



# Majlis Perundingan Malaysia Agama Buddha, Kristian, Hindu, Sikh dan Tao

Malaysian Consultative Council of Buddhism  
Christianity, Hinduism, Sikhism and Taoism

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## **MCCBCHST : We welcome Prime Minister's statement but with caution**

The Prime Minister is reported to have said (The Star - 26-08-2016) that “divorce matters involving civil marriages must be settled in a civil court even if one of the spouses converts to Islam under legal reforms to be tabled in Parliament in October. These amendments were to ensure any party making claims to child custody and financial support was protected”

In fact, PM is re-iterating what was authoritatively decided by a 5 Member Bench Federal Court in Deepa's Case (Viran A/L Nagapan V. Deepa – Pg.19) and the decision delivered on 10-01-2016.

***“... The Civil Courts have the exclusive jurisdiction to grant decrees of divorce of a civil marriage under the LRA and to make all other ancillary orders including custody care and access of the children born out of that marriage and all other matters ancillary thereto. It is an abuse of process for the spouse who has converted to Islam to file for dissolution of the marriage and for custody of the children in the Syariah Courts. This is because the dispute between parties is not a matter within the exclusive jurisdiction of the Syariah Courts.”***

Thus, MCCBCHST welcomes the Prime Minister's statement as reported but with caution. With caution because:-

1. The PM does not mention that conversion of minors issue will be addressed. The cabinet decision in April 2009 had stated that a single parent cannot convert a minor of a marriage.
2. Twice earlier the cabinet had proposed amendments to the Law Reform(Marriage and Divorce Act) 1976 but sadly in both proposed amendments a single parent was still allowed to convert a child of marriage without obtaining the other spouse's consent.
3. The root cause of the problem is the conversion of minors by a single parent. This issue was not addressed in PM's statement.

Thus, the MCCBCHST would like to enquire whether the cabinet will abide by its April 2009 decision that both parents must consent before a child of civil marriage could be converted to another religion.

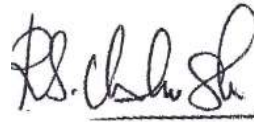
This is the crux of the problem. Therefore the PM must assure that the proposed amendments will address this issue and a single parent cannot convert a minor without the consent of the other spouse.

The MCCBCHST also request that copies of the Bill to be tabled regarding this issue be made available to us and the Public.

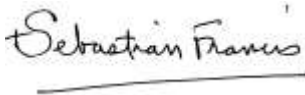
**Dated: 29 August 2016**



Ven. Dato' Seri Jit Heng  
President



Datuk R.S. Mohan Shan  
Deputy President



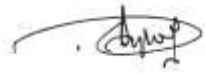
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