

Mahathir: No sign that Rulers objected

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KUALA LUMPUR: None of the Rulers gave any indication they objected to the proposed amendments to the Constitution during informal meetings with government representatives, Prime Minister Datuk Seri Dr. Mahathir Mohamad said.

He said when he, his deputy Abdul Ghafar Baba and Finance Minister Datuk Seri Anwar Ibrahim first met the Rulers on Jan 9, a draft of the amendments was given to them.

The Prime Minister was replying to points raised during the debate on the bill in the Dewan Rakyat last night.

Dr Mahathir said on Jan 16, the three of them as well as Attorney-General Tan Sri Abu Talib Othman met the Rulers for two hours to explain the amendments.

He said one Ruler suggested that before a Ruler was brought to court, a tribunal comprising brother Rulers be set up to dethrone him first.

"He said after a Ruler is dethroned, he becomes an ordinary citizen and can appear in court. But we were not in favour of this because if the Ruler is proven innocent, there will be problems in reinstating him," Dr Mahathir said.

He said the Rulers did not object when he and his colleagues proposed a special court to try Rulers who had committed an offence. Following this meeting, he said, the AG was directed to formulate the necessary provision pertaining to the special court.

Dr Mahathir said on Jan 17, the three of them and the AG were asked to go to Istana Negara at 4pm to brief the Rulers again.

"Four Rulers, two Regents, and the Yang di-Pertuan Agong were present. We briefed them on the amendments and there was no sign that they did not agree. At the end of the meeting, we were told a decision will be made when the Conference of Rulers met the next day (Monday).

"Since the four Rulers and two Regents did not say they disagreed with the amendments, we were quite sure they'll give

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their consent the next day," he said.

He said on Monday, only he was invited to the palace after the Conference of Rulers met and he was told that the Rulers who met him, Ghafar and Anwar the previous day were not agreeable to the amendments, including the proposed special court.

He said it was obvious the Rulers did not want themselves to be tried in the courts.

In reply to points raised by Mr Dominic Puthuchery (BN - Nibong Tebal), the Prime Minister said the Government had taken note of the lawyer's view that the Constitution did not provide for any immunity to Rulers and Article 8 states that "all persons are equal before the law and entitled to equal protection of the law."

"What is stated is that no court proceedings can be brought against a Ruler. There is no mention of immunity at all for Rulers," he said.

He said in the system of constitutional monarchy and parliamentary democracy, the Rulers were obliged to follow the advice of the Government.

"Under the Constitution, the Rulers must heed the Government's advice but they don't. That's why today we face a problem and a constitutional crisis.

"Between two parties, one holds to the literal interpretation of the Constitution and the other to the spirit of the law; in other words, the letter of the law," he said.

Thus, he added, the Government could do likewise and hold to the letter of the law with regards to Article 181(2) which states that Rulers are not to be brought to court.

Dr Mahathir said because the amendments did not touch on the Rulers' privileges, dignity and honour and position, the bill therefore did not require the consent of the Rulers.

He added it was not a privilege for the Rulers to commit a crime.

At this point Mr Karpal Singh (DAP - Jelutong) asked if the Government would take the Sultan of Johor to court over the alleged assault on hockey coach Douglas ~~Coman~~.

The Prime Minister replied the Government preferred to resolve the matter amicably.

He said the views of the Government and the amendment would take effect only from now; it would not be fair to take action against the Sultan who had allegedly committed the offence while under the impression that the Rulers enjoyed immunity.