anotatta and also water from the Ganges, a (spiral) shell winding in suspicious wise (towards the right), a maiden in the flower of her youth, utensils as golden platters, a costly litter, yellow and emblic myrobalans and precious ambrosial healing herbs, sixty times one hundred wagon loads of mountain rice brought thither by parrots nay all that was needful for consecrating a King.”^{15a}

15a. Mhv. XI 27-32.

We thus see King Tissa consecrated King with this Abhiseka ceremony in the Indian tradition about which Dr. Paranantana says "According to Indian belief it is impossible to think of a King who is not consecrated by the Abhiseka which is necessary before a prince is acknowledged as sovereign. Vedic and Puranic literature give elaborate details of ceremonies which have to be performed as Abhiseka of a King." The King also took the Mauryan title "Devānam Piya".^{15b}

9. Abhiseka Ceremony observed by Sinhalese Kings

Now it is interesting that though the Mahavamsa did not depict the ceremony, its commentary or Tīka also called Vamsatthapakasani gives a detailed account of the ceremony observed. This is of great interest to us as it also shows the composition of castes among the Sinhalese at the time of the introduction of the ceremony. The Vamsatthapakasani (commentary on the Mahavamsa or Mahavamsa Tīka) states :

"Majjhima sangitiya cullasihanada sutta Vannanaya sihalattha kathaya vuttam Katham? Pathamam tava "Abhisekam ganhantanam rajunam Suvannamayadim tini samkahani ca gangodakanca khattiya Kammanca laddhum vattati ti" Vatva rajunam abhiseka Karana vidhi ca vutto. Abhiseka mangalasseva alankata patiya tassa mandapassa antokatassa udumbura sakhmandapassa majjhe Suppatitthapite udumbarabhadda pith ambi abhisekaraham abhijaccam khattiyam nisidapetva pathamam tava mangalabharana bhusita Jatisampanna Khattiyakanna gangoda Kapunham samuddikam dakhinavatta sankhamubhoi hatthehisakkaccam gahetva tassa Sisopari ussapitvatassa muddhani abhisekodakam abhisincati evanca vaditi "deva tam sabbepi khattiya gana attanama rakkha nattham iminaabhisekena abhisekitam maharjam karonti tvam rajadhammesu thito dhammena samena rajjam Kareni etesu Khattiya ganesu tvam puttasokanugatanukampasahita citto ca hitasama mettacitto ca bhava rakkhavarana guttiya tesam rakkhito ca bhavahiti" Tato

15b. The king is called DEVANAMPIYATISSA Mhv. XI- 6, 7. The second consecration is mentioned "Thus on the full moon day of the month VESAKHA the ruler of men in whose name was contained the words 'friend of the gods' held his consecration (as king) in Lanka" Mh. V. XI- 42. Later Kings bore this name E. Z. III 154.

puna puranhito poro hiccattth analankarehi alankatapatiyatto gangodakapunnam rajatama yasam kham ubohi hatthehi sakkaccam gahetva tassa sisopari ussapetvana tassa muddhani abhisekodakam abhisincati evanca vadeti. “Deva tam sabbepe brahmanagana attanamarakkhanattham imina abhisekena abhisekitam maharajam Karonti, tvam rajadhammesu thito dhammena samena rajjam karehi etesu brahmanaganesu tvam putta sokanugatanukampasahitacitto ca hitasamamettacitto ca bhava rakkha varanaguttiya tasam rakkhito ca bhavahiti.

Tato puna setthipi setthitthana bhusito gangodakapunnam ratana maysamkham ubhohi hatthehi sakkaccam gahetva tassa sisopari ussapetvana tassa muddhani abhisekodakam abhisincati evanca vadeti.

Deva tam sabbepe gahapatigana attanamarakkhanattham imina abhisekena abhisekitam maharajam karonti tvam rajadhammesu thatva dhammena Samena rajjam karehi etesu gahapatiganesu tvam puttasokanugatanuk ampasahitacitto ca hitasamamettacitto ca bhava rakkhavaraguttiya tesam rakkhito ca bhavahiti”. Te pana tassa etam vadanta “Sace tvam amhakam vacananurupena rajjam karissasisadhu – na evam tava muddha Sattadha pahalatu’ti” evam ranno abhisapanti Viya dhatthabba.

Imagmim pana kipe devanam piyatissass muddhani dhammasok eneva idha pesita khattiyakumari yena anatattodakapunnena samuddikadakkhina vattasankhena abhisekadakam abhisinci’ti Veditabbam tato pubbe pana idisam abhisekagahanam nama natthi.”¹⁶

Thus it is written in the Sinhalese commentary of that portion of the Majjhimanikhaya known as Cullasihanadasuttavannana. The ceremony of the inauguration of a king is thus described. In the first place he who wishes to be duly inaugurated as king should obtain for this purpose three chanks (golden and otherwise), water from the Ganges river and a maiden of the Kshattriya race. He must himself be ripe for the ceremony (over 16 years of age) and be a Kshattriya of noble lineage and must sit on a splendid Udumbara

16. Vamsatthapakasani edited by G. P. Malalasekera, Vol. I p.305.

(fig tree ficus glomerata) chair well set in the middle of a pavilion made of Udumbara branches which is itself in the interior of a hall gaily decked for the ceremony of Abhiseka. First of all, the Kshatriya maiden of gentle race, clothed in festive attire taking in both her hands a right handed sea chank filled with Gangetic water, and raising it aloft pours the Abhiseka water over his head and says as follows: "Sire by this ceremony of Abhiseka all the people of the Kshatriya race make thee their Maharāja for their protection. Do thou rule over the land in uprightness and imbued with the ten royal virtues. Have thou for the Kshatriya race a heart filled with paternal love and solicitude. Let them (in return) protect and guard and cherish thee." Next the royal chaplain (purohita Brahmin) splendidly attired in a manner befitting his office taking in both his hands a silver chank filled with Gangetic water and raising it aloft pours the abhiseka water over his head and says as follows: Sire by this ceremony of abhiseka all the people of the Brahmin race make thee their Maharāja for their protection. Do thou rule over the land in uprightness and imbued with the ten royal virtues. Have thou for the Brahmin race a heart filled with paternal love and solicitude. Let them (in return) protect and guard and cherish thee.

Next he who holds the office of Setthi (wealthy merchant, the treasurer) attired in a suitable manner taking in both his hands a golden chank filled with Gangetic water and raising it aloft pours the abhiseka water over his head and says as follows: "Sire by this ceremony of abhiseka all the Grahapathi (head of a household) for their protection make thee their Maharājah. Do thou rule over the land in uprightness and imbued with the ten royal virtues. Have thou for the Grahapati a heart filled with paternal love and solicitude. Let them (in return) protect and guard and cherish thee."

Those who address the above form of words pronounce as if they were a curse upon the king as if they should say "It is meet that thou shouldst rule the land in accordance with these our words. Should it not be so mayest thy head split in seven pieces."⁸

In this Island of Lanka be it known that a Kshatriya princess sent by Dhammasōka performed the ceremony of Abhiseka over the head of Dēvanam Piyatissa with a right handed sea chank filled

with water from lake Anotatta (one of the seven great lakes of the Ganges). Previous to this no such ceremony was known (in Lanka).¹⁷

From the above account we can draw the following inferences :

(a) this was a ceremony adopted from the Hindu ceremony of Abhiseka to meet the needs of a Buddhist king who accepted the Mahasammatha tradition of kingship based on a social contract as given in the Aggāna Suttanta (C. M. Fernando says "But there is no reason to suppose that the ceremony was of purely Buddhistic origin. A new religion seldom adopts an entirely fresh ritual. It rather adopts and assimilates the existing ritual so as to suit the new circumstances and in the Abhiseka ceremony one sees but a revised edition of the Vedantic ceremony of the royal inauguration").¹⁸ Dr. Paranavitane in commenting on this ceremony also says "The ceremonies connected with the consecration of a King in ancient Ceylon as detailed in the commentary of the Mahavamsa are based on the same conception and differ considerably from the rituals observed at the Abhiseka and the raja Sūya as they are laid down in detail in the Brahmanas".¹⁹

The difference in the consecration was due to the fact that the Buddhists did not accept the divinity of kingship as the king derived his powers from the people, as observed by a great Buddhist philosopher Ariyadeva (circa 2nd century) who is said to have been the son of a Ceylon ruler who used the following words in addressing a King "What pride should there be for you the servant of the community maintained by 1/6th share (of the produce of the land)".²⁰ The Madhyamaka school of Mahayana of which Ariyadeva was one of the leading protagonists seems thus to have agreed with the Theravada in not accepting the doctrine of the divinity of the king.²¹

17. Translation given in Mr. C. M. Fernando's article "The Inauguration of the King in Ancient Ceylon" at pp. 126 and 127. J.R.A.S. (C.B.), Vol. XIV. (1896).

18. J.R.A.S. (C.B.), Vol. XIV, 1896 at p. 128.

19. J.R.A.S. (C.B.) Centenary Volume, p. 160 in Dr. Paranavitane's article "Sigiri the Abode of a God King."

20. Memoirs of Asiatic Society of Bengal Vol. III 1908 p. 461.

21. But by the 10th century the King it appears acquired a divinity with a Buddhist flavour a Bodhisatta (aspirant Buddha).

(b) The caste structure of the Sinhalese and the relative position of castes are shown in this ceremony. The Buddhist concept of Kshattriyas being the first caste relegating Brahmans to second place is shown in the abhiseka being formed first by the Kshattriya maiden before the Purohita Brahmin.

(c) The broad based obligations on the part of the king and the three castes whose representatives participate in the ceremony, show the contractual basis of kingship.

10. Observance of the Ceremony after Devanampiya Tissa

This ceremony was continued down the ages as references to the Abhiseka ceremonies in both the Chronicles and in the inscriptions show. The Kings continued to take names on the Abhiseka as King Tissa has done. The Culavamsa refers to Vijayabahu's consecration "Abhisekamangal attham" pāsadam anekakam

Kiccam sampādaniyam ti sacivam samniyojīya
Vandaniye bhivandante padese nekake tahim
Netva masattayam ganchi Pulatthi nagaram puna

Since for the festival of the royal consecration a pasada (building) and many other things had to be prepared he (likewise) charged one of his followers with this and after he had there done reverence to various places deserving of honour he returned after a sojourn of three months to Pulatthinagara²²

The celebrations in the city of the Second consecration of Parakkama Bāhu I is described in the Culavamsa.²³

In course of time some more ceremonies seem to have been added as for example the coronation, as in subsequent accounts the wearing of a crown is spoken of. In the inscriptions Sinhalese kings and queens were very particular to mention that they had observed Abhiseka ceremonies. Ignoring entirely the ceremony described in the Vamsatthapakasani Dr. H. W. Thambiah tries to show that the Sinhalese kings followed a South Indian model of consecration. Dr. Thambiah says "The Vijayan legend (see 1957 J.R.A.S. (C.B.) Vol. VI New Series. The Mahabharata legend in the

22. Cv. 59 2 and 3.

23. Cv. 72-312-328.

Mahavamsa p. 81 by G. C. Mendis) so graphically described in the Mahavamsa contains an important historical fact viz that bands of immigrants of an unknown provenance sought the hands of the maidens of the Pandyan kingdom. Hence from the beginning the Sinhalese people at least those in aristocratic circles freely mingled with the elite of South India. It is natural in such a situation to adopt or at least imitate the polity constitution and administrative arrangements, which existed in South Indian kingdoms."²⁴

We wish to state that the Mahavamsa merely states that Vijaya and his ministers sought brides from the Pandyan king and his nobility, who were said to be Aryans. There is of course nothing in the Mahavamsa to show that the Sinhalese adopted or imitated the polity constitution or administration arrangements which existed in South Indian kingdoms. This is pure conjecture on Dr. Tambiah's part without any foundation whatsoever. The Sinhalese have however brought from their homelands the concept of kingship as we have mentioned earlier. They also brought from their homelands other Aryan institutions, which we shall discuss later. Mauryan institutions which came to Sri Lanka will also be considered.

In speaking of the consecration itself Dr. Tambiah says "In course of time a rite of consecrating the King on the South Indian model was introduced at Anuradhapura. This ceremony was of course Hindu custom. A Purohita Brahmin officiated."²⁵ We have shown the views of both C. M. Fernando and Dr. Paranavitane on the Abhiseka ceremony introduced by the Asokan emissaries from North India. This part of the Mahavamsa which describes the articles sent therefor would have been obtained from records kept in the monasteries on events that occurred with the introduction of Buddhism. The Vamsatthapakasani written a few centuries after the Mahavamsa would have taken the account of the ceremony from records kept in monasteries. Therefore the account of the Abhiseka ceremony is reliable and is authentic. There was therefore no need to introduce a model from South India which was entirely Hindu, as a ceremony devised for a Buddhist king had already been in use from the 3rd century B.C. Both Nila Kanta Sastri (in his work on the Cōlas) and T. V. Mahalingam²⁶ have

24. J.R.A.S.(C.B.) 1963, p. 294.

25. J.R.A.S. (C.B.) (1963) at p. 295.

26. South Indian Polity, pp. 40, 41 and 42.

described the Abhiseka ceremony of Cola kings wherein the Purohita Brahmin played the chief part with ministers too participating. As we have said earlier a pure Hindu ceremony, with rituals and perhaps potential sacrifices, would be meaningless to a Buddhist Sovereign who was the Protector of the Theravāda Buddhist faith.

We see in actual practice that while Sinhalese Buddhists both the King and the people accepted some Hindu practices, customs and laws suitable for lay life they did not accept belief in and dependence on God and rituals and sacrifices to him for salvation from rebirth and attainment of Nibbana. Even some of the gods were accepted as Buddhist deities who being subordinate ministered unto the Buddha.

11. Observance of the Abhiseka ceremony in the Kandyan Court

That the ceremony observed by King Devanampiya Tissa was observed in the eighteenth century in the Kandyan court is attested by the answer given to the Dutch Governor Falck in 1769 by some of the best informed Kandyan priests when the Governor questioned them on the ceremonies observed in the coronation of Kings of Kandy. According to that answer the ceremony was conducted in a Mandapa (pavilion) within which was another Mandapa made of Udumbara or Attika wood. The King, wearing all the insignia of office, was seated on a seat made of the same wood emplaced inside the inner Mandape. The royal virgin, the Purohita Brahmin and the Vaisya (Setthi) took part in that order.²⁷

Dr. John Davy discusses in detail the manner of electing a successor to a dead monarch in Kandyan times from information he gathered when he went to Kandy in August 1816 after the deposition of the last King. He describes only the attendance of the successor at the Dalada Maligawa for the worship of the Tooth Relic and the Attendance at the Natha and Visnudewales²⁸ for the assumption of the name and for putting on the sword. Nevertheless it would appear that the Abhiseka ceremony was also observed in the Kandyan Court.

27. see Bertolacci : View of Ceylon (London 1817), Appendix A, pp. 454 and 455.

28. Both Nata and Visnu were considered Buddhist deities and protectors of Buddhism.

CHAPTER V

THE POSITION AND THE POWERS OF THE KING IN SRI LANKA

1. King essential in Sri Lanka

The Hindu legal concept which the Sinhalese immigrants brought to Sri Lanka from their home in India that a king whether he was called Maharāja, rāja Gāmani or Mapurumake was essential in a State finds expression in the Mahavamsa and in the inscriptions. In describing the interval between the demise of Vijaya and the arrival of his successor Panduvāsudeva the Mahavamsa says :

“Tasmin mate amaccā te pekkhanta Khattiyāgamaṃ
Upatissagāme thatvāna rajjaṃ samanūsāsisaṃ.
Mate Vijayarājamhi Khattiyāgamanā purā
ekaṃ vassaṃ ayaṃ Lanka dīpo āsī arājiko”.

“When he was dead the ministers ruled dwelling in Upatissagama while they awaited the coming of the prince. After the death of King Vijaya and before the coming of the Prince was our Island of Lanka kingless for a year”.¹

When kingship² and other institutions had got established among the Sinhalese the absence of King was looked upon with horror as in India. We find a king of the Kālinga dynasty for example emphasising the necessity of having a King, in the process of asserting the claim of the Kalinga princes to the throne of Sri Lanka. This Kalinga dynasty King of Sri Lanka, Nissanka Malla has given expression to this concept, both for the purpose of maintaining law and order as well as for furthering his dynasty's claim to the throne of Sri Lanka, in his famous Galpota rock

1. Mh. V. 8-4 and 5.

2. As a matter of fact Mahavamsa means great dynasty of kings and Culavamsa lesser dynasty.

inſcription. King Niſſanka's political ideologies and concept of kingship are mentioned therein. In the course of a long inſcription the king ſays :

“raja daruvan manunya rūpayen ſitiyada nara devatā heyin
 deviyan sē dākka yutuya ;
 rajun lābim budun lābim se (sālakiya yutuya), raja daruvo
 varadaṭa sudusu nigraha karannāhu sarīrayehi rogayakāṭa
 vedahu karana pīliyamak sē
 hita ſitin kara (nnāha) aka
 ṭa yutten vālekā
 apayehi nohiya dennāha. Kāṭa
 yuttehi yodā saga mokda genā dennāha
 rajun hingi (no rakka mi (niſ loni)
 ra se veyi ingi rakka devu lo
 Se veyi raja daruvanta ganna ā
 duk ſuvayata vapurana bijuvataya
 e eta.bala
 tenna e e nugunnayen duruviya
 yūtuya lada ſampat raknavu
 Kulācara rakka yutuya pi
 (Uk) dandu se paksa pata rasa
 vahiya yutuya tanaturen
 piriḥunada natiyen gilihunu phala se
 raja daruvanta.pavat neya.”

“Though kings appear in human form they are human divinities (Nara Devatha) and must therefore be regarded as gods.

The appearance of an impartial king should be welcomed as the appearance of the Buddha. When kings inflict punishment commensurate with the offence (committed) they do so with good intentions just as a physician applies a remedy for a bodily ailment. They restrain the subjects from evil and thus save them from falling into hell. They lead them to do good thereby securing for them the (bliss of) heaven a release from rebirth (moksa). If the wishes of kings were not observed the human world would be like hell ; but if the wishes were respected it would be like heaven. The trouble which one undergoes on behalf of kings is (like unto) the sowing of the seed of happiness. One must examine each and keep oneself aloof from all (such) evil ways.

He who takes care of the wealth he has acquired should observe the duties incumbent on his family like sugar cane (crushed in the press) one should pour out sweetness of loyalty. Though one has fallen from office one should be loyal to kings like a fruit fallen from the peduncle.”³

King Nissanka Malla is citing a principle of Hindu Law given in the Institutes of Manu when he compares the King to a god in human form (Nara Devatha).

We see that by the 12th century when this inscription was written some principles of Manu Law had come into the Sinhalese legal system. In the course of his legal and political discourse even an example is cited from the Ramayana. He goes on quoting a maxim :

“Rajayange daru apa mahapa(va)n
 bāla vuvada lokasvami heyin raja
 yata balagena Kula sirit da.
Katayutu (ovu) nudu nāta (hot)
 biso varunge ajnayehi pavata
 raksa katyutu unudu nāta
 Maha rajun paya hi vahan
 matrayakudu raja ten hi taba
 rajya rakkayutu.sa.(ka)
 visa one sek kapruk pihiti tana
 Visa ruk hinduvannase Kalinga
 Vamsayata himi Lakdiva Buddha
 Sasanayata pratipaksa abauddha Coda
 Pandyadi rajun no pihiti viya yutteya
 Vijaya raja kumarayan kere patan
 Lakdiv himi Kalinga vamsayehi rajadaruvantaya
 Soya gena (t) vinam un svami kota
 losasun raksa karanu acarayi.”

“In accordance with the maxim.they should elect for kingship the sons of kings (namely the princes holding the office of) Apa Mahapa even though they be minors for they are the lords of the world and they should maintain family custom.If

3. E. Z. II P. 109

there are no princes they should maintain the kingdom by submitting themselves to the sway of queens. If there are no queens also they should place in the position of a king even a slipper worn on the feet of a great king, and protect the kingdom. Just as pouring poison or planting poisonous trees where wish-conferring trees stood people should not establish in the island of Lanka which belongs to the Kalinga dynasty non-Buddhistic Kings of Cola Pandyan countries who are inimical to the religion of the Buddha. Since the time of Vijaya it is to the princes of Kalinga dynasty that the Island of Lanka belonged".⁴⁵⁰

2. Early Sinhalese Kings – Hindus

The Sinhalese Kings from Vijaya to Devanampiya Tissa and the majority of the people were of the Hindu faith which they brought over from India. The Kings belonged to the Khattiya caste, the Pali form of the Sanscrit term Kshatriya (not a corruption of it as Dr. Thambiah would say).⁵ Other religions like Jainism and Buddhism too would have had their adherents. There were Hindu shrines and Jaina temples in Anuradhapura during Pandukabhaya's reign. It is also quite probable that the Kshatriyas of Kajaragame who were prominent invitees to the festival of the Bo tree were descendants of Sinhalese settlers in the South of Sri Lanka and that they or their ancestors built the Hindu shrine at Kataragama in honour of God Skanda. King Tissa's father had a Hindu name Mutasiva. There were a number of people having Nakshatra names (astrological names after stars or constellations) like Tissa (Sanskrit Tisya) Anurādhā etc. The festivals and the pleasures of the chase which King Tissa indulged in indicate Kshatriya activities of Hindu royalty, Brahmins employed as Purohita like Upatissa under Vijaya, Canda under Pandukabhaya also indicate the Hindu faith of the rulers. Mahavamsa even mentions a Brahmin with knowledge of the Vedas when it says :-

“Pandula brāhmano nama bhogavā Vedapārāgo
dakkhiṇasmim̐ diśābhāge vasi Paṇḍula gāmake.”

