

Sri Lankan President pledges separate courts for Buddhist monks, placing them above the normal law

Pani Wijesiriwardena
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Sri Lankan President Anura Kumara Disسانayake declared during the Vesak Buddhist festival on May 27 that his government would introduce amendments to the law to prevent Buddhist monks from being arrested or charged with criminal offences under the country's laws before being disrobed by internal Sangha courts.

As he explained, the new laws will allow monks to have their own Sanghadhikarana, or monks' courts, to inquire into allegations against them under Buddhist discipline and, if found guilty, they can be disrobed and then tried under the country's normal laws.

The yearly state Vesak festival (which commemorates the birth, enlightenment and death of Gautama Buddha) was held in Matara, a major city in southern Sri Lanka. Disسانayake was the chief patron of the event. Sri Lanka's communal constitution endows Buddhism with the "foremost place" and makes the state responsible to "protect and foster" it, while Sinhala is the official language—discriminating against the country's minority Tamil and Muslim populations.

Disسانayake, who claims to be a pious Buddhist, spoke about the virtues of Buddhist doctrine for "spiritual and economic liberation."

The president revealed that the Chief Prelates of the Buddhist chapters—Malwathu, Asgiri, Ramanna and Amarapura—had "formally submitted this request [for new laws]" to him in writing.

He revealed that amendments had already been drafted, and that the government had facilitated discussions between the Chief Prelates and secretaries of the Buddhist chapters and state authorities, including the Commissioner of Buddhist Affairs and the Attorney General. All agreed, and the government will very soon introduce the necessary legislation.

The specific legal changes involve amending Sections 41 and 42 of the Temporalities Ordinance, or Viharagam and Devalagam Act of 1931, concerning the registration of bhikkhus (Buddhist monks) under the Ministry of Buddhist Affairs. Under existing law, a monk can be arrested and charged like any other citizen.

After the new laws are enacted, a robed accused person would first have to be investigated by an internal Sangha court and, if found guilty, expelled from the order before the police could lay hands on them or the courts could hear charges.

Disسانayake said the government was "restoring the authority to

take disciplinary action through the Sangha courts against monks who violate discipline."

The announcement came after a number of Buddhist monks, including some in prominent positions, had been recently arrested on criminal charges. In one incident, 22 monks returning from Thailand on April 22 were arrested for allegedly bringing a stock of cannabis concealed in false bottoms in their luggage. An alleged "mastermind" monk was later arrested. The Negombo magistrate remanded them, and the case hearing is pending.

In a high-profile case, the Atamasthanadhipathi (chief custodian of the eight sacred sites) in Anuradhapura, Pallegama Hemarathana, was arrested on May 8 by police after allegations that he sexually abused a 15-year-old girl.

Police moved against the powerful monk only after considerable pressure from the Child Protection Bureau. Though the magistrate initially remanded him, he was later released. Knowing he was about to be arrested, the monk admitted himself to hospital, evading remand prison. The Malwatte Chapter, to which he belonged, decided to suspend him from his leadership position on May 20 pending the conclusion of ongoing judicial proceedings.

These cases are only the tip of the iceberg. The State Child Protection Bureau has told the media that nearly 300 monks have been accused of child abuse in the last three years.

Disسانayake referred to what the chief prelates had told him regarding the 22 monks accused of narcotics offences: they "should be disrobed before being produced before court." They asked: "How can we take monks to court in handcuffs?"

Disسانayake and his Janatha Vimukthi Peramuna/National People's Power (JVP/NPP) government and the country's ruling elite are nervous that these criminal acts are severely undermining the authority of the Buddhist establishment among ordinary people. The recent allegations have provoked outrage throughout Sri Lanka.

The Sri Lankan ruling class has long relied on the Buddhist establishment as a bulwark to defend capitalist rule. Since the British relinquished colonial rule in 1948, successive governments have used the state to systematically discriminate against minorities, principally Tamils. The first independent government abolished the citizenship rights of Indian-origin Tamil estate workers, aiming to divide the working class along ethnic lines.

Faced with mounting working-class opposition, governments

repeatedly turned to Sinhala-Buddhist chauvinism—from the 1956 “Sinhala Only” policy and the 1972 constitution’s elevation of Buddhism to the UNP’s communal provocations in the early 1980s—culminating in the 1983 anti-Tamil pogrom followed by the 26-year war against the separatist Liberation Tigers of Tamil Eelam (LTTE).

