

Declare position on legality of Cabinet appointments, Kit Siang tells Najib
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KUALA LUMPUR, May 25 — Lim Kit Siang called on Datuk Seri Najib Razak today to publicly declare his stand on the legality of the five non-elected representatives he had included into his new Cabinet.

The DAP adviser maintained that the appointments of the five had been unconstitutional as they should have first been sworn in as Senators before taking on the roles of ministers and deputy ministers.

Lim also appeared to suggest that the mistake was known to the Najib administration but “lots of brainy people” were now working to prove that the move had not been ultra vires the country’s highest federal law.

“[But] If Najib is going to take the stand that it is perfectly constitutional to swear in the two ministers and three deputy ministers without their first taking their oath as Senators, then let the prime minister say so publicly, loud and clear as this constitutional charade should not go on any further,” he said in a statement here.

The Gelang Patah MP had recently alleged that the appointments of the five — Transparency International Malaysia (TI-M) chief Datuk Paul Low and former Maybank CEO Datuk Seri Abdul Wahid Omar (both as Ministers in the Prime Ministers Department), and Hindraf’s P. Waythamoorthy, Dr J. Loga Bala Mohan and Datuk Ahmad Bashah Md Hanipah (as deputy ministers - were illegal as none were legally elected representatives in the lower House.

He added that none had been appointed to the Senate before they took their oath of office before the Yang di-Pertuan Agong Tuanku Abdul Halim Mu’adzam Shah on May 16, rendering the entire ceremony “null and void”.

Newly-elected Senate president Abu Zahar Ujang appeared to skirt the issue at his own swearing-in ceremony last Tuesday and according to media reports, the leader had only said that he would “put things in order”.

In a report on Malaysiakini yesterday, Low was asked to comment on his allegedly “illegal” appointment but he merely responded by saying, “Ask Putrajaya.”

Calling the situation a “constitutional limbo”, Lim said that even if the five ministers and deputy ministers are sworn in as Senators later, they cannot immediately assume office in their ministerial positions.

He said the entire process must be repeated, which means all five should be sworn-in as Senators and subsequently sworn-in again into their ministerial posts before the King.

“In fact, the two ministers and three deputy ministers concerned should expect their ministerial positions and all their ministerial decisions and actions to be challenged in the courts if they are not sworn in again as ministers and deputy ministers after they have taken their oath as Senators,” Lim said.

Source:

<http://www.themalaysianinsider.com/malaysia/article/declare-position-on-legality-of-cabinet-appointments-kit-siang-tells-najib/>