

MUFTI (FEDERAL TERRITORIES) BILL 2024

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

Clause

1. Short title, application and commencement
2. Interpretation

PART II

MUFTI AND DEPUTY MUFTI

3. Mufti and Deputy Mufti
4. Functions of Mufti and Deputy Mufti
5. Revocation of appointment and resignation of office
6. Vacation of office

PART III

FATWA COMMITTEE

7. Establishment of *Fatwa* Committee
8. Functions of *Fatwa* Committee
9. Revocation of appointment and resignation of office

PART IV

ISSUANCE OF *FATWA*

10. Procedure of issuing *fatwa*
11. *Fatwa* to be binding and recognized
12. Amendment, modification and revocation of *fatwa*
13. Procedure in issuing *fatwa* affecting national interest

Clause

14. Advice and recommendation of *Muzakarah* Committee
15. Opinion of Mufti
16. Guide for issuing *fatwa*

PART V

DETERMINATION OF *QIBLA* DIRECTION

17. Determination of *qibla* direction
18. Offences

PART VI

FALAK SYARIE COMMITTEE

19. Establishment of *Falak Syarie* Committee
20. Functions of *Falak Syarie* Committee
21. Revocation of appointment and resignation of office

PART VII

RUKYAH HILAL COMMITTEE

22. Establishment of *Rukayh Hilal* Committee
23. Functions of *Rukyah Hilal* Committee
24. Revocation of appointment and resignation of office
25. Determination of beginning of month of *Ramadan*, *Syawal* and *Zulhijah*

PART VIII

ISLAMIC RELIGIOUS TEACHING SUPERVISORY COMMITTEE
AND *AKIDAH* CONSULTANT

26. Establishment of Islamic Religious Teaching Supervisory Committee
27. Functions and powers of Islamic Religious Teaching Supervisory Committee
28. Revocation of appointment and resignation of office
29. *Akidah* consultant

PART IX

MISCELLANEOUS

Clause

30. Fees
31. Allowances
32. Protection against suits and legal proceedings
33. Public Authorities Protection Act 1948
34. Public servant
35. Power to make rules
36. Power to amend Schedules

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

A BILL

i n t i t u l e d

An Act to provide for matters relating to the Mufti, the determination of matters of Islamic law and doctrine and related matters.

[]

WHEREAS Parliament may make laws regarding the government and administration of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya including Islamic law therein to the same extent as provided for in item 1 in the State List as provided in the Federal List under item 6(e) of List I of the Ninth Schedule of the Federal Constitution:

NOW, THEREFORE, pursuant to Clause (1) of Article 74 of the Federal Constitution, IT IS ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Mufti (Federal Territories) Act 2024.

(2) This Act shall apply to the Federal Territories of Kuala Lumpur, Labuan and Putrajaya.

(3) This Act comes into operation on a date to be appointed by the Yang di-Pertuan Agong by notification in the *Gazette* and the Yang di-Pertuan Agong may appoint different dates for the coming into operation of different parts or provisions of this Act.

Interpretation

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

“Islamic Law” has the meaning assigned to it in subsection 2(1) of the Administration of Islamic Law (Federal Territories) Act 1993 [*Act 505*];

“*Falak Syarie* Committee” means the *Falak Syarie* Committee of the Federal Territories established under subsection 19(1);

“*Fatwa* Committee” means the *Fatwa* Committee of the Federal Territories established under subsection 7(1);

“*Rukyah Hilal* Committee” means the *Rukyah Hilal* Committee of the Federal Territories established under subsection 22(1);

“*Muzakarah* Committee” means the *Muzakarah* Committee established by the Malaysian National Council of Islamic Religious Affairs (MKI);

“Islamic Religious Teaching Supervisory Committee” means the Islamic Religious Teaching Supervisory Committee of the Federal Territories established under subsection 26(1);

“Syariah Court” has the meaning assigned to it in subsection 2(1) of the Administration of Islamic Law (Federal Territories) Act 1993;

“Majlis” means Majlis Agama Islam Wilayah Persekutuan established under subsection 4(1) of the Administration of Islamic Law (Federal Territories) Act 1993;

“Minister” means the Minister charged with the responsibility for the administration of the religion of Islam in the Federal Territories;

“Mufti” or “Deputy Mufti” means the person appointed under subsection 3(1) to be the Mufti or the Deputy Mufti for the Federal Territories.

