



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

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

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## **MCCBCHST: ARTICLE 160B MAKING A TRANSLATION OF THE FEDERAL CONSTITUTION AUTHORITATIVE OVER THE ORIGINAL TEXT IS UNCONSTITUTIONAL.**

1. The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) is deeply concerned with the Attorney General Tan Sri Idrus Harun's proposal to make Bahasa Malaysia translation version of the Constitution the authoritative text. [Malaysiakini: 09/01/2023].
2. The Malaysian Federal Constitution is in English Language, that is the Original Text. The world over whenever a translation is done, the Original Text always remains the authoritative text. This is because if the translation, in this case into Bahasa Malaysia, was to be made the authoritative text, then the Constitution which is in English can be amended by just changing the meaning in the translation process, as shown by INDIRA GANDHI case below.
3. In the Federal Court case of INDIRA GANDHI A/P MUTHO V.I. PENGARAH JABATAN AGAMA & ZORS. (Civil Appeal No.01(f)-17-06/2016(A), the Federal Court ruled that in Article 12(4), the singular word 'parent' includes the plural **parents**. But the Bahasa Malaysia translation of the Federal Constitution provides:

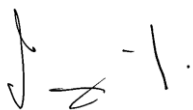
**“(4) Bagi maksud Fasal (3) agama seseorang yang di-bawah umur lapan belas tahun hendaklah ditetapkan oleh ibu atau bapanya atau penjaganya.”**

4. Thus, if Bahasa Malaysia version of the Federal Constitution is made the authoritative text, then it would have effect of over-ruling the Federal Court decision in *INDIRA GANDHI A/P MUTHO* case, and would mean a single parent could convert a minor of marriage, thereby changing the import of the Federal Constitution by the translation process.
5. The Original Text must remain the Authoritative Text. A translation of the Federal Constitution can be made but the Original Text must remain the 2 Authoritative Text. This is because, if translation is defective, it can be corrected by reference to the original text.
6. The Federal Constitution amendment which was done a few years ago to add 160B to the Constitution is Unconstitutional as it seeks to make a translation version to over-ride the Original Text. The Article 160B provides: “160B. Authoritative Text: Where the Constitution has been translated into the national language, the Yang Di-Pertuan Agong may prescribe such national language text to be authoritative, and thereafter if there is any conflict of disagreeing between such national language text and the English Language text of this Constitution, the national language text shall prevail over the English Language text”.

7. The MCCBCHST calls for Article 160B to be amended. The words in Article 160B at the end, that is “if there is any conflict of disagreeing between such national language text and the English Language text of this Constitution, the national language text shall prevail over the English text” should be deleted. The following words should be added instead: The Original Text of the Federal Constitution should remain the Authoritative Text.

**<End of Statement>**

Statement issued and endorsed by:



Jagir Singh Arjan Singh  
President, MCCBCHST



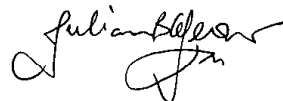
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