

Evolution of a Local Government System Under Bureaucratic Nursing: Sri Lankan Experience During the Nineteenth Century

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The British ideology of the colonial state of Sri Lanka during the 19th century was an amalgamation of elements drawn from the contemporary capitalist thinking of the west as well as of caste-feudalism in Sri Lanka.¹ It was neither defined nor consistent in application. Hence, it depicted contradictory sets of notions that kept changing with the exigencies of time. This is well reflected in the evolutionary process of the local government system in Sri Lanka during the period under review.

The choice of Sri Lanka and Trincomalee in particular, for the British in the late eighteenth century, flowed directly from the course of European politics and was mainly strategical for its interests in the Indian sub-continent.² William Pitt, the British Prime Minister told the Parliament in the eve of its capture that Sri Lanka was "the most valuable colonial possession on the globe giving our Indian empire a security which it had not enjoyed from its first establishment"³. Until settled arrangements were made from England the captured provinces were placed under the administration of Madras. Thus, expediency and convenience became the guiding factors of the administrative arrangements of 1796 to 1798.

The result was the confusion and breakdown of the existing revenue and judicial administration resulting in an open rebellion in 1797. The breakdown of the peace negotiations at Lille, made it possible to transfer the sovereignty of the provinces to the crown, allowing Madras to manage revenue administration, thereby creating dual control. This new arrangement too failed and steps were taken to establish a Crown Colony Government in 1802.

The need to maintain in Sri Lanka a strong military and naval outpost made it desirable to unite the power of the government in the hands of a Governor. Therefore, an authoritarian form of government common to them in Indian sub-continent with legislative and executive powers and a share of the judicial administration vested in the Governor was created. The new institutional framework of the Crown Colony was embodied in the Royal Commission,⁴ the Royal Instructions,⁵ the Charter of Justice,⁶ and in a lengthy despatch of the Secretary of State for the Colonies.⁷ A separate Civil Service for Sri Lanka on the lines of the covenanted service of the East India Company was created. An Advisory Council, to assist the Governor too was established for the sake of mere solemnity. The collection of revenue and the disbursement of funds were differentiated with care and added interest was shown to the welfare service by the establishment of new Institutions such as the Department of Civil Medical Superintendent and the Superintendent of Charitable Institutions. New Departments and Institutions were created as and when the need arose for such establishment. The structure thus established was in accordance with the notion of the separation of powers with sufficient means of checks and balances.⁸

In this institutional framework the principal offices in the official hierarchy was centered at Colombo, the seat of the colonial government. At the apex of the hierarchy was the Chief Secretary (later designated the Colonial Secretary in 1833) the most senior civil servant of the island and the principal advisor to the Governor. His office became the central co-ordinating secretariat, and the organ of the official acts of the Governor.

The deep involvement of the state in the colonial economy and social order necessitated the creation of a number of separate departments and establishments to conduct specific economic and social functions. Each such department or the institution was given an European head with native assistants instructions to adhere to

the customary traditions unless they were not officially abandoned. These officers were stationed at Colombo and there was no practice of these senior officials making circuits in the provinces.

Below this central superstructure was the provincial administrative units known as the Collectorates;⁹ the designation changed to Provinces in 1833; each of which was placed under a senior civil servant. As the chief representative of the government in the province he was vested with the executive authority. The collectors' office, the Kachcheri, became a general co-ordinating office of the government activities in the province. He was to ensure that the natives remained loyal and that law and order was maintained and revenues collected without falling them in to arrears. Hence, he was expected to make frequent circuits, in his administrative division and to carry out development programmes to improve the living conditions of the natives. He was also appointed the Judge to administer justice. He was to supervise the performance of duties of the departments for which no provincial units existed. He was to master the local languages and be acquainted with the social customs and traditions of the people. In short the collector functioned as the caretaker of the government in provinces, ousting the headman as the mediator between the subjects and the alien government.

These officials were organized into a civil service on the lines of the covenanted service of the East India Company. In an age of patronage they were hand picked by the Secretary of State in England and were given a training in service locally through hard work under the guidance of a senior civil servant. Their official as well as private conduct was governed by the government minutes and traditions of service that grew up over the years. The elaborate training tended to cast a civil servant into a rigid mould, and did not provide in him much sympathy with local aspirations.

The routine work of the offices were carried out by a group of clerks. They were recruited from the natives on the basis of their educational attainments and their service was graded and the

wages and the responsibility varied according to the grade. Burghers predominated in the early years while the Sinhala and Tamils entered in large numbers during the latter part of the century.

Below this superstructure, there was the headman system of the native monarch who provide the government with an essential link with the countrymen.

This administrative structure was sufficient to deliver the expected needs of a military and naval base for the British.

With the consolidation of the British hold in the littorals, the British were successful in annexing the Kandyan Kingdom in 1815 which withstood the onslaught of the Portuguese and the Dutch attacks for more than two centuries. The justification given for such annexation was the liberation of the Kandyans from the tyranny of the king.¹⁰ An assurance was given to the chiefs, priests and the people to preserve their ancient institutions and traditions and extend the benign protection to persons and property. Such and assurance was absolutely necessary thought "the king was not as guilty as represented, nor was Brownrig disinterestedly innocent as professed"¹¹ to isolate the king.

However, these assurances were fast withdrawn and steps were taken to fasten the grip over the kandyans when they went on a rebellion in 1817-1818. After the suppression of the rebellion and by a proclamation of 21 November 1818, they revised the kandyan pledge to strengthen the hands of the British officials with powers to compell the obedience of the chiefs and the people. Thus the kandyan territory too was coupled to the British administration of the littorals and set them permanently on the highway of change in line with the colonial heritage.

While consolidating on an authoritarian form of government, the British official adopted the caste-feudal theories of the monarch's right to land and *raja-kariya* service, the exaction of service labour utilized for community development projects for

the construction of a network of roads which was instrumental in breaking down the isolation of the kandyan territories. In exercising this service obligation, the British transformed it into and *Angabadda*, or a head tax for the males, causing much oppression to the natives.¹² They also utilized the proceeds of the Grain Tax, for the improvement of the infra-structure which later became complementary to the development of plantation agriculture, without providing any notable service to improve the indigenous paddy cultivation on which the tax was imposed.

The merchant capitalism imposed upon the existing mode of production in Sri Lanka by the Portuguese and developed later by the Dutch had resulted in an increasing caste-consciousness and private land ownership among the Sri Lankans, particularly in the headman class.¹³ The mercantalist ideas helped the release of entrepreneurial talents of certain castes in the littorals. The state sponsored plantation activities begun at the latter stage of the Dutch rule was further accelerated during Maitland's Governorship period of 1806-1811. Barnes (1820-1830) provided many incentives for export agriculture by means of exemption from tax the lands, import and export items and even labour.

The mercantilist ideas came to be dominated by the *laissez-faire* ideas in Britain by the rising industrial and commercial bourgeoisie. A conflict of interests developed within the British community in Sri Lanka between the mercantilist-statis side and the liberal-free enterprising side in the third decade of the century. This conflict was largely resolved by the reforms of Colebrooke and Cameron between 1832-1835.

In the first two decades of the British rule, the colonial office could not scrutinize the administration of Sri Lanka closely due to its heavy involvements in the Napoleonic wars in Europe and the struggle for colonial supremacy. During the same period the Sri Lanka government did not contribute to the allotted quota of the defence budget of the British empire as it was running on a deficit budget. It was borne by the Imperial Treasury on the request of the

colonial office.¹⁴ But when the immediate importance of the colony as a strategic station began to wane with the consolidation of the British authority in the Indian sub-continent, the Exchequer refused to pay the expenses any longer. Such 'irrational expenditure' of the funds of the mother country on a colonial possession was questioned in the Parliament as well as in the mass media. It was self-evident that this problem of the colonial budget cannot be treated in isolation. The make-shift arrangements in the administration formulated at the kandyen conquest also needed close scrutiny. But this cannot be achieved until the matter was reviewed in relation to the rest of the colony. Therefore, the British Parliament decided to appoint a commission to investigate into the matter. William Colebrooke who had earlier investigated the affairs of Cape Colony and Mauritius arrived earlier and investigated into the revenue and administrative matters. He was an admirer of *laissez-faire*, while Charles Hay Cameron, who looked into the judicial administration of the Colony was a Benthamite.

