



**LEGAL RECOGNITION OF BHIKKHUNIS IN SRI LANKA : A CASE
STUDY OF VEN. WELIMADA DHAMMADINNA BHIKKHUNI V.
DEPARTMENT OF REGISTRATION OF PERSONS AND OTHERS**

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The case, *Ven. Welimada Dhammadinna Bhikkhuni v Department of Registration of Persons and others* (2025) provides critical insight into the legal and administrative treatment of Bhikkhunis in Sri Lanka. Despite all citizens having the constitutional right to identification via a NIC, the legal system has yet to formally recognize the status of Bhikkhunis on such documentation. This research critically analyses the contribution of this case to protect and fulfil fundamental rights of Bhikkhunis in Sri Lanka. Before this case, the Bhikkhunis in Sri Lanka were treated unequally in the event of issuing NICs by acknowledging their Bhikkhuni status. Bhikkhunis formally ordained under the Rangiri Dambulu Chapter of the Sangha Sabha are entitled to equal legal treatment with monks. However, the male monastics (Bhikkhus) routinely receive such recognition while Bhikkhunis were discriminated. Section 41 of the Buddhist Temporalities Ordinance 1931 mandates the registration of male monastics however omits provisions for Bhikkhunis, leaving no statutory mechanism for their official recognition. Despite this, Section 39A(1) of the Registration of Persons (Amendment) Act No. 8 of 2016 and Section 39(1) of the Registration of Persons Act No. 32 of 1968 authorize the collection of verification from any competent source, which has not been properly applied in the case of Bhikkhunis. The suggestion to use the title "Sil Matha" instead of "Bhikkhuni" erodes the distinct religious identity of ordained female monastics and perpetuates systemic inequality. This longstanding gender-based discrimination in Sri Lanka has not been adequately addressed by the main Mahanayake throes of the three Niakya's, who are cited as ultimate Buddhist religious authorities. This has been a violation of the constitutional rights of Bhikkhunis including Articles 12(1) [equal protection of law] and 14(1)(e) [right to freely manifest religion and belief, including through religious identity]. Public officers' refusal to recognize Bhikkhuni status on official documentation impaired both fundamental rights of Bhikkhunis and restricted religious expression and institutional recognition within Buddhism. This landmark Supreme Court ruling in this case upheld the constitutional right to equality, recognizing the petitioner as a Bhikkhuni and directing issuance of a corrected NIC. The majority found gender-based discrimination, while the dissent cautioned against judicial interference in religious matters. The judgment sets a vital precedent affirming that valid religious ordination must be constitutionally respected. It advances gender equality in Sri Lankan Theravada Buddhism, enabling bhikkhunis to access full civic rights. The case highlights broader institutional disparities and offers a foundation for future legal reforms bridging religion, gender, and constitutional protections.

Keywords: Bhikkhuni, Sri Lanka, monks, Theravada Buddhism

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LEGAL RECOGNITION OF BHIKKHUNIS IN SRI LANKA- A CASE STUDY OF VEN. WELIMADA DHAMMADINNA BHIKKHUNI V. DEPARTMENT OF REGISTRATION OF PERSONS AND OTHERS

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INTRODUCTION

The status of Bhikkhunis in Sri Lanka occupies a contentious and evolving space at the intersection of religious tradition, gender rights, and legal recognition. Although Sri Lanka boasts a proud Theravāda Buddhist heritage⁴³ and was home to a thriving Bhikkhuni Sangha in ancient times, the lineage is widely believed to have died out around the 11th century. Attempts to revive the Bhikkhuni ordination in modern Sri Lanka, particularly since the late 20th century,⁴⁴ have been met with both support and resistance from religious institutions, the public, and legal authorities alike. The case of *Ven. Welimada Dhammadinna Bhikkhuni v. Department of Registration of Persons*⁴⁵ marks a pivotal moment in the legal discourse surrounding the recognition of Bhikkhunis by the Sri Lankan state. At the core of this case lies the issue of whether a woman who has undergone higher ordination in the Buddhist tradition can be formally recognized and identified as a “Bhikkhuni” in official state documents such as the NIC. The refusal of the Department of Registration of Persons to acknowledge this designation raises fundamental questions about religious freedom, gender equality, and the state's role in regulating religious identity. This case study explores the legal, religious, and societal implications of this litigation. It examines the arguments presented, the court's reasoning, and the broader impact on the legal recognition of Bhikkhunis in Sri Lanka. By focusing on this landmark case, the study aims to contribute to a deeper understanding of the legal complexities surrounding the revival of the Bhikkhuni Sangha and the quest for gender parity in religious representation.

⁴³ Gombrich, R. F. (2006) p 45 . **Theravāda Buddhism: A social history from ancient Benares to modern Colombo** (2nd ed.). Routledge.