The Lanka Sama Samaja Party (LSSP), which claimed to be Trotskyist, politically enabled this reactionary trajectory through its abandonment of internationalist socialist principles, its adaptation to Sinhala populism, and its historic betrayal when it entered the capitalist SLFP-led government in 1964.

The Buddhist clerical establishment, seeking to further entrench its power in the capitalist state and secure more privileges, has long campaigned for immunity from the country’s legal system. Leading monks made the same request to former President Ranil Wickremesinghe. Last year, the proposal was submitted to Dissanayake.

The president referred to an appeal made on the same Vesak platform by the prominent Buddhist monk Omalpe Sobhitha, urging him to act as past kings had done. The president jubilantly said: “We are prepared to do so.” He cited past Sinhala Kings Dutugemunu (161–137 BCE) and King Parakramabahu I (1153–1186 CE) as rulers under whom, supposedly, “Sri Lanka experienced both spiritual enlightenment and economic prosperity.”

Omalpe Sobhitha was a leader of the Jathika Hela Urumaya (JHU) (National Heritage Party), a Sinhala chauvinist outfit formed in 2004, which worked closely with the JVP for a period. Sobhitha is close to the Dissanayake administration.

The invocation of these ancient kings is significant. Dutugemunu is known for leading a war to defeat Elara the Pious, a Tamil king. To hold up such figures as models for the modern state is to appeal to the most reactionary currents of Sinhala-Buddhist supremacism.

Dissanayake’s rush to fulfil the Buddhist hierarchy’s request is not accidental. His JVP was founded in the mid-1960s in the wake of the LSSP’s betrayal, with a toxic mixture of Sinhala patriotism and Maoist-Castroite guerrillaism, and had close ties to Buddhist monks.

Reiterating the JVP/NPP’s commitment to upholding the constitution just days before the presidential election on September 17, 2024, party leader and current Foreign Affairs Minister Vijitha Herath told a meeting of the Ceylon Buddhist Congress that if a JVP/NPP government came to power, it would uphold the “foremost place” of Buddhism. He reminded the audience that the JVP had “made immense sacrifices” for the country’s unitary state, territorial integrity and national security.

This was a reference to the fascistic campaign waged by the JVP in the late 1980s. The party led an armed rebellion against the 1987 Indo-Lanka accord, under which Indian soldiers entered Sri Lanka’s north and east to disarm the LTTE, on the grounds that it threatened the unity of the Sinhala-dominated state. The JVP’s thugs carried out hundreds of violent attacks on left-wing opponents, including the murder of trade unionists, workers and members of the Revolutionary Communist League (predecessor of the Socialist Equality Party).

The government of Ranasinghe Premadasa, which had initially

tried to use the JVP as an auxiliary force of the state, turned violently against the party, executing its top leadership. The state then launched a brutal campaign to suppress mass unrest in the south of Sri Lanka, in which thousands of people were killed.

In the mid-1990s, the JVP was rehabilitated and elevated into the political establishment. Dissanayake and his JVP/NPP government are now seeking to rally the support of the Buddhist establishment against growing opposition from below.

The government’s International Monetary Fund-dictated austerity measures are imposing the burden of the deepening global economic crisis—made worse by the criminal US-Israeli war against Iran—on working people. Workers, the rural poor and youth are being driven into struggles against attacks on living conditions.

In every country, the ruling class is bringing forward the most reactionary forces, including religious leaders, to strengthen autocratic rule. In India, Prime Minister Narendra Modi’s Hindu-supremacist Bharatiya Janata Party is conducting a Hindutva campaign, aimed at creating a Hindu supremacist state, mirroring the Buddhist supremacism of the Sri Lankan state. The purpose is the same: to provoke communalism to divert and suppress growing opposition from the working class.

We warn workers and young people that the JVP/NPP government is moving ever more rapidly to the right. The Socialist Equality Party (SEP) calls on working people to oppose all forms of religious and communal privileges and to demand their abolition.

We demand the complete separation of the state and religion—an essential precondition for establishing democratic and social rights and equality. This can be achieved only through the struggle to overthrow capitalism and to establish a socialist state, that is, a workers’ and peasants’ government, as part of the fight for international socialism.



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