

Court rejects Mais bid to reinstate unilateral conversion

PUTRAJAYA: The conversion to Islam of five children by their Muslim-convert father in 2018 without the consent of their non-Muslim mother remains invalid after the Federal Court decision.

The apex court yesterday dismissed the application by the Selangor Islamic Religious Council (Mais) and its Registrar of Muallaf for leave to appeal to reinstate the Islamic conversion of the children.

With the decision not to grant leave, the decision made by the Court of Appeal and the High Court in nullifying the children's conversion to Islam stands, Bernama reported.

In its unanimous decision yesterday, the Federal Court's three-member bench led by Chief Justice Tengku Maimun Tuan Mat said the issues raised by lawyer Mohamed Haniff Khatri Abdula, who acted for Mais and the Registrar of Muallaf, had been settled in the decision of the Federal Court in the M. Indira Gandhi conversion case.

In Indira Gandhi's case in 2018, the Federal Court ruled that the consent of both the father and mother were required to change the children's religion to Islam.

"The (Appeals and High) courts were therefore correct in following the Federal Court's decision in

Indira Gandhi's case," said Tengku Maimun, who sat with Federal Court judges Justices Vernon Ong Lam Kiat and Hasnah Mohammed Hashim.

Elaborating, Tengku Maimun said the provision of Section 117 of the Administration of the Religion of Islam (State of Selangor) Enactment 2003 clearly stated that a person who is not a Muslim may convert to the religion of Islam if he is of sound mind and has attained the age of 18 years, or if he has not attained the age of 18, the mother and father must consent to the conversion.

"The application (by Mais and

Registrar of Muallaf) also does not meet the threshold requirement of Section 96 of the Courts of Judicature Act 1964 for leave to be granted," she said.

She also ordered Mais and the Registrar of Muallaf to pay the cost of RM30,000.

Mais and the Registrar of Muallaf had sought the leave to appeal after the 33-year-old mother of the children filed a judicial review application, among others, seeking court orders to revoke the registration and declaration on her children's conversion to Islam.

She named her ex-husband, the chairman of Mais, the Registrar of

Muallaf, the director-general of the Education Ministry, and the government as defendants.

On Nov 1, 2018, the father himself converted to Islam and on the same day also had his five children converted to Islam without the mother's consent.

On the day of conversion, the eldest child was 10 years old, while the other children were nine, six, five and three.

The mother only knew about her children becoming Muslims after receiving a letter from Mais in 2019 confirming the registration of conversion of the children to Islam.