⁴⁴ Kawanami, H. (2007). **The Bhikkhuni ordination debate: Global aspirations, local concerns, with special emphasis on the views of the monastic community in Burma.** *Buddhist Studies Review*, 24(2), 226–244. <https://doi.org/10.1558/bsrv.v24i2.226>

⁴⁵ **Ven. Welimada Dhammadinna Bhikkhuni v. Department of Registration of Persons** (SC FR 218/2013)



METHODOLOGY

This research critically examines the landmark case of *Ven. Welimada Dhammadinna Bhikkhuni v. Department of Registration of Persons*, focusing on its constitutional, gender and religious implications. The case is analyzed through a right-based lens, particularly emphasizing gender equality, religious freedom and the limits of administrative discretions. Primary sources such as the Constitution and relevant legislation are analyzed to identify the legal status and rights of female monastics within Sri Lanka's current legal framework. Secondary sources, including academic journal articles, legal commentaries, and Buddhist doctrinal texts, are consulted to contextualize the socio-religious implications surrounding the ordination of women in the Theravada tradition. A comparative legal approach is employed by referencing how other Theravada jurisdictions such as Thailand, Myanmar, and Cambodia have addressed or resisted the recognition of female monastics. This comparative lens reveals a significant gap in Sri Lankan law, where the absence of formal recognition for bhikkhuni ordination stands in contrast to progressive interpretations seen elsewhere. Despite constitutional guarantees of equality and religious freedom, the lack of legislative or judicial clarity perpetuates gender-based disparities in religious practice. Moreover, socio religious resistance, often rooted in conservative interpretations of Vinaya and historical precedent, further complicates legal reform. This research highlights the urgent need for a cohesive legal response that respects both constitutional values and evolving religious contexts, presenting an opportunity for Sri Lanka to lead the region in the legal recognition and protection of female monastics.

RESULTS AND DISCUSSION

The analysis reveals a statutory disparity in the legal recognition of Buddhist monastics in Sri Lanka. Section 41 of the *Buddhist Temporalities Ordinance*⁴⁶ mandates registration for male monastics but contains no provision for Bhikkhunis, effectively excluding them from formal recognition. However, Section 39A(1) of the *Registration of Persons (Amendment) Act No. 8 of 2016*⁴⁷ and Section 39(1) of the *Registration of Persons Act No. 32 of 1968*⁴⁸ offer a broader framework for identity registration, which may be interpreted to include monastics regardless of gender. This legal gap highlights a lack of cohesive policy on female monastic identity, underscoring the need for statutory reform to ensure gender parity in religious institutional recognition. The Supreme Court's ruling in this case marks a landmark shift in the constitutional and administrative recognition of Bhikkhunis in Sri Lanka. The Court held that denying Bhikkhunis the right to use their ordained title on the National Identity Card (NIC) constitutes a violation of,

⁴⁶ Buddhist Temporalities Ordinance, 1931, s. 41

⁴⁷ Registration of Persons (Amendment) Act, No. 8 of 2016, s 39A(1)

⁴⁸ Registration of Persons (Amendment) Act, No. 32 of 1968, s 39A(1)



- Article 12(1) of the Constitution – The right to equal protection of the law⁴⁹
- Article 14(1)(e) – The freedom to manifest one's religion or belief in public⁵⁰

The majority opinion emphasized that state institutions cannot arbitrarily deny the recognition of a religious identity when it is based on valid ordination, such as the Upasampada received under the Rangiri Dambulu Chapter. This aligns Bhikkhunis' documentation rights with those granted to male monastics (Bhikkhus), thus correcting a longstanding gender-based disparity. The Court's direction to issue a corrected NIC using the title "Bhikkhuni" rather than "Sil Matha" is both symbolically and legally significant. It affirms that state actions must not misrepresent or dilute religious identities. The case confirms that religious ordination holds legal weight in matters of civil identity and state documentation. The dissenting opinion, which cautioned against judicial interference in religious affairs, reveals ongoing tensions between secular constitutional rights and religious authority. However, the Court's refusal to defer to the Mahanayake Theros underscores a growing assertion of constitutional supremacy, even in religiously sensitive matters. This decision sets a critical precedent by:

- Legally validating Bhikkhuni ordination within the Sri Lankan framework⁵¹
- Advancing gender parity in interpreting religious identity and citizenship
- Laying the legal foundation for reforming outdated laws such as the Buddhist Temporalities Ordinance⁵²

The author supports the Supreme Court's decision primarily due to its alignment with the constitutional mandate to protect gender equality in Sri Lanka. The Court's reasoning, which emphasized the equal protection clause and the state's obligation to uphold nondiscrimination on the basis of sex, reflects a progressive interpretation of constitutional rights. By framing the denial of recognition to female monastics as a violation of these principles, the Court advanced not only legal consistency but also social justice. This approach demonstrates a willingness to reconcile traditional religious practices with contemporary human rights standards, thereby setting an important legal precedent for gender equality in religious contexts. Despite the constitutional guarantees, gender equity has often been undermined due to traditional, cultural, and institutional resistance, especially within religious domains. For decades, Bhikkhunis in Sri Lanka have faced systemic barriers to recognition, including denial of basic identification and administrative rights accorded to their male counterparts. This judgment, therefore, corrects a longstanding legal and social oversight, establishing a precedent for equal treatment of female religious practitioners under the law.

