

Kota Siputeh rep barred from Kedah assembly sitting
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Kota Siputeh assemblyperson Abu Hassan Sharif will be barred from attending the Kedah state assembly sitting this month.

This comes after the Court of Appeal today unanimously granted a stay application by Kedah speaker Abd Isa Ismail, against an Aug 18 ruling that upheld Abu Hassan's position as assemblyperson.

Lawyer Edmund Bon, appearing for Abd Isa with Zulqarnain Lokman, made the application today.

He said Abd Isa has filed an appeal to the Federal Court. If the apex court decides in his favour, any decision of the state assembly - especially during the budget sitting this month - could be declared null and void if Abu Hassan plays a role.

"With today's decision, Abu Hassan (*in coat*) will be barred from attending this month's sitting," Bon told *Malaysiakini*.

"The Court of Appeal has yet to provide the written grounds on the Aug 18 decision and hence the Federal Court cannot hear the appeal. We had to take this step to ensure the legality of the (upcoming) sitting."

Justice Sulaiman Daud led the three-member bench which included Justices Syed Ahmad Helmy Syed Ahmad and Anantham Kasinater in hearing the application.

Lawyer Mohd Hafarizam Harun appeared for Abu Hassan while senior federal counsel Amarjeet Singh appeared for the Election Commission.

On Aug 18, the Court of Appeal led by Justice Ramly Ali overturned the Kuala Lumpur High Court's decision which had declared the seat vacant.

No grounds were given by Justice Ramly who sat with Justices Linton Albert and Aziah Ali.

In November 2009, K1 High Court judge Justice Alizatul Khair Osman Khairuddin had declared the seat **vacant** after he found there was basis to the Abd Isa's request, as Abu Hassan had missed two state assembly meetings that year.

Article 51 of the Kedah constitution states that if any legislator is absent from the assembly

without leave from the speaker for two consecutive meetings, his seat shall become vacant.

Abd Isa had asked the court declare that Abu Hassan was no longer the Kota Siputeh assemblyperson, since he had failed to attend two consecutive sittings on April 19 and Aug 9, 2009.

The speaker also sought an order for the Election Commission to call a by-election.

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