

Federal Court Defers Judgment On Perak Crisis

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(Bernama) -- Can Datuk Seri Mohammad Nizar Jamaluddin win back his post as the Perak Menteri Besar?

The question has yet to be answered as the Federal Court today reserved its judgment on the issue to a date to be fixed.

A panel of five judges deferred the decision after hearing lengthy submissions, which took more than six hours, from three parties involved in the Perak constitutional issue.

The judges who sat on the panel were Court of Appeal President Tan Sri Alauddin Mohd Sheriff, Chief Justice of Malaya Tan Sri Ariffin Zakaria and Justices Datuk Zulkefli Ahmad Makinuddin, Datuk Wira Ghazali Mohd Yusof and Datuk Abdull Hamid Embong.

Today was the final bid for Mohammad Nizar to get the court's declaration that he is at all material times the rightful Menteri Besar of Perak.

The Perak political crisis began when two PKR assemblymen, Jamaluddin Mohd Radzi (Behrang) and Mohd Osman Mohd Jailu (Changkat Jering) resigned from PKR on Jan 30 and declared themselves as Barisan Nasional-friendly independents. DAP assemblyman Hee Yit Foong (Jelapang) followed in their footsteps four days later.

Following this, Mohammad Nizar had an audience with Sultan Azlan Shah on Feb 4 to request a dissolution of the state legislative assembly, but the request was denied.

On Feb 6, Datuk Seri Dr Zambry Abdul Kadir was appointed as the new Perak menteri besar and following that, Mohammad Nizar filed an application to the court to get a declaration that he was the lawful menteri besar of Perak and also an injunction to prevent Zambry from carrying out the menteri besar's duties.

On May 11, the Kuala Lumpur High Court declared Mohammad Nizar as the legitimate Perak menteri besar and ruled that the Sultan of Perak Sultan Azlan Shah could not dismiss Mohammad Nizar from his office because the latter (menteri besar) did not hold office at the pleasure of the Ruler.

The Court of Appeal, in its ruling overturning the High Court's decision, held that Sultan Azlan Shah was right in appointing Zambry as the new menteri besar under Article 16(2) of the Perak Constitution, after being satisfied that Zambry had the command of the majority of the Perak state legislative assembly.

Dissatisfied with the ruling, Mohammad Nizar, who was present during the proceedings today, appealed against the decision.

Leading counsel Sulaiman Abdullah, for Mohammad Nizar, in his submission today contended that the decision of the Appeal Court was erroneous as it did not apply the correct approach to the relevant provisions of the Perak Constitution.

He said that Mohammad Nizar cannot be dismissed by the Sultan and the only way to do so was by a vote of no confidence by the members of the state legislative assembly.

"The Perak Constitution does not confer the discretion to appoint two persons to hold office of Menteri Besar," he said.

Attorney-General Abdul Gani Patail in his reply said that the Sultan had carefully considered the facts and circumstances before declaring on Feb 5, that Barisan Nasional (BN) had the majority in the state assembly.

"The Sultan of Perak had clearly performed his function in the most honourable way," he said.

Counsel Datuk Cecil Abraham submitted that there was no express requirement in the Perak Constitution that a loss of majority support for the menteri besar could only be determined by a vote of no confidence.

"It can also be determined, in this case, by the Sultan meeting each of the 31 assemblymen to ascertain who had the majority in the House," he said.

Earlier in the proceedings, the court had rejected Mohammad Nizar's application for 11 judges to hear the appeal.

When met by the reporters afterwards, Mohammad Nizar said that he was disappointed with the decision as the case had serious implications on public interest.