

After lengthy battle, court tells Selangor Islamic enforcers to keep hands off Ahmadis

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KUALA LUMPUR, July 6 ? The Shah Alam High Court decided today that the Shariah Court has no jurisdiction over members of the Ahmadiyya community, as the Selangor Islamic Religious Department (Jais) has refused to recognise the Muslim sect as adherents.

The Ahmadiyya community's spokesman Ainul Yakin M. Zain confirmed the decision to *Malay Mail*, following a lengthy judicial review after 39 Ahmadis were arrested by Jais in 2014.

“Thank Allah, the Malaysian court has held to justice and given proper justice to the Ahmadiyya community on this historic day,” the community said in a statement.

The Ahmadis were seeking a judicial review following Jais' arrest of its community members — which included eight Pakistani asylum seekers, two Indian nationals, one Indonesian and three minors — on April 11, 2014 for performing Friday prayers in a place that was not a mosque.

The group was told that it had not obtained written permission to use the premises — a shophot in Dolomite Park, Batu Caves — for purposes which may only be carried out on, in or by a mosque, contrary to Section 97 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003.

The Ahmadis, who are derogatorily called Qadianis here, adhere to the same beliefs as the Sunni branch



of Islam, but also believe that their founder Mirza Ghulam Ahmad was the Imam Mahdi, Islam's prophesied redeemer.

Justice Datuk Vazeer Alam Mydin Meera declared today that Jais has no rights to stop the community from worship, nor to charge them with Shariah offences.

The five respondents ? Jais, its chief religious enforcement officer, its investigating officer, Selangor chief Shariah prosecutor, and the Selangor government ? were also ordered to pay the applicants RM25,000 in costs.

The group was granted leave by the Kuala Lumpur High Court on August 14, 2014, before the proceedings were transferred to the Shah Alam High Court on September 15, 2015. A stay of proceedings was granted on February 5, 2016 pending the judicial review.

On May 5, 2017, an application was filed at the High Court to refer constitutional law questions to the Federal Court for determination, and on September 29 that year, it was allowed.

Two constitutional law questions were posed to the Federal Court: Whether the Shariah court has the jurisdiction to try offences relating to mosques, and whether the Shariah court has jurisdiction over members of the Ahmadiyya community.

However, on March 26 last month, the Federal Court referred the case back to the Shah Alam High Court.

“With a new leadership of Pakatan Harapan, the Ahmadiyya community hopes the government can hold fast to the Federal Constitution where all citizens' right to worship is guaranteed, as long as they do not disturb the country's peace,” the community said today.

It also told Putrajaya to not worry, since the community promotes peace and practice its motto of “Love for All, Hatred for None”.

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