



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

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

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**Media Statement – 28 June 2013**

## **RANG UNDANG-UNDANG PENTADBIRAN AGAMA ISLAM (WILAYAH-WILAYAH PERSEKUTUAN) 2013 CONVERSION BY SINGLE PARENT IS UNCONSTITUTIONAL**

The Malaysian Consultative Council Of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) vehemently objects to some provisions found in the RANG UNDANG-UNDANG PENTADBIRAN AGAMA ISLAM (WILAYAH-WILAYAH PERSEKUTUAN) 2013 tabled in Parliament for its first reading on 26 June 2013 as they affect the Non-Muslims. The Bill under disguise of Islamic Laws is unilaterally trying to alter the Federal Constitution by translating the word “parent” in the Federal Constitution to mean “Ibu atau Bapa” as opposed to “Ibubapa”.

Any conversion of a minor by a single parent will cause serious injustice to the non-converting parent and the children of the marriage - Section 107 (b) ***“jika dia belum mencapai umur lapan belas tahun, ibu atau bapa atau penjaganya mengizinkan pemelukan agama Islam olehnya”*** This provision would further creates social injustice and is contrary to the constitutional scheme of things.

We hold the Federal Cabinet accountable for this transgression, that is, inspite of the **Cabinet’s decision of 23/4/2009** whereby it was decided that a single parent cannot convert a minor child of the marriage. Despite that public statement, the Cabinet deem it fit to introduce the above provision in D.R. 1/2013. It appears that the Cabinet promise and undertaking on this issue was not sincere.

The MCCBCHST wishes to reiterate that any unilateral conversion of their children by one parent encroaches into the lives of Non-Muslims. Such conversions are not only unconstitutional but are morally and ethically wrong. We ask Cabinet members how they will feel if their children are unilaterally converted. Do not do things to others, which you do not want to be done to you.

**We must warn that if “Parent” in Article 12(4) is to be interpreted to mean “single” parent”, it will go against the spirit and letter of Article 4 of the Federal Constitution - the Supreme Law of the land.** If this Interpretation is advanced, then there is nothing to stop the other single parent to convert back the child to the Original religion. No religious law can over-ride the constitution. This would produce an absurd result and therefore this could not be the meaning intended.

Reliance on the case of **SUBASHINI (2008)**, may not be in order as the case appears to be wrongly decided due to the following:-

- i) The Court did not apply the Statutory Interpretation clause. Art. 160(1) (Eleventh Schedule) under which “words importing the masculine gender Include female” and “words in the singular include the plural, and words in the plural include the singular.
- ii) The guardianship of Infants Act, 1961 which provides for equality of parental rights.
- iii) If single “parent” can convert, then it would lead to an absurd result, as the non-converting spouse can similarly by virtue of being a single parent convert back her child to the original faith.

We understand that the Bill also provides for Syariah High Court to decide whether a person is a Muslim or not. See Section 51(3)(b) (x) and (xi). This power has always been with the Civil High Court and not the Syariah Court. The amendment thus proposed is unconstitutional.

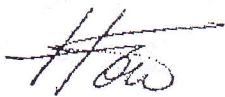
The **MCCBCHST**, therefore calls upon the Cabinet to withdraw the above Bill, until its provisions have been thoroughly debated by all the stake holders. Any bull dozing through of the Bill will not be accepted and would also be unconstitutional, giving no choice to the affected persons to look for remedy peacefully through other legal channels locally and internationally.



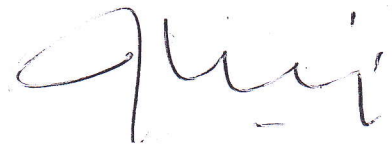
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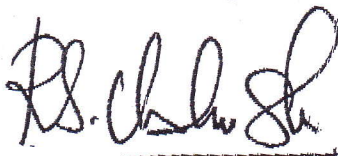
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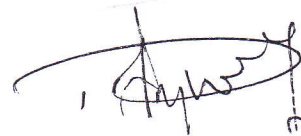
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