(2) For the avoidance of doubt as to the identity or interpretation of the words and expressions used in this Act that are listed in the First Schedule, reference may be made to the Arabic script for those words and expressions as shown against them in the First Schedule.

PART II

MUFTI AND DEPUTY MUFTI

Mufti and Deputy Mufti

3. (1) The Yang di-Pertuan Agong may, on the advice of the Minister after consulting the Majlis, appoint a Mufti and such number of Deputy Mufti for the Federal Territories.

(2) A person is qualified to be a Mufti or a Deputy Mufti if—

- (a) he is a citizen of Malaysia;
- (b) he is an *Ahli Sunah Waljamaah*; and
- (c) he has expertise in Islamic Law.

(3) The appointment of the Mufti and the Deputy Mufti shall be published in the *Gazette*.

(4) For the purposes of this section, “*Ahli Sunah Waljamaah*” means any person who upholds to the Quran and Sunah—

- (a) in respect of *akidah*, by following the principles sourced from *al-Asyairah* and *al-Maturidiyah* stream;
- (b) in respect of *syariah*, by following the *Mazhab Syafie* or in certain circumstances follow any one of the *Mazhab Hanafi*, *Maliki* or *Hanbali* or legal *ijtihad* which has been decided by the *Fatwa* Committee; and
- (c) in respect of *sufism*, by following the principles brought by *Imam Junaid al-Baghdadi* and *Imam al-Ghazali*.

Functions of Mufti and Deputy Mufti

4. (1) The Mufti shall aid and advise the Yang di-Pertuan Agong in respect of all matters of Islamic Law, and in all such matters shall be the chief authority in the Federal Territories after the Yang di-Pertuan Agong, except where otherwise provided in this Act.

(2) The Deputy Mufti shall assist and exercise any duty of the Mufti in the absence of the Mufti and act under the control and direction of the Mufti.

Revocation of appointment and resignation of office

5. (1) The Yang di-Pertuan Agong may, on the advice of the Minister after consulting the Majlis at any time, revoke the appointment of the Mufti and Deputy Mufti appointed under subsection 3(1).

(2) The Mufti and the Deputy Mufti may, at any time, resign by giving a notice in writing to the Yang di-Pertuan Agong.

Vacation of office

6. The office of the Mufti or the Deputy Mufti shall be vacated if—

(a) he dies;

(b) there has been proven against him, or he has been convicted on a charge in respect of a criminal offence;

(c) he becomes an undischarged bankrupt; or

(d) he becomes of unsound mind or is otherwise incapable of discharging his duties.

PART III

FATWA COMMITTEE

Establishment of *Fatwa* Committee

7. (1) A committee to be known as the “*Fatwa* Committee of the Federal Territories” is established for the purposes of this Act.

(2) The *Fatwa* Committee shall consist of the following members:

- (a) the Mufti who shall be the Chairman;
- (b) the Deputies Mufti;
- (c) the Director General of the Department of Islamic Development of Malaysia or his representative;
- (d) two members of the Majlis nominated by the Majlis;
- (e) a representative from the Attorney General’s Chambers who is a Muslim;
- (f) a representative from the Federal Territory Islamic Religious Department; and
- (g) not less than two but not more than nine other members who are fit and proper from among Muslims who shall be appointed by the Yang di-Pertuan Agong.

(3) A member appointed under paragraph (2)(g) shall hold office for a term not exceeding three years and shall be eligible for reappointment.

(4) The Mufti shall appoint an Islamic Affairs Officer who is fit and proper to be the Secretary.

(5) The provisions in the Second Schedule shall apply to the *Fatwa* Committee.

Functions of *Fatwa* Committee

8. The *Fatwa* Committee shall have the following functions:

- (a) to discuss any issues and questions relating to Islamic Law;
- (b) to issue a *fatwa* on any issue relating to Islamic Law either on the direction of the Yang di-Pertuan Agong, on the initiative of the Mufti or on the request of any person;
- (c) to deliberate the opinion on Islamic Law, advice and recommendation made by the *Muzakarah* Committee on the issues and questions on Islamic Law and the need for the issuance of *fatwa*;
- (d) to draft and prepare the *sighah fatwa*; and
- (e) to do such other things as it thinks fit to enable it to perform its function effectively or which are incidental to the performance of its functions.

