

## **Amanah urges govt to admit mistake in extending CJ's tenure**

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**By Mohamad Fadli**

**Hanipa Maidin calls on Raus Sharif to decline the extension of his term in office, claiming that it was done through unconstitutional and unprecedented means.**

KUALA LUMPUR: Amanah has called on the government to uphold the Federal Constitution and admit to having made a mistake in extending the tenure of Chief Justice Raus Sharif by way of appointing him as an additional judge in the Federal Court.

Its Sepang MP Hanipa Maidin said that according to the law if the government uses Article 122(1A) of the constitution, the appointment should be based on Rais' own advice as he is the chief justice.

"According to Article 122(1A), the Yang di-Pertuan Agong may appoint an additional judge upon receiving advice from the chief justice," he said.

"But I am perplexed at why it was stated that the appointment was made following advice given by Tun Ariffin," he added, referring to former chief justice and Raus' predecessor Arifin Zakaria who retired at the end of March.

"Tun Arifin has long retired. One cannot be a chief justice after he has retired," Hanipa told a press conference at the Amanah office here today.

Hanipa said it would also be a conflict of interest if Raus had advised that he himself be made an additional judge to have his term as chief justice lengthened.

Prime Minister Najib Razak's office had issued a statement on July 7 that Raus, who is scheduled to retire on Aug 3, would continue to be chief justice for another three years from Aug 4.

It said he would remain in the position in his capacity as additional judge.

The statement said the appointment was made in accordance with Article 122 (1A) of the Federal Constitution which states that the Yang di-Pertuan Agong, on the advice of the chief justice, may appoint any person who "has held high judicial office in Malaysia" as a Federal Court additional judge.

The statement had also announced that Court of Appeal president Zulkefli Ahmad Makinudin would also have his tenure extended by being appointed as an additional judge in the same way.

Zulkefli had his term in office prolonged by two years from Sept 28.

The statement also said the appointments of the duo as additional judges after each of them reach the age of 66 years and 6 months was based on the suggestion and advice of the then chief justice Arifin Zakaria to the King on March 30 before he retired.

It added that under Article 122B(1) of the constitution, the extensions for the chief justice and Court of Appeal president can be made by the Yang di-Pertuan Agong, on the advice of the prime minister and after consultation with the Conference of Rulers.

Hanipa claimed that the move to appoint them as additional judges was unconstitutional and unprecedented.

He called on Raus to decline the extension before it becomes a “trend” in the government.

“If an appointment needs to be made, it should be done properly by adhering to the (lawful) time limit and the Federal Constitution,” he said.

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