

TRANSLATION of Prime Minister Datuk  
Seri Dr Mahathir Mohamad's speech when  
tableting the Bill to amend the Constitution  
with regard to royal immunity in the Dewan  
Rakyat yesterday.

# Mahathir: Amendments

(P)

S. 19 JAN 1993

## are to save the Rulers

MR SPEAKER, I move a Bill to amend the Constitution to be read for the second time.

Mr Speaker, allow me to introduce and explain the bill which I have just mentioned.

When the nation demanded independence, the country's leaders who had secured a major victory and solid support in the 1955 General Election had opted for a system based on parliamentary democracy and constitutional monarchy.

The system was chosen because when the Malay states were administered through a feudalistic system where power was in the hands of the Rulers, the states were weak and the administration was chaotic.

These states could not maintain peace. As a result, these states placed themselves under the patronage of foreign powers such as China, Siam and the West. In the end, all Malay states were conquered by the British and administered as British colonies through an agreement made by the reigning Rulers then and

the British Government.

After the Second World War, the Malay Rulers had hoped that when the British resumed their administration, their positions as Rulers under the advice of British officers would continue. These states came under British rule again. In Singapore, Penang and Malacca the British ruled supreme.

For the majority of the Malays in the peninsular states, they were also prepared to accept the administrative system where the Malayness of the Malay states was recognised by Britain although the administration was dominated by the British. However, there were opinions among some Malays that the Malay states should be liberated from British colonial rule once and for all.

The Malays only realised the possibility that they could be cast aside and become beggars in their own country when the Malay Rulers acceded to MacMichael's threat and signed a new agreement with the British, which rendered the Malay states under British

administration like the British colonies of Singapore, Penang and Malacca.

It was due to the ease with which the Malay Rulers handed over Singapore, Penang and Pangkor to the colonialists and then surrendered the Malay states that the people could no longer accept a system where authority was only given to the Rulers and the people were not given any role in the nation's political system.

After the Second World War, the absolute monarchy system died out all over the world. Almost everywhere, the system came to an end. Where it remained, the Rulers were limited by the Constitution or the country's fundamental laws. Thus, when the Federation of Malay States demanded for independence, the people's leaders had studied various administrative systems, taking into consideration the history of the Malay states.

The old administrative system of the Malay states was feudalistic where the monarch reigned absolute without

a written Constitution. The feudalistic system was defined by customs which were manipulated at will by those in power. If those in authority defied the customs, it was hard for the palace officials and the people to criticise or make any allegations. But when things got bad, there arose a possibility that the customs were pushed aside and an uprising took place. However, this method would only have negative implications as there were no guarantees that an uprising would improve the situation.

Thus, the idea was born that a Ruler should be placed under a Constitution which defines the position and role of a Ruler. In this way, the Ruler simply could not take action as he pleases. The Ruler's powers were defined by the Constitution, the basis of the nation's law. However, there were Rulers who were willing to give up their country to a foreign power with complete disregard to the Constitution.

However, when the constitutional monarchy sys-

tem was legislated for the Federation of Malay States, which at that time was heading towards independence, the Constitution's legislators still believed that the Rulers would abide by not only what was written but also the spirit of the Constitution.

During British rule, as they (the British) could enthrone or dethrone a Ruler, therefore the Ruler accepted advice from the colonial administration. This article was included in an agreement between the British and the Malay Rulers where the advice of a "British Resident" or "British Adviser" must be asked for and accepted by the Rulers except for matters concerning Islam or the Malay customs.

For the British, that their advice must be heeded by the Rulers was nothing unusual as under the governing system of Britain, the King or Queen must heed the advice of the Government. Otherwise, the Ruler would be dethroned. That was why when King Edward VII wanted to marry a widow, he had to abdi-

cate on the advice of the Government although there was no specific provision for this action.