4. E.Z. II p.111

5. J.R.A.S. (C.B.) Vol. VIII Part 2 (New Series) 1963 P. 294.

“The Brahmin named Pandula
A rich man and learned in the Vedas
Dwelt in the Southern district
In (the village) Pandulagāma.”⁶

That the four Vannas (castes) existed among the Sinhalese is shown by various references in the chronicles which we shall consider later on.

3. **Buddhism as the State religion and the King the Protector of the Loka and Sasana (People and the Buddhist Church)**

With the formal introduction of Buddhism by Mahinda and the establishment of the Sangha in Sri Lanka, Buddhism became the predominant religion of Sri Lanka. On King Tissa becoming a Buddhist with his household he established Buddhism as the State religion in Sri Lanka in the same way as Asoka had done in his empire. Then the idea developed that the Sinhalese King being a Buddhist should be considered as the protector of the Lōka and the Sāsana (the people and the Theravada Buddhist church). It is quite probable that the Hindu legal idea that the King was the protector of the castes developed into the concept that the King being buddhist should be considered the protector of the people and the Buddhist Church. The King became a sort of Defender of the faith standing in a special relation to the Buddhist Church as its chief lay patron. We find the chronicles always emphasizing the King's position vis-à-vis the Church. The special concern of the Sinhalese King for the Buddhist religion as its protector finds expression in the chronicles. King Dutugemunu who waged wars against Elāra to recover the Anuradhapura kingdom stated at a certain stage of his campaign :-

“rajjasukhāya vāyāmo nāyam mama Sadāpi ca
Sambuddhasāsanasseva thapanāya ayaṃ mama”

“Not for the joy of sovereignty is this toil of mine
my striving (has been) ever to establish the doctrine of the
Sambuddha”.⁷

6. Mh.V. 10-20

7. Mh.V. 25-17

Thus the idea developed that a non Buddhist had no right to the Sinhalese throne and in course of time with the advent of Māhāyāna ideas the King was considered a Bōdhisatva (one who is aspiring to be a Buddha). Thus King Buddhādāsa the famous physician king is described in the Culavamsa—

“Cariyaṃ bodhisattānaṃ dassento Sakkhi pāṇinaṃ
Pitā va putte so satte anukampittha bhūpati”

“The Ruler lived openly before the people the life that bodhi-sattas lead and had pity for (all) beings as a father (has pity for) his children.”⁸

The Bodhisatva ideal of Kingship is also expressed in the Jetavanarama Slab inscription of King Mahinda IV which says —
“that none but the Bodhi Satvas would become Kings of Sri Lanka.”⁹

We have seen King Nissanka Malla's statement that non Buddhist Kings (Cōlas-Tamils) should not be made Kings of Sri Lanka. The King had to protect his people and the Buddhist Church both from external as well as from internal enemies. A solemn statement made by King Parakrama Bāhu II and given in the Culavamsa shows the extent of protection from external enemies, as well as the reason for having a Buddhist King in Sri Lanka. In the course of his long solemn declaration “Saccakriyamakā” the King says (*inter alia*) after stating the visit of the Buddha to Sri Lanka,

“Tasma Kuditthirājūnaṃ vase Lankā na titthati
Sammāditthika rajūnaṃ vase Sammā pavattati”

“Therefore it is that Lanka is not under the power of Kings of a false faith but under the power of Kings of the true faith it flourishes in the right manner.”¹⁰

Then the king enumerates the earlier King's efforts to drive the Tamils out in order to protect the laity and the Order and that he would do likewise.

8. C.V. Part I 37-109

9. E.Z. I pp. 234,237.

10. C.V. Part II 82-19.

The King's protection of the Order from internal enemies was by causing regulative acts to be issued in the form of Dhammakamma for the purification of the Sangha as we shall see in the sphere of ecclesiastical law.

4. Some incidents of Kingship derived from Hindu sources

The seven elements of sovereignty outlined in Kautilya's Arthasastra Book VI Chapter 1 as (Sapta) prakrtayah namely Svamyamatya Janapada durga Kosa danda mitrani (The King, the Minister, the country, the fort, the treasury, the army and the friend)¹¹ find a place in the Sinhalese conception of sovereignty in the Polonnaruwa period. In Buddhist books the seven elements have been expressed as Satta rajjanganani in Pali and it is in this fashion that they came to Sri Lanka. The Culavamsa in describing the government of King Vijayabahu IV says –

“Samyamacca sakhādisu rajjanges vesu sattu
Mittangayoggo Vissāsī Sammantana Visarādo
Āpadāsu Sahāyo ca saccavādi piyam Karo
Ko vedāni mam atthi ? ti vimamsi tam puna punam
Vīrabāhādipādo Kho pandito gunamandito
Pitucchātanayo atthi sabba Kiccesu kovido”

“Who is there now fitted to be the element “friend” among the seven elements of government as ruler, minister, friend and the like, trustworthy a clever counsellor, a comrade in misfortune who speaks the truth who is good to me ? And he realised : ‘There is the Adipada Virabahu, the son of my father's sister, well bred, adorned with virtues, skilled in all tasks’¹².

Vijayabāhu thereupon made Vīrabāhu his devoted friend.

The King also possessed the Trivida Sakti of an Indian King. This is expressed as “Rajantu Saktayastisrah Prabhavotsana Mantrayah. King's trivida sakti are (a) Prabhava majesty or

11. Kautilya's Arthasastra Shama Sartry's translation p.319.

12. CV. Part II 88-3-5.

prominence acquired by wealth and punishment of wrong doers, (b) Utsaha the force of energy acquired by prowess, (c) Mantra the power of good counsel as used in declaring peace, war etc.

The concepts of Yuvaraja and Uparaja too came from Hindu sources. The heir to the throne had the title of Yuvaraja while the next in rank was the Uparaja.

Sinhalese kings underwent an educational course to fit them for kingship, to look after the people and Buddhism. We find them before the advent of Buddhism going to Brahmins who taught them statecraft and law. After Buddhism they were taught by Buddhist priests and perhaps by Brahmins too on various aspects of Polity and Statecraft. They had to adhere to Pubba Carittam ancient customs or Pera Sirit which constituted constitutional law as well as private law. In the Polonnaruwa period we find the Kings being skilled in Manu law, (which they observed), as the Culavamsa mentions. Of Parakkamabahu II it is said –

“Atha so parasattuhi cirakālappamosite
Kulappavenikayatte gāmakkhetta ghāra dayo
Tesam tesam tu Sāminam yathā pubbam mahīpati
Vavattha petva dāpesi Manunitivīsārado.”

“Thereupon the ruler versed in the ordinances of Manu caused to be determined to what families the villages, fields, houses and so forth long since seized by the alien foe belonged by heredity and had them returned to their aforesaid owners as before.”¹³

Speaking of the King's education Prof. Geiger says “But the King must also know the precepts of political wisdom, niti, naya. If he masters them he is worthy to be called “Nayannu”¹⁴ a clever statesman and will reign according to the rules of statecraft: Yatha Mayam,¹⁵ and without transgressing the precepts laid down for monarchs.¹⁶ Nīti literature was included in princes' education.” He further mentions that Manu was recognized as the highest authority. It was said of King Vijayabahu II –

13. CV. Part II 84-1 and 2.

14. CV. Part I 48-80.

15. CV. Part I 48-76.

16. CV. Part II 90-56.

**“Manunitikkamam kimci Avokkamma Mahipati
Catussamgaha Vatthuhi Samptappesi Mahajanam.”**

“As the Ruler departed not from any Precept of the political teaching of Manu he rejoiced the people through the four heart-winning qualities.”¹⁷

We have seen how Parakkamabahu II was called Manuniti Visarado, “versed in the Ordinances of Manu.”

5. Succession in Kingship

Succession in Kingship in Sri Lanka was regulated by customary law and we find Kings being succeeded by their sons and sometimes by brothers. In the Anuradhapura and early Polonnaruwa periods patrilineal succession was the rule. In the Polonnaruwa period at a certain stage matrilineal succession came in when Parakkamabāhu I came on the throne. Thereafter we see patrilineal descent coming in succession to Kingship. Prof. Geiger states the law of succession as it prevailed in ancient and medieval times thus : “In Ceylon the succession was in the paternal line with the peculiar rule that first the whole generation must have died out before the next generation came to the throne. When a King who had brothers died not his sons but the younger brothers succeeded him one by one according to age. Only when the last of them had died the eldest son of the eldest brother of the preceding generation ascended the throne.”¹⁸ Where there were no brothers the eldest son or any other son succeeded the father. Prof. Geiger disagrees with Dr. M. B. Ariyapala when the latter says that there was primogeniture in the succession to Kingship in Sri Lanka. On this matter there is a question asked by dutch Governor Falck and and answer given by the Kandyan priests in 1769.

Q : “Is there any law permitting the younger children to succeed to the throne in preference to the elder ?

A : The succession is not regulated according to seniority ; but that prince is appointed to the sovereignty who is most eminent for wisdom, virtue and a good disposition. The

17. CV. Part II 80-9.

18. Geiger : Culture of Ceylon in Medieval Times p. 132.

- second son of Mutasiva (who reigned over Lakdiwa in the City of Anuradpoor) in consequence of his having been adorned with these amiable qualities obtained the sovereignty even during the lifetime of his elder brother ; as is shown in the book entitled Raja Ratnakare”¹⁹

In any case the successor had to be approved by the people, the nobility and the clergy in ancient as well as in Kandyan times. The Culavamsa describes the lawful succession of Vijabahu I's brother on Vijayabahu's death although Vijayabahu had a son alive at that time.

“Tadā ranno'nujā Mittā tassā puttā tayo pi ca
Mahā maccā ca yatayo tathāyatana vāsino,
Sabbe te ādipādassa Rohaṇe vasato Sato
Anā rocāpayitvāna Bhūpālamata sāsanaṃ
Sambhūya mantayitvāna samānacchandataṃ gatā
Adaṃsu yuvarājassa Lankā rajjābhisecanaṃ.”

“Thereupon Mitta the younger sister of the King her three sons 'the highest dignitaries and the ascetics dwelling in the district met together and without sending news of the monarch's death to the Adipāda (Vikkamabāhu) dwelling in Rohana they took counsel together and when they had become of one mind they bestowed the consecration as King of Lanka on the Yuvaraja (Jayabāhu)”²⁰

The Culavamsa also points out that a person who seized the throne without consent of the people and dignitaries could not last long as King. Thus it says :

“Tato Mahindanāṃ eko kulingo mitta dubhiko
Laddhā sahayikam gopa dhītaram Dīpanivhayam
Ghātetva tam mahīpālam duppayogena dummati
Senāpatīnam yodhānam Kuddhānam ratthavāsinam
Amaccānam pi Sabbesam alabhanto va sammatim
Atidukkkena pañcāham Lankarajjam akārayi”

“Now after a traitor Mahinda by name of the Kalinga clan who had won as his spouse a cowherd's daughter Dipani by name had treacherously slain the Monarch (he) the deluded one without

19. Bertolacci View of Ceylon 1817 (London) Appendix A p. 454.

20. CV. Part I 61-1-3.

gaining the consent of the generals of the warriors of the indignant inhabitants of the country and of the whole of the dignitaries carried on in most evil fashion the government in Lanka for five days.”²¹

The succession as it had developed in Kandyan times is thus given by Codrington :

“Where the succession was doubtful the selection of the new monarch in practice lay with the principal ministers and their choice was formally ratified by the people but normally son followed the father on the throne.”²²

Dr. John Davy has described in detail the manner of selecting the successor to a dead king and the ceremonies connected therewith in Kandyan times. The election by popular consent is shown when he says :

“On the death of a king the ministers having issued a report that his majesty was ill they assembled to deliberate respecting his successor and to send orders for the principal people of the Ratties who were entitled to be consulted on the election of a new monarch to appear at Kandy.”²³

Dr. Davy goes on to give the election in detail. In the Kandyan Kingdom, which was the last Sinhalese Kingdom, the election became an important feature due to the fact that three Nayakkar kings left no issue at all. Before 1739 there was not much difficulty as the Kings left issue. If we look at the succession in kingship from the time that the Kandyan Kingdom came into prominence, towards the end of the 16th century, we find that King Wimala Dharma Surya I was succeeded in 1604 by his half brother Senarat whom Wimala Dharma selected as his son was quite young. Then Senarat was succeeded in 1635 by his son Rajasingha II, who was succeeded by his son Wimala Dharma Surya II in 1687. The last Sinhalese King Narendra Sinha succeeded his father Wimala Dharma Surya II. When the Nayakkars ruled the country from 1739 onwards none of them left issue and each King was succeeded by a close relation selected by the ministers and the people.

21. CV. Part II 80-15-17.

22. Codrington : A Short History of Ceylon p.179.

23. Dr. John Davy : An Account of the Interior of Ceylon (London 1821) pp. 158-164.

6. Powers of the King

The King was at the head of the administration and government in Sri Lanka. He was the chief executive as well as the chief judicial officer, sometimes hearing cases in person in the first instance or in appeal. (pp 242, 243) He issued legislative acts with the advice of a council. (P281)^{24a} These were engraved on stone slabs or pillars in the fashion of Asoka's rock edicts and set up in prominent places. Some of these rock edicts have provided very valuable information. Though the King's powers were said to be absolute we find certain practical limitations in them as from ancient times. Very often Kings who departed from established custom *pubba carittam* or *pera sirit* and other rules derived from Buddhist principles which a King had to follow, found themselves opposed by the nobility and the people and even lost their thrones. The chronicles refer to these Buddhist principles sometimes when they refer to King's reigns. Ideal Kings were those who followed these Buddhist principles.

7. Dasaraja Dharma, Satara Agati and Satara Sangraha Wastoo

The above represent the Buddhist principles mentioned earlier. In describing an ideal King *Buddhadāsa*, The renowned Physician king of the fourth century A.D., the *Culavaṃsa* says :

“*Buddhadāso tato tassa puttoāsi mahīpati
Gunānam ākaro Sabbaratanānaṃ Va sāgaro.
Sukhaṃ Sabbappayogehi karonto dīpavasiṇaṃ
Rakkhaṃ Ālaka maṇḍaṃ va puraṃ Vessavano dhanī
Pañña puñña gunūpeto Visuddhakarūṇālayo
Tatha dasahi rājūnaṃ dhammehi samupāgato
Catasso agatī hitvā kārayanto vinicchayaṃ
Janaṃ Saṃgahavatthūhi saṃgahesi catuḥi pi.”*

“Thereupon his son *Buddhadāsa* became king, a mine of virtues as the sea (is such) of all jewels, creating happiness by every means for the inhabitants of the island protecting the town as the

24. The phrase “*Ektam Samiyen Vadalayen*” all have come together and issued the order” devotes King in Council EZ 1 33, 34 ; EZ 1 206 ; EZ I 180 ; EZ V 21-24 p279. *Vajala ektam sumiyenāraj sabhaye*” Tran. p281” All these lords who sit in the royal council etc.

wealthy Vessavana protects the town of Alakamanda, gifted with wisdom and virtue a refuge of pure pity and endowed with the ten qualities of Kings while avoiding the four wrong paths, practising justice he won over his subjects by the four heart-winning qualities.^{24b}

With regard to the observance of the Dasarajadharma or ten royal qualities by Kings, there are references in the inscriptions as well as in the chronicles. The Dasarajadharma as given in Buddhist books²⁵ are "dāna", "giving of alms", Sila, "leading a moral life", pariccāga "liberality", ajjava, "fair dealing", maddava "gentleness", tapas, "self discipline", Akkodha, "without wrath", avihimsa "not wounding", khanti "patience", avirodhana "peaceableness". The four wrong paths Satara Agati which Kings had to avoid are Chandā "desire", doṣa "hate", Bhaya "fear" and Mohā "illusion". It is said in the Digha Nikaya XXXI.4. p.182 about the four wrong paths

"Chandā dōsā bhayā mōhā yō dhammaṃ nātivattati
Vaḍḍhatī tassa yasō sukkha-pakkhēva candimā"

Dr. M. B. Ariyapāla cites the above passage and says "The Kings were expected to refrain from wrongful conduct caused by any of the four Chandā (desire), dōsā (malice), bhayā (fear) and Mōhā (delusion) for it is stated that the glory of those who do not transgress the path of righteousness grows like the waxing moon".²⁶

The four heart winning qualities mentioned in the passage from the Culavamsa would be the Cattāri Samgahavatthuni. They are dāna, the giving of alms, liberality; peyyavajja, the friendly, winning speech; atthacariyā, beneficent action; samātmata, sociability.

As the chronicles and inscriptions often refer to Kings practising the Dasa Raja Dhamma observing the four heart winning qualities and avoiding the four wrong paths, we can infer that these

24b. CV. Part I 37-105-108.

25. M. and W. Geiger : Pali Dhamma p. 17.

26. Dr. M. B. Ariyapala : Society in Mediaeval Ceylon, p.50.

Buddhist principles prevailed in various periods of Sinhalese history. Dr. Davy describes the powers of the King in Kandyan times when he says "The rights and functions of the King were of the highest and most extensive nature ; he was the acknowledged lord of the soil ; he alone taxed the people and determined the services they were to perform ; all offices of government were at his disposal and all honours as well as power emanated from him and were enjoyed only during his pleasure. Notwithstanding this sway he was not perfectly absolute and without check. On ascending the throne he had to consider himself under certain restrictions ; he was expected to follow the example of good princes ; observe the customs of the country and attend to the written rules handed down for the direction of Kings. Of these rules the following are the principal : they are translated from the Pali in which they are expressed in verse."²⁷ He goes on to mention individually the Sattara Sangraha Wastoo, Sattara Agati and Dasa Raja dhamma and says "Should a king act directly contrary to these rules contrary to the example of good princes and in opposition to the customs of the country he would be reckoned a tyrant and the people would consider themselves justified in opposing him and in rising in mass and dethroning him ; nor are there wanting instances²⁸ in extreme cases of oppression of their acting on this principle and successfully redressing their wrongs."²⁹

Henry Marshall who visited the last King of Kandy professionally gives his opinion about the King's powers thus :-

"The King although an unlimited monarch and apparently invested with power and dignity in reality possessed few or none of the advantages which bestow on monarchs their grandeur and influence. He was properly speaking only a chief whose dignity and rank were sanctioned by other chiefs and sustained by their attachment and authority. His money revenues were extremely limited and having no official standing army he had little independent power."³⁰ But Sir John D'Oyly thought otherwise.

27. Dr. John Davy : An Account of the Interior of Ceylon, p.141.

28. The Chronicles mention such instances.

29. Dr. John Davy : An Account of the Interior of Ceylon,p.143.

30. Henry Marshall : Ceylon (London 1866)p.36.

D'Oyly says "The Power of the King is supreme and absolute. The Ministers advise cannot control his will. The King makes Peace and War, enacts Ordinances and has the sole Power of Life and Death. He sometimes exercises Judicial Authority in civil and criminal cases either in original Jurisdiction or in appeal. The Acts of his government are presumed to be guided by the Institutions and Customs of His Kingdom. Before innovations of importance are carried into effect it is customary to consult the principal Chiefs and frequently principal Priests and when other matters of public moment are in agitation the same persons are usually called to his Councils."³¹ Sir Archibald Lawrie comments on D'Oyly's statement : "I know of no ordinance enacted. But the King made orders affecting a number of people." He cites from the Revenue Commissioner's Diary (17th August 1819) that a most positive Order existed that no marriage could take place in the families of the chiefs without the King's permission being first had.³²

Sir Ivor Jennings was of the opinion that the King's powers were limited. He notes "Phrases like 'supreme and absolute' as used by D'Oyly are dangerous because they confuse legal authority with actual power. They result in Hayley's calling the King 'An absolute monarch whose powers is legally unlimited but to some extent controlled by a council of ministers.' It is clear from the authorities that the King's power was not legally unlimited. As in all feudal systems, his powers were determined by custom or law. The whole social system from the monarchy to the slaves was regulated by customs which the British authorities tried to collect and express after 1815."³³

We are inclined to think that the King's powers were limited at all times by the force not only of the earlier described Buddhist principles but also by the customary law called Pera Sirit (former customs) which have come down from time immemorial. The Kings have to follow what earlier Kings had done. We have an instance when, for example, the King who violated the right of sanctuary of the priesthood in the Tapovana met with opposition and was forced

31. Sir John D'Oyly : A Sketch of the Constitution of the Kandyan Kingdom, p. 1.

32. Sir Archibald Lawrie : Kandyan Law and History (5 volumes of his proposed work) C.R.O. Library, London: Vol. V.

33. University of Ceylon Review, Vol. V 1952, p. 197.

to beg for pardon. It would appear that the excesses perpetrated by the last King caused Sir John D'Oyly to think that the King had absolute power. Judging by subsequent events we know that he paid the penalty in that he thereby alienated all classes of his subjects from him and that he had no one in his hour of need when the people voluntarily surrendered the Kingdom to the British.

