

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MAINTENANCE OF RELIGIOUS HARMONY ACT
(CHAPTER 167A)**

Act
26 of 1990

REVISED EDITION 1991

Maintenance of Religious Harmony Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement.
2. Interpretation.

PART II

ESTABLISHMENT OF PRESIDENTIAL COUNCIL FOR RELIGIOUS HARMONY

3. Establishment of Presidential Council for Religious Harmony.
4. Functions of Council.
5. Validity of Council's actions.
6. Members are public servants and protected from legal action.
7. Secrecy.

PART III

RESTRAINING ORDERS

8. Restraining orders against officials or members of religious group or institution.
9. Restraining orders against other persons.
10. Council to be informed of proposed restraining orders.
11. Restraining orders to be referred to Council.
12. Restraining orders to be confirmed by President.
13. Extension of restraining order.
14. Review of restraining order.
15. Publication.
16. Penalty for breach of restraining order.
17. Sanction of Public Prosecutor.
18. Decisions under this Act not justiciable.
19. Regulations.

An Act to provide for the maintenance of religious harmony and for establishing a Presidential Council for Religious Harmony and for matters connected therewith.

[*]

PART I
PRELIMINARY

Short title
and com-
mencement.

1. This Act may be cited as the Maintenance of Religious Harmony Act and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpre-
tation.

2. In this Act, unless the context otherwise requires —

“Council” means the Presidential Council for Religious Harmony constituted under section 3;

“Presidential Council for Minority Rights” means the Presidential Council for Minority Rights constituted under Part VII of the Constitution of the Republic of Singapore;

“publication” includes any newsletter, journal, periodical, book, film, videotape, audio tape or any written, pictorial, aural or printed matter containing any audio or visible representation which by its images, form, shape or sound or in any other manner is capable of suggesting words or ideas, and every copy and reproduction or substantial reproduction of any publication;

“religious institution” includes a church, cathedral, chapel, sanctuary, mosque, surau, temple, synagogue or other place of worship;

“religious group” includes —

(a) any company or other body corporate incorporated under the Companies Act or any other written law for the purpose of promoting any religion, religious worship or dealing with religious affairs or practising, conducting, teaching or propagating any religious belief; and

(b) any body of persons, whether or not registered as a society under the Societies Act,

Cap. 50.

Cap. 311.

* No date has yet been appointed for the coming into operation of this Act.

whose object is the promotion of any religion, religious worship or the practice, conduct, teaching or propagating of any religious belief.

PART II

ESTABLISHMENT OF PRESIDENTIAL COUNCIL FOR RELIGIOUS HARMONY

3.—(1) There shall be a Presidential Council for Religious Harmony comprising a chairman and not less than 6 and not more than 15 other members.

Establishment of Presidential Council for Religious Harmony.

(2) Not less than two-thirds of the members of the Council shall be representatives of the major religions in Singapore and the other members shall be persons who, in the opinion of the Presidential Council for Minority Rights, have distinguished themselves in public service or community relations in Singapore.

(3) The chairman and every member of the Council shall be appointed by the President, on the advice of the Presidential Council for Minority Rights, for a period of 3 years all of whom shall be eligible for reappointment:

Provided that a member, other than the chairman, may be appointed for any shorter period of not less than one year.

(4) The President may, after consultation with the Presidential Council for Minority Rights, at any time revoke the appointment of the chairman or any member of the Council and may, on the advice of the Presidential Council for Minority Rights, appoint any person to fill any vacancy which may arise in the Council for any reason whatsoever.

(5) No person shall be qualified to be appointed as a member of the Council unless —

- (a) he is a citizen of Singapore;
- (b) he is not less than 35 years of age;
- (c) he is resident in Singapore; and
- (d) he is not liable to any of the disqualifications provided in subsection (6).

(6) A person shall be disqualified for appointment as a member of the Council who —

- (a) is or has been found or declared to be of unsound mind;
- (b) is insolvent or an undischarged bankrupt;
- (c) has been convicted of an offence by a court in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000 and has not received a free pardon:

Provided that where the conviction is by a court in Malaysia, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court in Singapore; or

- (d) has voluntarily acquired the citizenship of, or exercised the rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country.