What was enforced was not the law but the nation's political importance and the British Rulers do abide by their nation's politics. That is why even before the British Parliament decided that Queen Elizabeth should pay income tax, Her Highness had decided to pay up. The British Constitution, though unwritten, must be complied with in spirit and according to customs.

Because the Malay Rulers during colonial rule listened to advice, it was believed the Rulers would not act outside the law.

The legislators and founding fathers of the independent Federation of Malay States also believed that the provision which exempted a Ruler from prosecution in a court of law was a symbol of the Ruler's sovereignty and not as a right to commit crime. It is certain that the people who formulated the Constitution and won the nation's independence had never intended for this provision to give Rulers the right to ignore civil and criminal

laws.

The Constitutional Monarchy had never given any privilege to a Ruler to commit crime. But if a Ruler commits wrong when carrying out his official duty, then he is free from any charge. This is because the Government is responsible and the Government should be prosecuted.

During the fight against the Malayan Union and to restore the status of Malay States and Straits Settlement to their *status quo ante* before the Second World War, the people played an important role although it was never provided for in the law. It was clear to the people that a Ruler without support of the people could be easily influenced and controlled by the colonialist or other quarters. Therefore, the people must be given the right in politics and the administration of the country. The role of the people must be defined by the law.

In view of this and also taking an example from Britain, the independent Federation of Malay States chose the parliamentary democracy sys-

tem. The people elect their representatives to the Dewan Rakyat and the State Assembly to be the main legislators of the nation's laws and policies. This will ensure that the people will play their role in an orderly manner.

But again, as in the British system, a law will only be valid when assent is given by the Ruler. In Britain, this is not a problem as it is improbable that a Ruler will reject the advice of the Cabinet. But in Malaysia, the word advice, which the constitutional legislators believed would have the same meaning as that in Britain and also during the colonial days, was not clearly defined. Therefore, a Ruler can reject the Government's advice.

If a Government is recognised as comprising representatives elected by the people to ensure that the people are in authority, but there remained a chance that the Government's advice will not be heeded, this means that a parliamentary democracy system does not exist and the people are not in full authority. In certain matters not only the consent of the Yang di-Pertuan Agong is needed but also the consent of the Conference of Rulers.

Although the people's representatives are free to express their views in the Dewan Rakyat or the State Assemblies on any subject, they cannot touch on personal matters concerning the Rulers as any criticism can be defined as seditious and they can be charged under the Sedition Act. This provision was made in an amend-

Pertuan Agong's power not to give assent to a bill passed by Parliament. This was only partially successful. What was passed in the end was the Yang di-Pertuan Agong's power to reject a bill was reduced by having a new clause that allows His Majesty to refer it back to the Parliament if he refuses to sign a bill passed by Parliament. If Parliament passes it again, with or without amendments, then the bill will become law in 30 days (Article 66(4) of the Constitution) even if it does not have the assent of the Yang di-Pertuan Agong.

However, such approvals were limited to matters which does not touch on the rights and privileges of the Rulers. To amend the articles touching on Rulers, the Conference of Rulers must give its consent.

At state level, there were no amendments made to the State Constitution. Therefore, no law can be passed without the assent of the Ruler. This implies that the power of the Rulers in the states are above those of the State Assemblies which represent the people.

These provisions pose no problem if there are no conflicting opinions between the Rulers and the State Assemblies, or there are no wrongdoings

Unfortunately, because the Mentris Besar and the Prime Minister are Malays who do not want to show ill-feelings to the Rulers, so when a Ruler does something he should not have done, no criticisms were made. Even if there is any, the Rulers'

Rulers and facilities provided for the Rulers and their royal families under the Constitution and the law will continue.

To ensure that the Constitutional Monarchy system is effective, three amendments need to be made to the Federal Constitution. The first is the constitution provision which specifies the immunity of Rulers from legal proceedings as in Clause (1) of Article 32 is amended by inserting, after the word "court", the words "in respect only of anything done or omitted to be done by him in the exercise or purported exercise of his functions under any written law." This means that no court action can be taken against a Ruler who is carrying out his official duties.

