

## THE GROWTH OF LOCAL GOVERNMENT INSTITUTIONS IN SRI LANKA 1833—1900

M. U. de Silva

Portuguese, Dutch and British rule in Sri Lanka brought about a significant political, administrative and socio-economic transformation. During this period traditional relationships and institutions disintegrated and were partly replaced by new institutions. The traditional institutions and relationships were not overthrown as a matter of policy but were disregarded and allowed to disintegrate and were sometimes partly resurrected. Along with these, some of the social relations and the enforcement of customs founded upon the former institutional structure disappeared. New relationships were evolved by the interaction of the old with new institutions and relationships. It was a change without social revolution. Such a development is very evident in the realm of local government in Sri Lanka. A new local government structure that was neither indigenous nor fully alien was born.

Even at the beginning of the nineteenth century, Sri Lanka was predominantly a land of villages with few urban settlements. The village (*gama*) was composed of a group of families of a single caste or several castes, bound by mutuality and rights and obligations. The village had its own institutional machinery for its own internal administration - the collection of taxes, adjudication of disputes and the enforcement of public duties. In this social structure the *gamsabhāva* or the village council, functioned in both a civil and a judicial capacity. In the field of civil administration, the *gamsabhava* relieved the central government of most of its responsibilities. In the judicial sphere, it arbitrated in all matters which created disharmony in the community. In the sphere of agriculture, the *gamsabhāva*, looked after village tanks in accordance with age-old customs and usages. <sup>1</sup> Thus, the *gamsabhāva* which was so deep-rooted in the sentiments and habits of the people, formed an integral part of their daily life. This system of local government was adequate for the needs of the villagers when Sri Lanka was essentially rural in character.

If a person was aggrieved by a decision of the *gamsabhāva*, he had the right to appeal to the *raṭasabhāva* in the *pattu* or the sub-division of the district. According to Colebrooke, the commissioner who inquired on matters of administrative and economic reform in 1829-32 this *sabhā* system was "Patriarchial in nature where the administration of each village community was entrusted to the natural leaders of that community and deliberated on affairs of common interests, adjusted civil disputes and awarded punishment to ordinary offenders against persons and property". <sup>2</sup>

In the maritime provinces however, due to the changes that had taken place during Portuguese and the Dutch rule, the significance of *gamsabhāva* and *raṭasabhāva* had diminished. In the maritime provinces, within the first few years of their administration the British managed to establish the '*kachcheri* system' which brought unprecedented changes in the provincial administration. <sup>3</sup> The *kachcheri* or the secretariat became the coordinating office of a district with a British civil servant as the head, directing multifarious civil and revenue functions to which the existing indigenous system was coupled. The sitting magis-

strate and the provincial judge looked into the judicial aspects of the provincial administration. Thus, the continuance of the weakened *gamsabhāva* and *raṭasabhāva* was seriously challenged. It was disregarded by British civil servants who tried to establish the authority of the collector or the agent of the government and of the judicial officers in the coastal belt.

But by all accounts, traditional institutions were in a flourishing state in the Kandyan areas at the time of the British annexation. Though the Kandyan Convention of 1815 gave recognition to these institutions<sup>4</sup> they received scant attention from the British in their judicial and provincial administration. The establishment of new judicial institutions under the Proclamation of 21 November 1818, further undermined the *gamsabhāva*,<sup>5</sup> and dealt a severe blow to its existence. The *gamsabhāva* was not simply ignored. People seemed to have been encouraged to take their disputes to the new courts of law.<sup>6</sup> The judicial commissioner who held powers to refer suits instituted in his court to *gamsabhāvas* reported in 1830 that only three cases were sent to *gamsabhāvas* while the reports of the agents indicated that this procedure was followed even more rarely by them.

The change-over from the courts of arbitration, which functioned as a safety-valve for a proper maintenance of the old order to the formal courts of law devised by the British undoubtedly resulted in an increase in litigation. The new system of keeping court records made the increase all the more visible.<sup>7</sup> The new courts of law brought in unaccustomed formalities and technicalities in an alien language for the conduct of court proceedings. Traditional institutions and customs were devalued. The *gamsabhāva* almost passed into oblivion. Traditional laws began to take a different character.<sup>8</sup>

Nevertheless, Colebrooke was impressed with the conduct of the *gamsabhāvas* and believed that the institution could be advantageously preserved in the new setup. Therefore, he suggested that the members of these village courts should be duly registered and only qualified men should preside over them to promote regularity in their proceedings.<sup>9</sup> Cameron, the other commissioner who inquired into the judicial affairs of Sri Lanka in 1831, though not much interested in maintaining the *gamsabhāva*, was not totally opposed to the ideas expressed by Colebrooke. Therefore, while preserving the uniformity of the judicial system, he tried to place the *gamsabhāva* alongside the new courts he had recommended. In the charter of Justice of 1833 that followed, the existence of this traditional institution was recognised and the power of framing rules and regulations for proper conduct of the *gamsabhāva* was vested in the Supreme Court.<sup>10</sup>

In July 1834, Colebrooke once again advised the colonial authorities to revive the *gamsabhāva* as its maintenance could benefit the government in many ways.<sup>11</sup> Its existence, in conformity with the age old customs and usages of the natives, he hoped, would also strengthen the attachment of the countrymen towards the government by providing an efficient police service at reduced government expenditure.<sup>12</sup> However, in spite of this, no action was taken by the government. The provisions of the Charter of Justice of 1833, remained a dead letter. The necessary rules for the proper functioning of the *gamsabhāva* were not made by the Supreme Court.<sup>13</sup> Neither was it incorporated into the provincial administration. The institution was indeed preserved in name and had a lingering existence in the rural areas of the island.

The *rājakāriya* system which formed the base of the indigenous society was abolished in 1832 and judicial powers vested in the administrative officers were removed. Thus the power of enforcing order aided by a sort of instinctive respect from the people was weaned away from the administrators. The consequences were felt notably in the agricultural sector. With the abolition of the service obligations without suitable substitutes for the upkeep and maintenance of irrigation, the tanks, channels, embankments, spillwaters, sluices and other means of irrigation fell into disorder. What was "everybody's" business earlier became "nobody's" concern now. <sup>14</sup>

The daily requirements for irrigation and agriculture had been attended by the *gamarāla*, <sup>15</sup> the traditional village leader who got the necessary help from the shareholders whenever any improvement to the tanks or any other water course was necessary. The evaders were reported to the *gamsabhāva*. Now the authority of the *gamarāla* was lost and the power of punishing offenders vested in the *gamsabhāva* could not be enforced owing to the establishment of new courts of law. The result was the decay of the village agricultural systems, and the disintegration of traditional society.

The first account of this lamentable process was heard from the assistant government agent of Matara as early as 1834. <sup>16</sup> According to him, the *Vidāna ārachchi* of Attudawa had reported that the shareholders who benefitted by the Meddewela dam had not responded to his repeated directions to repair the dam which they were traditionally obliged to do and the assistant agent had to send the *mudaliyar* of the area to get the services of the people under threat of a civil action in court. <sup>17</sup> While reporting this incident to the government agent of the Southern Province, the assistant agent strongly urged the need for the creation of village level institutions with judicial powers to inquire into matters connected with irrigation and cultivation. <sup>18</sup> But this timely warning was unheeded by the higher officials till the crisis reached bigger proportions. <sup>19</sup>

The village was co-existent with the tank and the connected fields. <sup>20</sup> Each tract of land irrigated by a tank, was divided among numerous proprietors, who by ancient usages of the country were bound to assist in the construction and upkeep of the fences, repair of tanks, the watering of fields and in other work of common utility. <sup>21</sup> However, under the changing circumstances the proprietors tried to evade their obligations. This was further aggravated by the appearance of absentee landlords. This new class of landowners were not residing in the village or in the vicinity of the fields and were not available to attend to the daily needs of the fields or the irrigation channels. They were only enjoying the common benefits of the community and were reluctant to perform their obligatory duties. This change was noted by the government agents of the Western Province thus:

"There is scarcely an individual, who on his own score, has not a charge of neglect to lay at the door of his neighbour, and who has not in his turn as selfishly failed in the performance of a known duty, and there is not a point upon which everyone seems better agreed than of the necessity of some law to oblige everyone to do what is universally acknowledged to be the right to be done. <sup>22</sup>

Therefore, the government agent saw the urgent need for the establishment of village associations for the exclusive management of the customary laws and other matters connected with village life. <sup>23</sup>

At the same time the production of rice in Sri Lanka declined due to the neglect of the irrigation works leading to the abandonment of the traditional cultivable land. The process of depopulation and abandonment of cultivable land was further accelerated by the widespread sickness which prevailed in these areas. While the local production of rice was going down, the consumption was increasing at a considerable pace due to the heavy influx of South Indian labourers for the needs of the plantations and the rapid development of sub-urban centres. Therefore, to meet the increasing demand of this staple food, rice had to be imported.