8. Stratagems used in the Administration of the Kingdom

In the exercise of the royal power in the rule of the country the Kings used the well known stratagems of statecraft known to Hindu Law. The chronicles and the Sandēsa poems often refer to these Caturō upaya of the Niti literature of the Hindus. In describing Vijayabahu's efforts to drive out the Cōlas the Culavamsa says :

“Yuve rāja pade tassa t̄hitassātha nayaññuno
 Ahu Vijayabāhū ti nāmaṃ sabhattha pākaṭaṃ.
 Mahānāno nijāṇāya tattha bherim carāpiya
 T̄hapento Sacive 'neke patirūpe padantare
 Colānaṃ maddanatthāya Rajarat̄thā dhivāsinaṃ
 Caturō'pāye Yodhānaṃ yojayam tattha so vasi

“The name Vijayabāhu of the prince wise in statecraft who now found himself in the position of Yuvaraja was known everywhere. Gifted with abundant knowledge he had the drums beaten for his entering on the government and placing numbers of his followers in befitting positions and applying the four methods of warriors for the destruction of the Colas who were ravaging Rājarat̄na, he took up his abode there (in Rohana).”³⁴

The four methods mentioned are the well known stratagems mentioned in the Mahābhārata, the Amarakosa, Yājñavalkyasmṛti, Kautilya's Arthasāstra and Manu. In Kautilya's Arthasāstra Book 2 Chapter 10 47 the stratagems are mentioned : “Upāyāh Samopapradāna-bhēd-dandah”. In Shama Sastry's translation of the Arthasāstra their English equivalents are given thus : “Negotiation, bribery, causing dissension and open attack are

34. CV. Part I 58-1-3

forms of strategem (Upāya)". "Negotiation is of five kinds"³⁵ These are described. The other stratagems are defined thus: "Offering money is bribery, (Upapradāna). Causing fears and suspicion as well as threatening is known as sowing dissension.³⁶ Killing, harassing and plundering amount to attack, (danda)."³⁷

In the Ordinances of Manu Book VII it is laid down "Of the four expedients conciliation and the like the learned ever praise conciliation³⁸ and force to the increase of a kingdom"

In Buddhist works the Caturo Upāya are "Sama", friendly negotiating treaty, "Danani", gifts, bribes, "bheda division" (of the enemy), and "danda", open war, offensive. The references in Sinhalese literary works to these four means of success Caturo Upāya (or Siv Upā in Sinhalese) tend to show that the Sinhalese Kings utilised them in their administration of the country as matters of wise policy and statesmanship (Upā Nāna).

35. Kautilya's Arthasastra Shama Sastry's translation p.84.

36. "Bheda" is tantamount to a modern "divide and rule" policy.

37. Kautilya's Arthasastra, Shama Sastry's translation p.85.

38. Burnell's translation of the Ordinances of Manu p.161 gives the like as meaning liberality (bribery), dissension and force.

CHAPTER VI

THE ORIGINS AND DEVELOPMENT OF THE ADMINISTRATION OF JUSTICE

PART 1

The Origins

As the growth of the administration of justice in the Sinhalese kingdom has been from ancient times inextricably bound up with the development of customary laws, a discussion on the origins and development of judicial institutions and processes is a relevant matter in an inquiry into the growth of the laws themselves. The origins and development of administration of justice from ancient times up to recent times will be considered in relation to the agencies which carried on such administration during the period in question.

The Beginnings of Administration of Justice

We can state fundamentally that administration of justice in Sri Lanka had its beginnings in the functions of three groups or agencies which have existed in Sinhalese society from ancient times. These groups or agencies were (a) the King, (b) the King's Ministers and officials acting under his name and authority, (c) village communities or local authorities and the like and also guilds or corporations of clans and castes. The chronicles, inscriptions and Sinhalese literary works attest to the fact that these agencies carried on their tasks right from the beginning up to the time when the Kandyan Kingdom was amalgamated by the British with the rest of Sri Lanka to form one political unit having one set of courts. Dr. Hayley points out the final stage of the development of administration of justice among the Sinhalese when he says "One of the most striking features of Sinhalese institutions is the elaborate judicial system which existed throughout the Island. The development of the courts seems to have followed much the same lines in Ceylon as in England. The King was the source of all justice

and every man had right to come before him".¹ He gives instances of Kings administering justice in person and continues : "Subject to appeal however, the king ordinarily delegated his judicial functions to the various officers of state throughout the country, each of whom had a greater or less jurisdiction. Side by side with the royal and official courts we find the affairs of every village, district and Nindagama under the control of its own tribunal."²

(a) King as Judge

We have mentioned earlier the King as the first agency for administering justice in Sri Lanka. With the concept that a king was essential in the Sinhalese State came the idea that he was the highest executive and military official in the State. We find in the beginning of Sinhalese history that kings fought at the head of their armies, as the examples of Vijaya, Pandukābhaya, Dutugemunu and Vijayabāhu show. From this military leadership originated the idea of the King being considered the chief judicial officer hearing cases and inflicting punishments as a military chief would. In this connection what Dr. Sen Gupta has said about Indian Kings applies equally to Sinhalese Kings as well. "The judicial authority of the King" he says "as we find it in the earliest laws is not founded on any fiction of his divine personality but upon positive law, and had its ultimate historical basis in his function as the military chief. As such he would naturally concentrate in himself in a growing measure the power to coerce people to obedience. The law accordingly looks on him as a person whose duty it was to compel each person to adhere to the law of the Varna to which he belongs. He is looked upon as the upholder of social and moral order, though characteristically for India in conjunction with the learned Brahmana. For the purpose of maintaining Dharma he is endowed with the power of Danda or awarding punishment."³

During the first two and a half centuries when the Sinhalese kings and people were mainly Hindus, Dr. Sengupta's statements would apply with greater vigour than when they were Buddhists, as

1 Dr. F. A. Hayley : Sinhalese Laws and Customs p.58.

2 Ibid. p.59.

3 Dr. N. C. Sen Gupta : Evolution of Ancient Indian Law p.38.

the Purohita Brahmin played a great part in the King's rule. After the advent of Buddhism the Purohita Brahmin lost much of his influence to the members of the Samgha or Buddhist clergy. Discussing the judicial role of the King in the first period of Sinhalese history, Dr. Paranavitana says : "The King in theory was the fountain head of justice and often heard cases that were referred to him for decision. He was expected to listen to the complaints of the meanest of his subjects as the stories related of Elara indicate. In this period with which this book is concerned the King led the armed hosts to battle when it was necessary to do so to defend the throne against insurgents or foreign enemies."⁴

As to the laws which the King was expected to administer Dr. Sen Gupta says : "The ancient Aryans did not look upon the king as either the source or even the repository of law. The law was what had come down from past ages which was in the special knowledge of the sages who had specialised in its study. The duty of the King to maintain and uphold that law was itself imposed upon him by that law."⁵ Hindu law lays down rules as to the manner in which the King should conduct the administration of justice. It is quite probable that these were observed by Sinhalese Kings. Manu says :

1. "Now a King desirous to inspect suits should subdued enter the Assembly with Brahmins and Ministers who know Mantras.

2. There seated or standing having stretched forth his right hand with humble vesture (and) ornaments he should inspect the affairs of the parties.

3. Day by day (he should judge) separately (cases) under the eighteen titles by reasons (drawn) from local usages and the treaties."⁶

Of the various kinds of laws which the King should take into consideration for his judicial work Manu says "(A King) knowing what is right (dharma) should cause his own law (dharma) to be established after making careful inspection of the laws (dharma) of

4 University History of Ceylon Vol. I Part I p.236.

5 Dr. N. C. Sen Gupta : Evolution of Ancient Indian Law p.39.

6 The Ordinances of Manu (Trubner's Oriental Series) Burnell's Translation 8-1, 2 and 3.

the different castes and country folks and of the laws of the (different) guilds and of the laws of the (different) families".⁷ The King's role as the chief judicial official in Sri Lanka was derived from the Hindu law and we find the position in the early period stated by Dr. Paranavitana accordingly. He says: "The King thus was expected to uphold the ancient laws and institutions and to protect the weak."⁸ Discussing the King's powers in the administration of justice in Sri Lanka Dr. Paranavitana says further, "His descent traced back to mythical personages of the past, the traditional rituals undergone by him at the consecration and the magical potency believed to reside in the regalia in his possession made the person of the King sacred and the commands emanating from him demanded implicit obedience as the expression of the will of the gods. The King therefore wielded absolute authority and had power of life and death over the most exalted of his subjects. This absolute power which the King possessed in theory was, however, limited to a great extent in practice by public opinion which demanded of the ruler to follow fundamentally principles of justice and equity (dharma) and custom and precedent (vyavahāra or cāritra, S. Sirit), as established by the policies followed by earlier rulers who served as models of kingly behaviour. The idea implanted in the mind of every member of the royal family by his early training as well as by the social milieu in which he had his being, that the ruler should harken to the counsel of the elders of the Samgha also limited his freedom of action. A King who disregarded former custom or offended the Samgha alienated the sympathy of his subjects and there was always a rival aspirant to the throne who would take advantage of such discontent and supplant the ruler who had transgressed the norm of kingly conduct."⁹

7 Ibid 8-41. Cūlavamsa and inscriptions occasionally refer to kings observing Manu's laws. It is said of Parākramabāhu II "But on people who should have been banished from the country the ruler who might be likened to Manu laid but a fine of a thousand kahapanas CV Part 11 83-6 also CV Part 11 84-1. In EZ I 241-251 restoration stolen property to owners is

8 University History of Ceylon Vol. I Part I p.230.

9 University History of Ceylon Vol. I Part I p.39.

(b) Ministers and officials acting as Judges in the King's Name

It was a recognised practice in Hindu law for the King to delegate his judicial powers to ministers and officials. This was rendered necessary due to the increase of the King's judicial business especially in the field of criminal law according to which the King was expected to impose punishments on the guilty as otherwise the Matsya Nyāya would operate. Dr. Sen Gupta says : "As the judicial functions of the King grew we find a two fold development. In the first place the obligation of the King to know the law from competent authorities was crystallised into a definite constitutional authority to advise the king in the shape of the king's Sabha and secondly the judicial authority of the King came to be delegated to permanent judges."¹⁰ He cites a number of authoritative texts which support this contention. Manu, for example, lays down : "But when the King does not himself inspect (such) affairs then he should appoint a learned Brahmin for the inspection of affairs."¹¹

In Sri Lanka too with the concept of kingship there existed from ancient times the concept of a group or assembly of ministers (Sanskrit Amātya, Pāli Amacca) who advised the King in important matters of state policy and to whom the King delegated the task of hearing cases. The existence of this group of ministers who formed the King's Sabha can be gathered from the chronicles and the inscriptions. James de Alwis the Oriental scholar and lawyer of the last century gives a description of this Council of State. He states : "Although the government of Ceylon was in the abstract a Despotic Monarchy where the will of the Sovereign passed into law, yet it is remarkable that in ancient times when pious and talented princess ruled over the destinies of this Island nothing of any importance was done or decreed without the advice of the Amātya Mandala or the Council of State. Indeed the Institutes of Manu which formed the basis of the polity of all Indian governments including that of Ceylon, required that the sovereign should be assisted by his Ministers. See Manu Ch. VII-36, 56 and 57. Thus we read in history that while different parts of the island which constituted subordinate principalities were each placed under a Yuva-rajā or

10 Dr. N. C. Sen Gupta : Evolutions of Ancient Indian Law pp. 40 and 41.

11 The Ordinances of Manu, Trubner's Oriental Series burnell's translation 8-9.

sub king the chief kingdom was presided over by the Maha rāja or monarch himself who had no less than seven councillors or ministers attached to his Court. In later times, however, the number was reduced to four; yet these four with the king at their head formed the Cabal Cabinet or the Privy Council of Ceylon. Collectively their duty was to assist the King in the execution and legislative functions of government which were vested in the King, but individually they had separate duties assigned to them. The Premier was the Purohita minister and when a Brahman he was the domestic chaplain of Brahman kings.”¹² He gives the titles of other Ministers with one functioning as the Dispenser of Justice. He gives the subsequent development of these official posts. “The Sinhalese Ministers of State” he says, “latterly received the appellation of “Adigars” i.e. Adikaram from “Adhi”, over, above, upon implying superiority in place, and “Karama”, the instrument in the sense of executive, but little mention is made of him in ancient books which only refer to “Meti” or Mantri Councillors.”¹³ He gives further information about this Sabha. He states: “The Ceylon Council of state and our ancient Court were not unlike those of the Hindus. From the mention of various terms which occur in books we gather that the members of whom the Sinhalese Court consisted were the same that are referred to in the Hindu plays (Professor Wilson’s Hindu Plays) such as “Mantri” or Councillor, “Dūta” or, Messengers (envoys, attorneys), “Vadakayā”, Death’s minister of which there were two kinds, wild animals such as elephants and horses, “Vadakarū” or executioners, “Chara purusua” or spies, “nānāyak kara”¹⁴ or distinguished emissary or informer.”¹⁵ The Mantri or councillors in addition to the carrying on execution functions performed judicial work as there was no separation of powers in ancient Sri Lanka as well as in Kandyan times when the Adikars heard cases and gave awards. James de Alwis also mentions that criminal procedure which prevailed among the Vajjian republics of North India had been introduced into Sri Lanka. We shall discuss this matter in detail later on. The existence of titles like Winicchchaya Māhamacca and Vohārika

¹² J.R.A.S. (C.B.) 1856-58 Vol. III p. 208.

¹³ Ibid.

¹⁴ This is a surname in use among the Sinhalese even today.

¹⁵ J.R.A.S. (C.B.) 1856-58. Vol. III p. 211.

and the description of this procedure in the Atthakathas of Sri Lanka and the Sumaṅgalavilāsini, compiled in Sri Lanka, support his contention.

(c) Village Communities or Local Authorities and the Ilke, Guilds or Corporations of Clans and Castes and the Administration of Justice

It would appear that in ancient India village communities or Local authorities managed their own affairs and administered justice locally. There were from ancient times village assemblies called panchayats consisting of village elders who met to attend to village matters and settle disputes and uphold village customs. Social groups of Kulas (clans and guilds) too administered justice among their members even before the state when the King took charge of it. After the King took charge of administration of justice these social groups continued to perform their judicial tasks as before.

These concepts of local administration of justice in village assemblies and by clan guilds and corporations were brought by the Sinhalese from their homelands along with the Aryan caste structure of the four Vannas. The Sinhalese brought with them a very important institution from North India, the Grama (Pali Gāma, Sinhalese Gama) which played a very prominent part in their lives down the centuries. Professor Geiger discusses the position of the village, its autonomy and jurisdiction when he says : "The smallest unit and the germ cell of the administration was the village community (Gāma). The idea and the institution were brought to Ceylon by the first Aryan immigrants from their homes in North West India. They came as agriculturists and the Sinhalese were chiefly agricultural, even to the present day. They were always closely bound to the soil. Their whole life was regulated and determined by cultivation. What they wanted was above all peace and order. They were conservative and old institutions could endure unaltered through many centuries. The village community had its own privileges and always a good deal of self administration, enjoying such independence of the central government even as we shall see in jurisdiction. The King very seldom interfered in village affairs except perhaps when the royal officials annually visited the village to collect taxes due to the King. The internal affairs of village community were looked after by

the village headman (Gāma Nāyaka) whose position was probably hereditary in a family of the original settlers. No doubt the village headman was a man of great authority and influence within his community." ¹⁶

We find from ancient times the elders of the village too meeting as in India to determine village affairs and settle disputes, basing their decisions on village customs, Gam Sirit, and clan and caste customs, Kula Sirit. The Gam Sabha had existed from ancient times as a Court administering justice and probably it is the Sri Lankan counterpart of the Indian Panchayat. There was also the Rata Sabha or District Council, hearing disputes. We shall see later on how these village and district councils had sometimes very wide jurisdiction in criminal and civil cases.

The four Vannas, who came originally with the earliest settlers as well as with the Bōtree would have had their caste and clan guilds and corporations which administered justice among the clans and castes according to their own customary laws. We notice that the foremost caste, the Khattiyas, had their Khattiya dhamma which regulated their internal affairs. The Brahmins, Vaisyas and Sudras too would have had their laws. As we see in the course of Sinhalese history that Sinhalese Kings allowed new clans and groups to regulate their lives according to their own customary laws with justice administered by their own headmen generally, it is reasonable to infer that this was the position in the beginning as well.

PART II – DEVELOPMENT

The Development of King's Justice in the Anuradhapura Period

From the very beginning the King had the power of passing sentence of death on the guilty. He heard important cases in the first instance or in appeal and instances of kings acting judicially are given in the Chronicles. The Mahāvamsa mentions Elara's impartial administration of justice :

16 Prof Geiger : Culture of Ceylon in Mediaeval Times p. 142.

- “Cola ratthā idhāgamma rajjattham ujujātiko
Elāra nāma Damiḷo gaheva se labhū patim
Vassāni cattālīsam ca cattāri ca akārayi
rajjam vohārasamaye majjhatto mittasattusu.

A Damila of noble descent named Elara who came hither from the Cola country to seize on the kingdom ruled when he had overpowered King Asēla forty four years with even justice towards friend and foe on occasions of disputes at law.”¹⁷

It is also said in the Chronicle that at the head of his bed he had a bell hung up with a long rope so that those who desired a judgment might ring it. So impartial was he it is said that when a cow dragged at the bell and complained that his son had with his chariot run over and killed her calf the king caused his son's head to be severed by the same wheel.

The Chronicle says of King Kanirajanu Tissa (first century A.D.).
“Upasathagharattam so nicchini cetiyavhaye
rajaparadhakammamhi yuthe satthi tu bhikkhavo Sahadde
gaāhayitvana raja cetiyapabbate Pakkhi pāpesi kaniravhi
pabbharamhi asilake.

He decided the law suit concerning the uposatha – house in the (Vihara) named after the Cetya but sixty bhikkhus who were involved in the crime of high treason did the King order to be taken captive with all that was theirs upon the Cetyapabbata and he commanded these evildoers to be flung into the caves called Kanira”.¹⁸

Another King Aggabodhi VII's judicial activities are thus described –

“Dhamma kammehi sakkaccaṃ
Sodhesi Jinasāsanam Vinicchinto dhammena
Chindi Kūtaṭṭa kārake.

By legal acts he carefully reformed the Order of the Conqueror (Buddha) and judging according to justice he rooted out unjust judges.”¹⁹

The law which the kings administered would be primarily the traditional law *pubba carittam pera sirit*, former or immemorial customs, *Viyavahara*, law of Hindus, *Kula Sirit* and some Buddhist

17 Mh. V. 12-13 and 14

18 Mh. V. 35 –10 and 11.

19 CV. Part I 48-71.

principles. That in the early Anuradhapura period vyavahara (vōhara in Pali) law was observed can be gauged from the fact that one king who was an expert in it was called Vohārika Tissa. The Chronicle says of him :

“Sirinagaccaye tassa putto Tisso akarayi rajjam dvavisavassani dhamma vohara kōvido Thapesi sohi voharam himsā muttam yato idha Vohārika tisso raja iti namam tato ahu.

After the death of Sirinaga his son Tissa reigned twenty two years with knowledge of the law and (the) tradition. Because that set aside (bodily) injury (as penalty) he received the name king Voharika tissa.”²¹

Criminal Procedure in ancient Sri Lanka

Though the Chronicles refer to cases being heard by the King and also by his ministers no details of the procedure observed in the trials are given. But some Buddhist books give in detail a system of procedure observed in trials among the Vajjian republics of North India in Buddha's day. These Buddhist works the Attha katha and Sumangalavilāsini (of Buddha Ghosa) which give this procedure are commentaries on the Buddhist canon, compiled in Ceylon. These were translated and published by Hon. George Turnour as the Pali Buddhistical Annals in the Journal of the Asiatic Society of Bengal 1838. James de Alwis himself quotes Turnour and as an opening states : “Tradition says that in ancient times in Ceylon a criminal underwent the same ordeal that is described in the following passage in the Buddhistical Annals”^{21a} Dr. B. C. Law^{21b} too quotes from Turnour's translation and gives the same passage as follows : “The Atthakatha or Commentary of Buddha Ghosa on the Mahaparinibbana Suttanta gives an account of the judicial procedure. When a person was presented before the

20 Mh. V. 36 – 27 and 28.

21a J.R.A.S. (C.B.) 1856-58, Vol. III, p.211.