Sovereign immunity is a feudalistic principle — a concept which supposes that "The King can do no wrong." According to Dr Hogg in his book *Liability of the Crown*, this concept is based on an argument that a Ruler cannot be charged in his own court. This argument has long been questioned and been rejected by law experts in Europe like Adams who felt that there was "no doubt at all of the subjection of feudal lords to their own courts."

Under the Government of India Act 1935, a Governor-General or Governor is only immune when carrying out his official duties.

In the United States of America, President Nixon's demand that he be exempted from a provision of law was rejected by the Supreme Court.

In England, the Queen

less, the Rulers of these countries are still recognised. They continue to remain sovereigns and do not lose their sovereignty.

The view that the Ruler is only recognised if he can commit crimes is not supported by the practices of other countries in this era. Even in the olden days kings were prosecuted when they committed offences. Such was the fate of Charles I in England and Louis XVI in France.

Only in the Constitution of Malaysia is there a special provision under Article 181 (2) that "no proceedings whatsoever shall be brought in any court against the Ruler of a state in his personal capacity."

The late Tunku Abdul Rahman Putra al-Haj, the country's first prime minister, had written that this immunity was not "satisfactory" because a Ruler could commit murder without any action being taken against him. The consequences of the provision in Article 181(2) are very wide. Because the Federal and State Constitutions are also law, Article 181 (2) actually allows the Rulers to violate the law. Because of this, when the Rulers take part in business although they are prohibited from doing so under the Constitution, nothing can be done by the Government. The Yang di-Pertuan Agong also cannot be prosecuted in court. However, the Conference of Rulers can remove him from his post. On the other hand, as a Ruler, Article 181(2) will protect him.

If Malaysia desires to

ment in 1971. Prior to that, criticisms could be directed towards the Rulers in the House. In Britain and other countries, Members of Parliament are free to criticise their Rulers. It is clear that to criticise a Ruler will not destroy the Ruler's sovereignty.

While it was said that the preventive measure was to preserve the sovereignty of a Ruler, but when a Ruler is not criticised, he may not be aware of the mistakes he has made. Therefore, there may be many more mistakes which will be done and could become more serious. This will not only tarnish the Ruler's sovereignty but can also cause the people to hate the Ruler. It is wrong to say that this measure will protect the Ruler's sovereignty. Instead, the sovereignty will be tarnished because of this prohibition.

With the possibility that a Ruler may reject advice and be free from criticism or any legal proceedings, then the Ruler is not a Constitutional Monarch but an Absolute Ruler. Once more, the parliamentary democracy system will not exist as no legal proceedings can be taken against the Ruler who does not heed to the Government's advice and continue to do wrong.

In 1983, action was taken to amend the Constitution to repeal the Yang di-

refusal to pay heed to the criticism from the official advisers will not bring about any action against the Rulers.

Therefore in the history of independent Malaysia, the actions of Rulers and those who seek protection from Rulers who had acted beyond the rights and privileges of Rulers are becoming serious. There is a possibility their becoming even more so in the future. If there are no amendments made to the law, as proposed now, it is without doubt that worse things will happen which will create animosity between the people and the monarch. It is not impossible that one day, demands will be made to do away with the Rulers despite what is provided for in the Constitution.

Therefore the proposed amendments aim to avoid or prevent any hatred from being directed at the Rulers which may lead to demands to do away with the Monarchy. These amendments are to save the Rulers and the Constitutional Monarchy. To further strengthen the constitutional provisions so as to preserve the Monarchy, provision is made so as to define any suggestion to do away with the Monarchy system as seditious and subject to sedition laws.

These amendments will not touch on privileges granted to the Rulers. Rulers will continue to be

cannot be arrested and no one may be arrested on the palace grounds. The Queen may also not be prosecuted in court.