⁴⁹ Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 12)

⁵⁰ Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, art. 14)

⁵¹ Sasson, V. R. (2010). Peeling back the layers: Female higher ordination in Sri Lanka. *Buddhist Studies Review*, 27(1), 77–84. <https://doi.org/10.1558/bsrv.v27i1.77>

⁵² Dhammasiri, U. (2024). **The Vihāradevālagam Act and the Monasticism: Study of the Rules of Colonial Rulers on Monastic Properties.** *International Journal of South Asian Studies*, 14, 20–32. <https://doi.org/10.11384/ijssas.1015>



By recognizing the legal status and dignity of Bhikkhunis, the Court effectively rejected the institutionalized discrimination that has prevailed within certain religious and administrative institutions. The ruling objected to the continued neglect of female monastics and implicitly challenged the notion that religious authority or tradition can override fundamental rights guaranteed by the state. The author sees this as a critical step towards dismantling patriarchal norms within both religious and legal institutions, reinforcing the idea that religious traditions must evolve in alignment with contemporary human rights standards. Importantly, the judgment is likely to have a ripple effect beyond the immediate context of Bhikkhunis.

As the Court has now set a legal precedent for the recognition of female monastics, other religious leaders and institutions may feel compelled or at least encouraged to reconsider their own policies toward gender roles within their respective religious environments. Already, there have been reports of religious figures from other faith traditions expressing interest in aligning their internal structures with this legal recognition. Such developments suggest a broader cultural shift wherein the judiciary plays a role not only in legal interpretation but also in shaping ethical and societal norms. Another result of the case is the reinforcement of state accountability in ensuring that government departments, such as the Department of Registration of Persons, do not act in ways that implicitly support gender or religious discrimination. The judgment compels administrative bodies to update their internal policies and practices to accommodate and respect the diverse religious identities present in the country, especially those historically marginalized.

Furthermore, a comparative review of other jurisdictions such as Thailand, Myanmar and Cambodia. Thailand's Supreme Sangha Council officially prohibits bhikkhuni ordination. This policy is based on a 1928 decree⁵³ that declared the bhikkhuni lineage extinct, thereby rendering any subsequent ordinations invalid under traditional monastic discipline. In 2002, Dhammarakhita Samaneri became the first modern Thai woman to receive Theravāda ordination, yet her status remains unrecognized by religious authorities.⁵⁴ Despite some progress, bhikkhunis in Thailand continue to face legal and social inequality they lack access to travel benefits, temple registration, tax exemptions, government support, and are still issued identity documents that label them 'Mrs' or 'Miss' rather than with appropriate monastic titles. Nonetheless, recent reports⁵⁵ suggest that there are now around 80 fully ordained female monks in Thailand, alongside many more samaneris and mae chis practicing across the country.

⁵³ Yavaprabhas, K. (2018). *The values of ordination: The bhikkhuni, gender, and Thai society* (Doctoral dissertation, University College London). UCL Discovery. <https://discovery.ucl.ac.uk/id/eprint/10054142/>

⁵⁴ Horayangura, N. (2010). **Old pillar, new possibilities: What the revival of the Bhikkhuni Sangha contributes to Thai women and society** (Unpublished master's thesis). Chulalongkorn University, Bangkok, Thailand. <https://bhikkhuni.net/old-pillar-new-possibilities/>

⁵⁵ Lewis, S. (2024). **Thailand's female monks cautiously lobby for legal recognition.** Awaken. <https://awaken.com/2024/10/thailands-female-monks-cautiously-lobby-for-legal->



Similarly, Myanmar officially considers the bhikkhuni lineage to be extinct. The country's Buddhist governing bodies have ruled that female ordinations are not valid under Theravāda Vinaya. Instead, women may become 'thilashin'⁵⁶ lay renunciants who observe the Ten Precepts but are not considered ordained monastics and remain legally laypersons. In Cambodia, bhikkhuni ordination is also not recognized, and the lineage is considered defunct within the Theravāda tradition. Women pursue a semi-monastic path as 'Donchees'⁵⁷ laywomen who adopt the Eight or Ten Precepts, shave their heads, and reside in or near temples. Donchees often serve temple communities by performing support roles such as cooking and cleaning. Their status is situated between laywomen and bhikkhunis, yet remains ambiguous and lower in relation to fully ordained monks.

