

HISTORICAL ANALYSIS OF COURTS OF LAW AND JUDICIAL ADMINISTRATION IN SRI LANKA FROM IN 3RD CENTURY TO 12TH CENTURY A.D.

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Introduction

Laws and Legal institutions are of vital importance for the security and progress of any society. Laws restrain members of a community from committing crimes and acts of violence. There are prescribed punishments for specific offences. The present legal system consists of two parts, namely Civil Law and Criminal Law. Criminal Law relates to crimes such as theft and murder. It consists of two parts, namely iniquitous and non-iniquitous crimes. Grave crimes carry the penalty of death or life-imprisonment. In the case of less serious crimes, the punishment is light. Civil Law pertains to matters relating to commerce, health, marriage, lands, property and water management, etc.

Research Problem

What can be inferred from ancient Sri Lankan primary sources about the main courts of law and judicial administrative systems that prevailed in Sri Lanka from 3rd B. C. to 12th A. D. and the role that they played in society?

Objective

The administration of laws requires the maintenance of court and tribunals and the appointment of judges at various levels. In the present study, attention will be focused mainly on

courts and judges of Pre- Modern Sri Lanka with special emphasis on the administration of civil and criminal laws. Courts and judges occupy a very important place in the modern legal system. There are many references in literature and inscriptions to courts of law and judicial administration in ancient and medieval Sri Lanka. The examination of these courts of law and judicial administration is the objective of this study.

Methodology

The research is mainly based on primary sources such as Pali chronicles, commentaries such as the *Mahavamsa*, *Papanchasudani*, *Samantapasadika*, *Manorathapurani*, and more importantly, on inscriptions such as the *Vevelketiya inscription*, the *Aturupolayagama pillar inscription*, the *Anuradhapura slab inscription*, the *Situlpavva rock inscription*, the *Panakaduwa copper plate* and some inscriptions of King Nissankamalla. Wherever necessary material will also be obtained from limited secondary sources published on the ancient legal system of the Island.

Discussion

According to the chronicles, the king was the fountainhead of justice. The *Mahavamsa* mentions that the king often directly heard cases as in King Elara's legend. The *Mahavamsa*,

elaborating on the reign of King Sirisanghabodhi of the early period, relates how some rebels who revolted against the state were brought before him and how he dealt with them.

Regarding judicial administration of ancient Sri Lanka, the King had not administered justice in all the administrative units of the Island. There were established courts of justice in all the villages, market towns and cities. And the king delegated task to a host of officials. They are called *Vinicchayika* or *Vinicchayamahamaccha*. The chronicles occasionally and Sinhalese literature generally mention instances of adjudication of cases by ministers. The *Mahavamsa* mentions an interesting decision of a king's minister in King Mahasena's reign. There were certain judicial committees comprising the elders of the villages and of market town, of the *Dasagamas* during the Anuradhapura Period. King Vijayabahu I and King Nissankamalla of the Polonnaruwa period also maintained courts of law and judicial administration in a proper way.

Conclusion

A clear division of functions and roles is clearly discernible in the ancient and medieval judicial administration system. The king represented the apex of the judicial hierarchy and capital punishment remained the prerogative of the sovereign. Below the King, ministers performed very important judicial functions, and their power and authority were clearly identified and demarcated. At the ground level, village committees exercised judicial administration related to petty offences.

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