21b Law has also shown that at meetings of Bhikkus the procedure followed in the Vajjian or Licchavi republics is observed. At a meeting for ordination purposes an officer called Asana Pannapaka or regulator of seats was appointed. His duty was to seat the monks in order of seniority. Resolutions were put and passed in a democratic manner with disputes settled by votes rickles for which were called Satakas. A sick bhikku who is absent could give declaration of consent called Chanda. (The word is used in modern Sinhalese) mean a vote. B. C. Law ?

Vajjian rājas as having committed an offence they without taking him to be a malefactor surrendered him to the Viniccaya Mahamattas of Viniscaya Mahamatras,— i.e. officers whose business it was to make inquiries and examine the accused with a view to ascertain whether he was guilty or innocent. If they found that the man was not a culprit they released him but if on the other hand they considered him guilty then instead of proceeding to inflict punishment upon him they made him over to the Voharikas or Vyavaharikas that is, persons learned in law and custom. They could discharge him if they found him innocent, if they held him guilty they then transferred him to certain officers called Suttha dharas i.e. officials who kept up the Sutra or the thread of law and custom existing from the ancient times. They in their turn made further investigation and if satisfied that the accused was innocent they discharged him. If however he was considered guilty by them, then he was made over to the Attha Kūlaka (lit. "Eight castes or tribes") which was evidently a judicial institution composed of judges representing eight kulas or tribes. The Atthakūlakas, if satisfied of the guilt of the offender, made him over to the Senāpati or commander of the army who, made him over to the Uparaja or sub-King, and the latter in his turn handed him over to the Raja. The Raja released the accused if he was innocent, if he was found guilty the Raja referred to the Parēni Putthaka, that is the Pustaka or book recording the law and precedents. This book prescribed the punishment for each particular offence. The Raja having measured the culprit's offence by means of that standard used to inflict a proper sentence."²²

James de Alwis was of the opinion that by this procedure the liberty of the subject was preserved as the accused had nearly six appeals. He says: "Ancient Buddhist governments were so fully convinced of the necessity for the affairs of society being settled by those who were intimately acquainted with the litigants, their character and habits of life that they appointed several bodies of men to review the law proceedings of the criminal Magistrate. And here it is important to bear in mind that the liberty of the subject

22 Dr. B. C. Law : Kshattrya Tribes of Ancient India pp. 95 and 96, quoting Hon. George Turnour : An examination of Pali Buddhistic Annals in the Journal of the Asiatic Society of Bengal 1838 p.993.

was so greatly esteemed by Buddhists that they considered it unjust to allow an appeal to the disappointed prosecutor whilst to convicted culprits they gave nearly six appeals.”²³ It would appear that this procedure obtained in Sri Lanka during the whole of the Anuradhapura period. The presence of a Viniciya Mahamacca in Mahasena's reign is attested in the Mahavamsa.²⁴ The title Vohārika existed as a King had it too. In the Badulla Pillar Inscription (EZ III p.8 there is reference to “Eight of the village, Eight of the Forest and the Eight who . . . and the pirivahana should sit in session and make investigation”. This inscription is a 10th century one. In the Polonnaruwa period due to the introduction of parts of written Hindu law or Niti literature it is quite probable that this Vajjian procedure ceased to be observed.^{25a} We find thereafter severe punishments and the criminal law based on the Matsya Nyaya and Danda as described by Manu and other Jurists, operating in Sri Lanka.^{25b}

4 King's Justice from Polonnaruwa to Kandyan times

Though there is no direct reference to the King's hearing specific cases in the chronicles in the late Anuradhapura and Polonnaruwa periods we can infer with good reason that the Kings continued their judicial work as before. The chronicle refers to Udaya I (also called Dappula) keeping written judgements in the Palace and Vijayabahu I's deep concern over the administration of justice. The growth of King's justice can be seen from phrases like “Kantaka Sodhanam” clearing of thorns, in the chronicle. We shall consider

23 James de Alwis : Translation of the Attangalu Vansa Colombo 1866. Preface LXXXI.

24 Mh. V. 37, 39.

25a The Tamil invasions and the unsettled state of the country would also have been contributory causes. Popular administration of justice in criminal cases and hearing of appeals before a number of judges have been mentioned by Pliny in his narrative of the account given by Sinhalese Ambassadors to Rome Claudius' time. Pliny : Natural History. Book VI Ch. XXIV 90 at p.406, Vol. II London edition 1942.

25b The Vajjian procedure described by Law is followed by the Buddhist Sangha in Ceylon even today in their meetings. Number of Vajjian titles like Bhandaparka (Bhadgarika of the inscriptions) and Senapathi existed in the early Sinhalese kingdom. These titles are represented by the Bandaranayake and the Senanayake of later times.

this matter later on. The Brahmanical system of law seems at least partly to have been introduced as inscriptions of king Nissanka Malla, show. Punishments known to that system, which the king was expected to impose to preserve society, are referred to in the chronicle. The King's judicial activities in the Kotte time are indicated in the inscriptions. His remissions of punishments are often referred to. Robert Knox and Ribeiro refer to administration of justice in later times. Knox describes with unsavoury detail Rajasinghe II's punishments. He also mentions the method of appealing to the king which is similar more or less to that of Kandyan times. Knox says "Some have adventured to appeal to the king sometimes ; falling down on the ground before him at his coming forth which is the manner of their obeisance to him to complain of Injustice. Sometimes he will give orders to the great one to do them right and sometimes bid them wait until he is pleased to hear the Cause which is not suddenly ; for he is very slow in all his Business, neither dare they then depart from the Court, having been bidden to stay where they stay still they are weary being at Expence, so that the Remedy is worse than the Disease. And sometimes again when they thus fall before him he commands to beat them and put them in Chains for troubling of him ; and perhaps in that Condition they may lay for some years." ²⁶

5. King's Justice—the Last Phase

In the finally developed stage in the last years of the Kandyan Kingdom in the early part of the 19th century the King's part in the administration of justice is thus depicted by Sir John D'Oyley : "The supreme Judicial Power resides in the King and is exercised in Original Jurisdiction or in Appeal.

Cases originally entertained and decided by the King are 1st those which arise between any principal Chiefs or Principal officers or Servants of his Court or Household (sic) or cases in which a principal person belonging to any of those classes is defendant especially those regarding Dukgenavile Lands.

2ndly Suits arising amongst Priests for principal Temples or Benefices.

26. Robert Knox : Historical Relation of Ceylon, p. 84.

3rdly High Crimes of which no inferior Authority can take cognizance viz. Treason, Rebellion, Conspiracy and other crimes affecting the King's person or Family.

Every Species of Homicides, Maiming or depriving of an Organ or Member. Robbery of Royal Treasury or Property. Important Forgeries or False Coining and uttering False Coin.

Sacrilege as destroying a sacred Image, cutting down a sacred Tree, striking a Priest.

Elephant Slaughter in the Upper Districts or in the Provinces contiguous to Kandy.

Other offences of an aggravated nature which tho' competent to the authority of the Chiefs may be considered of sufficient importance to report to the King."²⁷

D'Oyley also gives the manner of preferring appeals to the King over decisions of Chiefs. By modern standards the methods look clumsy and archaic. As the proceedings were oral so were the methods of appeal. The only written documents in judicial proceedings were the occasional Wittu patrayas or Wittu Wattoruwas and Sittuwas. The King gives a Wadala Panata which may be put in writing. Ola and Sannas grants by the King were usually given to chiefs and important people. D'Oyley continues "Appeal to the King lies open to every individual from the decision of any Chief in Civil cases without limitation of lapse of time or value. The Appeal is introduced to the King's notice either by the Representation of a Chief or Courtier or by the individual who thinks himself aggrieved prostrating in the road when the King goes abroad or prostrating at any other time towards the Palace, an occurrence which any person who observes is obliged to communicate immediately to the King through some officers of the palace. Or ascending a tree³³ near the palace and proclaiming aloud his grievance, or taking refuge as was sometimes done in any instance of supposed injustice in the Mahagabadāwa or the Temple Dalada Māligawa or other Royal or Religious sanctuary.

27. Sir John D'Oyley : A Sketch of the Constitution of the Kandyan Kingdom pp. 20 and 21.

28. The modern instance of an aggrieved person climbing a tree and asking the Prime Minister to do justice may have originated from this method of appeal.

When a case is thus brought under his cognizance it is either heard in the King's presence (sic) or referred for hearing and report to the Great Court of Kandy called Mahanaduwa composed of the Principal Kandyan Chiefs. If the former, the King is seated at the window of an apartment in the Palace, the Kandyan Chiefs kneeling in the Hall or Veranda below question according to the King's direction the parties and witnesses, and the King after taking their opinion passes his decision.

If the latter, the case is heard in the Great Court of the Chiefs who report the circumstances with their opinion to the King, are sometimes referred for further enquiry, and report till he is satisfied, and then receive his decision or sometimes are ordered to decide by oath."²⁹

There also existed two other institutions in Kandy which appertained to the King's administration of justice. They were (a) "Deva Sanhinda between the Natha and Mahadēwales in Kandy. The King conducted judicial enquiries here and could do no injustice because the Gods were on either side of him. (b) Yukthiya Ishtakirīme Ghantāwa. The Bell of Justice. It was located at the Northern corner of the Nāthadewale opposite the Palace. When litigants wished to appeal against the decisions of the Adigars or Dissawes they were allowed to ring the bell if they had good grounds to appeal for which a fee was payable. The inquiry was held in the Audience Hall before the King and the Chiefs and was called A Maha Naduwa. If the appellant was still dissatisfied he could appeal to a Court of the King, The Chiefs and the Priests who gave a final decision. The last King is believed to have held one Maha Naduwa concerning the Estate of Ehelepola. The idea of the Chiefs and Priests forming the full Appeal Court survives in the present practice in the hearing of cases against priests by the head Priests, the appeal going to the Diyawadana Nilame and the Chiefs."³⁰ This bell is reminiscent of the one which Elara kept near his bed according to the Mahavamsa.

29. Sir John D'Oyley : A Sketch of the Constitution of the Kandyan Kingdom, p. 21.

30. L. J. B. Turner : The Town of Kandy 1815 A.D. in the Ceylon Antiquary, Vol. IV (1918) p. 8, p. 81.

CHAPTER VII

THE ORIGINS AND DEVELOPMENT OF ADMINISTRATION OF JUSTICE (CONTD.)

As the King exercised judicial functions only in extreme cases, as we have seen from descriptions by D'Oyly and others, a large part of the administration of justice which was the day-to-day hearing of cases, fell to the lot of the class of officials who had executive functions as well. These were the King's Ministers and officials who were members of the King's Sabha as well.

(a) **King's Ministers and Officials and the Development of Administration of Justice in the Anuradhapura and Polonnaruwa periods**

The Chronicles occasionally, and Sinhalese literature generally, mention instances of adjudication in cases by Ministers. The Mahāvamsa mentions an interesting decision by a King's Minister in King Mahāsena's reign. The Chronicle states :

“Tassa Vihāragāhissa Tissa therassa Codaenā
Antimavatthunā Āsi bhūtatthā Saṃghamajjhaḡā
Vinicchiya Mahāmacco tadā dhammika sammato
Uppabhājesi dhammena taṃ anicchāya rajino.

But within the brotherhood of bhikkhus a complaint touching an offence of the gravest kind was raised against the thera Tissa who had received the (Jetavana) Vihāra. The high minister known to be just who decided (the matter) excluded him, according to right and law, from the order, albeit against the King's wishes.”¹

Thus we see a fearless and impartial decision by a King's Minister in the 3rd century A.D. We have seen earlier the part played by the Vinicchiya Mahamacco in the criminal procedure of the Vajjians which prevailed in Sri Lanka in the Anuradhapura

1. Mh. V. 37-38 and 39.

period. In the Polonnaruva period we see some introduction of ideas, concepts and practices as outlined in the Hindu Niti literature. Manu became a favourite jurist with the Sinhalese at this stage and with the spread of Sanskrit knowledge the Niti too came in for study by Kings and the mighty in the land, and a part of it seems to have been put into practice in Sri Lanka. Dr. Paranavitane says in connection with the administration of justice in the Polonnaruva times "One of the first acts of Vijaya Bāhu after ascending the throne was to provide for the proper administration of justice in accordance with the law (Yathā dhammam) to which no attention had been paid for long years before him. No details however are available with regard to the manner in which he attained this desirable objective. The Sabhāpathi, the chief judicial officer who had a prominent place among the dignitaries of the state has already been referred to. The very name suggests that justice was administered in a Court (Sabha). The ideal court of justice has been described succinctly in a literary work of the period as constituted of Assessors (Sabhyas) whose judgement is not influenced by fear, favour, hatred or ignorance and who are like father and mother to the people. An important city is visualised as having a number of such courts in different places to prevent the lawlessness of the people at large. Nissanka Malla² claims to have established courts of law (dharmādhikarana) in different districts and put an end to lawlessness."³ That justice was administered by Sabha according to ancient Hindu law has been shown by Dr. N. C. Sena Gupta.⁴ The Sinhalese King's court was the same as that of an Indian King. The Ksatriya traditions prevailed in the Sinhalese Court. As a matter of fact, some Sinhalese writers think that the description of Ksatriya life found in Kav Silumina (a Sinhalese work) is based not so much on books as on the personal experience of the writer himself.⁵ James de Alwis too has shown earlier the similarity of the court in Sri Lanka to that of a Hindu King. Apart from questions of religion, mundane matters in the Sinhalese Court

2. The King's Inscription on the great lion in the Audience Hall at Polonnaruva gives the titles of the high officials forming his Sabha. See Ancient Inscriptions in Ceylon by Dr. E. Muller pp. 65 and 127.

3. University History of Ceylon Vol. I Part II p.558.

4. Dr. N. C. Sen Gupta : Evolution of Ancient Indian Law p.41.

5. Dr. E. R. Sarathchandra : Sinhalese Folk Play p.15

would have been regulated according to customs and practices of Hindu rulers, as Buddhism did not provide for such matters. Therefore the Hindu law's influence on the administration of justice in the Polonnaruwa period is quite clear. Dr. Paranavitana gives a broad description of the procedure in these courts. He states "The procedure in these courts of law according to the literary references noted above was thus akin to trial by jury. The President of the Court (Sabhāpati) must normally have given his judgement in accordance with the opinion expressed by the Assessors (Sabhyas) after having listened to the statements of the parties concerned and the witnesses and deliberated on customary law and procedure. We have no account dating from this period of a Court proceeding; this however would not have differed much from the procedure adopted in the Gam Sabhās and Rata Sabhās which were functioning at the beginning of the British Period".⁶

He seems to think that there were attempts only to introduce the Brahmanical legal system into Sri Lanka by King Nissamka Malla and other Kings. We however are of opinion that there were more than attempts in this direction. From various references to Hindu Law doctrines and terms in the Chronicles, inscriptions and literature which we shall consider, we can infer that certain aspects of Hindu Law did have a foothold in Sri Lanka chiefly from Polonnaruwa times.

About administration of justice in mediaeval times Dr. M. B. Ariyapala says: "The Ministry of Justice seems to have been under the Chief Minister of Justice, the Adhikarana Nāyake. The necessity of administering justice impartially and without prejudice is often brought out by the stories. The ideal set up was of the highest order, and therefore the standard of justice maintained was expected to be high, though instances are not wanting when these guardians of law and order fell below the expected ideals."⁷

He gives references in Sinhalese literature to bribery, corruption, attachment and personal grievances of judges. These were similar to what Knox mentions as existing in Kandyan times. References in the Inscriptions and Chronicles show that the judges were

6. University History of Ceylon Vol. I Part II pp. 558 and 559.

7. Dr. M. B. Ariyapala : Society in Mediaeval Ceylon p. 123.

appointed by Kings. They were the Ministers of the Court and very often they were appointed ad hoc to hear specific cases, and give decisions or awards. An important principle (of special importance today) is mentioned by Dr. Ariyapala as existing in mediaeval times. This is the rule of "Audi alteram partem", a principle of natural justice. He cites a Sinhalese text and states "There is no doubt that there were Courts of law established in many parts of the island where cases were tried as is done today, both sides of the cases being heard: "Ubhaya paksayen ma ādyanta asā gannā dadek da" (fine taken after hearing both sides)."⁸ There was also the procedure whereby judges went on circuit to administer justice as indicated by the Vevalkatīya Slab inscription of Mahinda IV when it states:

"Me dasa gama attan me ki tāk dayin
 ikma Vatuna havurudu havurudu pata
 illannat giya raja-kol sam da
 (ru van ke kavat) na kot

Should the inhabitants of these dasa gam villages have transgressed any of the rules stated (above) the royal officials who go annually on circuit to administer justice (in the country) shall"⁹

D. K. de Z. Wickramasinghe compares the institutions mentioned in this 11th century inscription which we shall discuss at length later on to Saxon and Norman institutions and comments "Another point of resemblance to early English administrative methods is to be seen in the references both here and in other tenth and eleventh century inscriptions to royal officers who like the itinerant justices or members of the Curia Regis of the Norman Kings, went on yearly circuits in the country not only to settle important disputes but also to promulgate new laws and to see that the government dues were properly collected. In the present inscription we read in lines 41-45 that the measures of administration of criminal justice in dasa-gama which were enacted by the King in Council were

8. Dr. M. B. Ariyapala : Society in Mediaeval Ceylon p. 124.

9. EZ I p. 251.

promulgated by the following four members of his Curia :— Goluggamu Raksamim Kudasenu, Meykappar Kuburugamu Dokoŕi, “Katiri Agbohi and Kundasala Arayan.”¹⁰

The Badulla Pillar inscription which gives valuable information of law administration by the village communities and guilds of merchants also refers to royal officers visiting the provinces for purposes of administration of justice and for revenue purposes. It says “gamat a radolan raha mas dī gitel noganna isa vatupet vet vada raha no gannaisa sora veladam (no) karanu isa.

The royal officers who have come to the village shall not accept liquor meat curd and oil (from the villagers), (they) shall not enter houses and accept liquor, they shall not carry on illicit trade.”¹¹

(b) Administration of Justice by Ministers and Officials in the Kotte and Kandyan Kingdoms

The contribution of the King's officials to the administration of justice in the Kotte and Kandyan kingdoms can be gauged from some accounts left by Portuguese writers like de Queyroz and Ribeiro, the Dutch officials and Robert Knox, who lived as a prisoner in the Kandyan Kingdom in the reign of Rajasingha II. De Queyroz says “The administration of justice as observed by all Mahomedan and Idolatrous Kings if we except in the Chinese in some cases is merely by word (of mouth) without any other judicial formality in criminal and civil (suits); only in cases of greater importance was he¹² assisted by the Mudeliars with only a consultative vote and two Muttiars or Secretaries for ordinary business, in this preserving the sovereignty which the Native princes held and the royal power in its completeness.”¹³

The “Mudeliars” were the officials in the Sinhalese Kingdom who were military officers as well as provincial governors whom the Dutch made equal to captains in their time. The “Muttiars”

10. EZ I pp. 244 and 245. The procedure of itinerant judges is also shown in EZ I p. 53.

11. EZ. V. p. 190.

12. The reference is to the Portuguese Captain-General probably who succeeded to the place of the King of Kotte. As a matter of fact de Azevedo the first Captain General after Dharmapala's death was called King of Malvana.