The expense involved in the import of rice was a strain on the finances of the colonial government and orders came from the secretary of state for the colonies, as early as 1837, <sup>24</sup> to endeavour to make the country more independent of imported rice supplies. The inability to adopt capitalistic modes of enterprise to promote the restoration of tanks and the cultivation of paddy and the unwillingness of the government to provide funds for them, brought forth the necessity of reviving the traditional agrarian customs and institutions for better production.

Sir Emerson Tennent, the acting governor, in his despatch on agriculture and finances of the colonies on 22 October 1846 stressed the need for the early attention of the government on the necessity of a survey of the neglected rice districts and an examination of the abandoned tanks, ascertaining the cost of repair, effect upon cultivation and the prospect of remunerating any outlay or advances.<sup>25</sup> On this, the secretary of state, Lord Grey, instructed the colonial government to procure the services of a competent person from India to prepare a report showing the order in which the major tanks could be repaired with the probable expense of each undertaking.<sup>26</sup> He also proposed that a certain portion of the revenue available for public works should be annually set apart for the repair of tanks and such repaired tanks be entrusted to the local authorities subject to the inspection and control of the central government. <sup>27</sup>

The colonial office, while approving the judicial reforms of 1833, placed much confidence in the successful implementation of the new system <sup>28</sup> and had declared an experimental period of four years. <sup>29</sup> However, in a few months, reports of heavy accumulation of judicial business and delays in adjudication were recorded. <sup>30</sup> Many solutions were proposed to the authorities, but no concrete action was taken. In 1842, Governor Sir Colin Campbell wrote to the secretary of state thus:

“The condition of the administration of justice is a subject of universal complaint and with the greatest reason. The delays and the practical denial of justice, both in civil and criminal matters, is I am certain, unparalleled in any country.”<sup>31</sup>

As a solution to this problem some reformers suggested the establishment of minor courts for complaints of a trifling nature,<sup>32</sup> while others considered the possibility of reviving the *gamsabhāva*.<sup>33</sup> In the judicial changes brought about during 1843 - 1845, the officials sought a solution in the creation of two minor courts on the European model namely, police courts and courts of the commissioner of requests.<sup>34</sup> However, these courts too followed an elaborate procedure in the adjudication of disputes and it soon became clear that they too were unable to arrest the growth of litigation and to settle promptly the petty disputes that occurred especially in the rural areas.

The rapid development of the plantation industry brought to surface several problems which were perhaps hitherto unknown in the country. Vast tracts of forest land were sold to planters and new plantations sprang up in areas where there was no road access. Thus, the need for new roads was a burning problem which the government and the planters faced. The abolition of *rājakāriya* made it difficult for the government to find money for paid labour. The transport of coffee raised several other problems. The need arose for labourers for the conveyance of coffee and grain, and the building of stores and go-downs for stacking them. A quick turnover of business and a rapid conveyance of messages became urgent.

Urbanization and sub-urbanization was another social development that took place during this period, creating new needs and giving rise to many problems both in number and complexity. The economic opportunities which arose in the towns led to migration and brought more people to live in congested areas. Though employment opportunities increased in towns, civic amenities did not improve at the same rate and therefore, problems in these towns became acute. Old dwellings were packed to capacity while more new dwellings were constructed, sometimes in places unsuitable for human habitation. In most of these dwellings there was insufficient ventilation and fresh air.<sup>35</sup> There was no proper system of drainage in the towns and the arrangements for the disposal of night-soil and refuse were insufficient. There was an increase in the demand for beef and in the absence of proper slaughter houses, animals were killed and the remains were thrown on the roadside. None of the towns were supplied with purified water and the people used wells. The lack of proper drainage and the existence of cesspits in close proximity to the wells contaminated the water. Besides, the sale of stale food and unwholesome provisions to plantation labourers, was carried out on a large scale, particularly on Sundays. This made it necessary for the government to take steps for the planning of towns with central markets.<sup>36</sup>

Sanitation was another such problem. Medical facilities in the country were inadequate and unorganized. People in the newly developed towns were accustomed to habits which were not hygienically sound and were living in crowded dwellings in circumstances favourable for the outbreak of epidemics. The occurrence of smallpox and cholera became frequent and once they broke out they ravaged the entire district. With the growth of towns and business centres cosmopolitan social formations gradually emerged. In this situation the police duties performed by the traditional headman became insufficient, and the need arose for the creation of a machinery for the security of the townsmen.

Thus the gradual evolution of the urban settlements gave rise to several problems new and unprecedented in Sri Lanka. The government met these rising demands by the disbursement of funds from the general treasury. The only local institution that was in existence, the *gamsabhāva*, was getting displaced and no local institutions developed to look into the daily needs of the changing society. Sanitation, the cleanliness of towns and the repair of roads etc. were attended to by the central government through government agents. However, in due course it was found that the expenses were too heavy for the central government to bear. The economic crisis of the eighteen forties forced the government to apply stringent economic measures and to pursue other means for the fulfilment of the old and new needs. At the same time, the idea of establishing institutions for local purposes fed by local taxation in the colonies was gaining strength at the colonial office, and was being implemented in some colonies<sup>37</sup>. This was due to the influence of the political doctrines of the Manchester school of colonial reforms.<sup>38</sup>

The first attempt in the implementation of the above concept in Sri Lanka was seen in the establishment of a police service in the city of Colombo in 1834.<sup>39</sup> The police regulations of London, Madras and Calcutta were consulted in organising the police force in Colombo. An assessment tax was levied on the houses and property and the collection was credited to the general treasury. Many local duties such as patrolling the streets, reporting on cases of cholera, dealing with encroachment on crown land, 'nuisance makers' and the attendance on the sick were entrusted to the police.

With the expansion of the plantation industry in the interior and the opening of employment avenues, many low country people and Indians thronged to these areas. The behaviour of some of these people was a threat to the security of persons and property. Robberies were very frequent and some atrocious murders were committed.<sup>40</sup> To meet this challenge steps were taken to enable the establishment of police stations at any place in the colony by ordinance no. 17 of 1844.<sup>41</sup> An assessment tax was imposed on all landed property sufficient to meet the expenses of the police force. The provisions of this ordinance were gradually extended to towns like Galle, Negombo and to the high roads connecting the main towns and also along the whole of the plantation areas. But the provisions of the above ordinance were not uniformly carried out in establishing the police stations throughout the country. In certain localities only some sections of the ordinance were enforced. In certain branch stations along the Kandy road, the police force was not maintained by a local assessment tax.<sup>42</sup>

The second attempt in establishing an institution for local needs fed by local taxation is seen in the area of road building. The pressing need for more and better roads forced the officials to explore fresh avenues for road construction. The committee appointed to inquire into the financial administration of Sri Lanka in 1847, stressed the need of entrusting the management of local affairs, such as the care and maintenance of public works, to local bodies duly elected and invested with power of local assessment.<sup>42</sup>

Governor Torrington in a minute to the executive council requested the councillors to advise him on establishing some form of local councils similar to those of Canada, Cape of Good Hope and New South Wales, in which the hitherto neglected upper classes of the

natives of position, wealth and character could advantageously be entrusted with a certain amount of power and responsibility for the care of the village roads.<sup>44</sup> He noted that the time had come for him to restore their authority and adopt their influence for a "good government". He also expressed the hope of enlarging the scope of such an institution to areas such as rural police, collection of land revenue etc. when the people become accustomed to the element of self-government.<sup>45</sup>

Accepting the proposals of P. E. Woodhouse, the acting treasurer, the council enacted the ordinance No.8 of 1848,<sup>46</sup> creating a provincial road committee<sup>47</sup> in each province, a district road committee<sup>48</sup> in each district and a division officer in each division to be elected by the native inhabitants. This legislation compelled every male citizen between eighteen and fifty five years of age except the governor, the soldiers and the Indian coolies to labour six consecutive days annually on roads or other means of communications or to commute such labour for the payment of 5 shillings.<sup>49</sup> Two-third of such labour was apportioned to be used for principal works while the balance was to be utilized for minor works in the districts.