Revocation of appointment and resignation of office

9. (1) The Yang di-Pertuan Agong may, at any time, revoke the appointment of the members of the *Fatwa* Committee appointed under paragraph 7(2)(g).

(2) The members of the *Fatwa* Committee appointed under paragraph 7(2)(g) may, at any time, resign by giving a notice in writing to the Yang di-Pertuan Agong through the Mufti.

PART IV

ISSUANCE OF *FATWA*

Procedure of issuing *fatwa*

10. (1) Mufti may, before making and issuing any *fatwa*—

- (a) direct any person to carry out a study or research relating to the issue or question concerned;

- (b) summon any relevant person to provide an explanation in relation to the study or research which has been carried out or in relation to the issue or questions raised; and
- (c) direct the person who has carried out the study or research to prepare a *fatwa* research paper.

(2) If the Mufti finds that a *fatwa* needs to be issued pertaining to the issue or question, the Mufti shall direct a meeting of the *Fatwa* Committee to be summoned for the purpose of discussing the proposed *fatwa*.

(3) After the proposed *fatwa* is approved by the *Fatwa* Committee, the Mufti shall make a recommendation to the Yang di-Pertuan Agong for his assent for the publication of the *fatwa* in the *Gazette*.

(4) The *fatwa* which has been assented by the Yang di-Pertuan Agong shall be published in the *Gazette*.

(5) The procedure of issuing *fatwa* under this section shall be applicable for *fatwa* issued under sections 13 and 14 of this Act.

(6) Any other ruling of Islamic Law which is not published in the *Gazette*, shall remain to be respected and be a guidance of Islamic Law for Muslims in the Federal Territories.

***Fatwa* to be binding and recognized**

11. A *fatwa* shall—

- (a) be binding on every Muslim in the Federal Territories as his religious teachings and shall be his religious duty to abide by and uphold to the *fatwa*; and
- (b) be recognized by any court in respect of all matters stated in the *fatwa*.

Amendment, modification and revocation of *fatwa*

12. The Mufti may, on his own initiative or on the request of any person, after consultation with the *Fatwa* Committee, amend, modify or revoke any *fatwa* that has been issued and the procedure specified in section 10 shall apply with the necessary modifications in respect of any amendment, modification or revocation of the *fatwa*.

Procedure in issuing *fatwa* affecting national interest

13. (1) If the *Fatwa* Committee finds that an issue or question on Islamic Law which in need for the issuance of *fatwa* affecting the national interest, the Mufti may submit the issue or question to the *Muzakarah* Committee.

(2) If the *Muzakarah* Committee issues an opinion in Islamic Law that—

(a) a *fatwa* to be issued in relation to that issue or question;
or

(b) any other *fatwa* on that matter to be issued,

and the *Fatwa* Committee agrees with the opinion issued by the *Muzakarah* Committee, the Mufti may cause the *fatwa* to be issued according to that opinion with or without amendment.

Advice and recommendation of *Muzakarah* Committee

14. (1) The *Fatwa* Committee may adopt any advice and recommendation of the *Muzakarah* Committee regarding any religious act, observance or ceremony which has been agreed or disagreed upon by the Conference of Rulers as a religious act, observance or ceremony which extends to the entire Malaysia pursuant to paragraph (b) of Clause (2) of Article 38 of the Federal Constitution.

(2) If the *Fatwa* Committee adopts the advice and recommendation referred to in subsection (1), the *Fatwa* Committee may issue a *fatwa* based on the advice and recommendation for the purposes of its application in the Federal Territories.

Opinion of Mufti

15. (1) The court may, if any question on Islamic Law need to be decided, request for the opinion of the Mufti in writing.

(2) The opinion of the Mufti may be served as a guidance to the court but shall not be binding.

(3) The Mufti shall not be summoned to give an opinion or evidence relating to Islamic Law in any court.