When recommending administrative and Judicial changes in Sri Lanka, the Commissioners were caught up between a conflict between three factors, namely (a) the need for the establishment and maintenance of British power and supremacy, (b) influence of institutions, procedures and ideas familiar to them in Great Britain, or through colonial experience and by ideals suggested to them by abstract political thought, and (c) the social pressure that arose from local socio-economic conditions and needs.¹⁵ Influenced by the ideas gaining ground in England at that time with the *laissez-faire* and utilitarianism, they tried to reform the administrative and judicial system in a way not harmful to British political control while taking into consideration the social forces operating in the country.

On the recommendation of Colebrooke the constitutional apparatus of the crown colony system was further widened with the establishment of an Executive Council and a Legislative Council in place of the existing Advisory Council. Under the new system

too the subordination of the legislative to the executive and the colonial government to the imperial government was preserved. The Governor was joined in the decision making process by an Executive Council composed of officials whose deliberations did not come into the public eye, and the Legislative Council with an official majority, which could not meet unless summoned by the Governor, or debate a question unless it was proposed by the Governor.

Political and administrative unification of the island, was achieved by the creation of five administrative provinces in place of the separate administrative units of the maritime provinces and the kandyan provinces. Both utilitarian and political considerations appear to have motivated this decision. In the new set up the main authority in the province rested with the Government Agent. The provinces in turn were divided into districts placed under the Assistant Government Agents. In the new set up the natives were in the first instance expected to lay their grievances before the Assistant Government Agents. By this it was hoped to bring the natives closer to the bureaucracy and a chance to develop direct contact with the natives without the intervention of the headmen. At the same time Colebrooke tried to reorganize the headman system by merging the higher class headmen with those of the civil service; though accepted in principle was not implemented by the bureaucracy.

Cameron recommended the complete uniformity in Judicial administration and its independence from the executive and the appointment of professionally qualified men as judges. The Supreme Court with a Chief Justice and Puisne Judges appointed by the Imperial Government looked into the judicial administration and the judicial uniformity was pursued through the system of the District Court established islandwide. The internal social needs made Cameron to recommend the appointment of functionaries called *Assessors*¹⁶ through out the island and also to preserve the *Gamsabhava* court which was instrumental in maintaining the rural harmony and peace.

The most important from the point of view of the island's economy and social structure were the economic reforms introduced by Colebrooke. He curtailed the direct participation of the state in the economic activities by abolishing the state monopolies in cinnamon and other export items and advised to sell off its cinnamon, coffee and pepper plantations to private parties. He felt that the *rajakariya* prevented labour mobility and the emergence of voluntary and free wage labour needed for plantation development. Instead of its former role as a direct participant in the economy he expected the state to become a facilitator for private enterprise by creating an environment conducive to capitalist development through appropriate changes in the tax structure, land tenure, labour mobilisation and the curtailment of native opposition to British policy and authority. He lifted the pre-colonial and mercantilist restrictions on the land alienation and encouraged the sale of crown lands, allowed the officials to engage in commercial agriculture in order to make up for the reduction he made on their salaries.

Thus an entirely new administrative structure was established for the colony, new in concept and design. The development of individualism was the patent feature in the proposals of the commissioners.

During the post-reform period, coffee triumphed over the other cash crops and much of the wet zone kandyan highlands came under the plantation industry. The government though followed a *laissez-faire* policy in theory, supported the plantation agriculture indeed. The early coffee planters were government officials who obtained a good part of their capital in the form of advances on future crops from British owned banks and business houses. According to Lieutenant Governor Campbell (1822-1824) some of the coffee lands cultivated around 1824 were brought up "without the cost of a pice"¹⁷ However, the profits of the estates were exported and not re-invested in the colony to generate industries or to improve local agriculture. But they were remitted to Britain and eventually contributed to the dynamics of capitalist development

of the mother country. On the other hand the government provided a network of roads linking the plantation districts with the trunk roads and the ports of shipment. The government bore the expenses of the construction of roads and the costs were passed on to the peasantry via taxes.

Concentration on a single cash crop made the colonial economy highly susceptible to the vagaries of the world economy. Depressions in the world market had reverberating effect on the local plantation economy and the lives of the indigeneous peasantry. Sri Lanka lost her national self-determination and became ever susceptible to the vagaries of international market forces. During 1840 coffee faced a severe economic depression and the fall of prices of coffee severely affected the planters and the country, the ill-effects of the depression was passed on to the natives in the form of a series of new taxes.

The abolition of *rajakariya* aimed at the creation of a wage labour market did not materialise in the manner the commissioners envisaged. The indigenous labour was used for clearing the jungles and making the land suitable for plantation. But the kandyan villagers from whom this initial labour for plantations were provided had their own homesteads and the fields for their sustenance and was not suited for the plantation labour which the planters had got accustomed to in the western hemisphere. Soon they found the ideal labour from the half-starved, impoverished agricultural labour castes of South India, and the kandyan plantations were a safety valve for relieving the stress of the British administrators of India as well. Above all foreign labour isolated in unfamiliar surroundings were found more docile and easy to organize effectively for estate work in coolie lines.

The rapid expansion of the plantation industry during the post reform period accelerated the movement of the people due to the creation of job opportunities in plantations and the emerging towns. The need for estate work as well as the processing, packing and shipping of the plantation products required more labour. The

bandies for the conveyance of the estate products, and the supply of food-stuffs and other necessities for skilled labour within a short spell of time. The migration and assimilation of a large number of people in business centres gave rise to many problems such as the maintenance of law and order, suppression of crime, upkeep of sanitation and controlling of epidemics, regulating the sale of food items, town planning, the disposal of sewage and providing drinking water. It was soon found that the existing administrative machinery of the government agent was unable to handle these problems successfully.

The production in plantation agriculture by competitive private enterprise could not proceed far unless the state fulfilled the minimum essential requirements of protecting life, property and assuring the free movement of persons. Even the *laissez-faire* theorists recognised this need of police functions of the state.¹⁸ The police duties hitherto, performed by the headmen in the villages and the vigilance kept over by the townsmen and police constables in the city of Colombo placed under the immediate authority of the Collector¹⁹ proved insufficient and inefficient to maintain law and order in the changing circumstances and to secure the safety of property and persons. Hence a need arose for the creation of a new machinery for which the bureaucrats turned their eyes for British and colonial experience. A paid police service placed directly under the care of a Superintendent of Police with defined duties was created for the city of Colombo by Ordinance No. 3 of 1834.²⁰ In devising this new machinery, the police ordinances of London, Calcutta and Madras were consulted and an assessment tax was levied on the property of citizens which was however credited to the general revenue of the colony. There was much resentment over the imposition of an assessment tax over their immovable property.

The duties assigned to the police were of local interest such as patrolling the streets, reporting to the government of cholera patients, encroachment on crown lands and on nuisance makers

etc. Soon the problem of security of property and the safety of individuals was felt in most parts of the island. Sir, Collin Campbell, the Governor (1841-1846) wrote to the secretary of state thus on the prevailing situation:

"The Central Province is now filled with labourers from the Maritime districts of Ceylon and the continent of India. It is well known that many bad characters who may be forced to fly from Maritime districts finds a secure refuge in the interior on the coffee estates and some of the villages which are now rapidly rising such as Nuwara Eliya, Gampola etc. Are filled with the worst characters. Robberies are very frequent, and some very desperate and atrocious murders have been committed. The Kandyan headmen are quite unfit to control such large masses of strangers, but it is a matter of great difficulty to devise the means of establishing any efficient substitute and still more so to levy funds for paying them. Apart from the mere repression of crime, there is a strong political necessity for such an establishment to give the government effectual means of obtaining information."²¹

The colonial office stuck to its policy of providing local needs through local funds and advised the governor to frame laws to that effect.²²

