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Parliament-Amendments

OBJECTIVE UNAFFECTED BY CHANGES TO BILL, SAYS MAHATHIR

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KUALA LUMPUR, March 8 (Bernama) -- The objective of making the Rulers subject to prosecution under the country's laws has been unaffected by the modifications to the Constitution (Amendment) Bill 1993 tabled in the Dewan Rakyat today.

Prime Minister Datuk Seri Dr Mahathir Mohamad said the modifications were the result of discussions held between the government and the Rulers with the aim of refining the proposed law and upholding the dignities of the Rulers.

Tabling the modified Bill in the Dewan Rakyat, Dr Mahathir said the difference between the original Bill and the modified one was that errant Rulers would be prosecuted in a Special Court.

"The original provision in the Constitution that the Rulers cannot be prosecuted in an ordinary court is retained," he added.

Dr Mahathir said the modification required the addition of two clauses to the Bill on the position of the Yang di-Pertuan Agong or any Ruler should the Yang di-Pertuan Agong or the Ruler face prosecution. -- more

▼08/03/18-02MST

CNS3743

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Parliament-Amendments 2 Kuala Lumpur

The Yang di-Pertuan Agong should cease to carry out the functions of the position while under prosecution, he added.

He also said that a Ruler under prosecution should cease carrying out his functions and abdicate if he was found guilty and sentenced to jail for more than one day unless he was pardoned.

In the period that a Ruler ceased to carry out his official functions, a Regent or Council of Regency would be appointed, in accordance with the State Constitution, to carry out the functions of the Ruler, he added.

He said that to enable the functions of a Ruler to be undertaken by a Regent or a Council of Regency, Schedule Eight of the Federal Constitution had to be amended.

"This modification, I believe, was proposed by the Rulers because it will be strange and unacceptable to the people and also the Rulers if a Ruler under prosecution in the Special Court continues to carry out the functions of a Ruler or remains a Ruler after sentencing by the court and while serving the sentence," he said. -- more

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Parliament-Amendmen& 3 Kuala Lumpur

According to Article 71(4) of the Federal Constitution, the State Constitutions must contain the provisions stated in Schedule 'Eight of the Federal Constitution.

In accordance with the amendments to Schedule Eight, the state governments would have to amend the respective State Constitutions to reflect the provisions in Schedule Eight.

"It is hoped that the state governments will respect the decision of the Rulers and the Federal Constitution and make the amendments," he said.

Dr Mahathir said that if the state Constitutions were not accordingly amended, a Bill could be tabled in the Dewan Rakyat to provide for the provisions in Schedule Eight of the Federal Constitution to be enforced in the states.

"Therefore, we hope that the amendments in question will be made by all the state governments," he added. -- more

▼08/03/18-31MST

CNS3778

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Parliament-Amendments"4 (last) Kuala Lumpur

The other matter, Dr Mahathir said, was that no action could be taken against the Rulers without the agreement of the Attorney-General.

This was to ensure that the Rulers were not brought to court by those who wanted to embarrass the Rulers for invalid reasons.

Dr Mahathir also said that if Parliament approved the Bill, regardless of whether it was with the modifications or not, it would be sent to the Yang di-Pertuan Agong.

He said that if the Yang di-Pertuan Agong gave his assent, it would become law. But if the Yang di-Pertuan Agong did not give his assent, the Bill would still become law after 30 days. -- Bernama

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