The provincial road committees were empowered to make rules for their management and also for the guidance of the district road committees and to guide and direct the division officer, subject to the ratification of the governor and the executive council.<sup>50</sup> The management of provincial roads and canals was vested in the commissioner of roads and when such a work was directed by the governor and council it was left to the provincial road committee to apportion the labour. The annual estimates of the principal works were prepared by the provincial road committees under the directions of the commissioner of roads. The district road committees were under the directions of the commissioner of roads. The district road committees were entrusted with works of local importance such as the improvement of streets, roads, rivers, lakes and canals and the prevention of encroachment on crown land, and the illicit felling of timber. The division officer prepared the list of persons liable for service and collected the commutation money. The disbursement of money received on commutation was entrusted to the government agent, the chairman of the provincial road committee.<sup>51</sup> The creation of these committees transferred to them some of the works hitherto performed by the departments such as the police, surveyor general, commissioner of roads and civil engineer. These road committees, which were believed to have embodied the element of local self-government, were in operation for more than a decade. Neither the colonial government nor the colonial office attempted to enlarge this element of local self-government. Neither the provincial road committees nor the district road committees, nor even a part of them were elected by the people. The only elected element, the division officer, was looked upon by the people as another tax collector.<sup>52</sup>

With the consolidation and the amendment of law, relating to the public thoroughfares under ordinance No. 10 of 1861,<sup>53</sup> an elective element was introduced. The district road committees elected three non officials, for the three different constituencies created for Europeans, Burghers and the natives for a term of three years,<sup>54</sup> without taking into consideration the proportion of the citizens represented. All communities other than the Europeans and Burghers were included in a native constituency.<sup>55</sup> The elections were ordered to be conducted electing the European member first, followed by the Burgher member and

then the native member<sup>56</sup> thus maintaining European superiority. The eligibility of a candidate for such election required the ability to read and write the English language and being a male above twenty one years of age.<sup>57</sup> Only male residents of the area between eighteen and fifty five years of age producing the certificate of performing labour under the road ordinance were eligible to vote<sup>58</sup> If no one stood for election on the due date, the provincial road committees were empowered either to give an alternative date for such election or to nominate a suitable person from the community to which the member should belong. Such a nominated member was eligible to serve a period of one year. If such a nominated person failed to accept the post without acceptable reasons to the provincial road committee or any other member failed to perform his duty satisfactorily, he was liable to a penalty of ten pounds.<sup>59</sup> At the same time in 1861, the elective basis of the division officer was removed and he was in future appointed by the district road committees.<sup>60</sup>

In 1891 steps were taken to place all the public markets of the Northern Province under the district road committees by ordinance No. 19 of 1891<sup>61</sup> The rent collected from the stalls or the open space of market places from the vendor was deposited in a "Market Fund" for the upkeep and improvement of the market places.<sup>62</sup> The district road committee was empowered to make by-laws for the maintenance, management and improvement of markets etc. These by-laws were to be approved by the governor and published in the government gazette before their enforcement.<sup>63</sup>

To overcome the problems of sanitation caused by epidemics and other problems emanating from quick urbanisation, boards of health were established in each province under ordinance No: 10 of 1852,<sup>64</sup> modelled on the system prevalent in India and Great Britain. The government agents of the provinces were appointed chairmen of 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 several departments 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 nuisances and control of contagious diseases. 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 or functions among these different authorities. 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 town for Kandy with a central market was highlighted by the board of health for the Central Province,<sup>65</sup> and its observations later helped the government in its attempt to establish municipalities. Likewise, regulations concerning the slaughter of animals<sup>66</sup> and the maintenance and regulation of burial grounds<sup>67</sup> were enacted on the advice of the boards of health. The want of a law to prevent nuisances too was brought before the government and ordinance No. 15 of 1862<sup>68</sup> was enacted on the



basis of the English public health acts and the corresponding Indian acts, to control the upkeep of houses, drains and the control of 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.

Despite these preventive measures and the efforts of the boards of health and the department of the civil medical officer, sanitary conditions of the island were far from satisfactory. The problems connected with sanitation, roads, police and rapid urbanization were partly met by institutions established under the separate ordinances. There was no central organization to coordinate these matters, nor were there any properly constituted local government institutions to which the responsibility could be entrusted. Therefore, the need for the establishment of municipalities or similar institutions, was felt and the matter was discussed from time to time in administrative circles. For instance, a sub-committee of the executive council appointed in 1848, to inquire into the possibility of revising fixed establishments, influenced by contemporary concepts of local self-government, advised the establishment of a system similar to that existing in Canada.<sup>69</sup>

Several witnesses who came before the committee urged the necessity for the establishment of a system of municipal bodies. Dawson, a merchant of Colombo, was of the opinion that the government had too much to do, and anything that could relieve the government and make the people think for themselves would be advantageous to the communities<sup>70</sup> Therefore, he suggested the creation of municipal bodies in every town of sufficient size and population, and that the management of the police, the collection of assessment tax and other duties could be entrusted to them. In the first instance, he advised the handing over of the management of the affairs of the towns to the resident Europeans assisted by native people who possessed adequate property qualifications and an understanding of European institutions.<sup>71</sup> P. E. Woodhouse, the government agent of the Western Province, saw the need of establishing municipal organizations for Colombo and Kandy towns and the entrusting of authority to the people connected and familiar with those problems.<sup>72</sup>

However, Governor Torrington, not being inclined either to accept the suggestions to establish native agencies to assist the administration or to accept the theory put forward by the committee to administer the country in accordance with the needs and the wants of the native people, remarked that the latter were not ready to do anything for themselves and it was left to the Government to do everything for them.<sup>73</sup> He was therefore, not willing to delegate to the people even the local management of their own concerns all at once and suddenly.<sup>74</sup>

Meanwhile the idea of establishing municipalities was carried forward by developments which took place in another direction. About this time a demand for a representative legislature was launched by a handful of liberal minded Europeans such as George Elliot, the editor of the *Observer*, and William Digby.<sup>75</sup> Several memoranda were presented to the governor, and meetings were held requesting for an elected legislative council with the several classes of people fully and unequivocally represented.<sup>76</sup> Perhaps influenced by this agitation, Earl Grey advised Anderson to create municipal bodies, on the representative principle to manage local affairs and to be the organs for making known to the government the wishes and wants of the people.<sup>77</sup>

The first notable attempt to establish a municipality for Colombo was taken by Governor Anderson and the draft was tabled in the executive council on 5, August 1853.<sup>73</sup> The draft was discussed in detail for two days and a majority of the councillors endorsed the move. A redrafted ordinance approved by the executive council was published for general information.<sup>79</sup> After a prolonged discussion, the colonial secretary moved the first reading of the ordinance, "for establishing a Municipality for the town of Colombo for the purpose of enabling the inhabitants to regulate certain matters of a local nature", in the legislative council.<sup>80</sup> The municipality was to be placed under the administration of the municipal board consisting of 10 commissioners elected for a term of two years from the ten wards to which the city of Colombo was to be divided. The electors were to be male householders of the wards, above 21 years of age and possessing property to the value of 300 pounds sterling and above. 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 road ordinances, and tolls within the municipal limits. The council was to be entrusted with the responsibility of various urban services such as the repair and building of roads, the establishment and maintenance of markets, supervision of weights and measures, and regulation of ponds, the lighting of streets and the improvement and upkeep of public health. The rules and regulations necessary for municipal functions were to be made by the commissioners and were to be finally approved by the Governor. At its first meeting, the commissioners were to elect a chairman and a vice-chairman for the council.<sup>81</sup>

The draft ordinance generated much discussion within and outside the council. Public meetings were held for and against the ordinance and petitions were sent to the governor. A petition signed by several hundreds, while approving the measures requested the governor to transfer the levying of taxes of local origin to the municipality.<sup>82</sup> They also requested the governor to entrust the management of the police force within the *gravets* to the municipality. Strong objections arose from the people in respect of taxation and allocation of funds. They demanded a large sum out of the general revenue to be subjected to their own control.<sup>83</sup> At the same time there were differences of opinion in the executive council. The major-general commanding the forces was of the opinion that the citizens were not sufficiently advanced to enjoy municipal status and hence he anticipated that the government will have to face a great deal of trouble.<sup>84</sup> In view of this opposition the governor withdrew the ordinance<sup>85</sup>.

