



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

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

THE JAIS RAID ON THE BIBLE SOCIETY OF MALAYSIA IS WRONG AND ILLEGAL

The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) deplores the JAIS raid on the premises of the Bible Society of Malaysia (BSM) and to confiscate the Bahasa Malaysia Bibles.

The raid by JAIS is wrong and illegal and void as it went beyond what is permitted by Article 11(4) of the Federal Constitution which is the highest law in the country. Article 11(4) only allows laws to be enacted which control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.

Thus, unless there is propagation of other faiths to Muslims, Article 11(4) cannot be invoked and it will be out of its ambit.

The relevant Selangor State Enactment, that is, “non-Islamic Religions (Control of Propagation amongst Muslims) Enactment, 1988 in its Preamble notes that it is enacted under Article 11(4) of the Federal Constitution. Thus the State Laws enacted must conform to Article 11(4).

But, Section 9 of the Selangor State Enactment, provides for a general blanket ban on non-Muslims from using certain words including “Allah”, even usage amongst themselves and even where there is no propagation of other faiths to Muslims involved.

Thus, Section 9 is clearly not supported by Article 11(4) and neither is it within the ambit of the said Article. Thus, clearly Section 9 is clearly ultra vires to Article 11(4). This is because Article 4 of the Federal Constitution provides that any law which is passed after Merdeka Day and is inconsistent with the Federal Constitution is void to the extent of that inconsistency..

SEIZURE OF BIBLES

State Executive Councillor for Selangor Islamic Affairs as reported in the media that the seizure of the Bibles is not wrong and it was done in accordance with SOP.

It is trite law that JAIS has only Jurisdiction over Muslims. Therefore the SOP will be in accordance with that law.

Here we are saying that Section 9 of the Selangor Enactment on which JAIS is relying is void and not within the ambit and not supported by Article 11(4).

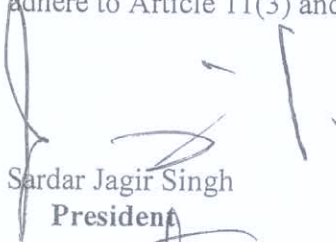
Where there is conflict, the Highest Law (Federal Constitution) must prevail.

To make matters worse for JAIS, Section 9 of the Selangor State Enactment 1988 was considered in detail by the High Court in the same case where it held Section 9 must be read together with Article 11(4) and therefore there must be propagation of other faiths involved, otherwise Section 9 could not be used. These arguments by the High Court was not considered by the Court of Appeal recently.

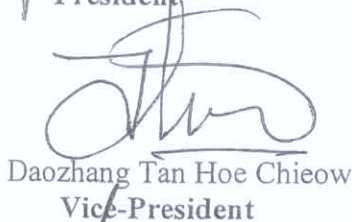
Law expert Prof. Datuk Shad Faruqi: "Constitutional Law was above all other laws. JAIS had no right to carry out the raid as the State enactment has to be read in the light of the Federal Constitution. He said the State Government may pass the law but only the police or the authorities could carry out the enforcements. If there was any offence under the enactment, then JAIS should have reported to the police and let them decide on the action" (See Malay Mail of 8th Jan. 2014.)

Therefore, MCCBCHST calls on JAIS to refrain from abusing its powers. It has no power over non-Muslims. The highest law of the land, in Article 11 (3)(a) gives right to each religion "to manage its own religious affairs". No religious body should try to police another religion.

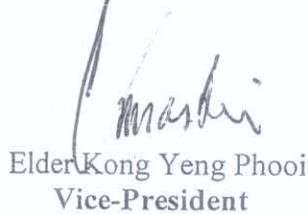
For the sake of our beloved country and to maintain peace and harmony, all religions must adhere to Article 11(3) and not to interfere in the affairs of another religion.



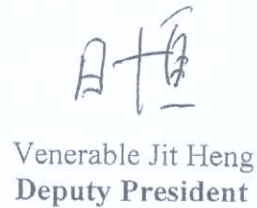
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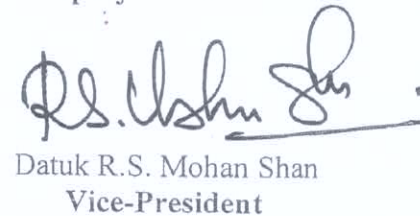
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