

Manji book ban: Gov't objects to judicial review

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The judicial review hearing for the seizure of the Malay-language translation of the book Allah, Love and Liberty by Canadian author Irshad Manji has been postponed to July 31 following submission of objections by the government.

This is to allow the counsels for plaintiffs ZI Publications Sdn Bhd and its director Mohd Ezra Mohd Zaid time to respond, senior federal counsel Noor Hisham Ismail told reporters today.

He said the respondents - the Selangor Islamic Affairs Department (Jais), its director-general, its chief enforcement officer, its chief prosecutor and the Selangor and Malaysian governments - submitted the following objections in chambers this morning:

that the matter is to do with the investigative and enforcement function of the Syariah law,

and that only the Federal Court has jurisdiction to review a state enactment.

"This means that this is under the realm of criminal law... and the civil court cannot review the investigation process of authorities," Noor Hisham said.

Among others, Mohd Ezra, who was arrested on May 30 for allegedly wrongfully printing a religious book, said that his arrest was in violation of his constitutional rights and freedom of expression.

He also claims that section 16(1) of the Selangor Syariah Criminal Offences Enactment is ultra vires of the federal constitution regarding freedom of expression.

The two plaintiffs are seeking a declaration that Section 16 of the enactment is null and void, and a certiorari order to quash the actions by the authorities in raiding, seizing the book and the arrest.

They are also seeking an order to return the books seized, the cancellation of the arrest order and a stop to Jais' action until the judicial review application is disposed of.

The plaintiffs are represented by Nizam Bashir and K Shanmuga.

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