

# 'King's duty, not privilege, to give assent'

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THE "necessary and integral" role of the Yang di-Pertuan Agong in giving assent to Bills passed by Parliament is not a privilege but a duty, said Datuk Seri Dr Mahathir Mohamad, winding up the debate on the Constitution (Amendment) Bill 1984.

There is thus no reason why the amendments should be referred to the Conference of Rulers, he added.

Criticising the DAP for confusing the issue, the Prime Minister said even the Rulers themselves had admitted that it was not the right of the King to reject Bills passed by Parliament.

"It is not accurate to say that we have taken away the King's power and because of this we have to refer the issue to the Conference of Rulers."

## Subject

Replying to DAP secretary-general Lim Kit Siang's statement that royal assent is a necessary and integral part of the process of law making, Datuk Seri Dr Mahathir said this did not constitute a privilege but a duty.

He said that in one breath the DAP had said the King had no right to

withhold assent, but in another, it had said the issue must be referred to the Conference of Rulers.

"Perhaps," he said in jest, "the DAP members should attend a course on how to speak (clearly)."

On Mr Lim's comment that 30 days would be too short a time for the King to undertake his responsibility to scrutinise Bills presented for his assent, the Prime Minister said the King need not study closely every single Bill.

"There are a few laws that need to be scrutinised, and other usual laws that need not take too much of attention."

"The King could at a glance go through the short titles of the Bills presented to him and if he feels there is an important subject that has to be reviewed closely and he finds the need to refer the Bill back to Parliament, he will do so."

He said this provision was not unusual.

The Prime Minister

said the time limit for assent had to be fixed so that subsequent action could be taken should a Bill not receive royal assent.

"As had happened in the past, there was no stand taken to reject Bills passed, but only silence. Time passes to over a year and we still can't regard a Bill as law because there was no assent."

"And we can't say this is not right as we don't know (whether assent is withheld or is only delayed)."

## Emergency

The Prime Minister said the power to give the King the right to register his objections was not an unusual power.

"The President of India and the Emir of Kuwait have this power."

On Mr Lim's question on whether it would be the Prime Minister who would

advise the King on whether to give assent or to object to a Bill, Datuk Seri Dr Mahathir said similar to the Constitution of India, the present Bill remained silent on this.

"If the King reviews a Bill and asks for the advice of the Prime Minister, of course the Prime Minister would advise him to give assent."

"If you (Mr Lim) use common sense, the King need not get advice from the Prime Minister."

On Mr Lim's criticism that the Government had abused its emergency powers, Datuk Seri Dr Mahathir said the Government had no intention of revoking the emergency laws because they were needed to deal with communist terrorists who were still active in the jungles, and the sympathisers in the towns.

"Even though the country looks like it is normal and not in a state of emergency, we still need emergency laws to take action against terrorists."

"The power is with the Dewan Rakyat to repeal the emergency laws. But at this time, the Dewan doesn't feel this is needed."

Replying to Dr Tan Seng Chaw (DAP—Kepong) who

the people. He said even before the Japanese were driven out of the peninsula, the British had plans to convert the Malay States into its colonies.

"Whatever power vested in the Malay Rulers would be seized. They would only become head of the Islamic religion and customs."

"For this purpose, Sir Har- old MacMichael was sent to Malaya to execute the plan."

"Beginning from Sultan Ibrahim of Johore, all the Rulers were forced by Har-

old MacMichael to consent to the surrender of power to the British and accept the unification of the Malay States under a Malayan Union. They would be administered directly from Whitehall."

## Council

Datuk Seri Dr Mahathir said the people had opposed the British plan at the outset. Unfortunately, there were no links between the people and the Rulers.

"Although the Rulers had consented to the Malayan Union, the people continued to oppose the plan. And Umno was formed to mobilise the Malays to oppose the plan."

had criticised the Minister of Information for rebuking Tan Sri Tan Chee Khoo's articles on the constitutional amendments, the Prime Minister said while the Government believed in the right to dissent, it also believed in "the right of dissent to dissent."

"It was the right of Tan Chee Khoo to disagree and if the Information Minister did not agree with the disagreement, that was also his right," said the Prime Minister.

History has shown that the people had struggled through Umno to wreat power from the British and to place the Rulers on a level higher than what they had enjoyed during the British times.

Datuk Seri Dr Mahathir said that to avoid politics from influencing the loyalty of the people to the Rulers, the system of constitutional monarchy in which the Rulers become the symbol of sovereignty and loyalty \*as chosen.

"Which party sets up the Government, the loyalty is focused on the Rulers and the Government is formed in the name of the Rulers."

## Customs

He said this when he tabled the Constitution (Amendment) Bill 1984 in the Dewan Rakyat yesterday.

"In this way, the names of the Rulers would be not be marred in the political arena," he added.

He recalled that the acceptance of the British as a power was caused by weaknesses in the Malay States resulting from intrigues among aspirants to the throne or due to extravagant inefficient administration.

On the other hand, the rakyat's struggle for independence was made directly by

"Finally, the Malayan Union proposal had to be dissolved and the Malay States reverted to their previous status with the Rulers sovereign in the States.

"The Malay States were combined into a federation called the Federation of Malaya."

But, he said, the people were still not happy being a colony protected by the British.

"The locals, particularly the Malays, could not head any department."

Members to the Federal Legislative Council, which; ostensibly represented the interests of the local people, were appointed by the British and its views could be set aside arbitrarily by the British High Commissioner.

"Umno's proposal that a Malay, particularly the Umno president! Datuk Onn Jaafar, be appointed as Deputy High Commissioner was rejected by the Rulers."