



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

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

123 ,Jalan Berhala, Brickfields, 50470 Kuala Lumpur. Tel: 03-2273 9304 Fax : 03- 2273 9307 Email : mccbchst@yahoo.com Website:<http://harmonymalaysia.wordpress.com>

Date: 28 November 2020

MCCBCHST STATEMENT

SALE RESTRICTIONS SUPPORTED BUT TOTAL BAN ON SALE UNCONSTITUTIONAL

1. The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) notes that the Dewan Bandaraya Kuala Lumpur (DBKL) has issued guidelines effective 15th November, 2020 which stipulate amongst others that: "Sundry shops and convenience stores will no longer be allowed to sell liquors effective 1st October 2021". Traditional Chinese Medical (TCM) halls are also subject to the ban (except for liquor products for traditional medicine purposes). [Malaysiakini 16/11/2020].
2. The Ban on Drink driving, limiting liquor sales to those above 18 years, limiting liquor sales to certain hours or imposing such other reasonable conditions are supported. But to impose total ban on sundry shops, convenience stores, grocery shops and TCM halls beginning 1st October 2021 will be unconstitutional as it violates non-Muslim rights under Article 11. Some non-Muslim religions adherents including natives of Sabah & Sarawak take liquor during cultural and religious ceremonies.
3. Former Armed Forces Chief general (Rtd) Hashim Mohd Ali has come out in opposition to the ban on the sale of liquor at Sundry shops, grocery stores, convenience stores and chinese medicine shops from October next year by Kuala Lumpur City Hall (DBKL).

4. Hashim Mohd Ali also voiced his support for the statement by Persatuan Patriot Kebangsaan President Brig-General (Rtd) Mohamad Arshad Ali that “while it is not his business to promote alcohol consumption, the government must respect the rights of non-Muslims as we live in a multi-religious country and for many generations, there have been no problems on the sale of liquor from these outlets”. [Malaysiakini 24/11/2020]
5. The right under Article 11 of the constitution to Freedom of Religion cannot be even violated during an Emergency (Article 150 (6A) of the Federal Constitution. This position was confirmed by the Supreme Court in the celebrated case of Joshua Jamaluddin.
6. The Ministers and MP’s have taken an oath to “bear true faith and allegiance to Malaysia, and will preserve protect and defend the Constitution”. Despite this, the Deputy Minister for Religious Affairs was reported to have said that the government has not ruled out the possibility of expanding the ban to all sundry shops, groceries, convenient stores and TCM halls across the country. These outlets number a few thousand and the owners have said that this total ban is infringing on their rights, is anti-business and victimises them although they are law-abiding and tax-paying business owners.
7. The guidelines are made under by-law allowing restrictions to be imposed. It does not allow for a total ban to be imposed, more so as it is selectively imposed on these outlets but at other places, liquor is allowed to be sold.
8. The MCCBCHST therefore calls upon the government to follow other countries worldwide which impose regulations for sale and consumption of liquor but not a total ban on the sales as it is done now for sundry shops, convenient stores, grocery stores and TCM halls. Under Covid-19 these businesses are already facing hard times and thus the total ban on sale will make matters worse.

9. The Federal Territories Minister Annuar Musa had on 22 July, 2020 in a written reply in Parliament stated that “DBKL is studying and bench marking liquor licence issuing models in other countries, such as Singapore which limits the time liquor can be purchased, (as) the retail sale of alcohol beverages is prohibited between 10.30 pm to 7.00 am”. Similarly, in our country the sale of liquor in these outlets can be limited to say from 7.00 am to 10.00 pm but not a total ban imposed which will be unconstitutional.

<End of Statement>

Statement issued and endorsed by:



Archbishop Julian Leow Beng Kim
President
MCCBCHST



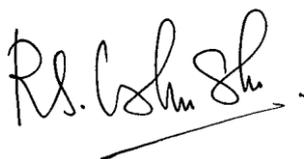
Sardar Jagir Singh Arjan Singh
Deputy President
MCCBCHST



Dao Zhang Tan Hoe Chiew
Vice President
MCCBCHST



Venerable Sing Kan
Vice President
MCCBCHST



Datuk RS Mohan Shan
Vice President
MCCBCHST