13. de Queyroz : Conquesta Book I p. 102.

were the Mohottalas or Mohattiyers or the Mukavetis of the Kotte Kingdom and referred to in the Sandēsa Poems. The Portuguese preserved the same titles, officials, customs and laws as existed before when they commenced governing the Kotte Kingdom in 1597. Captain João Ribeiro refers to an important judicial proceeding called Marālas (the collection of death duties). In the chapter entitled "The Annual Assizes called Marallas" Ribeiro says: "Since we have preserved to these people the laws and customs of their ancestors as I have stated above every year there were selected four Portuguese who were designated Maralleiros, officers corresponding to Coregedores amongst us; they were nominated by the Bandigaralla who answered to our Chief Justice subject to the approval of the Captain-General. These were allotted among the districts of the four Dissawas each holding his own assizes and deciding complaints according to the laws of the people. Each Maralleiro was accompanied by two Interpreters skilled in their laws as well as a Meirinho and a clerk, all of whom were natives."¹⁴ The procedure at the Maralla as held in the provinces after notice to the people is described by Ribeiro. He says "All the neighbouring inhabitants who had a complaint or a petition would come and remain there until their business was transacted and the same would be done in all the other provinces."¹⁵ He goes on to describe the other judicial activities: "Creditors who had any claim to make would come and usually their claim was for some cattle or food stuffs; so would also the thief; all these are required by the parties to appear before the Marallas where they would be questioned. The debtor, if he admitted the debt, was ordered to make restitution; and if it was known that he could not, the Maralleiro would order him to do so within a certain time. If the thief confessed his crime he was condemned to pay the highest value of the article which satisfied the other party and as a penalty for his offence double its value to the Royal Treasury. If anyone denied the theft or debt the Maralleiro put him to the Oath; to do so they would bring his son or daughter or some other person whom he loved according to the choice of the other side."¹⁶ We see that

14. Ribeiro : Ceilao p. 58.

15. Ribeiro : Ceilao p. 58.

16. Ibid. p. 59.

even cases of murder were inquired by the Maralleiro for Ribeiro says: "Murderers who were in sanctuary also came to free themselves from their crime for if they were arrested within sixty days the General or Dissava would condemn them to death as he thought fit; but after that he had no power to punish them, so at the Marallas they would come and confess their crime, paying a fixed sum equal to one hundred and twenty reals of our money to the Royal Treasury. They would then be given an Ola of discharge and become free for ever on payment of costs; nor was any mention made again of their crime. But a man of low caste killed one of a high caste he would not be discharged, but was always sentenced to death."¹⁷

Of course as the name implies, the most important function of the official was the collection of death duties from the estate of a deceased person. Ribeiro thus says "The first matter to be dealt with was that of the estates of deceased people and the inventory of their property; their heirs would assemble and they would be put to the oath if anything appeared to have been suppressed from the inventory. If anyone were convicted of this offence he would be condemned to pay three fold the principal going to the estate and the rest to the Royal Treasury."¹⁸ It would appear that the Maralla was used to decide various other judicial matters according to Ribeiro, who winds up his account of this institution in stating: "They came with various other matters which the maralleiro decided according to his discretion in conformity with the opinions of the two Assessors on points of law; and when the sessions was over he returned to the city and rendered an account of his collections at the Maralla which were entrusted to the factor on a receipt."¹⁹ The Inscriptions attest that Marala was in existence at least in the 15th century as the Dedigama inscription of Bhuvaneka Bahu VI shows. The Portuguese seem to have assiduously collected it from the Sinhalese who were non Catholics, when they succeeded to the Government of the Kotte Kingdom. The exemption given to the Catholics from payment of Marala is attested by de Queyroz who says "We have already referred to the dues of Maralas which the Vedor da Fazenda ordered to be collected from the Pagans

17. Ribeiro Ceilao p. 59.

18. Ibid p. 58.

19. Ribeiro Ceilao p. 60.

every year in the King's account, for the piety of the King²⁰ exempted the Christians from it."²¹ That Marala and probably the procedure for its collection existed in the Kandyan Kingdom is attested by Robert Knox, who says "that wheresoever any man dies that hath a stock of cattel immediately out thence must be paid a Bull, and a Cow with a calf and a Male and Female buffalo which tax they call Maral. And there are officers appointed whose place it is to come and carry them away."²² We have seen how the King's officials travelled about for revenue purposes and incidentally to hear cases. The collection of Marala and judicial work may have developed out of this practice as described in the Wevalkatiya and Badulla Pillar Inscriptions. In the 18th century we see King Kirti Sri Rajasinghe remitting among other dues the Marala as mentioned in the Sangharajawata a poem giving the life story of Welivita Saranankara Thero. Therefore we could infer that the Marala was in existence till the middle of the 18th century.

(c) **Judicial Institutions in the last stage of the Sinhalese Kingdom**

We have quoted earlier what Dr. Hayley had to say in regard to the system of courts in the final stage of the Sinhalese Kingdom. There were a number of judicial institutions and officials and they were as follows :

(a) *The Adikars.*—The two Adikarams commonly called Adikars were the chief officials of the Kandyan Kingdom. Dr. Hayley had summarised the accounts of their jurisdiction as given by Sir John D'Oyly as follows : The Adigars had exclusive jurisdiction subject to the King over all persons under their peculiar authority. They had concurrent jurisdiction with other chiefs over the inhabitants of the provinces over which they had general powers but could not entertain such cases except in communication with the particular chiefs. They could take cognizance of all cases civil and criminal except those relating to royal lands or Dukganawili lands²³ (if the defendant objected) or cases arising from the principal chiefs or officers of the king's household or in which

20. The King of Portugal.

21. De Queyroz : Conquesta Book 6 p. 1041.

22. Robert Knox : Historical Relation of Ceylon pp. 76 & 77.

23. The Dukgamma or dugganna people were those from whom the personal attendants of the King were selected.

any such person was defendant or crimes with which only the king was competent to deal. They alone gave Sittu and Divi Sittu in the Udarata-Up country and had the exclusive power of awarding punishment with the cane. They could imprison, fine and inflict corporal punishment without limitation, but subject to restrictions in respect of rank and caste. An appeal lay to the King."²⁴

(b) *The Great Court or Maha Naduwa.*—D'Oyly says "The Great court called Maha Naduwa formerly and properly consisted of the Adikars, Dissaves, Lekams and Mohandirams (on low benches) but of late years all the chiefs have been called to assist at it and especially any distinguished for their ability and judgment."²⁵ He describes the procedure therein "The chiefs take their seats according to Rank from Right to Left and the Adikars or any other chiefs of ability and experience principally conduct the enquiry. The proceedings take place in the natural and most obvious course of (Procedure) first hearing the statement of the plaintiff or prosecutor, next the answer of the defendant or prisoner, next the evidence of the plaintiff or prosecutor and lastly that of the defendant or prisoner. All the witnesses on both sides as far as practicable are collected and examined on the same day. If a witness be disabled by sickness without a prospect of early attendance, messengers are sent and bring his evidence in writing confirmed if possible by oath at a neighbouring Dewale.

The witnesses are never sworn in court and on clear or trifling cases no oath is administered. In others they are sent to the neighbouring Dewale and sworn to the truth of their depositions in the presence of two or three Headmen as Commissioners who return and report it to the Court.

The examination is entirely viva voce and no part of the proceedings is taken in writing except a list of movable property which may be claimed as due or stolen, and excepting that either party sometimes presents a statement of his case written on an ola called Wittu Watoruwa.

24. Dr. F. A. Hayley : Sinhalese Laws and Customs pp. 69 & 70.

25. Sir John D'Oyly : A Sketch of the Constitution of the Kandyan Kingdom p. 21.

In land cases which are by far the most numerous, it is the general practice to commence with the original proprietor three or four generations in ascent and thence to trace downwards by inheritance or transfer the title of the suitors. The cases which come under the cognizance of the Great Court are either Civil or Criminal and of two kinds. First, those which are referred for hearing by the King and are invariably reported and decided by his authority in the manner above mentioned. Secondly those which are originally instituted before it or as usual introduced by the chief under whose jurisdiction the party complaining is.

These, after regular investigation in the manner above stated, are decided by the majority of the court, or if doubtful are ordered to be decided by oath.

In all suits for land decided by the King after reference to the Great Court or by the Court itself without such reference, Decrees written on ola called sittu are signed and given by the Senior Adikar present, or sometimes by the second Adigar for lands situated within his general local jurisdiction. The sittu contains the names of the parties, the land in dispute, the decision and the date. If the decision be passed by the King it records his authority. If not, the authority of the Court. The sittu is given only to the gaining party and no copy or record of the decision is preserved by the Court.²⁶

If there was a difference of opinion among the chiefs it would appear that the matter was referred to the King for decision.

(c) The Dissavas (Provincial Governors) had jurisdiction over all persons and lands within their respective Dissavannies except those attached to the King's Court or household or to the Department of another chief appointed by the King. Subject to these exceptions they can hear and decide all civil cases without limitation of value. They have power to grant sittus or written decrees for land and Divi Sittu for swearing by oil within their respective Dissavannies only. They can award corporal punishment

26. Sir John D'Oyly : A Sketch of the Constitution of the Kandyan Kingdom pp. 21 and 22.

(except with the cane). They can hear and decide all criminal cases except High Crimes stated earlier as belonging to the King's exclusive jurisdiction. It is interesting to note that the Portuguese and the Dutch retained this title, appointing Europeans for the posts of Dissave.

(d) The other headmen like Lekam Rate Mahatmayas, Mohottales Liyanaralas Undiralas Korales and Aratchis had jurisdiction to hear civil and criminal cases within their competence. Dr. Davy has appropriately summed up Sinhalese Judicial institutions. He says: "All officers from the King to a Vidane exercised more or less judicial powers, and from all the subordinate ones appeal might be made to the Superior till it reached the King himself whose sentences in all instances were decisive."²⁷ Of course the cases were decided on evidence of the parties and witnesses unless oaths were resorted to. The judges in carrying on their judicial work were expected to avoid the Satara Agati.

(e) *The Śakki Balanta*.—Dr. Davy describes this court as well as the Maha Naduwa as courts composed of several individuals. Of the Śakki Balanta Dr. Davy states "This consisted of the principal men of a district as the Lekam Korawl (sic) Widane; it was called Śakki-balanda (Sak evidence, Ballanda to investigate) and had duties to perform in many respects similar to those of a Coroner in England.

When a dead body was found no one should touch it till it had been examined by the Sakki balanda, not even if the body were hanging, though by cutting it down suspended animation might possibly be restored. It was the business of these officers to endeavour to ascertain the cause of death and all the circumstances connected with it. In a case of suicide occurring in a village the suicide having been of sound mind or subject to temporary fits only of insanity, The Sakki balanda inflicted a fine on the inhabitants of fifty ridies (about 50 shillings) which were to be divide between these officials and the Dissave—ten to the former, five to a Lekam if present, and the remainder to the Dissawe; and

27. Dr. John Davy : An Account of the Interior of Ceylon p. 180.

the body could not be burnt or buried till the fine was paid—a prohibition that insured its payment; for a heavier fine one hundred or two hundred ridies was imposed on those who allowed a corpse to decay unburied or unburnt. If the suicide were a confirmed idiot or lunatic no fine was inflicted. "28

(d) Trial by Oaths

D'Oyly says : "It is the object of oaths to obtain in cases doubtful to human understanding a judgement of the Deity which it is supposed will be given by a manifest sign or inflicted when imprecated with solemn ceremonies. The following species of oaths are in most frequent use :

1st By hot oil. This oath can be administered only on the authority of the Adigars in the Districts surrounding Kandy, of the Dissaves in their respective Dissavonies and of the wanniyars of Nuwara Kalawiya. "29 9

He goes on to describe the procedure whereby two olas called Diwi Sittu³⁰, wherein the truth of each party's claim was mentioned, were prepared and the parties were expected to dip the tips of their forefingers in hot oil and thereafter in hot water mixed with cow dung after a ceremony before a deity. The gods were asked to give a manifestation as to the truth of the claims of the parties. After some time the fingers were examined, and if the fingers of both parties were not burnt the land or subject matter was divided between them, otherwise the subject matter was awarded to the one without a burnt finger. There were other forms such as by Paddy, by earthen vessels, by drawing white olas, by striking the earth, casting mud and water etc. D'Oyly cites a case of swearing by hot oil after the British occupation ;

"In *Pamoonoowe Lekam vs. Harasgama Rala* tried before the Judicial Commissioner's Court as the parties could not adduce proper witnesses in support of their claims, it was ordered on the

28. Dr. John Devy. An Account of the Interior of Ceylon pp. 180 and 181.

29. Sir John D'oily. A sketch of the Constitution of the Kandyan Kingdom p. 37.

30. It is quite clear that this form of trial is derived from the Divya of the Hindu Law. As a matter of fact the oath by hot oil is called Tel Diviya in Sinhalese. Dr. Sen Gupta describes the Hindu Law System in Evolution of Ancient Hindu Law p. 63.

24th January 1817 that the parties do take their oath according to the custom of the country, in front of Dambulla Dewale in Matale, in oil. Parties litigant coming to an amicable settlement and getting the terms of their agreement recorded in Court must ever abide thereby".³¹

It would appear that the oaths were taken in temples of deities and in Kandy either at the Divyrum Bo Gaha (Bōtree where swearing takes place), at Ampitiya, the Bogaha at Gannoruwa or at the Bogaha at Gonagoda Pitiya.

e. Knowledge of Law and Traditions possessed by Ministerial Judges.

There are references in Sinhalese literature to the knowledge of law and traditions which the official class of King's Ministers and judges possessed.

In the Sandēsa poems of the Kotte period we see references not only to the King's Sabha but also to the experience of the members who were also judicial officers.

The Girā Sandēsayā (Message sent through a Parrot) of the 15th century A.D. verse 44 states :

Igena adikarana dāna rada niya noveka
 Nitina pemin mulu satvaga rakina Lasa
 Edina pāmīna kaṭayutu danvā nisāeka
 Siṭina depasa hāma maha mēti varan dāka

Look at the High Ministers who having learnt the art of deciding cases after obtaining a knowledge of the various laws of Kings (rada niya is rāja Nīti) and who lovingly look after always the entire people of Lanka (Ceylon) when they have come that day and informed His Majesty of the execution of their tasks and as they stood on either side (of the throne in the Sabha).

Another Sandēsa poem of the same century states about the ministerial judges (Wāsala Mukavettis) that they knew the ways of deciding cases without getting confused "Vimathi Novī dānagena adhikarana aruth".

31. Sir John D'Oyly : A Sketch of the Constitution of the Kandyan Kingdom p. 76.

Portuguese writers like de Queyroz and Ribeiro also refer to the work of Sinhalese officials in the 17th century. These knew the customary laws and helped the Portuguese to prepare the Tombo of land-holding families and their dues to the State according to custom. In the Dutch Dissave de Costa's collection of Sinhalese laws and customs (PRO Co 54/124) we find specific instructions by the Dutch government that no cases should be heard in the Landraad if the Sinhalese Mudaliars were absent as their presence was essential as they were conversant with the native laws and customs. We also see in the British times from 1815 to 1832 Kandyan Chiefs like Mullegama Dissawe, Dodanwela Atapattu Lekam and Kadigamuwe Nanayakkāra Lekam sat as Assessors and gave their opinion on Kandyan Law in the Judicial Commissioner's Court.

The Niti Nighanduva though a compilation after the capture of Kandy by the British, contains accurate information on Sinhalese laws. It refers to the knowledge of law of the Chiefs and the King thus : "If it be asked why with the exception of the Buddhist law no method for arriving at legal conclusions has as yet been set forth in writing in this Kingdom of Sinhala, it may be answered that the Kings and Ministers of Lanka from the fact of their having been from time immemorial descendants of the same family and from their intimate acquaintance with the national character and habits were well experienced in the Traditional Law and knew what was legal and what was not".³² It is possible that the Chiefs, their sons and other relatives moved in Court circles and knew the Court etiquette and customs (Rājanīti) and as chiefs were succeeded by sons or near relatives in office they would have transmitted their knowledge to their successors. The traditional law would have been handed over in this manner.

There is also the fact that some of the High Officials in Court had the title "Wāsala Pandita Mudiyanse" (Pandit Mudliar of the Palace). Both Pilimatalawwe and his nephew Ehelepola had this title. We are of the opinion that the title "Pandita Mudiyanse" was given to them because they were versed in the Sinhalese customary laws.

32. Niti Nighanduva (translated by Le Mesurer and Panabokke) p. 2.

As the Brahmins had got merged in the Sinhalese population and disappeared as a caste in Kandyan times the title "Pandita Mudiyanse" may even be the survival in the Kandyan Kingdom of that of Purohita Brahmin of ancient times. A pointer in this direction is seen in the appointment of a Purohita by King Raja Singhe II. Dr. Ariyapala quotes Pandit Punnaratana Thero (Lankawepura tattwya p.77) as stating that Delgoda Wijetunga Atapattu Mudiyanse held this post under Rajasinghe II. Earlier in the Kotte Kingdom there were two Telagu Brahmins or Purohitas as the Oruvala Sannasa shows (EZ III p.51-71). In the last phase of the Kotte Kingdom under King Bhuvanekabāhu VII there was Rajarakshita Pandier who went with Salappu Arachi as Ambassador to Lisbon in 1540. In his correspondence Rajarakshita called himself "gentle and Brahmin". The Portuguese called him "Proytilē Rāla" obviously meaning "Purohita Rāla". Thereafter we see a non-Brahmin appointed Purohita and it is conceivable that learned Sinhalese chiefs would have been appointed to the post. This practice would have continued up to the last days of the Kandyan Kingdom where the Purohita idea perhaps was conveyed by the term "Pandita Mudiyanse".

(f) The Contribution of Village Communities or Local Authorities, Guilds or Corporations of clans and Castes to the Development of Administration of Justice

The local administration of justice derived from Hindu law and sanctioned by the writings of Hindu jurists has been referred to in inscriptions. Institutions like Gam Sabha, Rata Sabha and headmen both local and of castes played an important part in the development of administration of justice in Ceylon and that they continued to do so up to the last days of the kandyan Kingdom is attested by the statements of writers like Knox, D'Oyly and Dr. Hayley. The Veval Kātiya slab inscription of Mahinda IV and the Badulla Pillar inscription afford very valuable information on the judicial functions of local officials and of local courts in mediaeval times. The Vevalkātiya inscription (EZ I p. 241-251) says "Siri-Sangbo Abha mahā rajhu put. Siri-Sangbo Abhaya Maha-raj-hu sat lāngu (nava) Vana Havuruduyehi Undvap sand pere-ad-(ma)s-hi da(sa) pak dasvas uturu pasa Angam-kuliyehi kibi-(nila) nihi Demel-Veher pamaniyen dasa gamat ekeka

nayakayan Kibi-gam Āpā dun Nāyakayan Kudin Mehi ātulatak tāna
 Kuhivaku marā ke (tava) Kanda-pala sora-kam kala tirā Kot genā
 dasa-gāmā āthan hindā Vicārā upan dāyat pā haki-se-liyā tabā
 mārūvehu marā patvanukot isā kanda palā sorun gat ayatiyen
 eniyata Kolāk ayatiya (hi) ni hat genu di elvanu kot isā tirā no Kala
 dasa-gā-ma āttan pānsālisa davasekin soyā genā patvanu kot isā
 soyā no gata dasagāmin ek siya pasvisi kalandak ran radolat denu
 kot isā no marā ketuva div-milā panas kalandak ran ganna kot isā
 no pohat ge-dad ganna kot isā tirā nokala dasa gamin panas
 Kalandak ran radolat denu kot isā at pā-vahalat giyakugen dada
 panas Kalandak ran gannā Kot isā no pohat (ge) dad gannā Kot
 isāge-dad nāta at kapā pat-vanu kot isā vu dad sinhin dad
 pere-sirit se gam laddan pamūni (laddan bedā) gannā kot isā mivun
 gerigon eluvan mārūvan marā patvanu kot isā no marā sorā gena
 giya niyata kot ovun ovun kasilā san lakun obā harnā kot isā tirā
 no vat kota patvanu kot isā bāhārin āra Vikunana mivun geri gon
 eluvan hāndinā āpā genā gannā kot isā ana mākuvan rat-kala
 ya-mara vadey(e) sitvanu kot isā mē dasa gā (ma kudi)n taman
 taman kulehi (Vāte) na mangul-ava mangula valandnā pārahāra no
 ikmā vātenu kot isā me dasa gamat (Vavastha) kale tani u (eeka)
 avud (vun) Ku (di) kenekun āta hāndinā ā (pā) gena hindvanu kot
 isā noyedennak kot van Kenekun āta ā gata-da palamu vu gāmā
 ā(ttan) patvannat harāā Kot isā Vajala Ektan samiyen ā
 raj-sabhae The above text translated by D. M. de Z.
 Wickremasinghe is as follows :

“On the tenth day of the first half of the (lunar) month of
 Unduvap (Nov.-Dec.) in the (ninth) year after the canopy of
 dominion was raised by the great King Siri Sangbo Abhay Son of
 the great King Siri Sangbo Abha (his titles and reference to the
 Ksatriya race is given). Touching the dasa-gam from among the
 endowments to Demel Vehera (Tamil Monastery) at Kibi-Nilam in
 Angamkuliya in the Northern quarter each headman of these
 villages as well as those headmen and householders who have
 given security for Kibiligam shall ascertain (the facts) when in any
 spot within this (district) murder or robbery with violence has been
 committed. Thereafter they shall sit in session and inquire of the
 inhabitants of the dasagam (in regard to these crimes). The
 proceedings (of the enquiry) having been so recorded that the same

may be produced (thereafter) they shall have the murderer punished with death. Out of the property taken by thieves *by violence, they shall have such things as have been (duly) identified restored to the respective owners and have (the thieves) hanged. If offenders are not detected the inhabitants of the dasa-gam shall find them and have them punished within forty five days. Should they not find them then the dasa-gama shall be made to pay (a fine of) 125 Kalandas (weight) of gold to the State.