But under a paper which discusses the Constitutional Law of India, under Crown Proceedings Act for England, the original provision was amended so that "civil proceedings by and against the Crown" can be carried out. With this the difference in "proceedings" towards the Crown is the same as with the people.

In the same paper it is stated that it becomes "fundamental general rule" that "his majesty cannot sanction any act forbidden by the law. When he cannot sanction, he himself cannot commit any wrongdoing. With this, His Majesty is under and not above the laws, (and) that he is bound by them equally with his subjects."

The provisions in the constitutions of Spain, Belgium, Norway, Denmark, Sweden and Luxembourg all give immunity to the Ruler only while carrying out official duties as a Ruler. Any offences while carrying out official duties will be borne by the Government or minister.

There are no specific provisions in any of the constitutions of European countries which give immunity to the King when carrying out acts which are not official. Neverthe-

be a country that practises parliamentary democracy and Constitutional Monarchy, the immunity given to the Rulers must be abolished. As the constitution in countries that practise the system of parliamentary democracy does not give immunity to their Rulers, the abolition of the immunity of the Malay Rulers will not threaten their sovereignty. In this modern era, if rulers are unable to commit crimes at their whims and fancies, this will not jeopardise the status of Rulers, especially in a country which practises the system of parliamentary democracy and Constitutional Monarchy.

To ensure that the abolition of immunity is effective, two more provisions in the Constitution have to be amended. The first concerns the provision in Article 63(2) which protects a person who takes part in a debate in Parliament or a parliamentary committee from being questioned in court, has been amended under Article 63(4), if he infringes the Sedition Act. This provision was made in 1971. It means that criticism of the Rulers could be made before 1971 without affecting the sovereignty of the Rulers. Therefore, this allows again the Wakil Rakyat to criticise Rulers who are wrong without denying the rights or status of the

Rulers.

The amendment to Article 63 after Clause (4) states:

"(5) Notwithstanding Clause (4), no person shall be liable to any proceedings in any court in respect of anything said by him of the Yang di-Pertuan Agong or a Ruler when taking part in any proceedings of either House or Parliament or any committee thereof except where he advocates the abolition of the constitutional position of the Yang di-Pertuan Agong as the Supreme Head of the Federation or the constitutional position of the Ruler of a State as the case may be."

Article 72 of the Federal Constitution is amended by inserting after Clause (4) the following clause:

"Notwithstanding Clause (4), no person shall be liable to any proceedings in any court in respect of anything said by him of the Ruler of any State when taking part in any proceedings of the Legislative Assembly of any State or any committee thereof except where he advocates the abolition of the Ruler's position as the constitutional Ruler of that State."

The description made concerning sedition towards the Rulers under the Constitution is so wide

ple knew and they were not happy with the actions of the Rulers. But these people could not voice their views and feelings because of the Sedition Act.

The Sedition Act and the provisions concerned with sedition towards the Rulers under Article 63 (4) of the Constitution prohibit the public from obtaining information and voicing their opinions.

They can only discuss in private. Political leaders, including government leaders, definitely hear and are aware of the views and anger of a section of the public who know of the actions of the Rulers. Such is the extent of their anger that there are those mainly in the younger generation who regard the Monarchy system to be outdated.

But because of the Sedition Act and the prohibition from criticising the Rulers, the Rulers do not listen and do not believe their advisers when news of the people's dissatisfaction is presented. The Rulers and their families appear to believe this to be the invention of the advisers to scare them or to rob them of their rights.

Under these conditions, the Ruler will not only continue the practices which are disturbing or are disliked by the people but will carry out actions which are even more hated by the people. If this trend is not checked, the feelings of the people towards the Rulers will swell and deteriorate to the extent that one day they may not be able to

Monarchy system. This is what happened to other countries which have now become republics.