But the idea of establishing a municipality re-emerged a short time later. In 1863, the government agent of the Western Province, C. P. Layard, recommended to the governor the conversion of the warehouse near St. John's river<sup>86</sup> into a market and entrusting its management to the municipality.<sup>87</sup> "Circumstances are at present so much altered," he wrote, "that I apprehend no obstacle to the enactment of such a law now. The funds from the various sources available for the conservancy of the town, the lighting of streets, the custody of cemeteries and the upkeep of roads and markets appear to me, with the possibility of levying a reasonable tax on all carriages plying within the Gravets of Colombo, to be ample, and were it not, a moderate increase on the assessment on houses would meet every requirement."<sup>88</sup>

The liability of building and maintaining of roads in the island had become a problem for the government inspite of the advantages gained by the road ordinance. MacCarthy, the governor, thought that a system of municipal management analogous to the system of turnpike trusts<sup>89</sup> in England, could be established.<sup>90</sup> He thought that the principal roads could be maintained by the public works department, while the branch roads could be handed over to such bodies. In 1863, he appointed a committee to advise on this matter, and the committee recommended the handing over of branch roads to local institutions.<sup>91</sup>

Meanwhile, the newspapers highlighted urgent needs of the townsmen arising out of quick urbanization such as the supply of pure drinking water, cleanliness of the streets, better sanitary facilities. It was thought that these would be handled more efficiently through the local participation and management.<sup>92</sup> At the same time the advocates of constitutional reforms (mainly from planting and business interests and from the emerging native middle class elites closely associated with them) demanded an increase in non-official representation in the legislative council, free voting rights to the official members and council control of the budget. They also expressed the view that local problems could only be solved through the establishment of local government institutions.<sup>93</sup> The block resignation of the non-official members of the legislative council over the government policy on enhanced military expenditure and the recording of their dissatisfaction and discontent at the vote of thanks to the governor's speech and their agitation for reforms under the "Ceylon League" helped turn the attention of the government to establishing municipalities.

Sir Hercules Robinson, who assumed duties as governor in the midst of these political storms succeeded in directing the attention of the agitators to a different direction by establishing municipal councils in Colombo, Kandy and Galle. The ordinance No. 17 of 1865<sup>94</sup> which created municipalities for Colombo and Kandy towns and reserved to the governor, the right to create others by simple gazette notification indicating the limits of the new municipality and its subdivisions,<sup>95</sup> embodied the objects of training the natives for self-government and expediting local improvement, through local participation and the establishment of an efficient police service, better sanitation, street lighting, water supply and market facilities.<sup>96</sup>

The municipal council was a body corporate with perpetual succession and common seal<sup>97</sup> and was chaired by the government agent of the province who also functioned as the treasurer.<sup>98</sup> The council consisted of elected and nominated members of whom at least one half had to be elected members<sup>99</sup> But in practice the majority of members were elected by the male voters of the municipality. All the decisions at the meetings were decided by majority vote with the chairman exercising a casting vote in the case of a tie. The government agent as chairman had no executive power independent of the council.<sup>100</sup> Within certain limits the elected member acted as legislator, executor and magistrate. The unofficial members of the legislative council were nominees of the governor. They did not have the right to introduce a bill 'on matters involving finances.'<sup>101</sup>

But in reality, the councils sat just once a month to discuss the policies and programmes. The elected members neither had the time to go through the connected papers carefully nor the information on the subject for a critical examination, having no access to the official records.

On the other hand, the government agent being the administrator of the province and being well acquainted with the subject under discussion had a major say in the final decision. Thus, though in principle, municipal councillors were given controlling power in local affairs, elected representatives came to be controlled by officials, and thereby the municipalities functioned as semi-official institutions.<sup>102</sup>

Even before the gazette notification appeared for nominations, the prospective candidates and their supporters were busy in canvassing by means of posters, banners, newspaper notices and public meetings.<sup>103</sup> Electioneering was a bit stormy in places where the candidates were from entrepreneurial groups with a western lifestyle<sup>104</sup>. Difficulties were experienced in some places due to the misbehaviour of "paid citizen retainers." Nominations were received by the government agent or by his assistants on the scheduled dates and the candidates were allowed to address the assembled voters. Thereafter, the presiding officer got the assembled voters into groups of different candidates and voting was done by show of hands in public. The successful candidates were driven to their residences in processions of carriages, sometimes with dancers, tom-tom beaters and elephants and were entertained thereafter.<sup>105</sup>

When the municipalities started functioning it was found that the establishment charges were very high, and the money available for the upkeep of roads (which by then needed remetalling) was barely sufficient to patch them up.<sup>106</sup> The charges for 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 this new institution as an additional burden imposed on them.<sup>107</sup> When municipalities started attending to its responsibilities, checks imposed on them ultimately became obstacles. On matters of public health they had to deal with the authorities of the department of health and on public security with the police department. In practice there was very little co-operation among these several authorities and as such the work was delayed.<sup>108</sup> Under the circumstances, the general tendency was for the waning of interest shown by the townsmen in municipal matters. The warm and cordial welcome at the inauguration of the municipal system and jubilant participation dropped in the following elections. The government agent of the Central Province noted this in his administration report for 1867 thus.

"There was no opposition to the re-election of those whose term of service had expired, and very few of the principal householders and men of property took any part in the proceedings, and I am afraid that most of the residents merely associate the existence of the Municipal Council with extra taxes".<sup>109</sup>

In the meanwhile, changes were taking place in political and religious circles. Emerging nationalist leaders influenced by their western education and democratic ideals were demanding legislative council reform with increased Sri Lankan participation and the liberalization of the administration by recruiting more Sri Lankans to the civil service. After a series of debates with the missionaries under the commanding leadership of Mohottiwatte Gunananda *thero*, Buddhist monks were claiming due recognition of Buddhist rights. Buddhist leaders who had modelled their educational centres in the western methods were

building up close contacts with the Theosophists and other leaders. The Kotahena riots,<sup>110</sup> had taken place in reaction to this enthusiasm. In the meanwhile, ideals of new colonialism were getting rooted at the colonial office due to the tilting of the balance of world power with the emergence of new European powers.

In these circumstances, on the findings of a commission of inquiry appointed in 1886, steps were taken to amend the municipal ordinance. This commission, heavily weighed with the civil servants of the old school who thought that it was necessary to curb the powers of the elected members<sup>111</sup> had recommended the raising of property qualifications of voters and an increase of the number of nominated members. They also recommended the concentration of executive and administrative powers in the hands of a full time chairman appointed from among the senior civil servants.<sup>112</sup>

By the ordinance No. 7 of 1887, a full time chairman was appointed from the civil service with enhanced powers and the number of nominated members was increased from five to ten.<sup>113</sup> However, due to vehement protests from all circles and the return of all the former elected members in subsequent elections and the careful handling of the situation by H. H. Cameron, chairman of the Colombo municipal council and his timely submissions to the authorities<sup>114</sup> steps were taken to amend the law by ordinance No. 1 of 1896,<sup>115</sup> which advised the chairman not to act in contravention of any resolutions of the council. Thus it is evident that, at the turn of the century, the government took steps to curb self-government and revoke the powers entrusted on the elected representatives of rate payers, thereby turning the municipalities into an apparatus of the administrative machinery.