By then in Britain, due to the industrial revolution greater towns had emerged and the painful experience of providing the urban amenities against the *laissez-faire* ideologies such as the police, social services and sanitary facilities were concentrated in the hands of the state and in the hands of the emerging local authorities. The Municipal Corporation Act of 1835 created democratically elected Borough Council to administer through watch committees a new police force of which the first had been set up in the Metropolis. By the Municipal Corporation Act of 1835, it was made compulsory of these Councils to form police forces and if they desired to take over social improvements such as proper drainage and street cleansing as well.²³

Influenced by these developments in Britain the bureaucrats of Sri Lanka tried to plant these institutions in the colony. However, the factors which favoured their emergence was hardly visible in Sri Lankan soil. When crimes were on the increase it was found that the administration of justice too was not by any means "creditable, useful or economical."²⁴ The Deputy Queen's Advocate at Kandy T. L. Gibson noted the increasing pace of crime and suggested the establishment of a police force similar to that of Colombo in the town of Kandy.²⁵ But the government Agent of the Central Province Mooyart was in favour of a Municipality to which the police duties could also be entrusted, but he had his doubts of its success as it was a novel idea to the colony.²⁶

The outcome of this long drawn discussion was the enactment of the Ordinance No. 17 of 1844,²⁷ establishing a police force under a Superintendent of Police, and the establishment charges borne by an assessment tax imposed on all landed property. In addition to the police duties of providing security and the maintenance of law and order, the police was entrusted with the duties of checking of weights and measures of shops, issuing of butcher's and bakery licences and the inspection of butcheries and bakeries, prevention of nuisance, issuing of licences to beat tom-toms within the towns, preventing of rubbish being thrown on to the streets and keeping the space of the road and drains opposite their houses clean. These multifarious duties of later day municipalities were thus thrust upon the police.

The provisions of the ordinance were made general in order to extend them to other towns as and when circumstances arise. The existing police services of Galle,²⁸ Jaffna,²⁹ Trincomalee,³⁰ Mannar,³¹ Negombo³² Matara,³³ and Kandy³⁴ established under different Ordinances were brought under the provisions of the Ordinance No.17 of 1844. The Governor was to appoint the Superintendent of Police under whose charge was kept the entire police force.

When the provisions were known, a series of petitions were received by the Governor complaining that the tax was too heavy. But the Governor combatted the argument by claiming that the rate

was strictly and *bona-fide* a municipal rate, the direct benefits were to be enjoyed by the petitioners themselves.³⁵ Similar protests were raised when the provisions of the ordinance was extended to other towns.

The provisions of the police ordinance was gradually extended to other towns. But however, the provisions were not uniformly applied in all such centers. In certain areas only some provisions of the ordinance was enforced while in some other localities the assessment tax was not imposed at all.³⁶

When the police stations were being increased the government took steps to bring in a uniform administration by the enactment and enforcement of Ordinance No. 16 of 1865. An Inspector General of Police was appointed with Provincial and District Inspectors to support the superstructure of the new establishment. The salaries of the Inspector General and Provincial Inspectors were paid out of the central government funds and the cost of maintaining barracks, hospitals, medical attendance and arms were also defrayed by the government. All the other expenses were to be covered by the inhabitants of the area through an assessment tax.³⁷ However, with reluctance the estates were forced to contribute to the upkeep of the rural police stations jointly with the government.

Though the colonial government advocated a policy of local self-management carried through an assessment tax the ideology was never put into operation in its true spirit. The need for local representation was neither extended nor was demanded. The assessment tax itself was credited to the government Treasury and was disbursed by the bureaucrats themselves.

Local Government system began in England with a nucleus of police and regulative powers.³⁸ The first expansion of services came about with the struggle for town sanitation and public education. In Sri Lanka the rapid urbanisation which followed the quick expansion of coffee plantations surfaced several problems

new and unprecedented in the island. In the formative stage of this development the necessities were met by the funds from the Treasury. In the process, the problems of sanitation, construction of roads and their maintenance and cleanliness in the towns were attended to by the Government Agents and their assistants. But soon they found the expenses too heavy. The economic crisis of the eighteen forties was at the peak of the rush for lands by the speculative investors and the government was forced to apply stringent economic measures and search for other means to fulfil the urgent necessities of the planters.

In Britain agitation for sanitary facilities and social reforms saw the passage of the Public Health Act of 1848. Likewise agitation was instrumental in formulating a policy establishing representative institutions in the colonies.³⁹ When the social pressure was being built up in Sri Lanka Governor Torrington (1847-1851) in a minute tabled before the Executive Council of Sri Lanka requested the Councillors to advise him in creating a suitable form of local council similar to those existing in the other parts of the British colonies.⁴⁰ He wanted the upper classes of natives of positions, wealth and character, hitherto neglected, to be utilized in this process, and to entrust them with the responsibility of the care of roads, rural police and the collection of the revenue. He thought such a step facilitate the people becoming accustomed to the elements of self-government.

The outcome of the deliberations was the enactment of the Road Ordinance of 1848;⁴¹ once again the bureaucrats making use of the deposed monarch's *rajakariya* to further its own end to prosper the market economy and private enterprise. In doing so, it deliberately changed the fundamental character of the pre-colonial free labour exaction for community development.⁴²

The new legislation compelled every male citizen, eighteen to fifty-five years of age, except the Governor, military men and the South Indian coolies working in the estates, to labour for six consecutive days annually on roads or other means of communica-

tions or to commute such labour for the payment of 5 shillings. Two-thirds of such labour was apportioned for principal roads and the balance was set aside for minor works in the districts.

The institutional framework created to administer such labour was of two-fold. The Provincial Road Committee or the superior institution was chaired by the Government Agent and associated with the Commissioner of Roads or his assistant, and five other members nominated for a period of one year from among the officials by the Governor. The subordinate institution, the District Road Committee chaired by the Assistant Agent were associated with three other members appointed by the Governor. The Division Officer, elected by the male voters obliged to labour under the Road Ordinance, attended to the preparation of the lists of persons liable to serve under the ordinance and to keep accounts of such labour contribution.

By an amendment to the Ordinance in 1861,⁴³ the elective principle was introduced to the District Road Committees in which a European, Burgher and a native member were elected by the male voters for a term of three years. However, even in this process the European superiority was maintained by electing the European member first, followed by the Burgher and native member respectively. The election of the Division Officer was withdrawn and was substituted by a Committee.

In a situation of financial crisis and labour shortage, the road tax provided the state with a readymade source of labour for the construction and maintenance of roads. The forced labour was exacted through the institution of native headmen whose authority by then had partly been suppressed by the government. They willingly supported the government as it helped them to re-establish their pre-colonial authority. At the same pace it delayed the precipitation of the social pressure for the establishment of local governmental institutions with local representation, the demand of the emerging native intelligentsia.

On the otherhand, the road tax was so abhorrent to the peasantry that some of them worked in the coffee estates to avoid the payment of tax, while some others paid the commutation tax without working on roads. According to the official findings between 1876-1880 out of an average of 517,000 people bound to work on roads, 85 percent opted to commute.⁴⁴ On the otherhand the government made use of the money collected through road commutation to pay the South Indian labourers which was much more economical to the government. The planters on the otherhand was pressing the government to increase the commutation rate of the road tax.⁴⁵ The government however, forced the planters for partial self-finance for the construction of private roads to estates⁴⁶ with much objections from the planters.

The District Road Committees of the north were entrusted with some responsibilities of a municipality and was empowered to make by-laws for the maintenance, management and improvement of markets etc. by Ordinance No. 19 of 1891.⁴⁷ However, these by-laws had to be approved by the Governor and published in the Government Gazette before they were to be enforced. The rent collected from the market stalls and open air markets were deposited separately under a "Market Fund" utilized to maintain and improve the market places.

The congregation of people in work places in towns and plantations had grown too quickly due to the influx of labourers, and had to be housed satisfactorily. Since there were few buildings to accommodate them there was the problem of overcrowding. There was also a lack of proper amenities such as cleaning, supply of pure drinking water, drainage and sewage disposal. Sanitary conditions were poor and there was the constant outbreak of epidemics such as cholera, dysentery, diarrhoea and small-pox. There were few government hospitals and the Royal Surgeons attended to the medical needs of the day. The Superintendent of Vaccination with the help of native Vaccinators looked into the community health in preventing infectious diseases. However, the quarantine laws of the day was ineffective to arrest the spreading of epidemics.