If (the case) be an aggravated assault and not murder (a fine of) 50 Kalandas (weight) of gold shall be exacted as (penalty for) damage to life. Should this not be feasible Gedad shall be exacted. If (however the assailants) are not detected^{33a} the dasagam shall be made to pay (a fine of) 50 Kalandas (weight) of gold to the State. From those who went out to do menial work a fine of 50 Kalandas (weight) of gold shall be exacted. Should this be not feasible gedad shall be levied. Should there be no Gedad they shall be punished by having their hands out off.

Holders of villages and of Pamunu lands shall divide among themselves in accordance with former usage the proceeds of (the . . .) fines and the minor (?) fines.

Those who have slaughtered buffaloes oxen and goats shall be punished with death. Should (the cattle) be stolen but not slaughtered after due determination (thereof) each offender shall be branded under the armpit. If (the nature of the offence) be not determined the culprits shall be beaten. The buffaloes oxen and goats which are brought from outside for sale shall only be bought after due identification of them and on security being given. Those who have effaced brand marks shall be made to stand on red hot iron sandals. The inhabitants of these dasagam shall observe without transgression the privileges they enjoy on (occasions of) rejoicing and mourning that occur in their respective families. If there be a villager who has come from (outside) the limits prescribed for these dasagam (he) shall be (duly) indentified and after taking security shall be allowed to remain (in the dasagam).

33a. From Ge house dad fine. Meaning is not quite clear. It appears to be a collective fine of the household.

If there be one who has entered (these villages) after having committed an improper act though security is taken the inhabitants of the village in which the party at first resided shall be permitted to impose (punishment on him)

All these lords who sit in the Royal Council and who have come (together) in accordance with the mandate delivered (by the King in Council) have promulgated these regulations."^{33b} There was difficulty in identifying what the term "Dasagam" meant. There were two probable meanings, firstly a group of ten (dasa) villages or slave (dāsa) villages. D. M. de Z. Wickremasinghe's comments on this inscription are relevant. He says: "Whatever the actual significance of the term may be we learn from the inscription that within the dasagama justice was administered by means of a communal Court composed of headmen and responsible householders subject to the authority of the King in Council 'Curia Regis'. In its democratic character this tribunal differs from the courts prescribed in the Hindu law books unless the judicial assemblies mentioned by Nārada includes such an institution. This village court was empowered to carry into effect the laws exacted by the King in Council and promulgated by his Ministers. It could for example investigate cases of murder and robbery, exact the prescribed fines from law breakers and in certain cases even inflict the punishment of death. Moreover the collective responsibility which lay upon the inhabitants of the dasagam for producing offenders within a limited time, the fines imposed upon the whole community in case of failure, the system of compensation for offences and the surety required for good behaviour as stated in lines 15-19, 35-37, reminds us strongly of certain administrative features of the Saxon and Norman periods in English history such as the institution of tithing and frank pledge and the bot and wite."³⁴

The other inscription which gives the judicial activities of local authorities, itinerant royal officials and guilds or corporations of merchants, is as we have said before, the Badulla Pillar inscription.

33b. EZ I pp. 246-251.

34. EZ I p. 244.

Dr. Parnavitane comments on this inscription "The object of this record is to publish certain rules enacted for the administration of a village named Hopitigamu in the Sorabara district. These are in the nature of a charter granted by the King to some mercantile corporations at the place and was the outcome of a complaint against the local magistrate made to the king when he visited Mahiyangana. These rules contain very interesting data for the student of village institutions and give us some insight into the life of the peasant and the trader in Ceylon during the tenth century. Particular attention may be drawn to the fact that the local mercantile and other corporations were empowered to levy fines, arrest murderers and in other ways assist the royal officers in the administration of justice."³⁵ The relevant passages affecting administration of justice by guilds or corporations of merchants and officials are as follows :

"Me Hopitigamu (padi lad) kenekun gattan gamat ā (Kalā) mandrandin Vanigramayam Mahāgramayan hindā Satalosa piriniviyan vahanseyi dāvasa vavasthā se Pere sirit dada ganut misā ani (ya) nokaranu Isa gam laddan gāttan manrandin hinda (Vi) tara kot piri kapā dakva dun dada ganut misa gam Vata gena ge tira genaā dada no elvany isa dada gama hinda e(1) vat misa kudin gamin pitat kota no gena yanu isa no pirikapu dadat Valakme no ganna kot isa le dadat Savami ginut misa abu daruvan Valakume no ganna isa."

When the bailiffs of any person who has obtained the market of Hopitagamu have come to the village they together with the Counsellors (Manradin) the members of the Mercantile Corporation (Vanigrama yan) and the elders of the village (Maha Grama) shall sit in session and receive fines in accordance with the statues of the days of the Lord who expired in the 7th year and in accordance with former usage but they shall not do anything illegal. Apart from receiving fines that have been given after investigating defining and registering by the bailiffs of the lord of the estate and the Counsellors sitting in session, they shall not demand fines having the village surrounded or having the houses occupied by force.

35. EZ III p.74

Fines may be demanded while being in the village but householders shall not be taken away out of the village. For fines that have not been properly defined no one shall be taken in restraint (Välakma).

For fines that have been imposed the master (of a house) may be taken (in restraint) but his wife and children shall not be taken in restraint (Välakma).³⁶

We thus get a full picture not only of local administration of justice in the 10th century but also of the method of compelling payment of fines "Valakme" which we see for the first time. This process derived from Hindu Law, continued up to the Kandyan times. The term Vanigrama refers to the guild or corporation of merchants who wielded judicial powers from ancient times.

Besides the officials and guilds of merchants the village Headman and the village council Gamsabha with which the Headman was associated and in which he sat along with the village elders to hear and settle disputes were part of the judicial process. Professor Geiger's comments on the judicial work of the Headman and the Village Community are very illuminating. He says "As to the administration of justice the information we can gather from the Mahavamsa is not very copious. The reason may be that for a good deal of jurisdiction concerning minor offences the village community and its headman were competent – so that the general public was not much affected by these legal affairs. In one inscription of the 10th century (EZ I p.53) it is explicitly prescribed that the royal officials when visiting a village every two years on their regular circuit may demand the surrender of the perpetrators of the five great crimes, not of the other offenders. Yet more extensive seems to have been the jurisdiction within the temple villages. Strict regulations existed here as we learn from inscriptions for the control of crime."³⁷ We have seen the extensive power which headmen wielded. The headman and the householders had to give security. In the case of a murder committed within a village the headman and householders were bound to enquire, record evidence, and have the murderer killed.

36. EZ V p.190

37. Geiger : Culture of Ceylon in Mediaeval Times pp. 43 and 44

The Jurisdiction of the Gamsabha¹ with which as we have said Headman was associated tended more to conciliate parties and settle disputes. Knox describes the Gamsabha as it existed in his day: "For the hearing complaints and doing justice among neighbours, here are Countrey Courts of Judicature consisting of these Officers together with the Headmen of the Places and Towns where the Courts are kept; and these are called Gomsabbi, as much as to say Town Consultations. But if any do not like and is loath to stand by what they have determined and think themselves wronged they may appeal to their Head-Governor that dwells at Court, but it is chargeable for he must have a fee. They may also appeal from him to the Adikars or the Chief Justices of the Kingdom."³⁸ Knox said of course that there was bribery in these courts. He was obviously referring to the practice of giving a Bulat Surulla (a sheaf of betel leaves with some coins put inside) when one goes to see a Chief. D'Oyly refers to it but says it is returnable under certain conditions. Sir John D'Oyly gives a description of this Court as it existed in the early 19th century. He says of the Gansabe or village court: "This court is frequently held both in the Disavonies and the Upper Districts and consists of an assembly of the Principal and experienced men of a village who met at an Ambalam or a shady tree or other central place upon the occurrence of any civil or criminal matter as disputes regarding Limits, Debts Petty Thefts, Quarrels, and after enquiring into the case if possible settle it amicably declaring the party which is in Fault adjudge (sic) Restotution or Compensation and dismissing with Reproof and Admonition their endeavours being directed to compromise and not to Punishment.

It frequently happens that a Headman in Office is one of the Assembly in which case a Fine is sometimes levied for (sic) offences and in some Dissavonies is shared with the other Assessors."³⁹ D'oily mentions some general rules and customs in judicial matters one of which concerns the presents given to a Chief or Headman. It is a general rule" he says "that Fees or presents given to a Chief for the purpose of gaining a Suit or

38. Knox : Historical Relation of Ceylon p.84.

39. Sir John D'Oyly : A Sketch of the Constitution of the Kandyan Kingdom p.28

promoting any other object must be returned on demand if the Suit be first or if the object be not accomplished."⁴⁰ This rule would seem to mitigate the corruption which Knox speaks about. The Gam Sabha existed after the surrender of the Kandyan kingdom to the British. One of the Commissioners in the Colebrooke Cameron Commission for Constitutional Reforms attended a Gam Sabha session near Kandy and recommended its retention on a proper legal footing which however did not materialise in that form though the Charter of Justice of 1832 recognised its existence. After the publication of Maine's work on the Village Communities the Court was recognized and reorganized by the Village Communities Ordinance.

The other institution Rata Sabhawa has been elaborately described by K. A. Kapuru Hamy in his article on it. It was also called Rata Sammutiya,⁴¹ or Varige Sammutiya, and was concerned mostly with upholding caste laws and customs. A Mohattala presided along with some minor officials, including the dhoby (washerman). The interesting feature is the prohibition of the offender's relatives from admitting the offender to their funerals and marriage ceremonies and the dhoby from washing for him till he is cleared at the inquiry in the Rata Sabhawa.

40. Sir John D'Cyly : A Sketch of the Constitution of the Kandyan Kingdom p.28

41. Rata Sabhawa in JRAS (CB) 1948 vol. XXXVIII Part II pp.42-68.

APPENDIX

Our attention has been drawn to a book entitled "Sinhala Laws and Customs" written by Dr. H. W. Tambiah Q.C. a retired Puisne Justice of Sri Lanka, and published recently. It has become necessary to show a critical assessment of its contents to the extent they impinge on our subject-matter of research. From a careful study of this book we could see that Dr. Tambiah has discussed mainly the development upto the present time of what has been called by British writers 'Kandyan Law' which consists of the surviving part of the ancient Sinhalese customary laws and which applies today only to a section of the Sinhalese people. This development involves the judicial and legislative processes up to date. He has thus continued the work which Modder and Dr. Hayley had commenced. These aspects of Kandyan law are known to legal practitioners in the up country, who handle land cases in the course of their day to day work. None of them, however, has attempted to put these principles down in writing in a systematic and complete manner since Dr. Hayley's work published in 1923 although the field covered by Kandyan law is limited in extent when compared with the common law of Ceylon—the Roman Dutch law.

A few years ago however a small book called Kandyan Law and Buddhist Ecclesiastical Law was published by two lawyers Collin de Zoysa and T. B. Dissanayake. This served a useful purpose by collecting the case law and legislative enactments upto the time of its publication although the treatment of the subject was indeed brief. Dr. Tambiah's work therefore fulfills an important need in that it forms a book of easy reference to principles of modern Kandyan Law for the busy practitioner in civil law in Kandyan areas and to the Appeal Court lawyers in Colombo who argue points of Kandyan law in the Appeal Court. It also serves as a useful guide to the law student who studies the Kandyan system of law for the first time. But we would like to mention that in the case of the law student a word of caution may be necessary when he reads the historical part of Dr. Tambiah's book, its account of the origins of the Sinhalese race, origins of customs and castes and derivations of legal terms etc. Caution is also necessary for anyone who is unfamiliar with the historical background of Sri Lanka. These topics are covered mostly by chapters one, two, three, four, five and six and some parts of a few other chapters. The law student must guard himself against some of the theories and opinions proffered by Dr. Tambiah, which have been characterised, in the Foreword to Dr. Tambiah's book by His Lordship Mr. H. N. G. Fernando, the

Chief Justice of Ceylon, thus : "Some of the opinions he expresses being partly theoretical and thus provocative, they should serve to encourage further research into this subject." We find that in the light of our research into the sources and development of customary Sinhalese laws, we are unable to endorse a number of statements, theories and opinions of Dr. Tambiah pointed out above. We shall however make a brief appraisal of the book in relation to matters within the scope of our study. It could be pointed out that but for the lack of time and opportunities a more detailed examination is possible.

We see that Dr. Tambiah has made a number of inaccurate statements and as a result has come to incorrect conclusion. Statements which are inconsistent with historical evidence have also been made. He had often mistaken the part, indeed a very small part, for the whole and has come to conclusions which cannot be warranted by historical sources. His generalisations are often based on very select facts which do not admit of such interpretations. It is conspicuous that Dr. Tambiah has introduced political elements into his book. The author blames scholars of Ceylon for bringing about a division between Sinhalese and Tamils, and he is out to promote national unity by writing this law book as evidenced by his statement at page 7. He does not specify who these scholars of Ceylon are but eminent international scholars like Professors Geiger, Bhandarkar and Nila Kanta Sāstri, and Caldwell were prompt to observe the basic and inherent and other differences between the two races in the course of their research and scrutiny. Professor Geiger notes at least seven distinct differences between these two races and concludes thus : "It is evident that though Sinhalese and Tamils have been in cultural contact for many centuries, a total amalgamation never took place. The two peoples are still conscious of their differences as they were in ancient times and during the whole Mediaeval period (Culture of Ceylon in Mediaeval Times, p.21). It is overwhelmingly important to note that these scholars are impartial observers with absolutely no vested interests whatsoever in this matter. Robert Knox was no scholar but he lived for about twenty years among the Sinhalese and he observed the differences between them and their neighbours the Tamils. He has been given recognition as a competent observer and he was struck by the resemblance of the Sinhalese to the Europeans ; he further saw that the Sinhalese resembled the Tamils "little or nothing". Sir John Budd Phear who came from Bengal to Sri Lanka as Chief Justice found striking similarities in customs, land holdings etc., in Bengal and in villages in the North Central Province. He also observed the colour differences between these two races in Ceylon. The anthropometric survey of Sinhalese and Tamil medical students by Dr. Chanmugam evinces differences Dr. Tambiah cannot ignore.

He owes a word of clarification to the outside student of Sinhalese customary laws about the use of the word 'Sinhala' in the title of his book, when in the book he uses the term 'Sinhalese' to denote the race whose customary laws he is dealing with. Coming to the subject-matter proper, we see in page 1, the statement "It is not within the scope of this work to deal exhaustively with the history of Ceylon or to enter into controversies;" When we also see that he has not only entered into controversies but also proceeded, under the guise of focussing "attention on the chief landmarks in the annals of Lanka", to give his own account of Lanka's history. It is unfortunate that factual errors, anachronisms, generalizations and conspicuous omissions have clouded important issues. One impediment Dr. Tambiah places in our way is his use of inexact diction. For example, we see sentences like "One of the points on which scholars are not agreed. Dravidians" (page 1) and ". a reminder to the scholars of Ceylon.". (page 7). It is difficult, especially in the treatment of a serious subject like this to rebut or confirm the arguments of scholars whose identities are not disclosed.

Dr. Tambiah casts doubt on the Sinhalese and Tamils being two different ethnic groups and he relies on "The Origins of the Laws of the Kandyans" by Professor Derrett, as Professor Derrett expresses whom he is indebted to, we think that Dr. Tambiah is partly relying on himself. He also cites W. F. Gunawardhana (page 10) whose theories on the Sinhalese race have been repeatedly disproved by pre-eminent scholars like Professor Geiger and Mudliar A. Mendis Gunasekera. It now is an accepted fact that the Sinhalese language is an Indo-Aryan one. At page 2 Dr. Tambiah says ". . . . no pure Dravidian or Aryan ever set his foot on the soil of Sri Lanka" and although what Dr. Tambiah goes on to say is partly right ("The word 'Aryan' was used, in ancient times, to denote a person who had any pretence to respectability"), it must be emphatically pointed out that the term 'Aryan' actually refers to an ethnic group characterised by the prevalence of the four Varnas among them. As the historical record of the Sinhalese – the Mahavamsa – speaks of the four Varnas among the Sinhalese, and as no such historical record exists among the Dravidians, only one deduction, endorsed by Sastri, Bandarkar and Geiger etc., is apparent. Dr. Tambiah delves into pre-history many aspects of which are purely theoretical and for which contrary and contradictory theories could be adduced. As it is outside the scope of our study, we shall not be dealing with them.

He says on page 4, "Place-names 'all over' (inverted comma ours) India and Ceylon indicate their wide sphere of influence" but he has not mentioned what these places are in Ceylon. There are Dravidian names as well as very many Sinhalese names that have been Tamilised in the

Northern Province, and a few Dravidian names in the other parts because of the past presence of Tamil mercenary forces there. Dr. Tambiah states that the Mahavamsa was written somewhere about A.D. 600 (page 7). But he does not disclose the source of this piece of information. We can understand his desire to establish such a date so that it could fit in with his original theory we have discussed earlier. On a perusal of Codrington one could see that the actual date is 100 years or more earlier. Codrington says "With Mahanama the Lambakanna dynasty became extinct. A Pandyan invasion established foreign rule at Anuradhapura which is said to have lasted 27 years but may well have lasted longer. The principal Sinhalese fled to Rohana; here they ultimately found a leader in Dhatusena (Dasenkeli, late 5th century A.D.) of the Royal Moriyana race who expelled the Tamils and reunited Ceylon in one sovereignty. His chief work was the construction of the great tank Kalawewa. His uncle the priest Mahanama was the author of the Mahavamsa" (Pages 29-30, Short History of Ceylon). Dr. Tambiah himself admits that Dhatusena reigned in the 5th century A.D. (page 12). Then we see him trying to substantiate a theory from lithic and literary records that pre-Vijayan civilisation was Dravidian. It could be seen that this theory remains non-proven if the inscriptions and what Dr. Paranavitane has said are examined. These inscriptions are all in ancient Sinhalese and in Brahmi Lipi and refer mainly to Sinhalese individuals giving grants to the priesthood. Occasionally a few Tamils figure therein and they are described as Dammeda to distinguish them from the majority as belonging to a different race. The presence of a few Dravidians among a large Sinhalese group does not indicate that pre-Vijayan civilization was Dravidian especially when the inscriptions themselves were in Sinhalese. As regards urn burials in the absence of a probable date as to when they took place especially when according to Dr. Paranavitane the upper limit of such burials was the 3rd or 4th century B.C. it cannot be inferred that the civilization well before the 4th century was Dravidian.

Dr. Tambiah notes that the advent of Vijaya with his 700 followers is not regarded as history by scholars. As usual, he does not say who these scholars are. We have shown that the Vijayan conquest from which the Aryanisation of Sri Lanka a few centuries before the arrival of Mahinda can be inferred receives confirmation from North India. It is a matter of profound surprise that Dr. Tambiah calls the Vijayan conquest a legend when he has introduced legends and semi-mythical elements into his law book giving them a touch of reality. At page 12 he says that the origin of the Kshatriya race that ruled in the South East of Sri Lanka (meaning at Kataragama) is a matter of conjecture. There was no Kshatriya race ruling there but a Kshatriya caste who could not have belonged to any

other ethnic group than an Aryan one. While stating that they were independent of Anuradhapura kings Dr. Tambiah mixes up the two groups when he says that names such as Mutasiva indicate that these princes (meaning Kshatriyas of the South East) were Hindu Saivites. Mutasiva was the father of King Tissa and ruled before him at Anuradhapura and built the Mahamegha park there. Dr. Paranavitane shows that although there was no relationship between the Anuradhapura royal family and the Kshatriyas of Kataragama they subsequently became related. He says "There is nothing to indicate that these Kshatriyas of Kataragama were related to the family of Devanampiya Tissa. It is very likely that they were descended from the leader of a band of immigrants from North India that arrived in the South East of the island and settled down there" (A Concise History of Ceylon, p.60). He then speaks of the conflict between the two families and says that they became subsequently united by a matrimonial alliance. At pages 11 and 12 Dr. Tambiah tries to make out that Sri Lanka received large accessions to its population, all Dravidians. He does not cite any authorities or show any evidence of how this came about. We have shown the immigrations to Ceylon and there does not seem to be any reliable evidence outside them. The Colas always had hostile feelings towards the Sinhalese and it was not likely that these ceased suddenly. There were a few amalgamations but they were never large. Between Tamluk in Bengal and Jambukole in the North of Ceylon there was much intercourse and the probability was that more Bengalis would have come to Ceylon and mixed with their kinsmen the Sinhalese. The presence of Rajput mercenaries as late as the 13th century indicates that North Indians were still coming to Ceylon. These proved much more reliable an army than the Dravidian Mercenaries as the Culavamsa indicates. Codrington speaks of the Rajput loyalty to the true heir when Vijayabahu IV was assassinated by an usurping general. He says "Hamir Sank the father of the Ceylon princess Padmini who married the Regent of Chitor about 1275 perhaps was one of the Rajput mercenaries who took service in the island (p.99). Speaking of the mercenaries Dr. Tambiah makes the remarkable statement "Thus the Vellakkara forces the Tamil mercenaries who came with the Colas remained in Ceylon and were employed by Vijayabahu in driving the Colas out of Ceylon" (p.13). The account of Vijayabahu's activities before the capture of the Polonnaruwa Kingdom and the account of Velaikkara activities as given in the Culavamsa diametrically contradict Dr. Tambiah. Vijayabahu's inscription at Ambagamuwa too contradicts his statement. The Culavamsa speaks of Vijayabahu collecting forces in the South to fight the Colas, the district from which the forces were raised is given. According to chapter 57 verse 71 Vijayabahu had raised forces from Pancayojana (now Pasdun Korale, East of Kalutara). He has also collected forces in Rohana and used the

four stratagems to fight the Colas. In Chapter 58 verse 8 it is said that he got help from Burma (Ramanna). His defeat of the Colas is thus described ; "When the hero the discerning one who had utterly destroyed the best of the proud Colas had placed the whole of Rajarattna on a sure foundation" he advanced to Anuradhapura (Cv 58.59). It would appear that after the defeat of the Colas most of them retreated to India but a few who remained took service with Vijayabāhu who had become king. These Velaikkaras proved unreliable and mutinied against Vijayabahu who had to flee the capital. The reason for the mutiny would prove that Dr. Thambiah is wrong in his assumption. Vijayabahu ordered the Velaikkaras to go to war with the Colas in South India and unwilling to fight their kinsmen there they rebelled. The Culvamsa describes the revolt "While the generals were procuring ships and provisions in order to send the troops to the Cola kingdom then in 13th year (of the King's reign) the division of the troops called Velaiĳkaras revolted as they did not want to go thither" (60. 35, 36). Their subsequent activities are also given. They slew the two generals captured the king's sister and her three sons and burnt down the king's palace. Vijayabahu had to flee, collect troops, come back and after a fierce battle defeated the Velaikkaras and caused the leaders to be executed. Codrington gives the year when he says "Preparations were being made about A.D. 1084/5 when the Velaikkara mercenaries unwilling to fight their Tamil kinsmen mutinied and burnt the royal palace" (p.57). It would appear that the Tamil mercenaries rebelled on several occasions and on each occasion severally put down.

