

**Lim: Unlawful directive against transfer**  
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The education ministry's policy to bar the transfer of pupils from national to vernacular schools is both unconstitutional and unlawful, said veteran DAP leader Lim Kit Siang.

The Education Act 1996 declares without any ambiguity that pupils are to be educated in accordance with the wishes of their parents, he pointed out in a statement.

Article 152 of the Federal Constitution, meanwhile, provides for the inextinguishable right of any Malaysian to use - other than for official purposes - any language other than Bahasa Malaysia.

"The cabinet on Wednesday should strike out Education Minister Hishammuddin Hussein's directive under Section 8 of 1996 Education Act in unlawfully and unconstitutionally barring national primary school pupils from transferring to Tamil or Chinese primary schools. although a reverse transfer is allowed," he said.

Lim was commenting on the plight of a home-maker in Perak whose appeals to the state education department to approve her eight-year-old son's transfer from a national school in Kuala Kangsar to a Tamil vernacular school were rejected.

According to a report in The Star, her son and three other boys had been caned by a teacher in a national primary school for turning up late for an Arabic language class. The mother lodged a police report in February.

Dissatisfied with the school's denial that it had forced any non-Muslim student to attend the Arabic language classes, she placed her son temporarily in a primary school in Kuala Kangsar while waiting for approval for his transfer to a Tamil school.

Her request and two subsequent appeals were rejected by the state education department on the grounds that the ministry bars transfers from national schools to vernacular schools in order to encourage racial integration.

"We advise the parents (of this pupil) to stay in the national school. Whatever complaints you have, please come forward and we will discuss them seriously," Perak education director Mohamed Zakaria Mohd Noor reportedly said.

### **'Inviting challenges'**

Conceding that the education minister has the power under Section 8 of the Education Act to issue policy directives and regulations to give effect to the law, Lim said these powers are clearly limited both by the enabling Act and the constitution.

While education officials can try to dissuade parents from transferring their children from national primary schools to Tamil or Chinese primary schools, they must respect the parents' right to make the final decision, he said.

"The education minister and education department officials must realise that, to deny parents their freedom of choice in education recognised by the Education Act 1996 and the

constitution, is both unlawful and unconstitutional and invites constitutional challenges in the courts," he said.

This is particularly pertinent, Lim added, as Malaysia bids for a seat on the United Nations' Education, Scientific and Cultural Organisation executive board at its 34th annual general meeting in Paris in October.

"It would be most unfortunate if Hishammuddin's refusal to uphold and respect the parental right to freedom of choice in education for their children as spelt out in...international instruments and declarations on the right to education of children becomes an international issue putting Malaysia in the dock," he said.

Lim also urged MIC president S Samy Vellu and ministers from MCA, Gerakan, SUPP, and other Barisan Nasional component parties to take a common stand on this matter at the cabinet meeting.

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