

Police should enforce court orders, failure will lead to breakdown in justice, DAP tells PM
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The prime minister should advise Inspector-General of Police Tan Sri Khalid Abu Bakar to act on the High Court's orders over interfaith custody battles, because failure to do so could lead to a total breakdown of our justice system, an opposition lawmaker said today.

DAP Puchong MP Gobind Singh Deo said the orders issued by the High Court were valid and must be enforced.

"Prime Minister Datuk Seri Najib Razak has urged families involved in interfaith child custody cases to use the Federal Court to resolve them...With respect, the prime minister and attorney-general seem to miss the point.

"There is already in existence an order by the High Court. That order remains valid until it is set aside and what is valid must, in the meanwhile, be enforced," he said in a statement.

Gobind was apparently referring to the custody battles involving S. Deepa in Seremban and M. Indira Gandhi in Ipoh.

On Thursday, the Ipoh High Court ordered police to return Indira's six-year-old daughter to her, after her convert ex-husband made off with their child in 2009.

While the Shariah Court had granted Mohd Ridzuan Abdullah custody over their daughter in 2009, the Ipoh High Court ruled last month it was "null and void" and maintained that Indira be given custody.

However, Khalid said the police would not act on the orders as they were "sandwiched" between the civil and shariah court systems.

"The prime minister shouldn't dodge the question, which is why haven't the police acted on a valid and subsisting order?

"He should understand that this is a matter of public concern which demands answers and pushing it to the Federal Court just doesn't solve it," said Gobind.

He added that police officers were duty bound to assist in executing court orders and failure to do this could amount to a criminal offence.

"Section 20 of the Police Act, to my mind, says it shall be the duty of a police officer to execute all process lawfully issued by competent authorities, which must necessarily include the courts," said Gobind, a practising lawyer.

He added that Section 187 of the Penal Code stated that any person bound by law to assist public servants, but intentionally did not follow through, could be imprisoned up to six months or fined up to RM1,000 or both.

"This is a problem which isn't peculiar to the facts of this case alone," said Gobind.

"It is a matter of general application in that if this becomes a precedent, police could choose to ignore court orders in future and this could lead to a total breakdown of our justice system."

Earlier today, Minister in the Prime Minister's Department Nancy Shukri said Putrajaya has decided parents locked in interfaith child custody disputes must exhaust all legal processes before any government agencies could enforce the court's findings.

She said the cabinet made the decision yesterday, after taking into account police's fears that they may be cited for contempt by parents for not following either the Shariah Court or the civil court's decisions. – June 14, 2014.

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