At page 15 Dr. Thambiah makes the curious omission in his narrative. He cites Codrington to indicate that Kotte was in a hapless condition with the king of Jaffna levying tribute in the South before the Portuguese came. We shall complete the historical narrative of events before the arrival of the Portuguese as Dr. Thambiah's picture is faulty due perhaps to his reluctance to admit the conquest of Jaffna and its subsequent rule for sometime by the Sinhalese king of Kotte. It would appear that Ariyachakravarti's (King of Jaffna) tax collectors were hanged by the Minister Alagakkonara whereupon Ariyachakravarti invaded the south and was defeated. This would have been towards the end of the 14th century. Then in the fifteenth century under Parakkramabahu VI Sri Lanka was united under one sovereign. Codrington says(p.91) –

"The principal event was the conquest of Jaffna by Sapumal Kumaraya" who ruled the North for several years as subruler under Parakramabahu VI (1412–1467).

The Portuguese first came to Sri Lanka on November 15, 1505. They left a force behind and came back in 1517 or 1518. Dr. Tambiah tries to make out that when the Portuguese succeeded to the Kotte Kingdom many Sinhalese withdrew to the interior. There is no record of such a retreat nor is there any differentiation between the low country Sinhalese and the Kandyans. Only the upper classes became Christians and adopted Portuguese names, fashions etc., while the ordinary people remained faithful to their traditions, customs and religion, etc. A parallel could be found in Jaffna from the middle of the last century when leading Tamils took on conversion beautiful and euphonious Anglo-Saxon surnames of their American benefactors as Tenent testifies, while the rest of the people remained Hindus¹.

Turning to the question of the origins of caste Dr. Thambiah says categorically at page 15 "Parakkramabahu VI brought the Tamil warriors the Karavas to fight the Portuguese. Dr. Thambiah has not realised that the first part of the statement is flatly contradicted by the second. Codrington gives the year of Parakkramabahu VI's death. He says at page 93 (Short History of Ceylon) "Parakkramabahu abdicated in favour of the daughter's son Vira Parakkramabahu and died after a reign of 55 or 52 years according as this is reckoned in 1412 or 1415". In any case by 1467 the King was dead and a number of other kings ruled before the Portuguese first came in 1505. The absurdity of Dr. Thambiah's statement is quite clear to anyone familiar with Ceylon's history as Parakkramabahu VI's reign was a grand one uniting as he did the whole of Sri Lanka by the capture of Jaffna and because of mass of

1. Tenent : Christianity in Ceylon, p. 179.

In a publication issued recently by the U. S. International Communication Agency in Colombo entitled "Two Centuries of Lanka-American Friendship" portraits of some of these American missionaries are given. On the other hand there are photographs of two Americans who came to Sri Lanka towards the end of the last century and becoming Buddhist worked strenuously to promote Buddhist causes and education. One was Colonel Henry S. Olcott whose statue stands at a prominent part of Colombo and a street named after him by a grateful public. Olcott was influenced by the arguments of Rev. Migettuwatte Gunananda Thero at the Panadura Controversy in 1873. The other was Mrs. Marie Musaeus Higgins, the Principal of a Buddhist Girl's School named after her.

of literary output. It is obvious that Raghavan whom he quotes has been given a false story and has written a book on it. Raghavan does not deal with the main Karawe families who, we are aware, claim descent from Takuraka and his Rajputs. In the absence of perusal of any authoritative documents we have not relied on this claim which could be true. Dr. Thambiah makes the curious distinction between the term Salagama and the term Chalias. The Chalias he refers to as mentioned by Boake as residing in Mannar were Tamils. The Portuguese and the Dutch referred to the Salagamas as Chalias meaning weavers, Durayas as Chandos, Tamils as Malabars, etc. The Sinhalese caste of Salagamas were in the Mahabadda (cinnamon industry) under the captain of the Mahabadda. Sir Alexander Johnston presented a copy of their flag also called the Namedire flag (term derived from Nambudri) to the Royal Asiatic Society in 1835 (Transactions vol. 3). They are not Colas or Tamils as Dr. Tambiah tries to make out. They are mainly descended from the seven Patnuli weavers who were brought by the Moors in the 13th century, and from earlier weavers who came with the Bo tree, and from some Brahmins. There is enough material about them in the Dutch Governor's memoirs (especially Schreuder, 1757-62), the Petition of 1636, Janawamsa, article by Mahamudelier Adrian de Abrew Rajapaksa in Joinville's account on the religion and manners of the people of Ceylon (Asiatic Researches 1801 pp 440-46 (vol. 7). Rajapaksa calls them Pesakara Brahmins. He has in the Church Missionary Society Journal, 1817, has written an article about them. In a letter Sir Alexander Johnston sent to Rajapakse in reply to an address presented to him in 1817, says "Your conduct as jurymen has repeatedly received the most marked approbation of the Supreme Court. the nature of my office makes it a part of my duty to be thoroughly acquainted with the history of this country as well as with the Laws and usages of its different classes of inhabitants. I therefore endeavoured and not without some success while I was last year in the peninsula of India to collect the various documents which are still to be found not only in the provinces of Tandore, Madura and Ramnad but also in the island of Ramisseram relative to the first introduction of persons of your caste into Ceylon. These documents are for the most part either in Telagu or in Sanskrit.By them you will see that your caste is the same as

that of the great body of weavers who supplied the East India Company with a portion of that cloth which they procured from the Southern provinces of the peninsula" (Ceylon Pamphlets 3M, Commonwealth Society) Thurston (Castes and Tribes of South India) describes the Patnulis as having come down from Gujarat and settled down in the south and speaking a language akin to Gujarati. Reimer's (in the Dutch Parish register of Ceylon, p. 38) gives the origin of Salagamas from Nambudris and Saliyans who claim to have come down from Gujarat and settled down in the South according to Emily Gailchriest Hatch. Dr. Thambiah has made a number of general statements such as "Hundreds of Tamil families were brought from South (p. 18)" "Several waves of settlers came from South India and settled in the Southern and Wesern Coast" (p. 15) "With the advent of Muslims more members of the Salagama and Karawe castes would have settled on the coast, etc". We would, like to point out that there are no historical records or evidence to substantiate these statements. He has not said when, where and how these settlements took place. It is also strange that he has not cited a single Portuguese or Dutch official (except a casual allusion by a traveller) or even Tombo or other official document. They seem to rest on his ipse dixit and they are ejusdem generis as his statement about Parakramabahu VI (at p. 15). If we examine the Tombo extracts we find a few Ge names which are derived from Tamil caste or sub-caste names. It is possible that the bearers of these would be descended from Velaikkaras or other Tamil soldiers. They are very few in number and form the exception than the rule and Dr. Tambiah is trying to use them to lay down general propositions as he has habitually done. If only he had examined a book like "Sampson Rajapakse, Mudliar" he would have found the Ge names of the leading Salagama families together with a short account of the caste. The names given there such as Namediri, Haljothi, etc., indicate the Brahmin descent of the bearers. It is significant that none of the names indicate any Tamil origin. Other common Ge names end in Muni (which Reimers has pointed out in an article on surnames in the JRAS (CB) 1930 as indicative of Bahmin descent², Dura (post or position), etc.

2. There is a village in Balapitiya called Brahmanawatte.

Regarding the activity of the Moors the trade rivals of the Portuguese and the Dutch we see restrictive laws against them in de Costa's Collection. Foreigners such as Moors and Tamils had to report to the Sahabandars (Harbourmasters) and they had to pay Uliyam (foreigners' tax). They could not own property in the fort of Colombo till the British removed the restriction in 1833 (Governor's Despatches, 18 October 1833 ; p. 431). The Sinhalese castes had been geared up for the economic advantage of the Portuguese and the Dutch, and they were given Paravenias. Foreigners had no place in that system and they had to pay the tax for allowing them to live in the Europeans' territory. We find that in Rajasinghe's time a few Andis (mendicants) coming to Ceylon and one of them entered his services and rose up to be his general under the name of Jayavira. For double dealing he was stabbed to death by the Portuguese General. Denham (Ceylon at the Census of 1911) quotes Simon Casie Chetty as having stated that some Mukkuvas came from South India and were given some land at Puttalam by Rajasingha. In about 1618 or so Don Constantine de Saa expelled a large number of Moors from Portuguese territory and they were settled by the king of Kandy on the Batticaloa coast. A few Tamils also seemed to have come during Portuguese and Dutch rule and took service with them. These form the Colombo Chetty community of today. All the Tamils who came during the Portuguese and Dutch times formed the Tamil communities whom Dr. Tambiah describes in his book "Laws and customs of the Tamils of Ceylon". The scantiness of available evidence is seen in the*thinness of that book.

We find Dr. Tambiah stating at page 22 "There is evidence that the Karave and Salagama communities form the cream of the Colas and Pandyan armies and if not for their valour the Sinhalese civilization might have been extinct". This is indeed a bewildering statement. He does not say from whom these communities saved Sinhalese civilization. If it is from the Colas, the statement becomes untenable because Colas would not fight fellow Colas. If it is from the Portuguese or the Dutch the statement cannot be correct as these two castes are low country castes and are not mentioned by Knox as living in the Kandyan kingdom in his day. On the principle of *expressio unius est exclusio alterius* this statement denies the credit that should go to a number of castes who fought for the

preservation of Sinhalese civilization such as Goigama people (Rāṭe Etto) and Batgama people etc. His consequential statement that Salagamas and Karawes were of the Tamil speaking group is also questionable. The presence of a few Tamil names does not bring these castes into the category he puts them into.

The learned author seeks to make obvious Sanskrit terms Tamil. Terms like 'Maruvena', 'Ninda', 'Paraveni' and 'Dandanayake' are Sanskrit terms. The Mahavamsa mentions that Asoka gave the title Dandanayake to one of the Sinhalese emissaries (see p. 356). The word 'thupatti' is not a Tamil word. We learn from a document in the McKenzie Collection at the India Office that it is derived from Bengali and Marathi 'Dopata' and 'Dupata' respectively, meaning a cloth of double breadth.

As his sources of Kandyan law the learned author gives in Chapter 4 a number of British writers on the subject whom Dr. Hayley properly called 'The Authorities'. Sources of law as we understand the term from a book of Jurisprudence would mean the quarters from which the law obtained its material contents. These authors did not furnish the material contents of Kandyan Law but they merely recorded the law from opinions of chiefs, assessors, etc. They are no more sources of law than Anson is on Contracts or Underhill on Torts. We have set forth in the thesis, what in our opinion are the sources of Sinhalese laws which are generally represented by the word Sirit or Pera Sirit, former or immemorial customs. There are various kinds of Sirit, Kula Sirit or Kula Cāra, Gam Sirit etc. We have also shown how the Brahminical system especially the laws of Manu contributed to the growth of Sinhalese laws. Specific customs derived from Kautilya such as Ande cultivation have come down through the ages and are followed today. The influence of Buddhist canonical writings can be seen. Dr. Tambiah himself has realised the part played by Buddhism when he said, "The influence of Buddhism on the culture of the Sinhalese can never be underestimated" (p. 78). However, he has not appreciated this influence when he showed some departures

¹ This is published as an article entitled "The Sources of Sinhala Customary Laws" in I. C. L. J. June 1970 published by The Law College, Colombo.

from the Dahrmasastras in Sinhalese customary laws ; for example, prohibition by kings of animal killing, and absence of rituals in marriage, adoption etc. In chapter 5 on the Genesis of the Kandyan law he takes some concepts and shows similarities, real and imaginary, between that law and the customary laws of the Tamils of Jaffna which goes under the name of Thesavalamai. He gives the origin of slavery from the Niti Nighanduva a secondary source which takes them from the 5th century Buddhist work of Buddhaghosa. It was necessary to define slavery in Buddhism as slaves had sought refuge in the Sangha to avoid their obligations in Buddha's day. The terms of definition are in Pali and we see an institution from Aryavarta. As regards caste we have shown the existence of the four Varnas and the modern development therefrom. No divisions as known to the Tamils as the Valankai and Idankai exist among the Sinhalese. Regarding, the age of marriage the Sinhalese females were marriageable at the age of twelve as the term 'Vivaha Prapta una' meaning to approach marriageable age is used among Sinhalese. Moreover, the Kndyan Marriage Ordinance gives the age of marriage as twelve. There is a ceremony called the Poruwa ceremony among the Sinhalese.¹ Tamils observe the full Griha Sutra ritual etc. They also have the 'Thali' ceremony (tying the throatlet)² which is alien to the Sinhalese. The ceremony takes place (among the Tamils) when the couple are in the Manavalai or Manavarai (bridal throne) which Cartman describes as "specially constructed and decorated often with figures of birds, animals and deities". The Magul Maduwa of the Sinhalese is the specially constructed shed outside the household to feed the visiting guests.

In adoption there are fundamental differences between the Kandyans and the Tamils. Among the former the adopted child takes the Nama and Gama (name and land). This is the essence of adoption and public declaration of only the adopter is necessary. The adopted child gets all the properties. The rules of adoption as known to the Tamils have been stated thus ; "Very rarely does this adoption confer the rights of sonship in the sense on enabling the adopted child to become heir to the estate of its foster parents. For these to take place the consent of persons who are likely to lose

1. See Denohami Vs. Balahamy 29 NLR

2. Vide Arunagin's Vaigalie 2 NLR 322-29 (1881).

inheritance must be obtained. When consent is given it is usually where children of near relatives, of a brother or a sister are adopted. If a stranger should be adopted and granted the status of heir only one-tenth of the hereditary property and dowry property may pass to him. He may however receive any portion of the foster parents' acquired property. Such 'adoption' ceremonies are performed in public. Brothers, sisters, parents of the child and the nearest relations dip their fingers in saffron-sprinkled water as a mark of their consent. This finger-dipped water must then be offered to the parents adopting the child to be drunk in the presence of witnesses including the family barber and dhoby" (Rev. James Cartman 'Hinduism in Ceylon' p.165). The Thesavalamai Volume 3 Legislative Enactments 1956 Ch. 63 p.89 also gives the description of the ceremony thus "If a man and woman take another person's child to bring up and both or one of them being inclined to make such child their heir, they may first ask the consent of their brothers and sisters, if there be any—if not that of their nearest relations who otherwise would succeed to the inheritance and if they consent thereto saffron water must be given to the woman or to the person who wishes to institute such a child their heir to drink in the presence of the said brothers or sisters or nearest relations and also the presence of the witnesses after the brothers and sisters or nearest relations and also the parents of the child should previously have dipped their fingers in the water as a mark of consent".

These ceremonies are not known to the Sinhala people.

In our work, we have shown quite amply that Sinhalese customary laws are predominantly Aryan in origin. But for the lack of time many more of Dr. Tambiah's theories and opinions could be refuted by marshalling factual, cogent evidence.

As we have quoted a passage from the Thesavalamai the other system of customary laws which obtains among the Tamils of the Jaffna Peninsula of the Northern Province of Sri Lanka it is relevant now to discuss however briefly from available evidence the origins of that system and how and when it became effective in Sri Lanka. The Thesavalamai, a term derived from Thesa land or country and Walamai customs in Tamil has been put into the form of a Code, the oldest in existence in the island, by the Dutch Government in the early 18th century.

The circumstances under which the Tesavalamai was codified, by the Dutch and how it became law under the British are given in the Thesavalamai Chapter 63 of the Legislative Enactments of Ceylon 1956 Edition, we shall now quote from this Enactment :

“ A Regulation for giving full force to the Tesavalamai or the Customs of the Malabar inhabitants of the Province of Jaffna as collected by order of Governor Simons in 1706, 9th December 1806.

1. This regulation may be cited as the Tesavalamai Regulation.
2. The Thesavalamai or customs of the Malabar inhabitants of the Province of Jaffna as collected by order of Governor Simons in 1706 shall be considered to be in full force ”.

As amendments have been made subsequently in British times it is stated that “So much of the provisions of the Tesavalamai as is inconsistent with the Jaffna Matrimonial Right and Inheritance Ordinance is repealed tht Ordinance and so much of the Tesavalamai as is inconsistent with athe provisions of the Thesavalamai Prevention Ordinance is repealed by section 14 thereof”.

The Thesavalamai Code goes on to state :

“3. All questions between Malabar inhabitants of the said Province or wherein a Malabar inhabitant is defendant shall be decided according to the said Customs”.

As the great majority of the Tamils were and are of the Hindu faith wherein caste plays a very important part special mention is made of castes in section 4. Matters and obligations of castes mentioning there as high or low had to be decided "according to the said customs and the ancient usages of the province"

Further information is given :

"Promulgated by the Dutch Government of Ceylon in the year 1707. Description of the Jaffna ancient Customs and Rules according to which persons of this Province are in the habit of recovering in Civil matters such as Inheritance Adoption, Gifts, Seizures, Purchase and Sale, Pledging and Redemption of land and gardens drawn up and collected by me the undersigned pursuant to the order of our Honourable Commandeur the Governor of Ceylon Cornelis Joan Simons and the Council at Colombo by letter dated 14th August 1706 directed hither according to the experience which I in the period of seven and thirty years that I have been passing here of which, said period most has been in this province have acquired".

At the end of the Thesavalamai Code the Dutch Official Class Isaakez who compiled the same with the help of Tamil Mudliars in Jaffna states "The above laws and customs of Jaffna patam were composed by me in consequence of my experience obtained by my long residence and intercourse at that place. I have written the above laws and customs after a strict inquiry into the same by order of His Excellency Governor and Doctor of Laws Cornelis Joan Simons, and I hope my endeavours will satisfy his Excellency the Governor's intention in the expectation whereof.

I have the honour to be Honourable Sir, Your Excellency's most obedient humble servant.

Class Isaakez,
30th January, 1707"

It would appear that the Thesawalamai consists of conservative customs intended to preserve the integrity of the family and the family property. A unique provision of enacted or written law is the

specific mention of one caste as high and others as low in paragraph 4 of the Code, a pronouncement in a statute which finds no parallel in the Sinhala Customary Law. Another unique feature is the principle of Pre-emption which is now regulated by the Thesavalamai Pre-Emption Ordinance No. 59 of 1947 (Chapter 64) Section 2 lays down :

(1) When any immovable property subject to the Thesavalamai is to be sold the right of pre-emption over such property that is to say, the right in preference to all other persons whomsoever to buy the property for the price proposed or at the market value shall be restricted to the following persons or classes of persons :

- (a) The persons who are co-owners with the intended Vendor the property which is to be sold and
- (b) The persons who in the event of the intestacy of the intending vendor will be his heirs".