Guide for issuing *fatwa*

16. (1) In issuing any *fatwa* relating to *syariah*—

(a) the *Fatwa* Committee shall follow *qaul muktamad* of the *Mazhab Syafie*;

(b) if the *Fatwa* Committee is of the opinion that by following *qaul muktamad* of the *Mazhab Syafie* will lead to a situation which is repugnant to public interest, the *Fatwa* Committee may follow *qaul muktamad* of any one of the *Mazhab Hanafi*, *Maliki* or *Hanbali*; and

(c) if the *Fatwa* Committee is of the opinion that by following *qaul muktamad* of the *Mazhab Syafie*, *Hanafi*, *Maliki* or *Hanbali* will lead to a situation which is repugnant to the public interest, the *Fatwa* Committee may make the *fatwa* according to *ijtihad* without being bound by the *qaul muktamad* of any of the *Mazhab*.

(2) For the purposes of subsection (1), “*qaul muktamad*” means the final opinion which becomes the principles in a *Mazhab*.

(3) In issuing any *fatwa* relating to the *akidah*, the *Fatwa* Committee shall follow the principles sourced from *al-Asyairah* and *al-Maturidiyah* stream.

(4) In issuing any *fatwa* relating to *sufism*, the *Fatwa* Committee shall follow the principles brought by *Imam Junaid al-Baghdadi* and *Imam al-Ghazali*.

PART V

DETERMINATION OF *QIBLA* DIRECTION**Determination of *qibla* direction**

17. (1) The Mufti shall have the power to determine, review and verify the *qibla* direction.

(2) Any application to determine, review and verify the *qibla* direction for any place including mosques, *surau* and graves shall be made to the Mufti in the manner as may be determined by the Mufti.

(3) The Mufti shall, on receipt of the application under subsection (2), cause a study to be carried out to ensure that the calculation and position of latitude, longitude and azimuth are correct and conform to the *qibla* direction according to Islamic Law.

(4) The Mufti may, on being satisfied with the validity of the determination or the review of the *qibla* direction made under subsection (3), issue a certificate of verification of *qibla* direction.

(5) Notwithstanding subsections (1) and (2), the Mufti may grant permission to any other person who has the expertise in the field of *falak Syarie* to determine and verify the *qibla* direction for private premises.

Offences

18. (1) Any person who—

- (a) issues a certificate of verification of *qibla* without permission from the Mufti;
- (b) determines, reviews or verifies the *qibla* direction without permission from the Mufti; or
- (c) intentionally alters the *qibla* direction which has been verified by the Mufti under subsection 17(4),

commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(2) The Syariah Court shall have jurisdiction to try offences under this section.

PART VI

FALAK SYARIE COMMITTEE

Establishment of *Falak Syarie* Committee

19. (1) A committee to be known as the “*Falak Syarie* Committee of the Federal Territories” is established for the purposes of this Act.

(2) The *Falak Syarie* Committee shall consist of the following members:

- (a) the Mufti who shall be the Chairman;
- (b) the Deputies Mufti;
- (c) the Chief Syariah Judge of the Federal Territories or his representative;
- (d) the Director General of the Department of Islamic Development Malaysia or his representative;
- (e) the Director of the Federal Territory Islamic Religious Department or his representative;
- (f) the Director of the Department of Survey and Mapping Malaysia or his representative who is a Muslim;
- (g) the Director of the National Planetarium or his representative who is a Muslim;
- (h) the Director of the Federal Territory of Kuala Lumpur Education Department or his representative who is a Muslim; and

(i) not less than two but not more than nine other members who are fit and proper from among Muslims who shall be appointed by the Mufti.

(3) The member appointed under paragraph (2)(i) shall hold office for a term not exceeding three years and shall be eligible for reappointment.

(4) The Mufti shall appoint an Islamic Affairs Officer who is fit and proper to be the Secretary.

(5) The provisions in the Second Schedule shall apply to the *Falak Syarie* Committee.

Functions of *Falak Syarie* Committee

20. The *Falak Syarie* Committee shall have the following functions:

- (a) to establish the policies, strategies and methods relating to the development of *falak Syarie*;
- (b) to advise any person on matters relating to the development and research of *falak Syarie*;
- (c) to conduct a study and research in the field of *falak Syarie* and to develop *falak Syarie*;
- (d) to conduct study on the suitability of the new moon sighting location;
- (e) to certify the *hijri* calendar, prayer timetable, method of verification of *qibla* direction and the timetable for *imsak* and *iftar* for the month of *Ramadan*;
- (f) to certify the monthly new moon sighting report prepared by the Federal Territory Mufti's Office; and
- (g) to do such other things as it thinks fit to enable it to perform its function effectively or which are incidental to the performance of its functions.