To overcome the problems of sanitation, Boards of Health were established in each province under Ordinance No. 10 of 1852⁴⁸ modelled on the system prevailed in India and Great Britain. The Government Agents were appointed as chairmen to these boards while the Police Magistrates and the Medical Assistants of the administrative centres functioned as the other members. These boards were empowered to frame rules and regulations for the better administration of vaccination and prevention of epidemics.

When these boards started functioning, clashes of interest among existing departments and institutions became inevitable. Some of the work assigned to the Boards of Health was also under the jurisdiction of other departments. The police had been given a hand in the prevention of nuisance and control of contagious diseases by Ordinance No. 17 of 1844. The Civil Engineer and the Commissioner of Roads had been responsible for the maintenance of roads and drains while public health had been the concern of the Principal Civil Medical Officer. There was no clear division of powers and functions among the different authorities. The Boards had no financial powers and even a simple matter had to be referred to the Colonial Secretary. Therefore, when the Boards of Health started functioning there were many differences of opinion resulting in friction.

In spite of these shortcomings, the Boards of Health managed to persuade the government to bring in legislation which ultimately helped to strengthen the field of local government. The urgent need for a planned city of Kandy with a central market place was highlighted by Dr. W. P. Charsley, the Civil Medical Officer in the Board of Health for the Central Province.⁴⁹ He noted the deficiency of the civic amenities in Kandy and the ever increasing congestion of the town. The old dwellings having insufficient ventilation for light and fresh air and the walls darkened by smoke were packed to their capacity while new dwellings were constructed in places unsuitable for human habitation. He strongly urged the Government Agent to force the people to erect houses of

a certain height with not less than two openings to any room consisting of a door and a window. Besides, the sale of stale food and unwholesome provisions to the plantation coolies, particularly on Sundays was carried on a large scale. The animals were slaughtered and the remains were thrown on the roadside and cattle stealing became rampant and the beef of stolen cattle were sold on the roadside⁵⁰.

The observations made by Dr. Charsley was further strengthened by the information provided by the other Boards of Health and the government took steps to regulate the slaughter of animals by Ordinance No. 14 of 1859.⁵¹ This provided the establishment of public slaughter houses and butchers were required to enter into a bond with a security to ensure the proper exercise of slaughter. Likewise, the regulations concerning the burial grounds⁵² were enacted on the advice of the Boards of Health. The want of a law to prevent nuisance too was met by Ordinance No. 15 of 1862,⁵³ enacted on the basis of the English Public Health Acts and the corresponding Indian Acts to control the upkeep of houses, drains and to control the activities such as the accumulation of dung, offal, filth, refuse and other obnoxious or offensive matter as well as the throwing of dirt on roads and into drains.

The unrestricted free enterprise of *laissez-faire*, brought great wealth and power to the country and to a number of individuals, but for the common man it meant freedom to be ill-paid, ill-housed and ill-fed and when times were bad due to depressions and the fall of prices in world market, freedom to be unemployed and to go hungry. Their drift to the towns was the desire for a better standard of living which they hardly realised. The congestion in towns became acute and the civic amenities did not improve at the same rate. Therefore, the officials confronted with the problem of combatting the social evils looked for remedies either from British or colonial experience. In the struggle for town sanitation they found some clues in the Town Clauses Act of 1845, and the Public Health Act of 1848 and other public health acts of the Indian sub continent.

The problems connected with sanitation, roads, police and the quick urbanisation were thus met by the institutions established independently of each other by separate ordinances. Frequent clashes of interests and delayed action was rampant. Therefore, the need arose for the establishment of a central organisation through which the responsibility of the management could be passed on to the people. The British experience in the event of the industrial revolution was the growth of local government institutions enjoying wide freedom from central supervision in the discharge of many of these duties. Therefore, the bureaucrats believed that the establishment of municipalities was a solution to the problem; in urban areas and the *Gamsabhava* in the rural areas and the matter was discussed from time to time in administrative circles.

A sub-committee of the Executive Council in 1848 looked into the possibility of revising the fixed establishments, influenced by the contemporary concepts of local self-government, questioned the appropriateness of maintaining the massive administrative structure and advised the establishment of a system similar to that of Canada.⁵⁴ The committee also tried to convince the government that the government held its power in trust and the natives be allowed to exercise its functions and discharge its duties to the people.

Several witnesses who gave evidence before the committee urged for the establishment of a system of municipal administration in every town of sufficient size and population. They also advised to entrust them with the management of keeping the towns in order, the maintenance of police and also the power to levy an assessment tax.⁵⁵ They advised the government to entrust such responsibility to the resident Europeans, associated with natives who possessed adequate property qualifications, and if proved a success to extend the same to other areas.

However, Governor Torrington was not in favour of such an innovation. He held the view that Sri Lanka was a crown colony where principles of European administration should over-ride the

native customs and prejudices and therefore, he was not ready to recede from that position. On the same point he wrote to the secretary of states that "we are not in a position at once and suddenly to delegate to the people even the local management of their own concerns, although the commencement of such an institution must not be indefinitely delayed⁵⁶.

Meanwhile the idea of establishing municipalities was carried forward by developments which took place in another direction. About the same time on the issue of the imposition of several taxes, the people have rose up in protest in 1848⁵⁷. A handful of liberal minded people such as George Elliot, the editor of the *Observer* and William Digby, influenced by the American colonists achievements over a similar issue, demanded for a representative legislature. Several memorandas were presented to the Governor and a few meetings were held demanding an elected and extended legislative council with the several classes of His Majesty's subjects fully and unequivocally represented.⁵⁸

Perhaps influenced by this agitation and the findings of the Committee on the Revision of Fixed Establishments of 1848; Earl Grey, advised Governor Anderson to create municipal bodies on the representative principle to manage local affairs and to make them organs for making known to the government the wishes and wants of the people⁵⁹.

Accordingly, Governor Anderson placed before the Executive Council on 5, August 1853,⁶⁰ a draft for the establishment of a Municipal Council for Colombo. The draft was discussed in detail for two days and the majority of councillors endorsed the move. Auditor General W. H. Gibson and the acting Treasurer J. Caulfield recorded their dissent on two grounds. Firstly, they did not find that any desire has been expressed by the inhabitants for such an establishment and secondly, it appeared to them that all those elements needed for the successful carrying out the proposed measure were wanting.⁶¹ A re-drafted ordinance approved by the Executive Council was published for general information.⁶²

The Municipality of Colombo was to cover the area of Town, Fort and the Gravets, and this area was to be divided into ten wards, the boundaries of which were to be demarcated by the Government Agent, the Civil Engineer, the Commissioner of Roads and the Deputy Fiscal of the Western Province. Ten Commissioners were to be elected from the ten wards for a term of two years. Persons possessing property above the value of £ 10 were eligible to vote, while the candidates required to possess property worth over £ 300 or paying an annual house-rent of £ 30. The Ordinance was expected to be in force for ten years.⁶³ The proposed draft when approved by the Executive Council was sent to the Government Agent for the Western Province for his early observations.⁶⁴

The Municipality was to be placed under the administration of the Municipal Board consisting of ten Commissioners elected by the duly qualified citizen. At its first meeting the Commissioners were to elect a Chairman, and a Vice-chairman for the Council. The Council was to be provided with a municipal fund consisting of several local resources such as the assessment tax, labour and commutation assessed in the area under the provisions of the road ordinance and the tolls within the Municipal limits. The Council was to be entrusted with the responsibility of urban services such as the repair and building of roads, the establishment and upkeep of markets, supervision of weights and measures, supply of electricity, and the improvement and upkeep of public health. The rules and regulations necessary for these municipal functions were to be made by the Municipal Board and were to be finally approved by the Governor.⁶⁵

- The draft ordinance generated a lively discussion within and outside the councils. Public meetings were held for and against the measure and petitions were sent to the Governor. In a petition signed by several hundreds supporting the measure, requested the Governor to transfer all the taxes of local origin to the Municipality.⁶⁶ They also requested the Governor to entrust the management

of the police within the *four Gravets*. There was strong objection to taxation and some demanded that the Central Government should provide the necessary funds.⁶⁷

After a prolonged discussion the Bill was presented to the Legislative Council on 19 October 1853, to be withdrawn a few months later with the following Minute of the Governor to the Executive Council.