There were many new small towns coming up in the various parts of the island by the second half of the nineteenth century. These were too small for the establishment of a municipality and unsuitable for the administration under a village committee. To meet the increasing needs of these townfolk, sanitary boards were established for each revenue district under the Small Towns Sanitary Ordinance of 1892.<sup>116</sup> These boards consisted of the government agent as the chairman, senior officers of the public works department and the medical department within the district and between two to four other members appointed by the governor. Each sanitary board functioned as an independent unit and the funds were kept and used separately for the development of the town. The by-laws framed by the board for the administration of work assigned to them were to be approved and gazetted by the governor and council. The charges on breach of such rules were determined by the village tribunals. These boards were entrusted with the matters of sanitation and the providing of other public utility services for the development of the townfolk for which an assessment tax was levied. However, due to the vastness of the area of jurisdiction of a board, these provisions were not exercised in a direct manner.

In 1898 steps were taken to establish thirteen local boards of health for the improvement of smaller towns with powers similar to those of the sanitary boards.<sup>117</sup> However, they could levy special rates for authorized purposes and also had three elected members in the board for a term of two years from among the male voters<sup>118</sup> in addition to the three officials.

A separate board of improvement for the quickly developing town of Nuwara Eliya was established in 1896,<sup>119</sup> with three officials and five elected members for a period of three years.<sup>120</sup> The assistant agent of Nuwara Eliya exercised the powers vested in the government agent of the Central Province as the chief executive officer and presided over the meetings of the board. The powers and duties assigned to this board were similar to that of a sanitary board or a local board of health. However, because Nuwara Eliya town had been developing as a holiday resort for the Europeans in Sri Lanka, the board was given wide law making powers on the supply of water and electricity and also on borrowing of money provided that the prior approval of the governor and council had been obtained.

As seen earlier, the need for a better management of the rural economy and society which had not been exposed to the forces of westernization and modernization, and the inability to adopt capitalistic modes of enterprise to promote the restoration of the irrigation works and the unwillingness of the government to provide funds for such schemes brought forth the necessity of reviving traditional agrarian institutions and customs. Though long correspondence had taken place between the regional administrators and the central authority no concrete steps were taken till the second half of the nineteenth century. The first such notable step was taken by Tennent, the colonial secretary when he tried to insert a clause into the road ordinance of 1848, to apportion a certain portion of such labour for the restoration and management of tanks and water courses.<sup>121</sup> Earl Grey, the secretary of state, upheld objections to this by the other councillors.<sup>122</sup> However, he advised the colonial government to frame fresh legislation separately on the matter.

The major objection of the secretary of state was to the inclusion of two major objects in one law. Drawing on his experience in Indian matters he advised the governor to establish irrigation committees to organize the effectual and cheap co-operation of all classes of natives for the restoration and management of irrigation works.<sup>123</sup> He suggested that the first such experiment should start in a carefully selected enterprising village community on a footing of free negotiation between officials and the representatives of the natives for well understood benefits for both parties.<sup>124</sup> He also expressed the hope that such irrigation committees could become the nucleus of future municipal institutions.<sup>125</sup>

About the same time, the attention of the provincial administrators of the rural areas for the dry zone was drawn to the necessity of enacting some such measure. Percival Dyke,<sup>126</sup> Oswald Brodie<sup>127</sup> and J. Northmore<sup>128</sup> who had travelled extensively within their administrative regions and also had wide knowledge of the subjects and their behaviour and customs drew the attention of the government to the "misery which the people endure" and their "starvation in the midst of the plenty of resources for want of authoritative directions". A collection of customs and wages connected with irrigation and cultivation in the Nuwarakalaviya district was included in Brodie's Administration Report for 1851.<sup>129</sup> However, their findings and suggestions were not enough to push Governor Anderson to take a decisive step.

Sir Henry Ward, the Governor (1855-60) who had read most of this correspondence within the first months of his administration directed his agents and their assistants to submit detailed reports on the ways and means of restoring the irrigation works in a circular

despatched on 3 August 1855. All those who responded to this circular saw the urgent need for the restoration of the power to bring disputes emanating from irrigation matters to a cheap and summary settlement. Over this, the governor minuted thus,

“The only question with me is, in whom that power should reside, and whether it would be most beneficially vested in the Government Agent, or in some local authority.”<sup>130</sup>

Rawdon Power, the government agent of the Central Province who responded to the above minute was of opinion that it was improper to by-pass the machinery of the government agent completely and hence he suggested the appointment of a commission for the district with the assistant agent and a jury of three men elected by the elders of the village.<sup>131</sup> Mac Carthy, the colonial secretary feared the enforcement of native customs by authority and agreed with the governor's idea of intermingling Europeans with a native agency.<sup>132</sup> Layard, the government agent of the Western province thought it was advisable to establish a municipal institution on the basis of the road ordinance.<sup>133</sup>

The right of appeal was another matter discussed at length. The governor preferred to lay such appeals before the government agent.<sup>134</sup> Power thought that parties should be able to petition the governor.<sup>135</sup> The colonial secretary thought that appeals of whatever kind would be altogether fatal to the efficiency of the move<sup>136</sup> while Puisne Judge Templer thought it was a matter of right.<sup>137</sup> The final outcome of this lengthy discussion was the enactment of the ordinance No 9. of 1856<sup>138</sup> which created village councils with the government agent or his assistant as the president associated with three to thirteen members elected from among the landholders to determine charges of the breach of any customary law codified by a committee of land holders and accepted by a two-third majority of the landholders of an irrigation district.<sup>139</sup> Such complaints were publicly inquired into by the village council, and those found guilty were punished with a fine up to 40 shillings.<sup>140</sup> The recovery of fines was entrusted to the police courts while no appeals were allowed against the decision of a village council.<sup>141</sup> The statutory validity of these provisions of the ordinance was limited to five years and the irrigation districts were proclaimed by government agents.

The new institution created for the better supervision of the rural affairs such as the prevention of litigation and the upkeep of agriculture and irrigation showed some resemblance to the traditional *gamsabhāva*. However, it had lost the political legacy of the past, and was engrafted on the administrative superstructure which was by now well entrenched.<sup>142</sup> At the end of the experimental period reports were called from government agents on the working of the ordinance. It was then found that the nature of offences committed demanded prompt action and in common, agricultural needs indicated the necessity of prevention of offences rather than a machinery to punish the offenders.<sup>143</sup> To meet this demand a local agency was created with preventive powers to act in the case of an emergency.<sup>144</sup> The irrigation headman for a district or a division, elected by the proprietors for a term of three years, was placed under the supervision of the government agent. The option was given to the landholders to enforce customary laws either through the headman or the village council or by both means. The new legislation was considered experimental, and

its operation was limited to six years. With the implementation of the provisions of these ordinances, the traditional laws and the customary procedures pertaining to cultivation and irrigation were codified and the restoration of the village tanks by the cultivators was pushed forward, though at a slow pace. However, the anticipated results were not achieved due to some inherent shortcomings such as the non-availability of funds for the restoration of irrigation works and the lack of respect of the cultivators towards the non-paid irrigation headman elected by themselves.<sup>145</sup>

These shortcomings were rectified to a certain extent with the passage of ordinance No. 21 of 1867.<sup>146</sup> Land owners were made liable to pay the irrigation headmen who were now appointed for life for their services either by money or by kind<sup>147</sup> and the headmen were made liable to be dismissed for misconduct by the government agent.<sup>148</sup> Government assistance was provided for the restoration of water works on the understanding that proprietors would pay back expenses.<sup>149</sup> The recovery of payment was regularized by imposing a clause for the seizure and sale of the defaulter's property.<sup>150</sup> The proprietors were given the option to choose either the village council or the headman or both for the enforcement of the irrigation rules and the government agent was empowered to make rules for proper management even without convening the committee of proprietors.

