



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**MAINTENANCE OF RELIGIOUS  
HARMONY ACT 1990**

**2020 REVISED EDITION**

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# Maintenance of Religious Harmony Act 1990

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

[31 March 1992]

## PART 1

## PRELIMINARY

**Short title**

1. This Act is the Maintenance of Religious Harmony Act 1990.

**Interpretation**

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 7 of the Constitution of the Republic of Singapore;

“publication” includes any newsletter, journal, periodical, book, film, videotape, audiotape 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 1967 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 1966, whose object is the promotion of any religion, religious worship or the practice, conduct, teaching or propagating of any religious belief.

## PART 2

### ESTABLISHMENT OF PRESIDENTIAL COUNCIL FOR RELIGIOUS HARMONY

#### **Establishment of Council**

3.—(1) A Presidential Council for Religious Harmony is constituted, comprising a chairperson and at least 6 and not more than 15 other members.

(2) At least two-thirds of the members of the Council must be representatives of the major religions in Singapore and the other members must be individuals who, in the opinion of the Presidential Council for Minority Rights, have distinguished themselves in public service or community relations in Singapore.

(3) The chairperson and every member of the Council are to be appointed by the President, on the advice of the Presidential Council for Minority Rights, for a period of 3 years all of whom are eligible for re-appointment.

(4) Despite subsection (3), a member, other than the chairperson, may be appointed for any shorter period of at least one year.

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

(6) The President may, acting in the President's discretion, refuse to appoint any individual as chairperson or member of the Council or to revoke any such appointment if the President does not concur with the advice or recommendation of the Presidential Council for Minority Rights.

(7) No individual is qualified to be appointed as a member of the Council unless the individual is —

- (a) a citizen of Singapore;
- (b) at least 35 years of age;
- (c) resident in Singapore; and
- (d) not liable to any of the disqualifications provided in subsection (8).

(8) An individual is disqualified for appointment as a member of the Council if the individual —

- (a) has a mental disorder and is incapable of managing oneself or the individual's affairs;
- (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, except that where the conviction is by a court in Malaysia, the individual is not 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.

[21/2008]

- (9) A member must vacate the member's seat in the Council if —
- (a) the member ceases to be a citizen of Singapore;
  - (b) by writing under the hand of the member addressed to the chairperson the member resigns the member's seat; or
  - (c) the member becomes subject to any of the disqualifications provided in subsection (8).

### **Functions of Council**

4.—(1) The functions of the Council are —

- (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 has the power to appoint a Secretary to the Council and any 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 must not transact any business unless a quorum of at least half of its members, including the chairperson or member presiding, is present.

(5) The chairperson, if present, presides at all meetings of the Council.

(6) Whenever the office of chairperson is vacant or the chairperson for any reason is unable to attend a meeting, any other member that the members present elect presides at the meeting.

**Validity of Council's actions**

5.—(1) The Council may, subject to section 4(4), transact its business despite any vacancy among its members.

(2) The proceedings or any decision of the Council are valid despite any defect in the appointment of its members or that some person who was not entitled to do so took part in its proceedings.

**Members are public servants and protected from legal action**

6.—(1) Every member or officer of the Council is deemed to be a public servant within the meaning of the Penal Code 1871.

(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 renders the member or officer liable to any suit or action.

**Secrecy**

7.—(1) Except as provided under section 15, the proceedings of the Council are secret.

(2) A member or officer of the Council must not 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 the member or officer is expressly authorised to do so by the Minister.

**PART 3****RESTRAINING ORDERS****Restraining orders against officials or members of religious group or institution**

8.—(1) The Minister may make a restraining order against 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 for the purposes specified in subsection (2) where the Minister is satisfied that that person has committed or is attempting to commit any of the following acts:



- (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 while, or under the guise of, propagating or practising any religious belief.

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

- (a) restraining the person 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 the person 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 the person 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 2 years, as may be specified in the order.

(4) Before making an order under this section, the Minister must 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 the Minister's 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.

(5) The Minister must have regard to such representations in making the order.

(6) 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**

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 the person.

(2) Without limiting subsection (1), an order made under this section may restrain the person named in the order 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 2 years, as may be specified in the order.

(4) Before making an order under this section, the Minister must 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 the Minister's 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.

(5) The Minister must have regard to such representations in making the order.

(6) 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.

### **Council to be informed of proposed restraining orders**

**10.**—(1) A copy of any notice, grounds and allegations of fact given under section 8(4) or 9(4) must immediately 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.

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

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

### **Extension of restraining order**

**13.**—(1) The Minister may, before the expiry of an order made under section 8 or 9, direct that the period of the order be extended for a further period or periods not exceeding 2 years at a time.

(2) Sections 11 and 12 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.

### **Review of restraining order**

**14.**—(1) Every order made or extended under this Part must, 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 must take place not more than 12 months after the date the order was made or extended.

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

### **Publication**

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

### **Penalty for breach of restraining order**

**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.

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

### **Consent of Public Prosecutor**

17. A court is not to try any offence under this Act except with the consent of the Public Prosecutor.

*[15/2010]*

### **Decisions under Act not justiciable**

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

### **Regulations**

19. The Minister may make any regulations that appear to the Minister 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.

LEGISLATIVE HISTORY  
MAINTENANCE OF RELIGIOUS  
HARMONY ACT 1990

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

**1. Act 26 of 1990 — Maintenance of Religious Harmony Act 1990**

Bill	:	14/1990
First Reading	:	12 June 1990
Second Reading	:	18 July 1990
Select Committee Report	:	Parl. 7 of 1990
Third Reading	:	9 November 1990
Commencement	:	31 March 1992

*Note: This Act was amended by the Statutes (Miscellaneous Amendments) Act 1991 (Act 11 of 1991) before it came into force. It was brought into force after it was revised in 1991.*

**2. 2001 Revised Edition — Maintenance of Religious Harmony Act (Chapter 167A)**

Operation	:	31 July 2001
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**3. Act 21 of 2008 — Mental Health (Care and Treatment) Act**  
(Amendments made by section 33 read with item 1(28) of the Second Schedule to the above Act)

Bill	:	11/2008
First Reading	:	21 July 2008
Second and Third Readings	:	15 September 2008
Commencement	:	1 March 2010 (section 33 read with item 1(28) of the Second Schedule)

**4. Act 15 of 2010 — Criminal Procedure Code 2010**  
(Amendments made by section 430 read with item 59 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010

Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 59 of the Sixth Schedule)

### Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number