

Federal Court: Unilateral conversion of Indira Gandhi's 3 children is null and void (updated)

PUTRAJAYA: In a landmark decision, the Federal Court here granted an appeal by kindergarten teacher M. Indira Gandhi, who challenged the conversion of her three children to Islam by her ex-husband Muhammad Riduan Abdullah.

The Apex Court on Monday nullified the conversion of her three children, Tevi Darshiny, 20; Karan Dinesh, 18; and Prasana Diksa, eight.

Court of Appeal president Justice Zulkefli Ahmad Makinudin, who chaired the five-man panel, said their decision was unanimous.

Chief Judge of Sabah and Sarawak Justice Richard Malanjum, Justices Zainun Ali, Abu Samah Nordin and Ramly Ali were the other judges on the panel.

“It must require the consent of both parents. Custody of the children, appellant, has dominant influence in their lives.

“Serious interference in their lives, would be a very wrong thing.

“The word ‘parent’ - is a case of being lost in translation. Both parents have equal rights,” she said.

There has been a longstanding dispute over the word “parent” in Article 12 (4), as there is an argument that the consent of a parent may suffice.

Article 12(4) of the Federal Constitution says that the religion of a person under the age of 18 years shall be decided by his or her parent or guardian.

On Dec 30, 2015, the Court of Appeal reversed the quashing of Indira Gandhi's children Prasana Diksa and Karan Dinesh's certificates of conversion, but made no ruling as to Tevi Darshiny, as she was already above 18 years old.

In a 2-1 majority decision then, the panel ruled the children's conversion was under the jurisdiction of the Syariah Court.

On July 25, 2013, the Ipoh High Court quashed the three children's certificates of conversion, declaring it null and void.

The panel reserved its judgment on Nov 30, 2016.

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