In Malaysia, the protection accorded is great. The Ruler's immunity from law and prohibition from criticism, although only by members of Legislative Assemblies who are responsible for administering the country, isolates the Ruler from the real world. In this situation, the action and behaviour of the Ruler will deteriorate all the time. This is what is happening in Malaysia.

Therefore, it is important that Members of the House are again given the right to criticise the Ruler in their debates. Without this right, Members of the House will not succeed in practising parliamentary democracy and will not be able to prove that it is the *rakyat* who are holding the power in this system. Without this right, it is the Ruler who holds the power and not the *rakyat*.

With the prohibition against criticising the Rulers, members of the House, in actual fact, could not protect the Monarchy institution and the Monarchy system. Therefore, the freedom of the members of the House to speak in the House should not be restricted by the Sedition Act as provided for under Article 63(4) and 72(4). With the addition of Article 63(5) and 72(5), members of the House cannot just protect the Rulers' position, but the Constitutional Monarchy system

to the extent that no criticism can be made in Parliament by members of the Dewan Rakyat or State Assembly. With this the media also have no opportunity to report. Criticism can be made only by the advisers to the Rulers in a closed manner. If these criticisms have no effect there is nothing else that can be done.

Actually the country's three past Prime Ministers, as advisers to the Rulers, had criticised the Rulers many times during their tenure. I know these criticisms were made because these matters were reported in the Cabinet meetings and also at the Umno Supreme Council meetings many times.

The late Tun Hussein Onn, during his tenure as Prime Minister, had in a written speech at one Rulers meeting which was attended by the Rulers and their representatives only, harshly criticised the unwarranted actions of the Rulers.

But all these criticisms were not effective. The matters touched upon continued to occur, and even escalated. What was never done during the British era and in the early years of Independence had become more widespread and obvious.

Although nearly all the Prime Ministers and Mentris Besar had reported to the Umno Supreme Council the problems they faced, the public were not informed. Thus the people did not know the problems faced by the Government. A large number of them believe the system of Constitutional Monarchy was functioning well with the Rulers respecting all provisions of the Constitution. Only a small number of the peo-

ple contain them. The feelings that have been poured out in letters sent to the newspapers have in fact been around for a long time.

With your permission, Mr Speaker, I wish to read the clippings of an article sent to *The Straits Times* in 1946 by a well-known Malay leader, when the British were proposing the establishment of the Malayan Union. The leader later held a high government post. This narrative was not published by *The Straits Times* but was recently presented to me by the writer.

The writer said, "All intelligent Malay leaders ought now seriously to give most profound and careful thought to the question whether the time has not arrived when the Malay Royalty (I mean the Sultan and Raja) should gracefully withdraw themselves altogether."

If such views existed in 1946, is it not possible for them to exist again in 1993 if the Rulers are not prevented from committing undesirable acts?

Protection and privileges accorded to the Ruler are aimed to place the Ruler on a high and dignified position. The protection and privileges are not to allow the Ruler to do whatsoever possible, including crime. The Ruler who is aware and understands the actual intention of this provision will protect himself from committing undesirable and unpopular action or behaviour. The Ruler who is aware will know that actions which do not take into consideration society's feelings and views will cause the *rakyat* to shun the Raja, in fact, the

will be protected clearly by the Constitution as it is mentioned in Article 63(5) and 72(5) that exemption in the Sedition Act does not include the advocacy "to abolish the constitutional position of the Yang di-Pertuan Agong as the Supreme Head of the Federation or the constitutional position of the Ruler of a State".

The second issue which could nullify the removal of the Rulers' immunity when committing an act which is against the law in unofficial matters is the powers of pardon as provided for under Article 42. With this provision, the Ruler could pardon himself if found guilty by the courts after the immunity from legal action is withdrawn. This means the removal of immunity is meaningless and ineffective.

Therefore, the Government intends that Article 38 and 42 of the Federal Constitution be amended as in Clause (2) of Article 38 and Clause (12) of Article 42.