In the enactment of those ordinances on the village councils the legislators thought of establishing European bureaucratic control over the native agencies. However, in practice, the European bureaucrats could not exercise the anticipated supervision due to other reasons. Therefore, the supervision of them was left in the hands of the *kōrale mudaliyar* or the *ratēmahatmaya*,<sup>151</sup> the highest native official in the provincial administration, who by this time, had been transformed into a semi-official, wielding a certain amount of control over the councillors. Thus, the government was able to maintain some hold over the native agriculture through the medium of the *mudaliyars* and *ratēmahatmayas*.

The people became attached to the village councils because of their association from olden days and also because they helped to reduce the tendency towards injustice. According to an old adage "the village council was greater than the king's council" because "the king decides on evidence while the village council had also personal knowledge"<sup>152</sup>. The general concept prevalent at that time was that "the village council arrayed in the robes of equity and time - honoured customs, dispensed speedy and liberal-handed justice, free as well as from the technicalities and the glorious uncertainty of law as from the great delay and heavy expenses necessarily attendant on legal proceedings"<sup>153</sup>.

The series of judicial changes brought in after the charter of justice of 1833 could not either check the rapid increase of litigation or bring speedy and inexpensive judgement to the litigants as anticipated by the reformers. The inspector general of police in 1867 reported that one third of the cases instituted never came before the magistrates, and that not one third or one fourth met with punishment.<sup>154</sup> In 1869, about 1,684,426 persons or one third of the entire adult population of Sri Lanka were charged before magistrates and the justices of the peace. Of these, 112,301 persons were discharged without trial.<sup>155</sup> Many attributed this to the defects of the existing system of adjudication of law and thought that the revival of *gamsabhāva* would bring a solution to the problem. In the context of these discussions Governor Hercules Robinson remarked thus in his address to the legislative council.



“It appears to me that the real evil lies deeper than the mere action of the courts..... 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, threat, and other such 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 civil and criminal procedure.”<sup>156</sup>.

Meanwhile, T. Berwick, the district judge of Colombo submitted a report on the “Village Tribunals, a remedy for vexatious litigation and the right forum for trivial disputes”<sup>157</sup> to the colonial secretary and advised the government to revive the *gamsabhāva* in a duly regulated manner of a local tribunal with a head appointed by the government exercising definite powers within well prescribed limits and under proper securities with the power of executing their decrees.<sup>158</sup>

The village councils established in 1856, 1861 and 1867 attended to the needs of the agrarian community satisfactorily. The elected village leaders in them attended to the local needs under the supervision of the government agents. Therefore, the government found that the best means of administering the village affairs was to revert to the former system of native self-management modified to suit the altered circumstances. Therefore, by the ordinance No 26 of 1871,<sup>159</sup> two institutions at the village level, the village committees and the village tribunals were established. The village committees looked into the matters concerning village life such as the protection of village paths, bridges, markets, slaughter-houses, burial grounds, construction, repair and management of schools, regulation of fisheries, upkeep of waste and pasture lands, preventing of nuisance and social evils and enforcing ancient customs connected with agriculture.<sup>160</sup> The judges and the magistrates of all courts were expected to take judicial notice of these institutions and their laws and regulations.<sup>161</sup> Six or more persons were elected by male voters<sup>162</sup> as members of the village council for a period of three years and the chief headman of the division served as the chairman.<sup>163</sup>

Village tribunals were established to hear and determine charges of petty civil matters arising out of the breach of village laws up to a value of two pounds and the criminal matters punishable with a fine of two pounds. The business of the village tribunals was conducted in the native languages and no lawyer was allowed to appear on behalf of the clients.<sup>164</sup> The execution and the punishment connected with property was entrusted on the fiscal, and the recovery of fines to the police courts.<sup>165</sup> The village tribunal was presided over by a president appointed by the governor and consisted of five councillors (unless some other number was fixed by the people themselves) selected periodically by lot from the villagers. The government agent exercised powers of supervision and also had appellate jurisdiction over the village tribunals. The agent's decision was further subjected to an appeal to the governor and council. All fines imposed by the village tribunal were paid into the funds of the village committee of the area.

The provisions of the ordinance was enforced from 1st. March 1872 in selected localities in the provinces and gradually extended to other parts. The village committee divisions in most areas were made to conform to the existing chief headman divisions. The village committees and the village tribunals began in a hopeful atmosphere.<sup>166</sup> There was a drastic reduction in the number of cases instituted in the courts of requests and police courts. The village tribunals checked the occurrence of petty disputes and exercised a great influence in restoring village solidarity mostly in the rural areas.<sup>167</sup> However, this tendency towards checking the occurrence of crime and litigation was not common to all provinces. The assistant agent of Matara reported that the presence of many courts in close proximity had increased the spirit of litigation in his division.<sup>168</sup> Some had appeared before village tribunals merely for the pleasure of annoying adversaries without expense or danger in the event of the case being proved false, and the assistant agent advised the government to delegate more power to the president and councillors to check such false litigation.

The implementation of the provisions of the ordinance on village committees brought much relief to the hitherto neglected areas like the Nuwara-Kalaviya and Tamankaduwa districts. The new machinery thus established by delegating the powers to uphold the long established customs and usages compelled every householder to attend to a certain amount of work of upkeep of the waterworks.<sup>169</sup> The practice of cutting the bund of tanks unprovided with sluices was prohibited and steps were taken to mark the places for such openings. *Vel vidānes* elected by the landholders were entrusted with the supervision of the water works under the supervision of the superintendant of village tanks subject to the directions of the committee rules.<sup>170</sup> However, in many places it was found difficult to get the rules enforced voluntarily and the government agent and his assistants were given the power to punish those persons violating such orders with a fine which was occasionally employed.<sup>171</sup>

The village committees were entrusted with the establishment and the management of village schools. They were to be provided with school buildings and maintenance of satisfactory attendance of school children. The parents who failed to send their children between seven and thirteen years of age to school at least four days a week and failed to explain such absence satisfactorily were fined.<sup>172</sup> However, in many districts the local authorities failed in this aspect due to the inability to meet the expenses to satisfy the rising demand for the establishment of new schools.<sup>173</sup>

Ordinance No.23 of 1889, <sup>174</sup> codified the whole process pertaining to paddy cultivation and the daily life of the villagers. All the rules, regulations, customs in force regarding sowing, reaping, watering, watching, herding, repair of tanks, upkeep of channels and a host of other matters connected with fields were given legal validity. Ten days free labour was provided for irrigation matters. With the amendment of 1894, <sup>175</sup> the period of such free labour was increased to fifteen days; and was permitted to be used for the needs of the construction and the maintenance of village roads, bridges, *ambalams*, wells, market-places, water courses, school buildings and other buildings.

Thus, at the beginning of the twentieth century there were five types of local governmental institutions in operation in Sri Lanka. There were three municipalities, nineteen sanitary boards, thirteen local boards, three hundred and sixty village committees and a

board of improvement for Nuwara Eliya responsible for a host of local activities and services, carrying the embryo of the sense of local government with an official functioning as the chairman in association with some members elected by the people of the area. These bodies were largely bureaucratic in nature and came under the control of the provincial administrators. Their development was more an artificial creation, a foreign importation rather than an indigenous development.

The development of these institutions displayed the inability of the European superstructure to deal successfully with problems of a local nature, and the consequent search for forms of administration, which while maintaining bureaucratic control, under changing socio-economic circumstances, would also satisfy the liberal concepts of local self-government. The establishment of local government institutions displayed a duality of thinking, a dichotomous development and a conflict between tradition and modernity.

