

Vernacular school students will suffer from lack of BM proficiency – lawyer

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Malaysian Vernacular school students suffer from limited job opportunities due to an alleged lack of proficiency in Bahasa Malaysia, the Kuala Lumpur High Court heard today.

Lawyer Mohamed Haniff Khatri Abdulla claimed that this would lead to these students being denied the fundamental right to live with dignity, hence why Malaysian vernacular schools must be compelled to adopt Bahasa Malaysia as the medium of instruction.

Haniff was acting for Gabungan Pelajar Melayu Semenanjung (GPMS) and Majlis Pembangunan Pendidikan Islam Malaysia (Mappim), who are two of three plaintiffs seeking a court order to compel vernacular schools to drop their current usage of Chinese and Tamil as the mediums of instruction.

The other plaintiff is the Coalition of National Writers' Associations (Gapena).

During proceedings before judge Mohd Nazlan Mohd Ghazali today, Haniff submitted that this state of affairs would violate provisions in the Federal Constitutions that guarantee the right to life with dignity and several other rights.

Article 5 of the Federal Constitution deals with the right to life; Article 8 is in relation to equality before the law; Article 10 in regards to freedom of speech, assembly and association; Article 11 enshrines freedom of religion; and Article 12 in relation to rights in education.

"As a result, it would cause Malaysian youths (who schooled at vernacular schools that utilise Chinese and Tamil as mediums of instruction in various subjects) not to have proper mastery of Bahasa Malaysia.

"This would limit their job opportunities, especially in public service.

"Their fundamental right under Article 5 would be jeopardised.

"Due to this limited mastery of the national language, it would deny them the right to live with dignity (per Article 5)," the lawyer told the court.

The lawyer then referred to an affidavit by professor Teo Kok Seong regarding

the alleged impact of vernacular school students' weaker mastery of Bahasa Malaysia.

'Matter a provide of the executive and legislature'

Teo's affidavit contended that the problem is worrying as these students supposedly lack proficiency in Bahasa Malaysia. This, in turn, would result in them suffering prejudice when trying to find jobs in both the private and public sectors as well as trying to continue higher education studies.

However, lawyer Gopal Sri Ram, who represented Malaysian Chinese Language Council, countered that the court should dismiss the whole legal action as the three plaintiffs failed to show specifics on what loss they suffered due to the current government policy on vernacular schools.

The former federal court judge submitted that the plaintiffs' cause papers merely showed them contending a violation of constitutional provisions while not stating specifics on how they were affected adversely.

"They must establish how they are all affected other than on the issue of sentimentality.

"They have not (shown) how they were affected whether in their pocket, property or person," Sri Ram said, adding that the plaintiffs have not shown they have proper locus standi (legal right to file a legal action in the first place).

Sri Ram further submitted that the issue of vernacular schools is a legislative policy and not one that is suitable to be determined by the judiciary.

The lawyer said this is because separation of power exists between the executive, legislature and judiciary, and the courts are not equipped with the information to deal with the issue.

Hence, Sri Ram said that the issue is only proper to be determined by Parliament rather than be brought to court as a legal challenge.

"This matter is solely within the province of the executive and legislature.

"It is a matter of policy for the first defendant (government) as education falls under Item 13 Limb 1 of the 9th Schedule of the Federal Constitution," he said.

The hearing before Nazlan is set to resume tomorrow.

Vernacular schools contravene Constitution

On Dec 16 2019, legal action was filed to challenge vernacular schools' use of Chinese or Tamil as mediums of instruction in teaching students various subjects.

GPMS, Mappim and Gapena are the three plaintiffs.

The writ of summons initially named the Education Ministry and the Malaysian government as the two defendants.

However, the court later allowed applications to allow 11 other parties to intervene in the matter as additional defendants.

Besides the Malaysian Chinese Language Council, other interveners include MCA, MIC, Gerakan and Putra, and Chinese vernacular school educationist groups Dong Zhong and Jiao Zong, as well as representatives of retired vernacular school teachers and former vernacular school students.

It was reported that the suit seeks a declaration that the existence of Chinese and Tamil vernacular schools (which utilise Chinese and Tamil as mediums of instructions) go against Article 152(1) of the Federal Constitution, which defines Bahasa Malaysia as the national language.

It seeks a declaration that Sections 2, 17 and 28 of the Education Act 1996, which

allows vernacular schools to conduct lessons in their native tongues, as going against Article 152(1).

The legal action is seeking declarations that vernacular schools contravene Articles 5, 8, 10, 11, and 12 of the Federal Constitution.

The suit also wants the Education Ministry and the government to take steps to ensure vernacular schools comply with Article 152(1) of the Federal Constitution within six months of the court's decision if it is in their favour.

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