

Let court decide if M'sia secular, DAP asks Agong
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Whether Malaysia is a secular state or not is a constitutional issue that can only be settled by the Federal Court and the Yang di-Pertuan Agong can invoke the judiciary to do this, an opposition parliamentarian said today.

Perplexed by Minister in the Prime Minister's Department Jamil Khir Baharom's written reply in Parliament that Malaysia is not a secular state, DAP MP Gobind Singh Deo said today that it was time to end such flippant statements.

Such a declaration is of major importance and cannot be left open to just anyone's interpretation as there are precedent court cases to adhere to.

"As a Member of Parliament, I respectfully urge the Yang di-Pertuan Agong to consider invoking his powers under Article 130 to refer this matter to the Federal Court for its opinion as to whether or not Malaysia is a secular state," Gobind, the MP for Puchong, said in a press statement.

Gobind (left) added that his late father Karpal Singh, the former MP for Bukit Gelugor, had in 2012 also made a similar call, so as to resolve the matter once and for all.

"This issue has come up time and again. It is a matter of general public importance. There is a need for clarity on the point as it involves a provision of the federal constitution, a (former) supreme court ruling and varying positions taken on it by the government.

"Given the magnitude of importance of the matter, it is my respectful view that it should be dealt with and resolved by a full bench of the Federal Court as soon as possible."

Jamil Khir, who is also the minister in charge of Islamic affairs, had written in an answer to DAP MP (Sibu) Oscar Ling Chai Yew in Parliament last week said Malaysia was not a secular state due to the special position of Islam in the framework of the federal constitution.

Jamil Khir said the constitution does not provide for the civil court to have jurisdiction over matters under the purview of the Syariah Court.

Gobind argued that Jamil Khir, who is also the MP for Jerai, had overlooked the decision of a five-member bench of the Supreme Court in 1988.

In that case of *Che Omar Che Soh vs Public Prosecutor*, the judges maintained and said clearly that the law in this country was secular law, Gobind added.

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