

Give non-Muslims civil law recourse
Malaysiakini.com
March 22, 2007
Soon Li Tsin

Non-Muslim couples who had married under the civil law should not be subjected to legal recourse in the Syariah Court in the event of a conversion by one party, said a government backbencher today.

"If you have chosen to register under the civil laws, then you should be answerable under the civil laws even one party has converted," said Wong Nai Chee (Kota Melaka - BN) in his motion of thanks on the royal address.

"Although (one of spouses) have converted to be a Muslim, you should carry out your obligation to your wife and children under the civil laws," the MCA central committee member added.

Wong, a lawyer by profession, was referring to the case of R Subshini, 28, an Indian woman who tried to stop her Muslim husband from converting their children to Islam but was told by the Court of Appeal to take her case before the Syariah Court.

On March 13, the appellate court dismissed Subshini's attempt to stop her recently converted husband, Muhammad Shafi Saravanan Abdullah, from bringing divorce proceedings to the Syariah Court.

She is seeking custody of their two children - aged three and one - and a financial settlement.

It was also held in the landmark ruling that a Muslim could apply to the Islamic court to convert his or her under aged children without permission from the non-Muslim spouse.

Wrong perception

Wong also suggested for Article 12 (4) of the federal constitution which states that 'a person under the age of 18, the religion or faith should be decided by his guardian or parent' to be amended.

"Although Schedule 11 says that 'parent' refers to singular and plural, but the courts have not been using it anymore. Let's amend the word 'parent' to parents'," he said.

However, Wong's views did not receive favourable views from other MPs including Alwi Che Ahmad (Ketereh - BN) who said the public perception that Syariah Court was only meant for Muslims should be changed.

Whereas Salahuddin Ayub (Kubang Kerian - PAS) said Wong's conclusion that non-Muslims have no remedy in Syariah Court should not arise.

Wong replied that he was not questioning as to which laws were fairer but that parties should be given a choice for remedy.

"I am not questioning whether the Syariah Court is just or not. I am concerned with what

options the parties have.

"If they have already chosen a particular system (of law to be subjected to), they should not be told to seek help through another system because two totally different laws are invoked," he said.

Revise draconian laws

On another matter, Wong said that documents like environment impact assess reports and tolls agreements should be made public.

"Only information such as defence and security, cabinet and state committee meetings should be kept as secret documents," he said.

He then proposed for a Freedom of Information legislation be drafted to allow public access to information.

Wong also proposed the setting up of a special select committee to study the state of press freedom in this country.

He said that several laws, such as the Official Secret Act, the Printing Presses and Publication Act, the Sedition Act and the Internal Security Act should be revised.

He said the overlapping of those laws were suppressing press freedom and causes self-censorship.

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.
Source : <http://www.malaysiakini.com/news/64919>