"Considering the opposition that has been made by the memorials of certain inhabitants of Ceylon to the Ordinance for the Municipality and considering the difficulties that really exist to carry it through satisfactorily, I have come to the conclusion that it will be right and wise to withdraw the Ordinance for the present and so decide accordingly".⁶⁸

The idea of establishing a municipality could not be shelved for long. The sanitary problem, the supply of pure drinking water, cleanliness of the streets were among the subjects highlighted in the daily papers. In the meantime a company volunteered to supply drinking water provided the government grants the exclusive rights for 40 years.⁶⁹

The liability of constructing roads became a major issue. Governor MacCarthy thought that a system of municipal management analogous to the system of Turnpike Trusts⁷⁰ of England can be established.⁷¹ A committee appointed to seek the feasibility of carrying out the above scheme reported that the branch roads could be handed over to such local institutions.⁷² Therefore, the idea of establishing local institutions for the management of local matters was further strengthened.

In such a context the Government Agent of the Western Province C. P. Layard, detailed out the possible rates of assessment and revenue for the successful establishment of a municipality for Colombo and the pressing need for such an establishment, remarked that "circumstance are at present so much altered that I apprehended no obstacle, to the enactment of such a law now."⁷⁴

Sir Hercules Robinson (1865-1871) assumed duties as the Governor at a time when the demand for civic amenities by the townsfolk and Legislative Council reforms by "Ceylon League"⁷⁴ was at its highest level. The non-official members of the Legislative Council demanded the financial rights to the assembly, an increase in the number of non-official members, free-voting rights to the official members, and the election of non-official members. They also expressed the view that local problems could be conveniently solved through local government institutions.⁷⁵ Robinson set up Municipal Councils for Colombo and Kandy and diverted the attention of the agitators in a different direction by giving into most of the demands through the new institution.

The Ordinance No 17 of 1865, created municipalities for Colombo and Kandy and reserved the right to the Governor to create others by simple gazette notification indicating the limits of such a municipality with its subdivisions. The embodied objects were the training of natives for self-government, expediting local improvements, establishment of an efficient police service, better sanitation, street lighting, water supply and market facilities. Thus what the agitators demanded was conferred on the paper.

The Government Agents of the Western and Central Provinces were strongly supported in the issue of the establishment of municipalities as they found that the central government could not handle the matters of local interests and advocated the establishment of a system that prevailed in Great Britain or India. However, drafting of the bill was done by Richard Morgan, the Queen's Advocate who was acknowledged by the officials as a very reliable source of information on local matters. But in fact he was not sympathetic towards the demands of the natives and was conservative in approach and looked upon like the Duke of Wellington that "the king's government must be kept going."⁷⁷ Therefore it is not surprising that he overlooked the provisions of the 1853 draft bill and tried to circumscribe the opinion of the citizen representatives in a bureaucratic mould.

However, the new councils consisted of elected and nominated members. It was to be chaired by the Government Agent of the Province who also functioned as the Treasurer. But the Government Agent as Chairman, had no executive powers independent of the council. The decisions of the council were arrived by a majority vote, the chairman exercising a casting vote in case of a tie.

This was the hey-day of the Government Agents authority. They were the *defacto* local rulers. Therefore, it was inevitable that the elected representatives were being controlled and bulldozed by the Agent as he was the Chairman and the Treasurer. The elections for the municipalities proved this beyond doubt. In the first election the candidates and the voters took a lively interest. Even before, the Gazette notification appeared for nominations, the prospective candidates and their supporters were busy canvassing by means of posters, banners, newspaper notices and public meetings⁷⁸. The successful candidates were driven to their residences in processions of carriages, sometimes with dancers, tom-tom beaters and elephants and the crowds were entertained thereafter.⁷⁹

When the municipalities started functioning it was found that the establishment charges were very heavy and the funds available for the upkeep of the roads was barely sufficient to patch them up. The charges of the police and the maintenance of roads generally carried away a major portion of the revenue and the municipalities were left with a meagre sum for other services. To meet the urgent demands the townsmen were compelled to pay higher taxes and many tended to look upon the new institution as an additional burden imposed upon them.⁸⁰

The Government Agent was more familiar and acquainted with not only the city but also of the entire province than the popularly elected members. In a discussion he was more authentic with official follow up than the elected members. He also had the access to official papers to keep a tract of the follow up action of

a decision. The elected members did not have the leisure to attend to minute details of the office procedure through which something has to be worked out and to study the lengthy minutes and agenda of the council which often met once a month. Therefore, the opinion of the chairman prevailed over the issue and the members gave consent in silence.

Thus in short, the path was clear for the official domination and the municipalities soon turned to be semi-official institutions. The townsmen lost interest in the new institution and as early as 1867 the Government Agent of the Central Province reported that a very few principal householders associated in the elections and many looked upon the new institution as another taxing institution.⁸¹

Meanwhile ideals of colonialism were getting rooted in the colonial office due to tilting of the balance of European power with the emergence of Germany and Italy as world powers joining the fray for colonies. During the same period Marquis of Ripon introduced the local government system to India by creating local bodies with elected majorities to the management of local affairs and the central government controlling from outside. It was a political expediency on the part of the Indian rulers.

The general tendency in Sri Lanka was the strengthening of the official control over the municipalities than the diffusion of government control over them. No new municipalities were created except that of Galle in 1866, during the entire nineteenth century. But in due course, steps were taken to raise the property qualifications of the voters and to increase the number of nominated members of the municipalities from five to ten and vest more power on the chairmen by Ordinance No. 17 of 1887.⁸² But due to strong protests from the councillors, representative associations, the newspapers, and by the timely intervention of H. H. Cameron, the Chairman of the Colombo Municipality, steps were taken to amend the law empowering the chairman not to act in contravention of any resolution in the council.⁸³

Due to urbanisation and the improvement of commerce, small towns and business centres had emerged in many parts of the island. This in turn gave rise to urgent public necessities as in the case of the major towns. To meet this demand steps were taken to establish Small Towns Sanitary Boards.⁸⁴ in 1892, with Government Agent as Chairman and the senior officers of the public works and medical departments and two to four other members appointed by the Governor. Each Sanitary Board functioned independently of the other and were empowered to frame their own by-laws. An assessment tax on the property was levied while the road tax and licence fees collected within the jurisdiction of the Sanitary Board area were transferred to the Board Fund. These institutions regulated matters connected with the eating houses, tea and coffee boutiques, butcher-stalls, fish-stalls and the cattle sales and attended to matters of sanitation and other civic duties.

The majority of these Small Town Sanitary Boards covered the congested road sides, function towns and market places where sanitation had become a problem. On spatial and social terms these areas were not clear cut divisions or entities. The basic work of demarcation of such a board was done by the local headmen and often the powers of the Agent was delegated to the *Mudaliyar* or the *Ratemahatmaya* of the area. People often reacted to the administration of these boards by having alternative sites outside the jurisdiction of the board. When the boards constructed new market places outside the immediate "congested and unhygienic spots" on government loans, the traders purposely kept away from such markets.

In 1898 steps were taken to establish thirteen Local Boards of Health for the improvement of small towns,⁸⁵ with powers similar to those of the Sanitary Boards already established. They were empowered to levy special rates for authorized purposes. These boards were consisted of three officials and three elected members, elected by the people of the area for a term of two years.⁸⁶ In the operation of electing the members, the boards did not follow

a uniform system of voting. In some areas the cumulative vote of casting all three votes on one candidate was practised while in some others the voters using the three votes on three different candidates. However, the voters lists were not issued in advance in some districts, but the *Mudaliyar* who compiled the lists had given the details to his favourites. Therefore, the favourites of the headmen naturally had an upper hand in such elections.⁸⁷

Even in the Local Government system the British officials managed to uphold their racial superiority. By this time the town of Nuwara Eliya had emerged as a sanatorium for the British officials and planters. In order to manage the affairs of this small town they defined a separate local agency called the Board of Improvement for Nuwara Eliya in 1896.⁸⁸ The Board consisted of the Government Agent or the Assistant with two other official members and five elected members for a term of three years on a raised property qualification.⁸⁹ The board was entrusted with enhanced powers of borrowing money from the government for development work with prior approval of the Governor.

