

Housing discounts ultra vires the constitution?
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The media reported on Aug 5 that representatives from 22 Umno youth divisions in Selangor have lodged police reports against the DAP MP Tony Pua for suggesting the removal of the discount for bumiputra buyers of commercial and residential properties costing more than RM500,000.

They said the suggestion was insensitive and provocative and also challenges Article 153 of the federal constitution.

I have been reading the federal constitution, focusing mainly on those articles which are relevant to the current contentious issues on race and religion. However, I do not have the benefit of a legal background. Hence my understanding and interpretation of the constitution are merely that of a lay person.

Reading Article 153, I could identify safeguards for the special position of the Malays and natives of Sabah and Sarawak in only three areas. They concern the reservation of such proportion as the Yang di-Pertuan Agong may deem reasonable

- (i) of positions in the public service
- (ii) of scholarships and similar educational and training privileges and
- (iii) of permits and licenses for the operation of any business and trade.

I could not find any provision in Article 153 which could remotely support the privilege of a discount for purchasing property.

In fact, I could not find any article in the constitution which could provide the basis for a monetary discount for Malays and other bumiputras for the purchase of residential and commercial properties.

But interestingly, the provisions of Article 8 on equality might even render the discount for bumiputra as a discriminatory act against other citizens on the ground of race or descent.

If the above understanding of the constitution is correct, would it therefore mean that those parties responsible for the discount policy, for imposing the discount requirement on property developers as well as the developers themselves, have acted ultra vires the Constitution? Can the non-bumiputra seek redress?

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