Revocation of appointment and resignation of office

21. (1) The Mufti may, at any time, revoke the appointment of the members of the *Falak Syarie* Committee appointed under paragraph 19(2)(i).

(2) The members of the *Falak Syarie* Committee appointed under paragraph 19(2)(i) may, at any time, resign by giving a notice in writing to the Mufti.

PART VII

RUKYAH HILAL COMMITTEE

Establishment of *Rukyah Hilal* Committee

22. (1) A committee to be known as the “*Rukyah Hilal* Committee of the Federal Territories” is established for the purposes of this Act.

(2) The *Rukyah Hilal* Committee shall consist of the following members:

- (a) the Mufti who shall be the Chairman;
- (b) the Deputies Mufti;
- (c) the Chief Syariah Judge of the Federal Territories;
- (d) the Director of the Federal Territory Islamic Religious Department;
- (e) the Director of the Department of Survey and Mapping Malaysia or his representative who is a Muslim; and
- (f) six other members who are fit and proper from among Muslims who shall be appointed by the Mufti.

(3) The members appointed under paragraph (2)(f) shall hold office for a term not exceeding three years and shall be eligible for reappointment.

(4) The Mufti shall appoint an Islamic Affairs Officer who is fit and proper to be the Secretary.

(5) The provisions in the Second Schedule except subparagraph 3(3) shall apply to the *Rukyah Hilal* Committee.

Functions of *Rukyah Hilal* Committee

23. The *Rukyah Hilal* Committee shall have the following functions:

- (a) to implement the ruling made by the Conference of Rulers;
- (b) to conduct the sighting of the new moon at the location of the new moon sighting listed in the Third Schedule for the purpose of determining the beginning of the month of *Ramadan*, *Syawal* and *Zulhijah*; and
- (c) to do such other things as it thinks fit to enable it to perform its function effectively or which are incidental to the performance of its functions.

Revocation of appointment and resignation of office

24. (1) The Mufti may, at any time, revoke the appointment of the members of *Rukyah Hilal* Committee appointed under paragraph 22(2)(f).

(2) The members of the *Rukyah Hilal* Committee appointed under paragraph 22(2)(f) may, at any time, resign by giving a notice in writing to the Mufti.

Determination of beginning of month of *Ramadan*, *Syawal* and *Zulhijah*

25. (1) The *Rukyah Hilal* Committee shall, for the purpose of determining the beginning of the month of *Ramadan*, *Syawal* and *Zulhijah*, conduct the sighting of the new moon in accordance with the astronomical calculations on the dates of 29 *Syaaban*, 29 *Ramadan* and 29 *Zulkaedah* every year at the new moon sighting location as listed in the Third Schedule.

(2) The *Rukyah Hilal* Committee shall prepare a new moon sighting report for the month of *Ramadan*, *Syawal* and *Zulhijah* and the report shall be verified by at least two members of the New Moon Sighting Committee who were present when the sighting was carried out.

(3) The report under subsection (2) shall be certified by the Chairman of the *Rukyah Hilal* Committee or, in the absence of the Chairman, by any member of the committee named by the Chairman prior to submission to the Keeper of the Rulers' Seal for the purpose of determining the beginning of the month of *Ramadan*, *Syawal* and *Zulhijah*.

(4) The report certified under subsection (3) is final.

PART VIII

ISLAMIC RELIGIOUS TEACHING SUPERVISORY COMMITTEE AND *AKIDAH* CONSULTANT

Establishment of Islamic Religious Teaching Supervisory Committee

26. (1) A committee to be known as the “Islamic Religious Teaching Supervisory Committee of the Federal Territories” is established for the purposes of this Act.

(2) The Islamic Religious Teaching Supervisory Committee shall consist of the following members:

(a) the Mufti who shall be the Chairman;

(b) the Deputies Mufti; and

(c) not less than three and not more than seven other members who shall be appointed by the Mufti from among Muslims who have relevant experience, knowledge and expertise.

(3) The Mufti shall appoint an Islamic Affairs Officer who is fit and proper to be the Secretary.

(4) The provisions in the Second Schedule shall apply to the Islamic Religious Teaching Supervisory Committee.

