

VILLAGE TRIBUNALS IN CEYLON : THEIR ESTABLISHMENT, OPERATION AND SOME SOCIAL IMPLICATIONS, (1871—1883)

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Village Tribunals, popularly referred to as *Gamsabdhivas* were established under the Village Communities Ordinance No. 26 of 1871. The Ordinance is important both in the administrative and judicial history of Sri Lanka. While the Ordinance laid down the procedure for making rules pertaining to village matters, the breaches of the rules were to be tried by the Village Tribunals. The rules were to be made by Village Committees appointed at meetings of the villagers. In addition to trying breaches of such rules, the Village Tribunals were granted a limited jurisdiction to hear minor civil and criminal cases. The implementation of the Village Communities Ordinance and the establishment and operation of the Village Tribunals also had wide social implications, and throw light on the social history of the island.

In 1871 Governor Robinson in his opening address to the Legislative Council, referring to the increase of petty criminal charges, largely false, which during the preceding years had been instituted in the minor Courts, and conceding that this could be attributed to "the defective working of these courts themselves", observed, that the real evil lay deeper than in the mere action of the Courts. This wholesale institution of false charges, he said, was "evidence of the prevalence of rancorous feeling between litigants arising out of previous offences. ..." Referring to the character of these disputes, he said, that the great majority of petty criminal complaints, whether true or false, originated in disputes about property or land which gave rise to charges and counter charges of cattle trespass, malicious injuries to fences and boundaries, thefts of fowl, assault, threats and other trivial offences.

Robinson declared that "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."² Such a system, he continued, involved the intervention of Interpreters and the employment by "natives", of professional

1. Robinson's speech, Debates of the Legislative Council, 1871.

2. *Ibid.*