



# Majlis Perundingan Malaysia Agama Buddha, Kristian, Hindu, Sikh dan Tao

Malaysian Consultative Council of Buddhism  
Christianity, Hinduism, Sikhism and Taoism

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Press Statement – 5 February 2013

## **MCCBCHST: MAIS STATEMENT UNPRECEDENTED AND UNCONSTITUTIONAL**

The Malaysian Consultative Council Of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) is of the view that Article 11 of the Federal Constitution sufficiently provides for and safeguards the right of each person to profess and practice one's religion of choice. Further, Article 11 (3) expressly provides that every religious group has the right to manage its own religious affairs.

Accordingly, any attempt by any party to dilute the rights expressly provided for by the Federal Constitution would be tantamount to denigrating the supreme law of the country.

Recently, the Selangor Islamic Council (MAIS) issued a statement to the effect that the use of the word "Allah" by non-Muslims is prohibited. The statement by MAIS also gave the impression that its ruling would be binding on non-Muslims. This is tantamount to imposition of restrictions by an Islamic Council or body against non-Muslims. It could also be seen as an attempt to control the religious practice of a non-Muslim religion by an Islamic body or organisation.

Any attempt to govern non-Muslims or interfere with non-Muslims' practice of their religion by any Muslim body must be stopped immediately. It would be against the Federal Constitution. This unhealthy practice could also lead to unwanted social repercussions and raising of tensions between communities.

The Federal Constitution clearly provides and guarantees religious freedom and the right for each religious body to regulate their own affairs. The Federal Constitution under Article 11(4) allows the States to enact laws to restrict propagation of other religious doctrine or belief among persons professing the religion of Islam.

However, there are no laws whether Federal or State that enables any Muslim body or organisation to impose rulings or “fatwas” on non-Muslims. In any event, any laws that are inconsistent with the Federal Constitution would be void pursuant to Article 4 of the Federal Constitution.

The only restriction imposed on non-Muslims in the Federal Constitution, pursuant to Article 11(4), would be pertaining to “*propagation of religious doctrine or belief among persons professing the religion of Islam.*” However, there are no restrictions imposed on the practice or propagation of a religion among persons who do not profess or practice Islam. In other words, if you do not profess or practice Islam then no restrictions may be placed on you as to how you practice your religion. Every religious group has the right to manage its own religious affairs.

In this regard, in the “**Herald’s**” case the High Court had held: “... (i) The Rulers and YDPA have no prerogative powers to govern the affairs of other religions and the fact that the affairs of other religions are governed not by the Rulers and YDPA but by their own religious group is clearly enshrined in Article 11(3) of the Federal Constitution. If any action is taken by Rulers and YDPA which affect affairs of *non*-Islamic religions, such action would be construed as unconstitutional. Further, if any laws other than those set out in Article 11(4) of the Federal Constitution are passed, such laws would also be construed as unconstitutional.

We further view with concern the statement by *the* former **Chief Justice Tun Ahmad Fairuz Sheikh Abdul Halim** that “non-Muslims cannot use the word “ALLAH” as it is enshrined in the constitution of 10 states that restricts its usage to Muslims only”.

We fail to understand how the former Chief Justice could overlook the fact that all the enactments of the 10 states are made under **Article 11(4) of the Federal Constitution**, and that **Article 11(4) only provides for the “control or propagation of any religious doctrine or belief amongst persons professing the religion of Islam”** This article does not forbid other religions from propagating to their adherents.

**Therefore, the provisions in the State Enactments, forbidding the use of certain words by non-Muslims is clearly unconstitutional and was therefore rightly held so by the High Court in December 2009.**

The fact that “Islam is the religion of the Federation” in Article 3 of the Federal Constitution is not disputed by anyone. However, we must point out that it is balanced by the word “and” and the second limb of Article 3 need to be read together with the first limb that is “other religions may be practiced in peace and harmony in any part of the Federation”.



The provisions of Article 3 (4) that is "Nothing in this Article derogates from any other provision of this constitution, means that Article 3 stands independently and does not affect other provisions of the Federal Constitution.

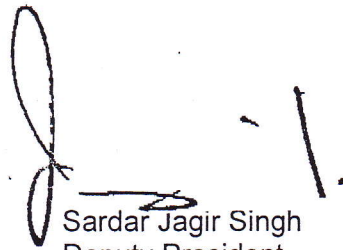
Lord President Salleh Abas in **Che Omar bin Che soh V PP (1988) 2 MLJ 55 (SC)** stated

"...the intention in making Islam the official religion of the Federation was primarily for ceremonial purposes for instance to enable prayers to be offered in the Islamic way on official occasions such as the Installation of the Yang di Pertuan Agong, Merdeka Day and similar occasions. This explanation was accepted by the Rulers and accordingly Article 3 enacts that "Islam is the religion of the Federation". The Supreme court went on to say that the law in the country today is secular law."

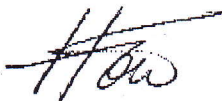
Accordingly, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism, and Taoism (MCCBCHST) supports the decision of our respective member organisations to continue the use of the word "ALLAH" as found in their Holy Scriptures. To otherwise impose any restrictions on any religious group on the practice of its own religion would be unconstitutional.



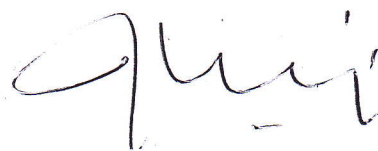
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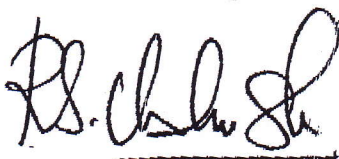
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