Majlis Perundingan Malaysia Agama Buddha, Kristian, Hindu, Sikh dan Tao

Malaysian Consultative Council of Buddhism Christianity, Hinduism, Sikhism and Taoism

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23rd February, 2026

MCCBCHST: Appointment of Public Prosecutor should be vetted by the Parliamentary select committee and be made answerable to Parliament.

The Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism and Taoism (MCCBCHST) refers to the tabling of the Constitutional (Amendment) (No.2) Bill 2026 today (23/02/2026) to formally separate the roles of the Attorney General (AG) and the Public Prosecutor (PP) and make structural changes to the criminal Justice System. The MCCBCHST welcomes this Constitutional amendment proposal but is of the view that they do not go far enough to ensure that the positions of the AG and PP are independent of the Executive.

2. The Malaysiakini reported that the Law and Institutional Reform Minister Azalina Othman when tabling the Bill in Parliament as saying *"the public prosecutor will be appointed by the Yang di-Pertuan Agong acting in his discretion upon recommendation of the Judicial and Legal Services Commission (JAC) and after consultation with the Conference of Rulers".* In its present structure, the JAC Act 2009 by Section 5 states that members of the JAC include CJ of Federal Court, President of Court of Appeal, CJ High Court of Malaya, a Federal Court Judge appointed by the Prime Minister and 4 eminent persons appointed by the Prime Minister. Thus, majority (5 out of 9 members) are appointed by the Prime Minister at his discretion. The other FC Judges are appointed on the advice of the Prime Minister. Thus, the Prime Minister has substantial control over JAC and over the PP and AG through having influence over the JAC.

3. Thus, the MCCBCHST proposes that the Attorney General and the Public Prosecutor should be appointed by the a Parliamentary Select Committee and be answerable to Parliament. There have been many calls made by the public for the JAC to be independent of the Executive and that the Prime Minister should have no role in the appointment of JAC members. The MCCBCHST too had passed 3 resolutions at its AGM held on 20/09/2025, two of which are as follows:

(i) The MCCBCHST calls upon the Government to amend Article 122B and JAC 2009 to remove Executive's role in the nomination and appointment of Judges in line with the Doctrine of Separation of Powers which is part of the basic structure of the Constitution which cannot be abrogated or removed.

(ii) MCCBCHST calls upon the Government to take steps to separate the position of the Attorney General and the Public Prosecutor so as to remove Executive control over the Public Prosecutor.

4. The MCCBCHST therefore calls on the Government to introduce suitable amendments to this Constitution (Amendment) (No.2) Bill 2026 and also to the JAC Act 2009 to exclude the Prime Minister from having any role in the appointment of JAC members.

Further, there should be amendment to the Bill to provide for the Public Prosecutor to be vetted by the Parliamentary Select Committee and be made answerable to Parliament.

5. Lastly, the MCCBCHST calls on Members of Parliament to scrutinise this proposed Bill and ensure amendments are made to make the position of Public Prosecutor truly independent of the Executive.

Statement Signed by:

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