Functions and powers of Islamic Religious Teaching Supervisory Committee

27. The Islamic Religious Teaching Supervisory Committee shall have the following functions and powers:

- (a) to consider, approve and refuse an application for *tauliah* to teach the religion of Islam;
- (b) to grant the *tauliah* for the purpose of teaching the religion of Islam;
- (c) to suspend, revoke or exempt *tauliah* for the purpose of teaching the religion of Islam;
- (d) to keep and maintain a register relating to the granting of *tauliah* for the purpose of teaching the religion of Islam;
- (e) to determine terms and conditions for the granting of *tauliah* for the purpose of teaching the religion of Islam; and
- (f) to do such other things as it thinks fit to enable it to perform its function effectively or which are incidental to the performance of its functions.

Revocation of appointment and resignation of office

28. (1) The Mufti may, at any time, revoke the appointment of the members of the Islamic Religious Teaching Supervisory Committee appointed under paragraph 26(2)(c).

(2) The members of the Islamic Religious Teaching Supervisory Committee appointed under paragraph 26(2)(c) may, at any time, resign by giving a notice in writing to the Mufti.

Akidah consultant

29. (1) The Mufti shall have the power to determine matters relating to *akidah* consultation.

(2) The Mufti may appoint any fit and proper persons from among Muslims as an *akidah* consultant for a period of three years and shall be eligible for reappointment.

(3) An *akidah* consultant shall have the following functions:

(a) to give advice and encouragement to any Muslim who wants to renounce Islam to return to Islam;

(b) to carry out an *akidah* consultation session and provide report and recommendation to any person or Syariah Court within stipulated time;

(c) to endeavour to rescue the *akidah* of any Muslim who wants to renounce Islam; and

(d) to perform any other function as directed by the Mufti.

(4) The Mufti may, at any time, revoke the appointment of an *akidah* consultant by a notice in writing.

(5) The *akidah* consultant may, at any time, resign by giving a notice in writing to the Mufti.

(6) The *akidah* consultant may determine his own procedure based on the guidelines as may be determined by the Mufti.

PART IX

MISCELLANEOUS

Fees

30. (1) The Mufti may impose fees for the services rendered under this Act.

(2) Notwithstanding subsection (1), the Mufti may exempt any person from the payment of any fee in relation to services rendered on such terms and conditions as he thinks fit.

Allowances

31. All members of the committee and *akidah* consultant appointed under this Act may be paid such allowance as may be determined by the Majlis.

Protection against suits and legal proceedings

32. No action suit shall lie, or be brought, instituted or maintained in any court against the Mufti, Deputy Mufti, *akidah* consultant and any member of the committee appointed under this Act if the act or omission was done in good faith and in a reasonable belief that it was necessary for the carrying into effect the provisions of this Act.

Public Authorities Protection Act 1948

33. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Mufti, Deputy Mufti, *akidah* consultant or members of the committee appointed under this Act in respect of any act, neglect or default done or committed or any omission by it or him in good faith, in such capacity.

Public servant

34. The *akidah* consultant and members of the committee appointed under this Act, while discharging their duties under this Act, shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

Power to make rules

35. (1) The Yang di-Pertuan Agong may, on the advice of the Minister after consulting the Mufti, make such rules as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the powers under subsection (1), rules may be made for the following purposes:

- (a) to prescribe for the procedure for compiling of the *hijri* calendar;
- (b) to prescribe for the manner to determine the timetable for prayers, *imsak* and *iftar*;
- (c) to prescribe for the procedure for the determination, review and verification of the *qibla* direction;
- (d) to determine the procedure for determining the beginning of the month of *Ramadan*, *Syawal* and *Zulhijah*;
- (e) to prescribe fees to be paid for any matter or thing under this Act;
- (f) to provide for all matters relating to *akidah* consultant;
- (g) to provide for all matters relating to the granting of *tauliah* for the purpose of teaching the religion of Islam.

Power to amend Schedules

36. The Minister after consulting the Mufti may, with the approval of the Yang di-Pertuan Agong, by order published in the *Gazette*, amend the First, Second and Third Schedules.

