

PKR: Speaker erred in declaring seat vacant
MalaysiaKini.com
Apr 2, 2015

PKR is disputing the Dewan Rakyat speaker's declaration that the Permatang Pauh parliamentary constituency is now vacant.

This is because, the party argues, the Yang di-Pertuan Agong himself has not disposed of the pardon petition sent in by Anwar Ibrahim's family.

PKR central committee member Latheefa Koya said in a statement today that Speaker Pandikar Amin Mulia's announcement is premature and in breach of the Federal Constitution.

"The Permatang Pauh seat is not vacant. The Yang di-Pertuan Agong (right) has the sole discretion to decide on a petition for a pardon in the Federal Territories of Kuala Lumpur, Putrajaya and Labuan, as provided in Article 42 of the constitution," said Latheefa, who is also one of Anwar's lawyers.

Yesterday, Pandikar announced the Permatang Pauh parliamentary seat, which is held by Anwar, as "vacant".

Pandikar made this announcement in a statement, which was subsequently released to the media.

Following that, Election Commission (EC) chairperson Abdul Aziz Mohd Yusof said the EC would meet next week to discuss the by-election.

Anwar's family yesterday questioned the vacancy following an affidavit from Nursiah Arshad, the director-general of the Legal Affairs Division in the Prime Minister's Department.

The Anwar family affidavit said the Pardons Board decision was based on an application made under Regulation 113 of the Prisons Regulation, under the Prisons Act, based on an appeal by an accused.

However, the application was not made by Anwar but by his family members - his wife and PKR president Dr Wan Azizah Wan Ismail, and their daughters Nurul Izzah and Nurul Nuha.

'Communication not from Agong'

Latheefa reiterated that no decision on the rejection of the petition has been communicated to Anwar or his family, whereas the family's pardon application was addressed to the Agong.

"The speaker's own announcement is only based on the communication by the board and

not by the Agong or the palace.

"In short, no valid decision has been made and communicated, as laid down in Article 42, read together with Article 48 of the constitution," Latheefa pointed out.

Explaining further, she said the letter from the Pardons Board merely referred to an undated petition under Regulation 113.

"Under the Prison's regulation 113, it allows a prisoner to make a petition to the Agong. No such application was made by Anwar.

"Further, the letter states the board made the decision on March 16.

"However this purported decision was only made known 10 days later, via an affidavit in response to an application by Anwar to attend Parliament," she said.

As such, Latheefa added, both the speaker and the EC have fallen into serious error in deciding that the pardon petition has been disposed of and the Permatang Pauh seat is vacant.

Anwar is serving a five-year jail sentence after the Federal Court upheld his Sodomy II conviction on Feb 10.