(2) For the purposes of this Ordinance the term "heirs" means all descendants, ascendants and collaterals up to the Third degree of Succession and includes children, grandchildren etc. The right of pre-emption is similar to Jus retractus or naasting of the Roman Dutch Law, about which Professor Lee says "In Holland by general customs the Count had a right pre-emption over feudas and by local custom relatives and others had a similar right over other immovable property. This right was called naasting or Jus retractus. It has no equivalent in the modern law but a right of pre-emption may be the subject of express stipulation (conventional retractus) introduction to Roman Dutch Law page 298 Fifth Edition 1953. In the land law applicable to the rest of Sri Lanka (both Roman Dutch and Kandyan) the right of pre-emption exists among co-owners of immovable property when on action for partition is filed by a co-owner to partition or sell the commonly owned property if a partition is not practicable.

Now the matter is regulated by Section 41 of the Partition Law No 21 of 1977 but under earlier partition laws too the right existed under similar circumstances. Section 41 states "On the date specified in the notice referred to in section 40 the person

responsible for the sale shall in terms of the commission or order for sale issued to him and in accordance with the conditions of sale and the order issued by Court (a) first put up the land or where the land is to be sold in lots put up each lot to auction among the co-owners thereof and if the highest bid made at that auction is not less than the value of the land or of that lot determined by the court under Section 30 declare the co-owner by whom that bid was made to be the purchaser of the land or of that lot and (b) If no co-owner becomes the purchaser of the land or any lot put the land or that lot up to public auction permit the co-owners to bid thereat and declare the highest bidder at such public auction to be the purchaser of the land or of that lot”.

As we see that pre-emption already exists in a limited sense under the general law of Sri Lanka it is desirable that the right should be extended to cover co-ownership of immovable property under all circumstances to prevent one co-owner from selling his share to an outsider without first giving an opportunity for the other co-owner or co-owners to buy that share. A law on the lines of the Thesavalamai Pre-emption Ordinance can be passed to this effect.

The Origins of the Thesavalamai

Maine in his work on Hindu Law (at page 6) discussing the law of Southern India States “As regards Southern India the original Dravidian people who had a civilisation of their own came under the influence of the Ariyan civilisation and the Ariyan laws and both blended together into the Hindu Community, and in the process of assimilation which has gone on for centuries the Dravidians have also adopted some of their original customs perhaps in a modified form ; but some of their deities have been taken into the Hindu pantheon.” He also shows the influence of Ithihasas and Puranas on the Dravidian people. Then he goes on to discuss the Thesavalamai of Sri Lanka, when he says “Reference may here be made by the Dutch Government of Ceylon and to the resemblance between the rules contained in it and the rules in Hindu Law. He distinguishes between hereditary property, acquired property and dowry which closely correspond to ancestral property, self acquired property and Stridhanam in Hindu Law though the incidents may not in all cases be the same.”

Dr. H. W. Thambiah in his book "The Laws and Customs of the Tamils of Jaffna" at Page 5 states as a heading that Thesavalamai originally was a collection of Dravidians Usages. He further states "Recent researches have shown that the Thesavalamai originally was a collection of Dravidian Usages. Mayne while considering the nature of the Thesavalamai says that the customs recorded in the Thesavalamai may therefore be taken as strong evidence of the Usages of the Tamil inhabitants of South India, two or three centuries ago at a time when it is certain that those Usages could not be traced to Sanskrit Writers. Mayne has shown that many such customary Usages exist even today in South India and cites a number of books like Madurai Manual by Nelson etc."

Dr. Tambiah shows the close connection between the Thesavalamai and the Marumakatayam Law and states that it is an offshoot of the old Marumakatayam Law. He shows the influence of the Hindu Law, Muslim Law, the Roman Dutch Law and the English Law on the Thesavalamai and summerises the position." Thus we see that the Law of Thesavalamai as mainly matriarcal stage of society but it has undergone a metamorphosis. The law of Thesavalamai as it comes to us has been mutilated and altered by the Dutch and Portuguese. We have also seen how various positive systems of law like the Hindu Law the Mohameden Law, the Roman Dutch Law and the English Law have influenced the law of Thesavalamai." (Page 20)

Malabar Inhabitans of the Province of Jaffna

We have seen that the Thesavalamai applies to the "Malabar Inhabitants of the Province of Jaffna" in Sri Lanka. As to the term "Malabar inhabitants" Sir P. Ramanathan in a foot note in the case of Tillainathan vs. Ramasamy Chetty 4 NLR 328 at P. 333 states "Malabar" is a corruption of Malaivaram (Mountain side) the country along Western Ghauts of India. When the Dutch who had visited Western India arrived in Ceylon and found the Tamils here to be somewhat identical in religion with the Hindus of the Malabar coast of India they called them Malabar Inhabitants meaning settlers from the Malabar coast, but the Tamils in Ceylon came from the Eastern coast (called by the Dutch the Coromandel Coast) and are different from the people of Malaivaram or Malaiyalam in

point of language and social institutions. Hence it is an error to speak of the Tamil as Malabars". Dr. Tambiah however is of the view that the first group of Settlers to Jaffna came originally from Malabar. He states "Many other matters such as the law of Adoption, Law of Otty Mortgage and the Law of Pre-Emption both of which peculiar to the Thesavalamai were also adopted from Malabar, P. 14." Dr. Tambiah speaks of two settlements from South India to Jaffna, the second of which established a kingdom and an administration in the Thirteenth Century A.D. and the first earlier. About these he states "the first Colonization was on an extensive scale from the Malabar coast", in the second a small band of chieftains relatives and retinue etc. for Civil and Military administration of Jaffna and collection of revenue for the newly established kingdom of Ariya Chakravarty. Dr. Tambiah says that this was in the middle of the Thirteenth Century. We may state that Culavamsa lends support for the Malabar settlement when it states that the Soldiers of Kalinga Magha were Kerala troops some of whom would have settled down in Jaffna.

Professor K. Indrapala in an article in the R.A.S. Journal entitled "Early Tamil Settlements in Ceylon" asks the question "When did permanent and wide spread Tamil Settlements begin in this Island;" and answered the same in the light of inscriptions and Archaeological Evidence. He states "It is in the Tenth Century that we get definite evidence in the Sinhalese and Tamil inscriptions in the Archaeological sources and to a small extent in the Pali Chronicals. That by the Tenth Century Permanent Tamil Settlements had begun in the back on the whole body of evidence that is available to us we have to conclude that there were no wide spread Tamil Settlements before the Tenth Century. The Settlements at Pomparippu and the possible settlement at Katiraveli have to be treated as isolated earlier settlements". He goes on to state further "The main stage in the process of the Tamil Settlements which eventually led to the Transformation of the present Northern Province into an exclusive Tamil Speaking area had not yet been reached in the Twelfth Century. This stage was reached with the conquest of Magha and it is doubtful that the Tamil Settlement of the period before the Thirteenth Century would have resulted in a permanent division of the country into two

linguistic regions". He gives the definite settlement by the Tamils in the North when he says "The Settlements of the Thirteenth Century therefore mark the most important stage in the course of the early Tamil Settlements in Ceylon". He concludes by stating "It is only after middle of the Thirteenth Century that we get evidence of Tamils migrating to the Island with the definite aim of settlement. With this stage the Northernmost region and the Eastern District emerged as a predominantly Tamil Area with all the attendant political problems."

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Just like the Sinhalese the South Indian Settlers whether from the Malabar or Coromandal coast brought with them their usages into Sri Lanka. Prior to their permanent settlements the Sinhala Customary laws obtained throughout the whole Island. It is possible that after the Thirteenth Century with the establishment of an administration in Jaffna the Thesavalamai became effective in the Jaffna Peninsula.

We would like to state however that not all "Malabar Inhabitants of Jaffna are of Dravidian origins. There were Sinhala people in the Jaffna Peninsula from early times. Sinhala origins of village names in the Jaffna District have been given by British Civil Servants like H. W. Codrington, J. P. Lewis, B. Horsburgh and Tamil scholars like Father Gnanaprakasam and S. W. Coomarasamy. Names ending in Kamam (Gama) vil (Vila) pay (paya) piddy (pitiya) are Sinhala in origin. Watta to denote land exists in the Jaffna Peninsula. There are certain castes like Kovias, Tanakaras and Nallavas who have Sinhala origins. In process of time they have been Tamilised and came under the description of "Malabar inhabitants of the Province of Jaffna" and thus governed by the Thesavalamai although they had their own Sinhala customary laws earlier. About these castes Dr. Tambiah writes.

The Kovias

The various theories regarding the origins of this caste have been already discussed. It is probable that they were the remnants of the Sinhalese who remained in the Tamil country after the Tamil conquest (see Ancient Jaffna page 381). Today in the Social order they are the domestic servants of the Vellala, but many have emancipated themselves and are known by the name of "Iddampone Kovias" (those Kovias who emancipated themselves) and hold important position in life. It is clear that the Kovias did not come from India.

The Tanakaras

The Tanakaras were the ancient elephant people who supply the necessary fodder to the stables of the king. Perhaps the word is derived from the Sinhalese word "Tana" which means grass. Mudaliyar C. Rasanayagam says that they were Sinhalese who on account of the services rendered by them were not expelled from the country and later became inseparably merged with the Tamils. This caste too is peculiar to Jaffna and much he said in support of Mr. Rajanayagam's view.

Nallavas

The Nallavas are the climber caste and are peculiar to Jaffna. Mudaliyar Rasanayagam says that Nallavas were perhaps originally Sinhalese climbers and received the Tamil name on account of the peculiar way of climbing trees.

If we were to comment on the above caste we would state that it is very probable that the word "Kovias" is the Sinhala word "Govias" meaning cultivators with "G" being change into K in Tamil.

In the word "Tanakara" not only is the word "Tana" Sinhala but the word "Kara" as well denoting the function of cutting and supplying grass to elephant and horses. It would appear that Jaffna had a big market for the sale of elephant brought from the Wannu. It is quite possible that the Tanakaras supplied grass for the elephants of the market and also of the King's stables, when Jaffna was occupied by the Javaka invader Chandrabhanu, Arya

Chakrawartha and other rulers. It is also possible that these were part of the Sinhales troops brought by Sapumal Kumaraya who captured and ruled Jaffna in the fifteenth century as sub-king under Parakramabahu the sixth of Kotte. Sapumal was a benefactor of the Nallur Hindu Temple. When the Portugese captured Jaffna by 1620 they carried on a big sale of elephants in Jaffna claiming the sale of elephants as a monopoly. The Dutch too continued the same policy and during the Portugese and Dutch Period the Thanakaras would have served as elephant keepers supplying the grass also.

All these three castes would have followed Sinhala Customary laws and probably had ge names as well. According to Professor, Parnavithana Sinhala people have had ge names since the time of the Sigiri Graffiti from about the eighth century.

Being isolated and cut off from the rest of the Sinhala people in the Sinhala Kingdom they would have become Tamils at some time and came under the Thesavalamai brought to Sri Lanka by the Tamils and or Malayalis in the middle of the thirteenth century. Today they go as Tamils and fall within the meaning of the term "Malabar Inhabitants of the Province of Jaffna although they were not so earlier".

NOTES

P. 2 Low country Sinhalese and Kandyans.

Apart from the common language and religion, both sections of the Sinhala people have inherited the same historical and cultural traditions. Both observe the same rites and ceremonies at birth, marriage and death. In Sinhala marriage the celebrations centre round the Poruwa Ceremony where the bridal couple stand on a platform or plank Poruwa or Puvaruwa with the two thumbs tied together with a thread and water is poured over their hands and verses are recited in praise of the Buddha etc. The ceremony has been described by European writers. In *Dinohamy v. Balahamy* 29 N.L.R. the Privy Council held that there was a valid marriage where the parties had lived for a long time as husband and wife after observing the native rites and customs even though there was no registration of the marriage as registration was optional and not compulsory.

Incidentally it can be said that in the official language of Sri Lanka, Sinhala, there is no word to denote the English term "Kandyan".

P. 82 Sinhala civilization.

2. The Material aspects of Sinhala civilization owes its existence to the activities of the artisans and craftsmen who came with the Bodhi tree and their descendants practising their skills and craftsmanship from generation to generation while observing their Kula Sirit, clan or caste laws. These artisans, craftsmen and other groups brought into the nascent Sinhala race in the third century, B.C. the full benefits of the Mauryan Civilization from the Court of Asoka.

The spiritual side of the civilization of course originated or at least received a big impetus from the exertions of Mahinda Thero and developed by the activities of the Maha Vihara fraternity and the fraternities of the other Viharas in the Anuradhapura Kingdom.

P. 88 Groups that came with the Bodhi Tree.

3. While the Mahavamsa mentions the Pali names of the groups that came with the Bodhi tree, the Sinhala Bodhivamsaya mentions elaborately the group in Sinhala. They are eight clans (eight Kulas) each of the following :-

- (1) Raja Kula – Royalty
- (2) Situ Kula – Situ or wealthy class of the highest
- (3) Bamunu Kula – Brahmins
- (4) Kelambi Kula – Wealthy people or householders
- (5) Velando – Traders
- (6) Dunuwa – Archers
- (7) Saras Kula – Umbrella bearers

- (8) Kilingu Kula – guards and suppliers of flowers to the Bodhi tree
- (9) Kapu Kula – Those who dress persons, priests of Devalas etc.
- (10) Balat Kula – Guards or army men
- (11) Pehera Kula – Weavers
- (12) Kumbal Kula – Potters
- (13) Malkaru Kula – Those who grow flowers
- (14) Osandawatu Kula – Those who made medicines or perfumes
- (15) Sannasi Kula – Probably priests or Sannalis, Tailors
- (16) Arakkami Kula – Cooks
- (17) Kamburu Kula – Smiths or workers
- (18) Lokuru Kula – Metal Smiths
- (19) Swarnakara Kula – Goldsmiths
- (20) Berava Kula – Drummers
- (21) Satkara Kula – Servers
- (22) Uyangovu Kula – Gardeners.

All these groups would have brought with them their Kula Sirit to Sri Lanka.

It is not easy to define their exact functions with precision today. It is very probable that these groups of artisans and craftsmen performed other duties as well, at least allied functions suitable to their skills and crafts. The cumulative effect of all their skilled workmanship went to produce the wonderful Anuradhapura and Polonnaruwa Civilization, the ruins of which are visible today.

It is unfortunate that sufficient acknowledgement has not been made of the stupendous tasks these workers performed especially doing them manually without the advantages of modern technical devices and bound to do so as enjoined by the Kula Sirit of their clans and castes and also by Rajakariya, King's service. The Kandyan craftsmen of today have inherited these traditions and are struggling to maintain themselves due to economic difficulties as a result of the apathy of the public.

The same book gives the names of the princes who came with the Bodhi tree and the honours or posts given to them by King Tissa. They are princes Bodhigutta, Sumitta Chandragutta, Devagutta, Dharmagutta, Suryagutta, Gothama and Juttindara. Some of these married some nuns who came with Sangamitta after they had given up their robes and their descendants were called the Mehanivara Vamse. Their descendants live in the Anuradhapura area still thus providing a direct link with Asoka. They brought Mauryan customs which became one source of Sinhala Customary Laws.

About a descendant from these princes, a British Governor of the last century Sir William Gregory mentions in his Autobiography (p. 303) that at a Ball in Kandy while the Kandyan ladies were very shy and ill at ease, there was one exception, a young lady of the great family of Nuwara Wewa near Anuradhapura of the bluest blood in Ceylon dating her pedigree in unbroken line for two thousand years.

P. 142 4. Administration of Justice by the King

In his Administration of Justice the King would have followed examples from the Jataka Stories in similar situations as at a certain stage the study of these became very popular. This practice was followed in other Buddhist countries of South East Asia. In this connection, Professor Lingat observes " As for the ancient period only the Buddhist literature alludes to collection of judgments intended to facilitate the work of the judiciary.

In the Tundila Jataka (XVIII : 1) the Bodhisatva compiles a collection of his judgments after the death of the King of Benares and exhorts the subjects of the Kingdom to consult it in the disposal of their disputes. But one must note that these judgments were not given by the King as an application of a pre-existing law but by the Bodhisatva himself guided by his innate sense of justice. The society depicted in a society without written law living solely under its customs, in fact far removed in this respect from the picture of Indian Society which the Smritis give us. The stories which appear in the Maha Ummaga Jataka (XXII : 9) of sentences passed by the future Buddha throw light on the usefulness which one might expect of such compilations in a real society assuming that the Jatakas (the ages of which are not known) alluded to historical facts. Robert Lingat, *The Classical Law of India* (p. 270-71) translated from the French by Prof. J. D. M. Derrett 1973 Thomson Press India Ltd, New Delhi.

We can state that the above statements would apply to Sinhala Society in ancient times and judgments kept in the Palace by King Udaya would have been based on these Jataka Stories.

We might also mention that the Pali Stanza recited in Pirith and cited in the Constitutions of Sri Lanka of 1972 and 1977 gives expression to the Buddhist idea of Kingship. This verse states-

"Devo vassatu Kalena
Sassa Sampatti hetu ca
Phito bhavatu loko ca
Raja bhavatu dhammiko

May there be rain at the due season
May plentiful be the harvest
May the world be contented
May the King be righteous

P. 160 5. Administration of Justice under the Portuguese

Azavedo the first Captain General of the Conquest in Sri Lanka successor to King Dharmapala and later Viceroy at Goa issued a Regimento in 1614 to his successor which gives a glimpse of the administration of Justice by the Portuguese. He states :

" And because the Judicial processes of our Crown judges and other justices are dilatory and cost a great deal of money and these people are far the most part very poor and their plaints of small consequence I set up in Malvana a Tribunal consisting of high born and experienced Sinhalese who with the Mohottiyars of the King came to the number of eight or fewer when some were missing but never less than four and to those were presented their plaints or kariyas (as these were called there). After examining these and hearing the parties they then proceeded to sentence them with me if the case was a marjor one and if not by themselves. I am of opinion that you ought to proceed in the same manner and those there in that island will tell you what used to obtain in this matter "

Portuguese Regiments on Sri Lanka edited and translated by Dr. Tikiri Abeyasinghe P. 48 and published by the Department of National Archives. Dr. Abeyasinghe says that Azavedo continued an institution inherited from the Kotte rulers the Mahanaduwa or Great Court. We might also state that the Kandyan Mahanaduwa was also called Mahawahal habe. Kariya in the word used to denote a complaint or grievance.

LIST OF ABBREVIATIONS

C.G.A.	Ceylon Government Archives
C V.	Culavamsa
de Queyroz Conquesta	The Temporal and Spiritual Conquest of Ceylon by Fr. Fernao de Queyroz Tr. by Fr. S. G. Perera (1930) – Ceylon Government Press
E.Z.	Epigraphia Zeylanica
Hayley	Sinhalese Laws and Customs by Dr. F. A. Hayley
J.R.A.S.	Journal of the Royal Asiatic Society of Great Britain
J.R.A.S. (C.B.)	Journal of the Royal Asiatic Society (Ceylon Branch)
Mh. V.	Mahavamsa
Modder	Kandyan Law by Modder
N.L.R.	New Law Reports of Ceylon
PRO/CO.	Public Record Office London, Colonial Office Records
S.B.E.	Sacred Books of the East
S.C.C.	Supreme Court Circular, Ceylon

LIST OF CASES

- Arunāgiri vs. Vaigalie 2 N.L.R. (P.C.) 322 (1881)
Bandaranayake vs. Bandaranayake 24 N.L.R. 245.
Commissioners Diaries cited by Doyly in Sketches of the Constitution of the
Kandyan Kingdom
Dinohamy vs. Balahamy vol 29 N.L.R.
Karanchihamy vs. Angohamy 9 N.L.R. 1
Kiria vs. Poola (1854) Lorensz's Reports
Manikkam vs. Peter 4 N.L.R. 243
Pamoonoowe Lekam vs. Harasgama Rala Judicial Commissioners Diaries cited by
Doyly in Sketch of the Constitution of the Kandyan Kingdom

LIST OF ENACTMENTS, GOVERNMENT PAPERS ETC.

Proclamation of 23rd september 1799
Charter of Justice of 1801
Proclamation of 3rd September 1801
Governors' Despatches of 18th February 1801 (C.G.A.)
Governors' Despatches of 17th July 1801
Kandyan Convention of 2nd March 1815
Proclamation of 21st November 1818
Governors' Despatches of 1818 (C.G.A.)
Order-in-Council of 12th April 1832 (Abolition of Rajakariya)
Charter of Justice of 1833
Abolition of Slavery Ordinance No.20 of 1844
Memorial of Kandyan Chiefs 1859
Kandyan Marriage Ordinance 13 of 1859
Judicial Commissioners Diaries Board Minutes
Kandyan Marriage Ordinance No. 3 of 1870.
Service Tenures Ordinance No. 4 of 1870
Village Committees Ordinance No. 26 of 1871
Kandyan Law Declaration Ordinance No. 23 of 1917
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