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A Historical Analysis of Crime, Judgment and the Punishment in Sri Lanka from 3rd century B. C. to 12th century A. D.

Abstract

Human society, from the earliest times, had some conception of crime and punishment. Inflicting physical and moral injury on a person or a group of persons was considered a punishable crime. The concept of crime and punishment was related to that of power and authority. There was a need to vest authority with someone who could maintain law and order.

According to early Buddhist literature kingship originated because of the considerations of crime and punishment, as illustrated in the **Aggañña Sutta** of the **Digha Nikaya**. The *Masammata* was elected to maintain the laws and administer justice. From the beginnings of kingship, there were provisions for identifying crimes, hearing cases and inflicting punishment on the basis of the judgment of a properly constituted court.

The phenomenon of crime, judicial reviews, judgment and punishment of criminals in the period from 3rd century B. C. to 12th century A. D. in Sri Lanka form the scope of this research. This is mainly based on notices in literature and inscriptions. There is adequate evidence to show that a judicial system relating to crime and punishment had evolved in this country during the period covered by this study. Cases were tried at different levels of authority depending on the nature of the crime committed. The king was at the apex of a hierarchical judicial system that included some ministers, government officials and local communities. Although laws were not codified, there are traces of legal concepts pertaining to crime and punishment. They were heavily influenced by the Buddhist tradition and Indian texts on laws and the judicial system.

IV

The traditional and modern interpretations of concepts relating to crime and punishment are examined to trace the evidences relating to criminal and non-criminal offences are examined in details. The procedures laid down in royal proclamations for arresting criminals are also critically reviewed. The authority and role of the monarch, the duties of officials and ministers are elaborately discussed under judicial administration. The last chapter is devoted to the examination of the fundamental issues relating to punishment.