Clause (2) of Article 38 of the Federal Constitution is amended:

(a) by substituting for the comma at the end of paragraph (c) a semicolon; and

(b) by inserting, after paragraph (c), the following paragraph:

"(d) granting pardons, reprieves and respites, or of remitting, suspending or commuting sentences, under Clause (12) of Article 42."

Article 42 of the Federal Constitution is amended by inserting, after Clause (11), the following Clauses:

"(12) Notwithstanding

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anything contained in this Constitution, where the powers mentioned in this Article —

(a) are exercisable by the Yang di-Pertua Negeri of a State and are to be exercised in respect of himself or his wife, son or daughter, such powers shall be exercised by the Chief Minister of the State acting on the advice of the Pardons Board constituted for that State under this Article and which shall be presided over by him;

(b) are to be exercised in respect of the Yang di-Pertuan Agong, the Ruler of a State, or his Consort, as the case may be, such powers shall be exercised by the Conference of Rulers and the following provisions shall apply:

(i) when attending any proceedings under this Clause, the Yang di-Pertuan Agong shall not be accompanied by the Prime Minister and the other Rulers cannot be accompanied by their respective Mentris Besar;

(ii) before making a decision on matters under this Article, the Council of Rulers should consider whatever written views which may be given by the Attorney-General about the matter;

(c) should be done by the Yang di-Pertuan Agong or Rulers in question with their sons or daughters, it should be conducted by as Ruler proposed by the Council of Rulers and the Ruler

should act on the advice of the relevant pardons board set up under this article.

(13) In relation to paragraph (b) and (c) Article (12), Yang di-Pertuan Agong or Ruler in question and the Yang di-Pertuas Negeri cannot be a member of the Conference of Rulers.

With this amendment, a Ruler cannot hear a clemency and pardon himself. If a Ruler or his consort appeal for pardon, then the Council of Rulers will hear and make a decision.

A Ruler cannot hear an appeal for clemency and pardon his own son. The Council of Rulers will appoint another Ruler to hear and decide the appeal for pardon by the prince.

With the removal of the Rulers immunity from the law, except while on official duty, it is believed that the Rulers will not do acts of which they could be charged in court. With this, Rulers will be respected by the people.

The removal of restrictions on Members of Parliament and State Assembly members by the Sedition Act will prevent Rulers from committing acts which may draw criticism from members.

The abolition of a Ruler's power to pardon himself will make legal action more effective.

The main aim of these amendments is not because the Government or the people want to drag the Rulers to court at will. They are aimed at pre-

venting Rulers from committing acts which may lead to legal action. In this way, Rulers will earn more respect.

It should be remembered that the people's respect for Rulers cannot be shaped by the law. Respect must be earned. To formulate laws to put fear into the people will not bring about respect. The fact that Rulers can be brought to court will prevent them from doing anything which will make the people lose respect for them. Thus, the monarchy institution will be more respected and maintained for a long time.

To reinforce efforts to preserve the Rulers and the Monarchy System, any move or proposal to abolish the Monarchy System will be defined as seditious and will be subject to prosecution under the Sedition Act.

Today I am sad because I am forced to present before this august house a bill to amend the Constitution which in a way affect the good name of the Rulers and the Monarchy institution. With a heavy heart, I have presented and elaborated on the proposed amendments.

The Government decision to amend the Constitution is not without cause. As I have said, the Government had avoided from making the amendments since the day we achieved Independence. We did this to safeguard the dignity of the Rulers. But this did not help to improve the situation. On

the contrary, the situation deteriorated.

Finally, an incident in which a Ruler beat up a subject and another where a prince beat up another subject could no longer be taken lightly by the Government as they undermined the credibility of a responsible government.