FIRST SCHEDULE

[Subsection 2(2)]

qaul muktamad - قول معتمد

sighah - صيغة

SECOND SCHEDULE

[Subsections 7(5), 19(5), 22(5) and 26(4)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMITTEE

Interpretation

1. For the purposes of this Schedule, “Committee” means the committee established under subsections 7(1), 19(1), 22(1) and 26(1) of this Act.

Vacation of office

2. The office of a member of the Committee appointed under paragraphs 7(2)(g), 19(2)(i), 22(2)(f) and 26(2)(c) shall become vacant if—

- (a) he dies;
- (b) there has been proven against him, or he has been convicted on a charge in respect of a criminal offence;
- (c) he becomes an undischarged bankrupt;
- (d) he becomes of unsound mind or is otherwise incapable of discharging his duties;
- (e) his appointment is revoked; or
- (f) his resignation is accepted.

Meeting of Committee

3. (1) The Chairman of the Committee may, at any time, direct the appointed secretary to summon a meeting.

(2) If the Chairman is absent from any meeting of the Committee, the meeting shall be presided by the Deputy Mufti.

(3) The committee shall hold a meeting at least once in three months.

(4) The Chairman may authorize the use of a live video link, live television link or any other electronic means of communication for the purpose of any meetings of the Committee.

Quorum

4. Two-thirds of the members of the Committee including the chairman of the meeting shall form a quorum for any meeting of the Committee.

Attendance of non-members

5. (1) The Chairman of the Committee may invite any person who is not a member of the Committee to any meeting of the Committee to advise the Committee on any matter under discussion.

(2) The person invited under subsection (1) shall be entitled to participate in its deliberation but shall not be entitled to vote.

Minutes of meeting

6. (1) The Secretary shall cause all minutes of meeting of the Committee to be maintained and kept in proper form.

(2) At every meeting of the Committee, the minutes of the previous meeting shall be read and confirmed, subject to such amendments as may be necessary.

(3) All minutes shall be confirmed and signed by the chairman of the meeting.

Procedure

7. The Committee may determine its own procedure.

THIRD SCHEDULE

[Paragraph 23(b) dan subsection 25(1)]

LOCATION FOR NEW MOON SIGHTING FOR THE MONTH
OF *RAMADAN*, *SYAWAL* AND *ZULHIJAH* FOR THE FEDERAL
TERRITORIES

1. Menara Kuala Lumpur
No. 2 Jalan Punchak Off, Jalan P. Ramlee
50250 Kuala Lumpur
2. Pusat Konvensyen Antarabangsa Putrajaya
Jalan P5, Presint 5, 62200 Putrajaya
Wilayah Persekutuan Putrajaya
3. Tingkat 13, Menara Universiti Malaysia Sabah Kampus
Antarabangsa Labuan
Jalan Sungai Pagar
87000 Wilayah Persekutuan Labuan

EXPLANATORY STATEMENT

The Mufti (Federal Territories) Bill 2024 (the “proposed Act”) seeks to provide for matters relating to the Mufti, the determination of matters concerning the Islamic law and doctrine and related matters.

PART I

2. Part I of the proposed Act deals with preliminary provisions.
3. *Clause 1* contains the short title, the application and provision on the commencement of the proposed Act.
4. *Clause 2* contains the definitions of certain words and expressions used in the proposed Act.

PART II

5. Part II of the proposed Act deals with provisions relating to the Mufti and the Deputy Mufti.

6. *Clause 3* seeks to provide for the appointment of the Mufti, the Deputy Mufti and the qualification to be the Mufti and the Deputy Mufti.
7. *Clause 4* seeks to provide for the functions of the Mufti.
8. *Clause 5* seeks to provide for the revocation of the appointment and resignation of the Mufti and the Deputy Mufti.
9. *Clause 6* seeks to provide for the vacation of the office of the Mufti and the Deputy Mufti.

PART III

10. Part III of the proposed Act deals with the establishment and function of *Fatwa* Committee of the Federal Territories.
11. *Clause 7* seeks to provide for the establishment of *Fatwa* Committee.
12. *Clause 8* seeks to provide for the functions of the *Fatwa* Committee.
13. *Clause 9* seeks to provide for the revocation of appointment and resignation of members of the *Fatwa* Committee.