The legal frameworks across Thailand, Myanmar, and Cambodia uniformly do not recognize bhikkhuni ordination. However, each country has developed localized adaptations such as mae chis, thilashin, and donchees that provide alternative forms of religious expression for women within constrained legal and doctrinal boundaries. The social and doctrinal legitimacy of female monastic communities often depends on the revival of lineage through countries like Sri Lanka or via Mahāyāna ordinations, leading to ongoing tensions between traditional Vinaya rules and evolving interpretations. Among the three jurisdictions, Thailand demonstrates the most active revival movement, with a growing number of fully ordained bhikkhunis gaining limited social acceptance. Myanmar's thilashin have formal institutional support, yet are still excluded from full monastic status. In contrast, Cambodia's donchees primarily function in service roles and lack both legal recognition and high-level advocacy. These patterns reveal how legal, historical, and cultural factors intersect in complex ways across Theravāda Buddhist countries. They also highlight the importance of comparative analysis in understanding the broader challenges and possibilities for the recognition and empowerment of female monastics within the Theravāda tradition. Finally, the decision enhances the social legitimacy of Bhikkhunis by formalizing their legal identity. Legal recognition often precedes broader societal acceptance. By granting Bhikkhunis the right to identify themselves officially as ordained members of the Buddhist Sangha, the Court has not only affirmed their rights under the law but also contributed to their acceptance and legitimacy within society at large. This recognition could open pathways for Bhikkhunis to engage more actively in religious, educational, and social service roles without fear of institutional bias or rejection.

recognition/

⁵⁶ Spiro, M. E. (1982). **Theravada Buddhism and society: A study from Thailand**. *Journal of Asian Studies*, 41(3), 507–528. <https://doi.org/10.2307/2054084>

⁵⁷ Ebihara, M. (1971). **The women of Buddhist Cambodia**. In M. J. Forman (Ed.), **Women in Southeast Asia** (pp. 79–93). Stanford University Press.



CONCLUSIONS/RECOMMENDATIONS

The *Ven. Welimada Dhammadinna Bhikkhuni* case represents a pivotal step in affirming the fundamental rights of Bhikkhunis to equal treatment under Sri Lankan law. The recognition of Bhikkhuni ordination by the Supreme Court is a significant advancement toward gender equality and religious freedom within Theravāda Buddhism and Sri Lanka's civil system.⁵⁸ This ruling significantly contributes to an administrative injustice and sets a progressive legal precedent. However, its long-term impact depends on how effectively it is implemented across public institutions.

To ensure the legal recognition and protection of Bhikkhunis in Sri Lanka, several key reforms are recommended:

- Amend the Buddhist Temporalities Ordinance-Revise the existing Ordinance to incorporate explicit provisions recognizing and registering Bhikkhunis. This amendment should adopt gender-neutral language to ensure inclusivity and compliance with constitutional guarantees of equality.
- Introduce Administrative Guidelines- The Department for the Registration of Persons, along with other relevant state agencies, should issue clear policy directives and administrative procedures for formally recognizing Bhikkhuni status in official documents, including national identity cards and religious registration records.
- Engage with Religious Leadership- Facilitate ongoing dialogue with the Mahanayake Theros and monastic orders (Nikayas) to promote understanding and alignment between traditional religious practices and constitutional principles of non-discrimination and gender equality.
- Conduct Capacity-Building for Public Officers-Implement rights-based training programs for public servants, focusing on gender sensitivity, religious identity, and constitutional protections. This will help ensure consistent and lawful application of relevant policies and regulations.
- Support Legal Advocacy and Strategic Litigation- Encourage Bhikkhunis and civil society organizations to pursue legal challenges against discriminatory practices in areas such as temple governance, inheritance rights, and access to religious education. The recent Supreme Court decision may serve as a legal precedent to support these efforts.

This case marks a significant milestone in the legal recognition of Bhikkhunis within the Sri Lankan Buddhist tradition. The Supreme Court's acknowledgment of a female monastic's right to be identified by her ordained title in official documentation is not merely a procedural advancement, but a profound affirmation of gender equality within a traditionally male dominated religious sphere. It lays the groundwork for a

⁵⁸ Herath, N. (2021). Reforms via Katikāvat: Dissension among Buddhist monks in Sri Lanka over the Code of Conduct Bill. *South Asia: Journal of South Asian Studies*, 44(1), 52–70. <https://doi.org/10.1080/00856401.2021.1864705>



more inclusive and just legal landscape in Sri Lanka, one that respects religious diversity, ensures gender equity, and upholds the constitutional rights of all citizens, regardless of gender or religious role.

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