The Government had to make a tough stand to protect the people from being victimised by the Rulers. This stand is not made based on only these two incidents. There had been many incidents previously where Rulers victimised the people, Rulers who broke criminal and civil laws, Rulers who misused government funds and property and Rulers who oppressed and victimised officers.

The incident in Johor was the straw that broke the camel's back. The people's reaction to these incidents clearly showed that they could no longer tolerate such acts.

They are certain quarters who seem to want to give Rulers powers and defend the Rulers when they commit crimes. They try to confuse the people's minds by accusing the Government of planning to abolish the Monarchy system.

I wish to stress that the Barisan Nasional Govern-

ment is certainly in certain quarters against whom the Malays harbour suspicions.

Will the Rulers lose their sovereignty and no longer be Rulers if they are prevented from committing crimes? The belief that a Ruler is someone who is given the privilege to commit crime is against the concept that he is the source of the law. In olden days in the West, Rulers had the right to commit crime. For instance, the belief in the concept of *droit du seigneur* (right of the lord), the Ruler has the right to bed all newly-weds.

But even in the West, all these rights have been abolished. That is why in western countries which maintain a monarchy system, Rulers are not accorded specific immunity. Even if it was stated that Rulers cannot be taken to court, it is only a formality. The Ruler, government and people know that if a Ruler commits a crime he will be brought to court and dethroned. As such, Rulers in the west will not commit a crime on purpose.

Although it is clear that Rulers in the west are not immune from the law they remain Rulers and are still respected.

During British rule, the Malay Rulers not only did not enjoy immunity but

accept the country's laws which he said are unIslamic.

With or without his consent, the position of the Malay Rulers has since independence been determined by the law, that is the Constitution. It is this law that give Rulers privileges. One of the privileges is the immunity against prosecution. If Rulers can accept immunity under laws which are unIslamic, why can they not accept the removal of immunity by the same laws?

In Islam, there are two principles held steadfastly when it comes to the law. Firstly, there is nothing to differentiate Muslims when it comes to the enforcement of Islamic law. The Ruler and people are the same. Immunity of the Rulers is against this principle. To reject the removal of immunity so as to maintain that a Ruler and people are different according to the law does not reflect a strong adherence to Islamic principles.

To accept immunity under laws said to be unIslamic but to reject immunity under the same laws is contradictory to the claim that he is only willing to accept Islamic laws.

Islam gives a lot of leeway. Islam takes into account all factors and situ-

ation and a crime merely because we have not implemented *hudud* law which prohibits the same crime?

The second principle is there is no immunity in Islam. All the laws are for all believers. A Ruler who wants himself to be immune from the law is as good as going against this Islamic principle.

Lastly, I would like to touch on the issue of advising the Rulers. As I had said, the Rulers must listen to the Government's advice. In other countries where there is a Monarchy system and without any special provision that says the Ruler must act according to the Government's advice, the Ruler had never acted against it. As such, the relationship between the Ruler and the Government which represents the people is good. Moreover, in these countries, the Ruler is respected by the people.

Unfortunately, in Malaysia, although there is a provision which says that the Rulers should act according to the Government's advice, in this case, the Rulers hold on to the assumption that the advice can be accepted or rejected. This assumption is wrong. Also, there are certain matters which the Rulers think unnecessary to seek advice. Therefore,

ment does not intend to abolish the Monarchy. This is evident from the amendments tabled. Any proposal to abolish the Monarchy system is seditious and the Government will use the Sedition Act against anyone who proposes or acts to abolish the Monarchy system.

The Government is aware that the people, especially the Malays, accept and support the institution of Malay Rulers. The allegation that the Government plans to abolish the Monarchy system is based solely on political interests. The Government which represents the majority of Malays and other races will abide by the people's wishes and will not do anything they do not like.

Since it is evident that the majority of the multi-racial population still want the Monarchy system, especially Constitutional Monarchy, the Government will ensure that the system will be protected by the Constitution.