Thus the bureaucracy being unable to cope with the rising urban problems passed on such burden with all the worry and expenses to the countrymen in the pretext of local self-management by establishing institutions modelled on European structure but with added bureaucratic control. Thus by the end of the century there were three municipalities, nineteen Sanitary Boards, thirteen Local Boards and a Board of Improvement for Nuwara Eliya. None of these institutions received a grant from the central government except in the form of a loan. They had to depend on the assessment tax and labour mobilized under the Road Ordinance. None of these institutions were managed by the representatives of the masses or implementing their own plans for the betterment of their community.

Thus, the development of local government system in Sri Lanka during the nineteenth century was a direct result of a series of separate enactments initiated by the respective Governors.

There was no conscious programme or any clear logic behind the chain of enactments to mobilize the association of the people in the task of administering the local affairs. The inadequacy of the Kachcheri system to cope with the rising demands of urbanisation, commercialization and industrialization in the wake of the rapid development of the plantation agriculture and the growth of towns and urban settlements gave way to the establishment of municipalities and the local boards of British origin. The Legislature gave them powers and set of bounds beyond which they could not pass and in some cases, it positively prescribed what they must do. The local institution was thus obliged to provide services within the prescribed limits and the members could not play a dynamic role in initiating action in the management of local affairs in developing the material prosperity of the citizen.

The powers of supervision over the municipalities were vested in the Governor in Council, while the local boards were placed under the supervision of the government agents. Their by-laws had to be sanctioned by the Governor in Council and the accounts audited by the Colonial Auditor. Thus under the supervision of the central government, these institutions became the means to associate the representatives of the people along with the government officials in the task of administering matters in the fields of sanitation, public health, road construction and other public utility services including the regulation of trade in drugs, food, drinks and dairies etc. The steps they carried out were integral to those laid down and were not permitted to initiate policies unacceptable to the government. Though the up and coming intelligentsia demanded a positive role in self-management, the bureaucrats did not provide any notable change in the structural framework of these new institutions.

On the other hand, for the better management of the rural economy and society which had partly been disturbed by the forces of westernization and modernization and the inability to adopt

capitalistic modes of enterprise to promote the restoration of irrigation works and the unwillingness of the government to provide funds for such schemes inspite of the heavy drawing from the peasantry in forms of paddy tax, brought forth the necessity of reviving the *Gamsbhava* with its accompanying traditions and customs. The *Gamsabhava* functioned in a society when service tenure was in full force.⁹⁰ But during the early British rule the service tenure was transformed into forced labour which was abolished in 1832 by an Order in Council. However, the bureaucrats found some vital and salient features in *Gamsabhava* which could be used in managing the agrarian problems. Though long correspondence had taken place between the regional administrators and the central authority, no concrete action was taken till the Governorship of Henry Ward (1855-1866).⁹¹ The first notable attention to this problem was paid by Tennent, Colonial Secretary, when he tried to insert a clause to the Road Ordinance of 1848, to apportion a certain portion of such labour for the restoration and management of the water courses.⁹² However, Earl Grey objected to it on the grounds of the inclusion of two major objectives in one ordinance and informed the Governor to bring separate legislation for the subject,⁹³ which neither Torrington nor Anderson ever carried out. At the same time there was much pressure from the provincial bureaucrats who managed to collect more information on the subject and saw the necessity of rejuvenating the *Gamsabhava*.

Sir Henry Ward having read most of the correspondence raised the question, "with whom is to reside powers? Is it with the Government Agent or some local authority?"⁹⁴ Some of his senior officers were not happy to by-pass the provincial agency, while some others wanted a creation of a separate institution. A third group of senior officials requested the creation of an authority intermingling European with the natives. The right to appeal was another matter⁹⁵ to be considered. However, in pre-colonial society there were fewer appeals made to the king and the "appeal" was on an exceptional situation whereas it was a natural right of everybody under the British.

After much deliberation the Government decided to establish Village Councils consisting of more than three and less than thirteen members elected from among the landowners with the Government Agent functioning as the President.⁹⁶ They were to examine the charges of breach of the customary laws adopted by the Village Councils on matters of irrigation and cultivation. The collection of the fines imposed by the Village Councils was entrusted to the Police Court.

The institution thus established in 1856, was not identical with the traditional *Gamsabhava*. It was a new institution devised for better supervision for agrarian activities and was engrafted to the provincial administrative machinery which was by now well entrenched. The new machinery was enforced only in certain areas and at the end of the five year experimental period a category of headmen known as the Irrigation Headmen, elected by the landowners were added to the machinery.⁹⁷

The provisions of the above ordinances were applied to the repair and the improvement of existing irrigation works. A new ordinance was enacted in 1867,⁹⁸ whereby the government made provisions to repair and construct the irrigation works under an assurance from the landowners that the expenses would be paid back. The recovery of the money was systematised by imposing a clause enabling the seizure and the sale of the defaulter's property.

The duties of irrigation headmen and the Village Councils were further elaborated by Ordinance No. 26 of 1871.⁹⁹ The activities of the Village Committees were further enlarged to cover the communal activities of the villages. Village Committees consisting of not less than six persons were elected on an adult franchise for a period of three years on whom the responsibility of framing rules for the management of village affairs and of exercising powers conferred by the ordinance was placed. The breach of such laws was to be examined by the newly established Village Tribunal headed by a President often a *Mudaliyar*.

In the enactment of the previous ordinances on the Village Councils, the legislators and bureaucrats thought of extending the European civil servants control over these native agencies. However, in the exercise of their duties the bureaucrats realized that they could not extend the anticipated supervision due to other reasons. Therefore, the immediate supervision was now relegated to the *Korale Mudaliyars* and the *Ratemahatmayas* who were now more faithful to them. On the otherhand the people were much attached to the Village Councils because of their cultural links with the age old traditions.

The implementation of the provisions of the ordinance on Village Committees brought much relief to the hitherto neglected areas like the Nuwarakalaviya and Tamankaduwa districts. *Vel Vidanes*,¹⁰⁰ elected by the landholders were entrusted with the supervision of the water works under the superintendent of the village tanks subject to the directions of these committees. The new machinery upheld the long established customs and usages, compelled every householder to attend to a work of upkeep of irrigation works.

The Village Committees were also entrusted with the establishment and the management of village schools. They were to provide school buildings and maintenance of satisfactory attendance of school children. The parents who failed to send their children between seven and thriteen years of age at least for four days a week were fined.¹⁰¹ In certain areas this provision in the ordinance helped much to improve the literacy rate and in the rural areas where the Village Committees functioned efficiently many schools were set up.

By Ordinance No. 23 of 1889,¹⁰² steps were taken to codify the whole process pertaining to paddy cultivation and the daily life of the villagers and were given legal validity. Ten days of free labour was provided for irrigation matters. By a subsequent amendment¹⁰³ the period of such free labour was increased to fifteen days and was permitted to be used for the needs of the

construction and maintenance of village roads, bridges, *ambalams*, wells, markets places, water courses, school buildings and other buildings of public utility. Thus by the end of the century there were three hundred and sixty village committees scattered in many parts of the island. The most fruitful of these were in the areas distantly placed from the centers of administration.