#### REFERENCES

1. See for details D'Oyly J. *A Sketch of the Constitution of the Kandyan Kingdom*, Colombo 1929, pp 28 ff. Pridham, C. *An Historical, Political and Statistical Account of Ceylon and its Dependencies*. London, 1849. Vol, 1 p. 219 M. U. de Silva. *The Development of Provincial and Local Government Institutions in Sri Lanka 1833 - 1872*. Unpublished PhD. Thesis, Vidyalankara Campus 1974, pp 232 ff. Karunananda V. B. *Nuwarakalaviya and the North Central Province under British Administration 1833 - 1900*: Unpublished PhD Thesis, Vidyalankara Campus 1977. pp. 168 ff.
2. G. C. Mendis, *Colebrooke - Cameron Papers* Vol. I Oxford 1956, p. 28.
3. M. U. de Silva, *op.cit* Ch. I, pp. 1 - 55.
4. *Ceylon Government Gazette*, 6 March 1815, Kandyan Convention 2 March 1815, Sec. 4,8.
5. *Ibid*, 28 November 1818, Proclamation, 21 November 1818, Sec. 34.
6. Vijaya Samaraweera, The 'Village Community' and reform in colonial Sri Lanka *Ceylon Journal of Historical and Social Studies*, new series (CJHSS) I (2) 1979, p. 149.
7. *Ibid*.
8. *Ibid*.
9. Colebrooke's Report on Administration, 24 December 1831, National Archives Department of Sri Lanka (SLNA) 4/18 No, 114 enclosure.
10. M. U. de Silva, *op. cit.* pp. 73 - 74.
11. Extract from the Memorandum of Colebrooke dated 18 July 1834, Spring Rice to Horton; 28 October 1834; SLNA 4/20 enclosure.
12. *Ibid*.

13. Empron's recommendations on the Charter of Justice 1833, 20 February 1841; SLNA 4/30 No. 43 enclosure.
14. Bailey to Rawson Power, 19 December 1855; SLNA, 5/184 No. 174 enclosure.
15. During the early British times the *gamarāla* was in action mostly in the Kandyan areas.
16. Barnett to Wilmot, 2, July 1834, SLNA 6/1184 No. 509 enclosure.
17. *Ibid.*
18. *Ibid.*
19. M. U. de Silva *op.cit.* p. 237.
20. J. Northmore. Report on Nuwarakalaviya, 15 December 1855; SLNA 6/2304.
21. Oswald Brodie to Mac Carthy, 13 June 1850; SLNA 20/1976.
22. Layard to Mac Carthy, 27 August 1851, SLNA 33/3153 No. 367 (old).
23. *Ibid.*
24. Glenelg to Mackenzie 2, October 1837; SLNA 4/23 No. 18.
25. Tennent to Grey, 22 October 1846; SLNA 5/33 No. 12.
26. Grey to Torrington 18 June 1847; SLNA 4/43 No. 121.
27. *Ibid.*
28. Goderich to Horton, 23 March 1833, SLNA 4/18 No. 115.
29. Glenelg to Horton, 10 August 1835; SLNA 4/21 No. 59.
30. Horton to Stanley, 12 September 1834; SLNA 5/21 No. 94.
31. Campbell to Stanley, 18 April 1842; SLNA 5/29 No. 56.
32. Alterations and modifications on Charter of Justice 1833, proposed by Sir Charles Marshall; SLNA 10/143.
33. Empron's recommendation on the Charter, 20, February 1841; SLNA 4/30 No. 43 Enclosure.
34. M. U. de Silva *op.at* pp. 117 ff.
35. Charsley to Butler, 23 November 1853; SLNA 6/2742.
36. *Ibid.*
37. Earl Grey, *Colonial policy of Lord John Russel's Administration*, London, 1853, Vol 2 p. 27.

38. The colonial reformers commonly known as the Manchester School, advocated the establishment of institutions for local purposes fed by local taxation in the colonies and also the establishment of representative institutions.
39. Ordinance No. 3 of 1834, in Skeen. *A Collection of Legislative Acts of the Ceylon Government, Vol. II, 1833 - 1851*, pp. 2-7.
40. Campbell to Stanley, 22 December 1842; SLNA 5/29 No. 215.
41. Ordinance No. 17 of 1844, in Skeen. *op. cit.* Vol. II 1833 - 1851 pp. 225 - 235.
42. Mac Carthy to New Castle, 26 September 1863; SLNA 5/50 No. 166.
43. Torrington to Grey, 6 May 1848; SLNA 5/35 No. 91.
44. Executive Council Proceedings, 4 September 1847; SLNA 2/56'.
45. *Ibid.*
46. Ordinance No. 8 of 1848, in Skeen, *op. cit.* Vol. II, 1833 - 1851, pp. 358 - 374.
47. The Provincial Road Committee was composed of the following members: government agent of the province (chairman), the commissioner of roads or his assistant (the permanent member) and five other members appointed by the governor of whom at least two were non-officials appointed for one year.
48. District road committees were composed of the following members. The assistant government agent (the chairman) and 3 other members appointed by the governor.
49. Ordinance No. 8 of 1848, Sec. 1.
50. *Ibid.* Sec. II, Sec. 24.
51. *Ibid.* Sec. 40.
52. Mac Carthy to New Castle, 29 October 1861; SLNA 5/48 No. 20.
53. Ordinance No. 10 of 1861. in Skeen, *op. cit.* Vol. IV, 1861 - 1865; pp. 56-58.
54. Sec. 23.
55. *Ibid.* Sec. 28.
56. *Ibid.* Sec. 29.
57. *Ibid.* Sec. 25.
58. *Ibid.* Sec. 30
59. *Ibid.* Sec. 36.
60. *Ibid.* Sec. 38.

61. Ordinance No. 19 – 1891. H. C. Cottle, *A Revised Edition of the Ordinances of the Government of Ceylon*, Vol. III, 1889 – 1894, 1895. pp. 301 – 305.
62. Havelock to Lord Ruthford, 16 January 1892; SLNA 5/256 No. 20.
63. *Ibid.*.
64. Ordinance No. 10 of 1852. in Skeen, *op. cit.* Vol. III, 1852 – 1860 p.. 10-12.
65. Chaisley to Butler, 23 November 1853; SLNA 6/2742.
66. Ordinance No. 14 of 1859 in Skeen, *op. cit.* Vol. III. 1852-1860, pp. 53-57.
67. Ordinance No. 10 of 1854. in *Ibid* pp. 28-29.
68. Ordinance No. 15 of 1862. in Skeen, *op. cit.* Vol. IV, 1861-1865, pp. 27-30.
69. *Report of the Committee of the Executive Council on the Fixed Establishments of the Island of Ceylon. 1849* London, 1850. p. 6,
70. *Ibid.* p. 168.
71. *Ibid.* p. 175.
72. *Ibid.* p. 176.
73. Torrington to Grey, 15 January 1850, SLNA, 5/57 No. 25.
74. *Ibid.*
75. *Colombo Observer*, 20 March 1848.
76. *Ibid.* 17 August 1848.
77. Grey to Anderson, 4 July 1851; SLNA, 4/51 No. 92.
78. Executive Council Proceedings, 5 August 1853; SLNA, 2/41.
79. *Ceylon Government Gazette*, 15 October 1853.
80. Proceedings of the Legislative Council, 19 October 1853; SLNA, 3/18.
81. Draft Municipal Ordinance, 19 October 1853; SLNA, 3/18.
82. Undated petition submitted to Governor Anderson, SLNA, 8/63.
83. Anderson to Newcastle, 6 May 1854; SLNA 5/41 No. 79.
84. Executive Council Proceedings, 19 September 1853; SLNA, 2/41.
85. Executive Council Proceedings, 19 December 1853; 2/41.

86. St. John's River is the name given by the Portuguese writers for a canal cut from the Beira Lake to the sea. The spot where it entered the sea can be identified with the site presently occupied by St. John's Fish Market of Colombo.
87. Layard to Gibson, 10, March 1863; SLNA, 33/3144 No. 183 (old).
88. *Ibid.*
89. Turnpike trusts empowered the local authorities in England to erect toll-gates and repair the roads with the proceeds of the toll.
90. Mac Carthy to Newcastle, 1 September 1863; SLNA, 5/50 No. 147.
91. *Ibid.*
92. *Ceylon Times*, 4 September 1861.
93. *Ibid.*
94. Ordinance No. 17 of 1865, in *Legislative Enactments of Ceylon, 1798-1870*, pp. 717-761.
95. Ordinance No. 17 of 1865. Sec. 5.
96. Executive Council Proceedings, 8 September 1865; SLNA, 2/54.
97. Kanesalingam V., *A Hundred Years of Local Government in Ceylon*, 1971, p. 7.
98. *Ibid.* Secs. 25, 30.
99. The qualification for a voter was the occupation of a house carrying an annual value or rent of £10. Only males were entitled to vote. The qualification of a councillor was the possession of landed property worth £500 or the occupancy of a house paying not less than £50 a year as rent.
100. By-Laws of the Colombo Municipal Council, *Ceylon Government Gazette*, 10 March 1866.
101. M. P. Gamage, *Growth of Municipalities in Ceylon, 1865-1900*. Unpublished PhD. Thesis, University of Sri Lanka, Peradeniya Campus, 1973, pp. 80-82.
102. M. U. de Silva *op. cit.* p. 337.
103. M. U. de Silva *op. cit.* pp. 338-345.
104. *Examiner*, 17 & 24 January 1866.
105. M. U. de Silva *op. cit.* p.p 440-445.
106. Administrative Report of the Government Agent for the Southern Province for 1870.
107. M. P. Gamage *op. cit.* Chapter V -VIII.
108. *Ceylon Times Extra Supplement*, 29 October 1872.