Some quarters feel that the Malay Rulers are needed to safeguard the Malays. Past events like the MacMichael Agreement and Malayan Union clearly show that only the Malays are willing and capable of safeguarding themselves. If they had not opposed the Malayan Union, the Malays would be beggars in their own land today.

Certain quarters are trying to put fear in the Malays towards the amendments because they want to use racial sentiments to promote the interest of their political party. Their history cannot convince us that they are sincere. They had tried to weaken the Malays by splitting Umno and co-operating with

were also dictated to by British officers. They could be put on the throne or removed. MacMichael had threatened that they would be removed if they did not sign the Malayan Union agreement.

Under such circumstances, the Rulers still remained Rulers. The people did not ask that the Rulers be removed or the monarchy system be abolished although the Rulers had given away the Malay states to the colonialists. It must be remembered that at the same time, Rulers in Indonesia, India and Pakistan had been rejected by the people seeking independence. On the contrary, the Malays and Umno had fought to safeguard the Rulers and Monarchy system.

The Malays' opposition to the Malayan Union showed that the fate of the Malays lay in their own hands. The security of the Malays will not be affected by the Rulers not having the right to commit a crime. There are quarters who say that the removal of the Rulers' right to commit crime will mean that the Malays will no longer be Malays and will lose their special privileges. This is not true. It is a lie. Only the Malays can guarantee and safeguard their own rights. They do this through their elected representatives and government which implement various plans to protect and redeem the dignity of the Malays.

One Ruler had asked why the amendment to the Constitution is linked to Islam while the Government does not agree with the implementation of *syarak* laws and *hudud*. He said he was prepared to accept Islamic laws which have no provision for immunity but cannot

ations faced by Muslims. As such, when performing prayers, the environment, health and current situation are taken into consideration. Prayers can be performed without certain movements, without facing the *kiblat* (Mecca), can be done earlier or later, merged together; *berjemaah* (in groups) or alone. The Palestinians who were forced out by the Zionist government can pray without removing their shoes. In other forms of *ibadat* several exemptions are given. It is the same with the implementation of *hudud* law. The environment and society should be taken into account. Because of this, not that many countries with Muslims as the majority have implemented *hudud* law. Those which have done so do not implement it fully.

The Government does not reject *hudud* law. Its implementation must take into account the nation's situation where only 65 per cent of the population are Muslims who are ignorant in many fields. The administration which rejects the flexibilities given by Islam is not following Islamic teachings. Islam does not ask Muslims or a Muslim Government to implement Islamic law blindly as it can be self-destructive. That is why the Prophet asked his followers to flee to Ethiopia. The Prophet fled to Medina to safeguard Islam and its struggles.

If the situation permits, we will implement *hudud* law. But while we wait for its implementation let us not do anything which is against Islamic teachings. The crimes prohibited by this country's laws are also prohibited by Islam. Does this Ruler want the freedom to commit a

there are many actions which oppose the Government which represents the people.

Today's problem resulted from the thinking that the Rulers can disregard the Government. This action surfaced because advice was not heeded. The Rulers' refusal to listen to advice is the reason why they do not agree with the amendments.

If this continues, a parliamentary democracy government cannot truly and fully exist. This is why the Government has brought the amendments before this House. If this process were to be disputed, then the decision could be made by the court. As a government that holds to the "rule of law," we would obey the court's decision. At the same time, this matter should not be seen only from the legal point of view. It should also be seen from the political point of view.

When the Rulers handed the Malay states to the British, the people took political action to get the states back and keep the Monarchy institution. Although from the legal point the people had no right because all the agreements made were between the British and the Rulers, however, the British respected the people's political action.

I hope the Malay Rulers will learn the lesson from the country's history, especially that concerning the Malayan Union, and accept the country's political aspiration. Although the Rulers do not accept these amendments, I hope that after the amendments are passed by the Dewan Rakyat and Dewan Negara, the Malay rulers will accept and give their assent to the law.