

Article 9 — "the foremost place" clause

The 1978 Constitution's Article 9 — carried forward from the 1972 Constitution's Article 6 — imposes a state duty to protect and foster the Buddha Sasana while leaving the state's duty to other religions at the level of formal guarantee. It is entrenched: amendment requires two-thirds of parliament and approval at referendum.

Article 9 is the constitutional door through which every subsequent religion-state mechanism passes — the 1931 Temporalities Ordinance carried forward, the Ministry of Buddha Sasana's line-item budget, the 2008 Circular on places of worship, the 2021 One Country One Law Task Force, the Online Safety Act 2024's selective application. The TLTE position is structural, not theological: Article 9 establishes an asymmetric constitutional duty toward one religion, and the operational layers below it have produced documented enforcement gaps on the rights of Tamil Hindus, Muslims, Hill Country Tamil estate communities, and Christians.

§1 The text and its entrenchment

Article 9 reads: 'The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e).' Article 10 guarantees freedom of thought, conscience and religion; Article 14(1)(e) guarantees the right to manifest religion in worship, observance, practice or teaching. The asymmetry sits in the verbs: 'protect and foster' for Buddhism, 'assuring ... rights' for all other religions.

Under Article 83 the clause is entrenched — amendment requires two-thirds of parliament PLUS approval at a national referendum. No proposed reform package since 1987 (Indo-Lanka Accord, Chandrika 1995, 2000 draft, Yahapalanaya 2015–19 process) has crossed both thresholds. Schonthal (2016) documents the Supreme Court's evolving doctrine on the Buddha Sasana clause and its role in blocking the 2004 Anti-Conversion Bill litigation and aspects of the 2002 Cease-Fire Agreement.

§2 The operational layers

Below Article 9 sit measurable, line-itemed operational mechanisms. The Ministry of Buddha Sasana, Religious and Cultural Affairs holds a dedicated budget vote with no symmetrical ministry of comparable weight for Hindu, Muslim, Catholic or Evangelical institutions. The Buddhist Temporalities Ordinance No. 19 of 1931 — colonial in origin, carried forward — administers temple property, restoration and Bhikkhu welfare under direct state authority. The 2008 Buddha Sasana Circular requires state approval for new places of worship and has been applied disproportionately against unregistered evangelical Christian congregations (NCEASL documentation; Shaheed 2020).

The 2020 Presidential Task Force for Archaeological Heritage Management in the Eastern Province — chaired by a Buddhist monk with no Tamil or Muslim representation — formalised the policy of state-funded vihara construction on contested archaeological sites in Tamil-majority districts. The 2021 One Country One Law Presidential Task Force, chaired by the founder of the Bodu Bala Sena, signalled the explicit project of personal-law unification (targeting MMDA, Tesawalamai, Kandyan personal law) before dissolution under international pressure.

§3 Why this is constitutional, not theological

The TLTE position aligns with internal-Buddhist scholarship — Tambiah (Buddhism Betrayed?, 1992), Bartholomeusz (In Defense of Dharma, 2002), Deegalle (Buddhism, Conflict and Violence in Modern Sri Lanka, 2006). The critique is of the modern political instrumentalisation of Buddhism through the constitution and the state, not of the Theravada tradition. DeVotta (2007) provides the formal political-science account: Sri Lanka's

post-1956 electoral structure rewards parties that move toward more exclusivist Sinhala-Buddhist positions, producing 'ethnic outbidding' as a stable equilibrium.

Article 9 is therefore the codification of a political equilibrium, not a theological doctrine. The remedy proposed by every internal critic — from Tambiah onwards — is constitutional reform with a referendum strategy, not religious reform.

Sources

- `tlte-cite:sl-constitution-article-9`
- `tlte-cite:buddha-sasana-temporalities-ordinance-1931`
- `tlte-cite:schonthal-buddhism-politics-constitutional-law-2016`
- `tlte-cite:tambiah-buddhism-betrayed-1992`
- `tlte-cite:bartholomeusz-defence-dharma-1999`
- `tlte-cite:deegalle-buddhism-conflict-srilanka-2006`
- `tlte-cite:devotta-2007-blowback`
- `tlte-cite:ohchr-shaheed-srilanka-2020`
- `tlte-cite:nceasl-incident-database`
- `tlte-cite:one-country-one-law-2021`

What this is not

- This article is not a critique of Buddhism. It documents a constitutional clause and the operational mechanisms that depend on it.
- This article does not name any monk, minister or official. The structural argument operates over instruments, not individuals.
- This article does not propose abrogation of Article 9. The remedy question is referenced to the constitutional-reform repertoire documented at `/case/narrowing`.