

# Groups: We are secular

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## 'Najib ignored constitutional history and social contract'

**KUALA LUMPUR:** Various groups have disagreed with Deputy Prime Minister Datuk Seri Najib Tun Razak's statement that Malaysia was never a secular state, saying that he had ignored the country's constitutional history and social contract.

They referred to several important events, including those that led to the country's independence and formation of Malaysia, to show that it had always been stressed that Malaysia was a secular state.

MCA secretary-general Datuk Ong Ka Chuan quoted the Alliance memorandum to the Reid Commission on Sept 27, 1956, that stated:

"The religion of Malaysia shall be Islam. The observance of this principle shall not impose any disability on non-Muslim nationals professing and practising their own religion, and shall not imply the State is not a secular state."

He cited notes prepared by the Colonial Office dated May 23, 1957 at the London Conference Talks which said: "The members of the Alliance delegation stressed that they had no intention of creating a Muslim theocracy and that Malaya would be a secular state.

"This was the unequivocal original

»It is time that the proposition that Malaysia is not secular, (which is rewriting of the Constitution), be put to rest once and for all«

AMBIGA SRENEVASAN



Bar Council Malaysia president Ambiga Sreenevasan said that one had only to look at the Articles in the Federal Constitution, the system of government and administration of justice to know that Malaysia was not an Islamic state.

"The civil courts set up under the Constitution dispense secular justice on a daily basis to all the citizens of the country.

"Secular law governs contracts, commerce, international relations and trade and every aspect of lives of a citizen.

"Islamic law governs specific matters set out in the Federal Constitution in relation to persons professing Islam," she said.

She added that in the context of the country's history and the Constitution itself that proclaimed supremacy, the council did not doubt that Malaysia was a secular state.

"It is time that the proposition that Malaysia is not secular, (which is rewriting of the Constitution), be put to rest once and for all and that there is due recognition and reaffirmation of the clear legal and constitutional position that Malaysia is, and has always been, a secular state," she said.

intention of Umno, MCA and MIC," Ong said.

He added that the documents and facts had given a true picture of Malaysia, whereby a secular state was the foundation of the formation of Malaya, and this consensus made by the country's forefathers should always be remembered and obeyed.

Kota Melaka MP Wong Nai Chee said that the issue of Malaysia as a secular state was vigorously debated again during the 1962 Cobbold Commission before the entry of Sabah and Sarawak to form Malaysia.

He said the secular nature of the Federal Constitution had been the

basis for nation-building since 1957 and re-enforced in 1963.

"The constitutional position of Malaysia being a secular state has also been confirmed in the 1988 Supreme Court decision in the case of the *Public Prosecutor versus Che Omar*.

"Therefore, legally, we cannot see how it can be interpreted differently now," he said.

Wong added that the fact that Muslims were the majority did not in itself make Malaysia an Islamic state but "rather, Malaysia is a secular state with the majority being Muslim."