The series of judicial changes brought in after the Charter of Justice of 1833 could not either check the escalation of litigation or bring speedy and inexpensive redress to litigants, as anticipated by the reformers. The new courts of law brought in unaccustomed formalities and technicalities conducted in an alien language to the natives. Many attributed this to the evil effects of the new system of entrusting the adjudication of law to the civil servants who had no professional education.¹⁰⁴ The admission of proctors to minor courts have further aggravated the situation and an Assistant Government Agent of a district reported to the superiors that "it is an insidious evil, which is spreading rapidly and surely, the idle natives who throng the courts learn the tricks of the least respectable of the local practitioners, and proctors of worst stamp are transplanted in the villages."¹⁰⁵ The Inspector General of Police reported in 1869 that about 1684426 persons or one third of the entire adult population of Sri Lanka were charged before the Magistrates and the Justices of the Peace. At least one third of this number never came before the judge for adjudication and 112301 persons were discharged without trial.¹⁰⁶ Referring to the role of minor courts which decided the bulk of petty charges, he wrote that, "the evils they do is to oppress the people with legal process, to encourage a litigious spirit, to foster lying, forgery and fraud and frequently to inflict penalties upon innocent persons."¹⁰⁷

Referring to this pathetic situation Governor Hercules Robinson observed that,

"The wholesale institution of false charges is in itself evidence of the prevalence of rancorous feelings between the litigants, arising out of previous differences, and the ill-will so

engendered merely seeks relief in the mode which probably appears to the parties to be the readiest under our system for the administration of justice. If therefore, that system were to be so amended as to render the detection and punishment of every false charge a matter of certainty, and no further step was taken to settle the disagreements out of which these false charges have arisen, the root of the evil would remain untouched, and its bad effects would merely be diverted into some other channel. The great majority of petty criminal complaints, whether true or false, originate I believe in the disputes about property or land which give rise to charges and counter charges of cattle trespass, malicious injuries to fences and boundaries, theft of fruit, assaults, threats, and other such like trivial offences. In former times, complaints of this nature were disposed of summarily on the spot, but our rule has destroyed every vestige of the system of village government, and has given the people in its place about forty minor courts scattered over the whole country-presided over by European Magistrates and conducted according to European forms of civil and criminal procedure."¹⁰⁸

Many Agents of Government and their assistants argued that a return to *Gamsabhava* system would solve the problem. They believed that the *Gamsabhava* arrayed in the robes of equity and time-honoured customs, dispensed speedy justice without any cost. The *Gamsabhava* was greater than the Kings' Council for the people because the king decides on evidence while the *Gamsabhava* had also a personal knowledge.¹⁰⁹ While this discussion on formulating ways and means for a speedy solution, T. Berwick, the District Judge of Colombo, submitted a report entitled "Village Tribunals, a remedy for vexatious litigation and the right forum for trivial disputes in Ceylon" to the Colonial Secretary H. T. Irviny.¹¹⁰ He thought that the vital elements of the *Gamsabhava* could be judiciously harnessed for the better administration of justice, and advised the government to revive the *Gamsabhava* as a local tribunal within prescribed limits, defined powers and under proper securities in executing their decrees.

As the Village Councils established in 1856, 1861 and 1867 were attending to the needs of the agrarian community satisfactorily, the government realized that the best way to administer the judicial functions of the village was to revert to the former system of native selfmanagement system iii modified to suit the changed circumstances. Therefore, by Village Tribunal Ordinance No. 26 of 1871, the Governor was empowered to establish such tribunals in village or a group of villages with the President appointed by the Governor and five Councillors selected periodically by lot from among the villagers. The proceedings of the tribunal were to be conducted in the native language and the association of proctors were not permitted. At a non-summary trial the Councillors were first to express thier opinion while the President delivered the verdict later. The differences of opinion was recorded and an appeal could be made to the Government Agent. The Agents' decision was further subjected to an appeal to the Governor and Council. All fines imposed by the Village Tribunals were paid into the funds of the Village Committes of the area.

The emerging elites of Sri Lanka at the turn of the century were forming thmselves into political associations and demanded that a reasonable portion of the civil service be opened to them and presented themselves as candidates for consideration as non official members of the Legislative Council. They also revealed through the fascets of history how the local self-government institutions were functioning under the indigenou rulers and demanded that representative institutions be established with full powers to the representatives. But however until the twentieth century no representative self-government institution with full executive powers entrusted on the representatives were established in Sri Lanka. The system that evolved was due to bureaucratic nursing in an attempt to find solution to a problem of rapid urbanization and alienation of the native peasantry in the administrative set up.

FOOT NOTES

01. Asoka Bandarage., **Colonialism in Sri Lanka, The Political Economy of the Kandyan Highlands, 1833-1886**, Colombo 1985, p. 302
02. De Silva, Colvin R., **Ceylon Under the British Occupation 1795-1833**, Colombo, 1953, p. 10.
03. **Ibid**, p. 20.
04. The Rooyal Commission was the regular mode of appointing a Colonial Governor which contained a short statement of his powers and had to be publicly read out and proclaimed in the colony.
05. The Royal Instruction which accompanied the Royal Commission was more exhaustive and define the powers and duties of the Governor.
06. The Charter of Justice defined the main principles of the judicial administration.
07. Dundas to North, 13 March 1801, C. O. 55/61.
08. Kannangara, P. D., **The History of the Ceylon Civil Service, 1802-1833**, Dehiwala, 1966, p. 7.
09. These collectorates were formed in keeping to the existing *Disavanies* of the Sinhala kings. But however the military functions of the *Disava* was dissociated from the collector as new army units were kept in diffrent places under officers in charge. The main function of the collector was to enforce law and order and collect the revenue. His office was designated the *Kachcheri* the corresponding name of the revenue collector of the Madras Presidency.
10. Proclamation of 11 February 1815, Skeen, William., **A Collection of Legislative Acts of the Ceylon Government, 1795-1833**, Vol. 1, pp. 177-178.
11. De Silva Colvin R., 1957, p.158.
12. Colebrooke's Report on Compulsory Service, 16 March 1832, **Colebrooke Cameron Papers**, ed. by G. C. Mendis; Vol.1, pp. 189-211.
13. See for details, De Silva, M. U., "Land Tenure Caste System and the Rajakariya Under Foreign Rule"-A Review of Change in Sri Lanka Under Western Powers 1597-1832. **Journal of the Royal Asiatic Society of Sri Lanka** 1993, pp. 1-59.

14. De Silva, K. M., **University of Ceylon, History of Ceylon Vol. 3.,** from the beginning of the 19th Century to 1948, Colombo 1973, p. 77.
15. De Silva M. U., **The Development of Provincial and Local Government Institutions in Sri Lanka 1833-1872,** (Unpublished PhD. Thesis, University of Sri Lanka, Kelaniya Campus), 1974, p. 358.
16. Assessors were the chiefs associated with the Judicial Commissioner of Kandy from 1818-1833. They were helpful in deciding the civil and criminal cases that came before the Commissioner. They advised the Commissioner on Kandyan traditions and customs. Subsequently Cameron recommended them to be appointed to the District Courts to help the judges to understand the customary traditions connected with the dispute over which the case is instituted.
17. Van Den Driesen, I. H., "Coffee Cultivation in Ceylon I". **The Ceylon Historical Journal**, Vol. 3, No. 1. July 1953, p. 36.
18. Warren, J. H. , **The English Local Government System**, London, 1961, p. 22.
19. The Police duties of Colombo was regulated by the following Regulations, i, Regulation No. 14 of 1806, for the better Police of the Pettah and of the country within the four Gravets of Colombo, ii, Regulation No. 4 of 1810 to prevent loose and suspicious persons from residing in the Fort of Colombo; iii, Regulation No.7 of 1813, for enforcing cleanliness in the Fort and Town of Colombo, and the four Gravets; and IV, the Regulation No. 14 of 1813, for the Police of the Fort of Colombo.
20. Ordinance No. 03 of 1834, Skeen., Vol. 1, pp. 2-7.
21. Campbell to Stanley, 22 December 1842; SLNA., 5/29 No. 215.
22. Stanley to Campbell, 22 February 1843; SLNA. 4/34 No. 13.
23. Norman Low., **Mastering Modern British History**, Macmillan, 1986, p. 61.
24. Campbell to Stanley, 22 November 1841; SLNA. 5/28 No. 3.
25. Gibson to Anstruther, 23 September 1842; SLNA. 10/83.
26. Mooyart to Anstruther, 12 October 1842; 10/83, No. 427.
27. Ordinance No. 17 of 1844, Sekeen., Vol. 11. pp. 225-235.