109. Administration Report of the Government Agent for the Central Province for 1867.
110. The Kotahena riots of Easter Sunday of 1883, the first outbreak of physical violence against the Buddhist movement precipitated by the anger and jealousy of the Roman Catholics against the extending of a religious ceremony organized by Migettuwatte Gunananda in honour of the completion of a large reclining figure of the Buddha to Easter Week. After a partial inquiry the government brought restrictions on all religious processions.
111. H. A. J. Hulugalle, *Centenary Volume of the Colombo Municipal Council 1865-1965*. Colombo Municipal Council 1965, p. 42.
112. Ordinance No. 7 of 1887, in H. C. Cottle, *op. cit.* Vol. II, 1883-1889, ed; 1895, p. 485-563.
113. *Ibid.* Sec. 10.
114. Administration Report of the Chairman of the Colombo Municipal Council for 1891.
115. Ordinance No. 1 of 1896. in H. C. Cottle *op. cit.* Vol. III, 1895-1907, pp. 42-49.
116. Ordinance No, 18 of 1892. in *ibid* Vol. III, 1889-1894, ed. 1895, pp. 375-380.
117. Ordinance No. 13 of 1898. in *ibid* Vol. III, 1895-1907, pp. 246-290.
118. A voter had to be a male above twenty one years of age, occupying a house of the annual value of five pounds within the local board limits.
119. Ordinance 20 of 1896. in H. C. Cottle *op. cit.* Vol. III, 1895-1907, pp. 158-183.
120. The right to stand for election as members was given to those who occupied a house of the annual value of Rs. 180/- or an owner of an immovable property of over Rs.2000/- in value, or who possessed an annual income of over Rs. 600/-.
121. Torrington to Grey, 13, November 1848; SLNA, 5/175 No. 202.
122. Grey to Torrington, 24, January 1849; SLNA 4/46 No. 345.
123. *Ibid.*
124. *Ibid.*
125. *Ibid.*
126. Percival Acland Dyke 1822 - 1867, appointed to the Ceylon civil service on 15 May 1822 at the age of 17 years as an extra assistant to the chief secretary's office, was one of the most successful provincial administrators in Sri Lanka He spent nearly forty years in the Northern Province.
127. Alexander Oswald Brodie, 1851 - 1864, entered the public service as an assistant civil engineer in 1845, and was promoted to the Ceylon civil service in 1851 and posted as the assistant government agent of Nuwarakalaviya.



128. J. Northmore was one of the few assistant agents who understood the needs of the peasantry in the dry zone. As assistant government agent, Nuwarakalaviya, he produced some able reports on the need for irrigation and a simple form of adjudication in agrarian disputes.
129. General Report on Nuwarakalaviya for the half year ending on 31 December 1851, A. O. Brodie; SLNA, 20/1976.
130. Governor's minute on Bailey's report to Rawden Power 19 December 1855; SLNA, 5/184 No. 174. Enclosure.
131. Rawden Power's remarks on Governor's minute, 6 June 1856; SLNA, 5/184 No. 174. Enclosure.
132. MacCarthy's minute on Governor's minute, 17 June 1856; SLNA 5/184 No. 174, Enclosure.
133. Layard to MacCarthy, 18, March 1856; SLNA, 33/3149 No. 159 (old).
134. Governor's Minute on Bailey's report, 19 December 1855, SLNA 5/184 No. 174. Enclosure.
135. Power's remarks on the Governor's Minute, 6 June 1856; SLNA, 5/184 No. 174. Enclosure.
136. MacCarthy's minute on the Governor's Minute, 17 June 1856, SLNA 5/184 No 174. Enclosure.
137. Templer's remarks on the Governor's Minute, SLNA. 5/184 No. 174. Enclosure.
138. Ordinance No.9 of 1856 in Skeen. *op. cit.* Vol. III, 1852 -1860 pp. 20-23.
139. *Ibid.* Sec. 8.
140. *Ibid.* Sec. 10.
141. *Ibid.* Secs. 13-14.
142. M. U. de Silva *op. cit.* p. 276.
143. MacCarthy to Newcastle, 9 January 1862; SLNA, 5/49 No. 5.
144. Ordinance No. 21 of 1861. in Skeen *op. cit.* Vol. IV, 1861-1865, pp. 122-127.
145. *Sessional Paper* (SP) No. 21-1867. p. 72.
146. Ordinance No. 21 of 1867. in *Legislative Enactments of Ceylon 1798 - 1870* pp. 916-925.
147. *Ibid.* Secs. 28-39.
148. *Ibid.* Sec. 11.
149. *Ibid.* Sec V.
150. *Ibid.* Sec. VI.
151. For the period 1862 - 1866 there were 145 sittings of village councils in the Western Province, of which the government agent or his assistant had presided only twice, and in the North Western Province, the government agent or his assistant had presided over ten meetings out of 133. SP. XVI of 1867 p, 14.

152. SP. XVI-1867 p. 40.
153. *Ibid.* p. 41.
154. Report on Crimes and the Ceylon Police, G. W. R. Campbell, 26 December 1867; SP. XXII - 1867 p. 3.
155. Administration Report of the Inspector General of Police for 1869, p. 215.
156. Governor's Address, 4 October 1871; SLNA, 5/200 No. 38 Enclosure.
157. Berwick to Irving, 23 June 1871; SLNA, 6/3526.
158. *Ibid.*
157. Ordinance No, 26 of 1871, in *Legislative Enactments of Ceylon 1870-1885*, pp.83-94.
160. Ordinance No 26 of 1871. Secs. 12-13.
161. *Ibid.* Secs. 1-12.
162. The qualification for a voter was to be above 21 years of age, not convicted for the last 5 years for theft, forgery, or any other infamous crime. The qualification for a candidate was to be above 25 years of age, having property of his own or by his wife worth over Rs.200/- not convicted for theft, fraud, forgery or any other crime or dismissed from public service.
163. Ordinance No. 26 of 1871 Sec, 13.
164. *Ibid.* Secs. 20-25.
165. *Ibid.* Secs. 24-25.
166. Governor's Address, Vol. II, p. 271.
167. Dickson to Douglas, 21, May 1880, SP. XX - 1880. p. 14.
168. A *gamsabhāva* was initiated in 1873 in the Matara District. The number of cases instituted in the *gamsabhāva* and the Police Courts was as follows:

	1871	1872	1873	1874	1875
<i>Gamsabhāva</i>	-	-	4481	7967	8762
Police Courts	4903	3122	3109	3727	3559
Total	4903	3122	7590	11694	12321

Administration Report of the Assistant Government Agent for 1875, p. 22.

169. Diary of Government Agent, North Central Province, 19, July 1874, SLNA 41/255.
170. See for details U. J. B. Karunananda, *op. eit.* pp. 196 ff.
171. *Ibid.* pp. 200 - 201.
172. *Ceylon Government Gazette*, March 20, 1874. No. 3985, p. 79
173. *Administration Report of the Government Agent of the Southern Province* 1885, p 79.
174. Ordinance No. 23 of 1889, H. C. Cottle, *A Revised edition of the Ordinances of the Government of Ceylon*. Vol. III, 1889-1894 pp. 58-78.
175. Ordinance No. 9 of 1894, in Cottle *op. cit.* Vol. IV, 1894-1898 p. 21.