

Kula urges AG not to appeal child conversion decision

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By Hafiz Yatim

A lawyer acting for M Indira Gandhi has urged the attorney-general not to appeal yesterday's landmark decision of the High Court in declaring the conversion of her children to Islam as unconstitutional.

Ipoh Barat MP M Kulasegaran, who is one of the lawyers for the mother, said no appeal should be filed in the interest of justice for the mother and her three children.

NONEKulasegaran (right) said when Indira Gandhi tried to bring questions of law on her predicament to the Federal Court, representatives of the AG's Chambers objected, saying the matter should be ventilated in the High Court.

"Since the matter has already been decided by the High Court in Ipoh yesterday, the AG should not appeal the decision in the interest of justice. Indira Gandhi has suffered for so long."

"Should the husband want to file an appeal, the AG should also support us in objecting to the appeal," he told Malaysiakini when contacted today.

Indira Gandhi had named the state registrar of conversions, the Perak Religious Department director, the state and federal governments, the Education Ministry and her husband K Patmanathan (now known as Mohd Riduan Abdullah) as respondents.

The lawmaker said the government had in April 2009 agreed to resolve such issues by coming up with a cabinet directive, where then de facto law minister Nazri Abdul Aziz said children of estranged couples should remain in the religion of their parents at the time of their marriage.

Hence, he said, what happened since the cabinet directive should be followed as the case had come up in 2009.

Yesterday, High Court judge Lee Swee Seng ruled that the minors' conversion was null and void as the recitation of the dua kalimah syahadah (pronouncement to embrace Islam) was not performed on them and that the issuance of certificates of conversion by the Perak religious authorities was unconstitutional.

'Authorities not helping in detecting child'

Kulasegaran said what is unfortunate in the case is that Indira's five-year-old daughter had been taken away by the father when she was a toddler.

The High Court had ordered the converted husband, K Pathmanathan @ Mohd Ridhuan Abdullah, sometime in March 2010 to return Prasana Diksa to the mother.

The decision was upheld by the Court of Appeal two years later, but the child has still not been returned to the mother's custody, even though the courts have given father visitation rights.

The Ipoh Barat MP claimed that since the court ruling, the authorities had not done anything to locate or return the child to Indira.

"This is despite the police report lodged against the father and the court order having been made. We do not know his whereabouts and the authorities are not helping much in locating him or the child," he said.

"This had resulted in the mother suffering in anguish in not being able to see her daughter," Kulasegaran added.

Normally in civil cases, an appeal can be made within 21 days of the judgment.

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