

Article 9 — the foremost-place clause for Buddhism

Article 9 of the 1978 Constitution (carrying forward Section 6 of the 1972 Constitution) requires the Republic to give Buddhism 'the foremost place' and to protect and foster the Buddha Sasana. The article is non-justiciable in its operative effect but has been cited in administrative, planning, and heritage decisions affecting Hindu, Muslim, and Christian sites across the island, including in the North-East. The case file documents the article as a constitutional asymmetry — a state-religion preference encoded in a constitution that simultaneously claims equal protection.

Article 9 is the cleanest constitutional anchor for the Power-Asymmetry Index. It is a state-religion preference clause carried forward unchanged through the 1972 and 1978 constitutions and through every subsequent amendment. The case file does not argue against the Sinhala Buddhist majority's religious freedom; it documents that the constitution treats one community's religion as the state's special charge while treating the others as equal-protection beneficiaries — an architectural asymmetry that successive heritage, archaeological, and land-use disputes in the North-East have made operational.

§1 What it says

Article 9 (1978): '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).' Section 6 (1972) was substantially identical.

§2 Operational effect

Heritage and archaeology decisions in the North-East have repeatedly cited Article 9 in support of restoration or construction of Buddhist sites on lands historically used by Hindu, Muslim, or Christian communities. The Buddhist Temporalities Ordinance (1931, amended) and the Department of Archaeology's North-East operations have produced sustained Tier-A documentation by CPA, Adayaalam, the Oakland Institute, and ICG.

Sources

- Constitution of Sri Lanka (1978), Article 9.
- Constitution of Sri Lanka (1972), Section 6.
- Centre for Policy Alternatives, Religious Sites and Land in the North-East (successive).
- Adayaalam Centre for Policy Research — successive heritage and land reports.

What this is not

- This article does not name Buddhist clergy or claimants.
- This article does not contest the religious freedom of any community. It documents a constitutional asymmetry.