PART IV

14. Part IV of the proposed Act contains provisions relating to the issuance of *fatwa*.
15. *Clause 10* seeks to provide for the procedure for the issuance of *fatwa*.
16. *Clause 11* seeks to provide that *fatwa* shall be binding on every Muslim in the Federal Territories and recognized by any court.
17. *Clause 12* seeks to provide for the amendment, modification and revocation of *fatwa*.
18. *Clause 13* seeks to provide for the procedure for issuing *fatwa* for issues and questions affecting national interest.
19. *Clause 14* seeks to provide that the *Fatwa* Committee may adopt the advice and recommendations of the *Muzakarah* Committee.
20. *Clause 15* seeks to provide that the court may request for the opinion of the Mufti and such opinion may be served as a guidance to the court but shall not be binding.
21. *Clause 16* seeks to set out the guide to be followed by the *Fatwa* Committee in issuing *fatwa* relating to *syariah*, *akidah* and *sufism*.

PART V

22. Part V of the proposed Act deals with the determination of the *qibla* direction, offences and penalties.

23. *Clause 17* seeks to empower the Mufti to determine, review and verify the *qibla* direction. This *clause* also requires that any application to determine, review and verify the *qibla* direction shall be made to the Mufti.

24. *Clause 18* seeks to make it an offence for any person who issues a certificate of verification of the *qibla* direction without the permission of the Mufti, determines, reviews or verifies the *qibla* direction without the permission of the Mufti and deliberately alters the *qibla* direction which has been verified by the Mufti.

PART VI

25. Part VI of the proposed Act deals with the establishment and functions of the *Falak Syarie* Committee of the Federal Territories.

26. *Clause 19* seeks to provide for the establishment of the *Falak Syarie* Committee.

27. *Clause 20* seeks to provide for the functions of the *Falak Syarie* Committee.

28. *Clause 21* seeks to provide for the revocation of appointment and resignation of members of the *Falak Syarie* Committee.

PART VII

29. Part VII of the proposed Act deals with the establishment and function of the *Rukyah Hilal* Committee of the Federal Territories.

30. *Clause 22* seeks to provide for the establishment of the *Rukyah Hilal* Committee.

31. *Clause 23* seeks to provide for the functions of the *Rukyah Hilal* Committee.

32. *Clause 24* seeks to provide for the revocation of appointment and resignation of members of the *Rukyah Hilal* Committee.

33. *Clause 25* seeks to provide for the manner of determining the beginning of the month of *Ramadan*, *Syawal* and *Zulhijah*.

PART VIII

34. Part VIII of the proposed Act deals with the establishment and functions of the Islamic Religious Teaching Supervision Committee of the Federal Territories and *akidah* consultant.

35. *Clause 26* seeks to provide for the establishment and membership of the Islamic Religious Teaching Supervision Committee.

36. *Clause 27* seeks to provide for the functions and powers of the Islamic Religious Teaching Supervisory Committee.

37. *Clause 28* seeks to provide for the revocation of appointment and resignation of members of the Islamic Religious Teaching Supervisory Committee.

38. *Clause 29* seeks to empower the Mufti to appoint any person who is fit and proper from among Muslims as an *akidah* consultant. This *clause* also seeks to provide for the functions of the *akidah* consultant.

PART IX

39. Part IX of the proposed Act deals with miscellaneous provisions.

40. *Clause 30* seeks to provide the Mufti power to impose or exempt any person from paying any fees.

41. *Clause 31* seeks to provide that any person appointed under the proposed Act may be paid such allowance as may be determined by the Majlis.

42. *Clause 32* seeks to provide for the protection of the Mufti, Deputy Mufti, *akidah* consultant and member of the committee appointed under the proposed Act from any legal action or other proceedings.

43. *Clause 33* seeks to provide for the protection of the Mufti, Deputy Mufti, *akidah* consultant and member of the committee appointed under the proposed Act under the Public Authorities Protection Act 1948.

44. *Clause 34* provides that the *akidah* consultant and every member of the committee appointed under this proposed Act shall be deemed to be a public servant within the meaning of the Penal Code.

45. *Clause 35* seeks to provide that the Yang di-Pertuan Agong may, on the advice of the Minister after consulting the Mufti, make rules for the purpose of implementing the provisions of the proposed Act.

46. *Clause 36* seeks to provide that the Minister after consulting the Mufti may, with the approval of the Yang di-Pertuan Agong, amend the First, Second and Third Schedules.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3316]