(7) A member shall vacate his seat in the Council —

- (a) if he ceases to be a citizen of Singapore;
- (b) if by writing under his hand addressed to the chairman he resigns his seat; or
- (c) if he becomes subject to any of the disqualifications provided in subsection (6).

Functions
of Council.

4.—(1) The functions of the Council shall be —

- (a) to consider and report to the Minister on matters affecting the maintenance of religious harmony in Singapore which are referred to the Council by the Minister or by Parliament; and
- (b) to consider and make recommendations on orders referred to the Council by the Minister under section 11.

(2) The Council shall have the power to appoint a Secretary to the Council and such other officers as may be required to enable the Council to carry out its functions under this Act.

(3) The Council may, subject to the provisions of this Act, regulate its own procedure.

(4) The Council shall not transact any business unless a quorum of not less than half of its members, including the chairman or member presiding, is present.

(5) The chairman, if present, shall preside at all meetings of the Council.

(6) Whenever the office of chairman is vacant or the chairman for any reason is unable to attend a meeting, such other member as the members present shall elect shall preside at the meeting.

5. The Council may, subject to section 4 (4), transact its business notwithstanding any vacancy among its members and the proceedings or any decision of the Council shall be valid notwithstanding any defect in the appointment of its members or that some person who was not entitled to do so took part in its proceedings.

Validity of Council's actions.

6.—(1) Every member or officer of the Council shall be deemed to be a public servant within the meaning of the Penal Code.

Members are public servants and protected from legal action.
Cap. 224.

(2) Nothing done by any member or officer of the Council in good faith and in the discharge of the powers and functions of the Council shall render him liable to any suit or action.

7. Except as provided for by section 15, the proceedings of the Council shall be secret and no member or officer thereof shall disclose or divulge to any person, other than the President, the Minister, the Secretary or any member of the Council, any matter which has arisen at any meeting of the Council unless he is expressly authorised to do so by the Minister.

Secrecy.

PART III

RESTRAINING ORDERS

8.—(1) Where the Minister is satisfied that any priest, monk, pastor, imam, elder, office-bearer or any other person who is in a position of authority in any religious group or institution or any member thereof has committed or is attempting to commit any of the following acts:

Restraining orders against officials or members of religious group or institution.

(a) causing feelings of enmity, hatred, ill-will or hostility between different religious groups;

- (b) carrying out activities to promote a political cause, or a cause of any political party while, or under the guise of, propagating or practising any religious belief;
- (c) carrying out subversive activities under the guise of propagating or practising any religious belief; or
- (d) exciting disaffection against the President or the Government of Singapore while, or under the guise of, propagating or practising any religious belief,

he may make a restraining order against that person for the purposes specified in subsection (2).

(2) An order made under subsection (1) may be made against the person named therein for the following purposes:

- (a) restraining him from addressing orally or in writing any congregation, parish or group of worshippers or members of any religious group or institution on any subject, topic or theme as may be specified in the order without the prior permission of the Minister;
- (b) restraining him from printing, publishing, editing, distributing or in any way assisting or contributing to any publication produced by any religious group without the prior permission of the Minister;
- (c) restraining him from holding office in an editorial board or a committee of a publication of any religious group without the prior permission of the Minister.

(3) Any order made under this section shall be for such period, not exceeding two years, as may be specified therein.

(4) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made and the head or governing body or committee of management of the religious group or institution which is to be named in the proposed order, notice of his intention to make the order together with the grounds and allegations of fact in support thereof and of their right to make written representations to the Minister and the

Minister shall have regard to such representations in making the order.

(5) All written representations under subsection (4) must be made within 14 days of the date of the notice of the Minister's intention to make an order under this section.

9.—(1) Where the Minister is satisfied that —

(a) any person is inciting, instigating or encouraging any religious group or religious institution or any person mentioned in subsection (1) of section 8 to commit any of the acts specified in that subsection;

(b) any person, other than persons mentioned in subsection (1) of section 8, has committed or is attempting to commit any of the acts specified in paragraph (a) of that subsection,

he may make a restraining order against him.