28. Regulation No. 6 of 1813., Regulation for the better police of the Towns and Forts of Jaffnapatam and Point de Galle and their Gravets.
29. **Ibid.**
30. Regulation No.5 of 1813, Regulation for the better Police of the Town and Fort of Trincomalee and its Gravets.
31. Regulation No. 6 of 1815, Regulation for the better Police for the Town of Mannar and its Gravets.
32. Regulation No. 4 of 1819, Regulation for the better Police for the Town of Negombo and its Gravets.
33. Regulation No. 4 of 1820, Regulation for the better Police for the Town of Matara and its Gravets.
34. Rules and Regulations for the Police of the Town of Kandy established by His Excellency the Governor and to take place from their publication in Kandy, 7 December 1818.
35. Campbbell to Stanley, 4 January 1845; SLNA. 5/32, No. 2.
36. MacCarthy to New Castle, 26 September 1863; SLNA. 5/50 No. 166.
37. Ordinance No. 16 of 1865, Cottle, H. C. , **Legislative Enactments of Ceylon** Vol. 1. 1707-1870, pp. 565-588.
38. Warren., 1959, p. 24.
39. Earl Grey., **Colonial Policy of Lord John Russel's Administration**, London, 1853, Vol. 2, p. 27.
40. Executive Council Proceedings, 4 September 1847, SLNA. 2/55.
41. Ordinance No. 8 of 1848, Skeen., Vol. 11, pp. 358-374.
43. Bandarage., 1985, p. 250.
44. Road Ordinance Commission Report, **Sessional Paper** No. 4 of 1882, p. 5.
45. SP. No 6 of 1864. p. 10.
46. SP. No. 7 of 1886, p. 3.
47. Ordinance No. 19 of 1891. Cottle, H. C., **A Revised Edition of the Ordinances of the Government of Ceylon**, Vol. III, 1889-1894, Colombo, 1895, pp. 301-305.
48. Ordinance No. 10 of 1852. Skeen., Vol. III, 1852-1860, pp. 10-12.

49. Charsley to Buller, 23 November 1853, SLNA. 6/2742.
50. **Ibid.**
51. Ordinance No. 14. of 1859, Skeen., Vol. III, pp. 53-57.
52. Ordinance No. 10 of 1854, Skeen., Vol II, pp. 28-29.
53. Ordinance No. 15 of 1862, Skeen., Vol. IV: pp. 27-30.
54. Report on the Fixed Establishments, 1850, p. 6
55. **Ibid**, p 168.
56. Torrington to Grey, 15 January 1850; SLNA. 5/37 No. 25.
57. This refers to the mass uprisings at Kandy, Kurunegala and Colombo in 1848 in protest of the taxes.
58. **Colombo Observer**, 20 March 1848.
59. Grey to Anderson, 4 July 1851; SLNA. 5/51, No. 92.
60. Executive Council Proceedings, 5 August 1853; SLNA. 2/41.
61. Executive Council Proceedings, 6 August 1853; SLNA. 2/41.
62. **Ceylon Government Gazette**, 15 October 1853.
63. Executive Council Proceedings, 12 September 1853; SLANA. 2/41.
64. Layard to MacCarthy, 26 September 1853; SLNA. 33/3151, No. 500 (old).
65. Draft Municipal Ordinance, 19 October 1853; SLNA. 3/18.
66. Undated petition submitted to the Governor Anderson, SLNA. 8/63.
67. Anderson to New Castle, 6 May 1854; SLNA. 5/41, No. 79.
68. Anderson to New Castle, 6 May 1854; SLNA. 5/41, No. 79.
69. Executive Council Proceedings, 19 December 1853, SLNA. 2/41.
70. Turnpike Trusts empowered the local authorities in England to erect toll-gates and levy a duty which they utilized to build and repair roads.
71. MacCarthy to New Castle, 1 September 1863; SLNA. 5/50. No. 147.
72. **Ibid.**
73. Layard to Gibson, 10 March 1863; SLNA. 33/3144, No. 183 (old).

74. When Governor MacCarthy was trying to push through an enhanced defence budget, the non-officials objected to it on the grounds that the natives need the urgent attention of the Government. Over this issue the non-officials censured the vote of thanks and later resigned enblock to form the Ceylon League.
75. **Ceylon Times**, 14 July 1865.
76. Ordinance No. 17 of 1865. Cottle., Vol.I. pp. 717-161.
77. Digby William., **Forty Years of Official and Unofficial life in an Oriental Colony**, being the life of Sri Richard Morgan. 2 Vols. Madras 1879.
78. De Silva, M. U. , 1974, pp. 338-345.
79. **Ibid.** pp. 340-345.
80. Gamage M. P., **Growth of Municipalities in Ceylon 1865-1900**, (Unpublished PhD. thesis, University of Sri Lanka, Peradeniya Campus), 1973, Chapter V-VIII.
81. Administration Report of the Government Agent for the Central Province for 1867.
82. Ordinance No. 7 of 1887, Cottle., Vol. II, 1883-1889, pp. 485-563.
83. Ordinance No. 1 of 1896, Cottle., Vol. IV, 1895-1907, pp. 42-49.
84. Ordinance No. 18 of 1892, Cottle., Vol. III, 1889-1894, pp. 375-380.
85. Ordinance No. 13 of 1898. Cottle., Vol. IV, 1895-1907, pp. 246-290.
86. Males above 21 years of age occupying a houses of the annual value of £ 5 were eligible to vote.
87. Balasingham K. **Hansard**, 23 August 1916, p. 209.
88. Ordinance No. 20 of 1896, Cottle., Vol. IV, 1895-1907, pp. 158-183.
89. A candidate for election was to possess a house of annual value of Rs. 180 or an owner of immovable property of over Rs. 200 value, or an annual income of Rs. 600.
90. See for details, Codrington, H. W., **Ancient Land Tenure and Revenue in Ceylon**, Colombo 1938 and also De Silva, M. U. , "Land Tenure Caste System and the Rajakariya Under Foreignn Rule" JRASL. 1993 December.
91. See for details. De Silva, M. U., 1974, Chapter V, pp. 232-292.

92. Torrington to Grey, 13 November 1848; SLNA. 5/175, No. 202.
93. Grey to Torrington, 24 January 1849; SLNA. 4/46, No. 345.
94. Governor's Minute on Bailey's Report to Rawden Power, 19 December 1855; SLNA. 5/184, No. 174, Enclosure.
95. Templers remarks on the Governors Minute, SLNA. 5/184, No. 174 Enclosure.
96. Ordinance No. 9 of 1856, Skeen., Vol III, 1852-1860. pp. 20-23.
97. Ordinance No. 21 of 1861. Skeen IV. 1861-165, pp. 122-127.
98. Ordinance No. 21 of 1867, Cottle., **Legislative Enactments** Vol. 1, 1798-1870. pp. 916-925.
99. Ordinance No. 26 of 1871. Cottle., Vol II, 1870-1885. pp. 83-94.
100. Karunananda U. B., **Nuwarkalaviya and the North Central Province Under the British Administration 1833-1900**, (Unpublished PhD. Thesis, Vidyalandara Campus), 1977, pp. 196 ff.
101. **Ceylon Government Gazette** 20 March 1874. No. 3985. p. 79.
102. Ordinance No. 23 fo 1889; Cottle. Vol. III, 1898-1894, pp. 58-78.
103. Ordinance No. 9 of 1894, Cottle., Vol. V, 1894-1898, p. 21.
104. Ward to Molesworth, 25 October 1855, SLNA. 5/42, No. 47.
105. Bailey to Power, 19 December 1855, SLNA. 5/184, No. 174, Enclosure.
106. Administration Report of the Inspector General of Police for 1869, p. 215.
107. **Ibid** p. 226.
108. Governors' address, 4 October 1971, SLNA 5/200, No. 38, Enclosure 2.
109. Sessional Paper, XVI of 1867, p. 40.
110. Berwick to Irving, 23 June 1871, SLNA, 6/3526.
111. Ordinance No. 26 of 1871, Herbert W. H. **Legislative Enactments of Ceylon**, Vol. II, 1871-1888, pp. 83ff.