(2) Without affecting the generality of subsection (1), an order made under this section may restrain the person named therein from addressing or advising any religious group or religious institution or any member thereof or making any statement or causing any statement to be made, whether orally or in writing, concerning or affecting the relations between that religious group or religious institution and the Government or any other religious group or religious institution.

(3) Any order made under this section shall be for such period, not exceeding two years, as may be specified therein.

(4) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made and the head or governing body or committee of management of the religious group or institution, if any, which is to be named in the proposed order, notice of his intention to make the order together with the grounds and allegations of fact in support thereof and of their right to make written representations to the Minister and the Minister shall have regard to such representations in making the order.

(5) All written representations under subsection (4) must be made within 14 days of the date of the notice of the Minister's intention to make an order under this section.

Restraining
orders
against other
persons.

Council to be informed of proposed restraining orders.

10. A copy of any notice, grounds and allegations of fact given under section 8 (4) or 9 (4) shall forthwith be given to the Council which may give its views, if any, on the proposed order to the Minister within 14 days of the date of the notice and the Minister shall have regard to the views of the Council in making the order.

Restraining orders to be referred to Council.

11.—(1) Every order made by the Minister under section 8 or 9 must, within 30 days of the date of the order, be referred to the Council.

(2) The Council must consider the order together with the grounds and all facts or documents tendered by the Minister in support of the making of the order, and the representations, if any, received by the Minister prior to the making of the order.

(3) Where the Council considers it necessary for its deliberations, the Council may invite a person against whom an order is made to be present for oral examination by the Council at a meeting convened for this purpose.

(4) The Council must, within 30 days of the receipt of the order and the necessary documents, make its recommendations to the President.

(5) The Council may recommend that the order be confirmed, cancelled or varied in any manner.

Restraining orders to be confirmed by President.

12.—(1) Every order made under section 8 or 9 shall cease to have effect unless it is confirmed by the President within 30 days from the date the Council's recommendations are received by the President.

(2) The President shall consider the recommendations of the Council and may cancel or confirm the order and in confirming the order may make such variations as he thinks fit.

(3) The President shall, in the exercise of his functions under this section, act on the advice of the Cabinet except where the Constitution provides that he may act in his discretion when the advice of the Cabinet is contrary to the Council's recommendations.

13.—(1) The Minister may, before the expiration of an order made under section 8 or 9, direct that the period of such order be extended for a further period or periods not exceeding two years at a time. Extension of restraining order.

(2) Sections 11 and 12 shall apply to any extension of an order in the same manner as they apply to the making of an order under section 8 or 9.

14.—(1) Every order made or extended under this Part shall, so long as it remains in force, be reviewed by the Minister at intervals of not more than 12 months and the first of such reviews shall take place not more than 12 months after the date the order was made or extended. Review of restraining order.

(2) The Minister may at any time revoke an order made under section 8 or 9.

15. The Minister shall cause a restraining order made under section 8 or 9, any revocation, variation, extension or confirmation thereof or any recommendations of the Council to be published in the *Gazette*. Publication.

16.—(1) Any person who contravenes any provision of an order made under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a second or subsequent offence, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 years or to both. Penalty for breach of restraining order.

(2) Notwithstanding the provisions of any written law to the contrary, a District Court shall have the jurisdiction to impose the maximum penalty prescribed for an offence under this Act.

17. No court shall take cognizance of any offence under this Act except with the consent of the Public Prosecutor. Sanction of Public Prosecutor.

18. All orders and decisions of the President and the Minister and recommendations of the Council made pursuant to this Act shall be final and shall not be called in question in any court. Decisions under this Act not justiciable.

Regulations.

19. The Minister may make such regulations as appear to him necessary or expedient for the purposes of carrying out the provisions of this Act and may, in particular, provide for —

- (a) the procedures, conduct and meetings of the Council;
- (b) the service or publication of any notice, order or the extension, revocation, variation or confirmation thereof, or any recommendation of the Council, or any other document made under this Act; and
- (c) the procedures for and manner of making representations to the Minister or the Council.