

PM: Changes will preserve dignity of the monarchy

# Protecting the rakyat from royal injustices

KUALA LUMPUR, Mon. — Datuk Seri Dr Mahathir Mohamad said the modifications to the Constitution (Amendment) Bill 1993 will preserve its main objective while helping to promote harmony between the ~~ra-~~ ~~kat~~ and Rulers.

With these amendments, the Prime Minister said the **rakyat** will now be protected by law from injustices by the monarchs, hoping that the Rulers would not commit any.

He said the **rakyat** too will no longer be annoyed with the Rulers because whatever they do will be limited to what is allowed by the law. If the **rakyat** were to commit an offence against the Rulers, the punishment will be decided by the judge in the Special Court where normal law reigns supreme.

Dr Mahathir said this in his speech supporting the amendments that had been proposed by the Yang di-Pertuan Agong and which were agreed to by the Conference of Rulers.

Dr Mahathir said: "I have explained at length on Jan-

18, 1893 the Government's objective in amending the Federal Constitution with regard to the immunity of the Rulers, that is, their immunity from legal action in a normal court of law for any wrongdoing.

"The amendments are made because it was felt that the immunity of the Rulers from legal proceedings would no longer be in line with the spirit of the times."

He added that the modifications were the result of several deliberations between the Government and the Rulers. The changes were made to render the changes more specific and to preserve the dignity of the Rulers.

He said the only difference was that they could only be brought before the Special Court. The original provision in the Constitution that the Rulers cannot be brought before an ordinary court of law still holds.

Twelve MPs, including the Prime Minister, took the floor today.

The special two-day meet-

ing of the Dewan Rakyat and the convening of the Dewan Negara on Wednesday is the last legislative process to amend the Federal Constitution to remove the legal immunity of the Rulers.

Parliament approved the Bill at its Jan 18-20 meeting. The Yang di-Pertuan Agong Sultan Azlan Shah returned the Bill to Parliament with the modifications.

The Bill, with modifications agreed to by the Conference of Rulers and the Government, becomes law 30 days after it is submitted to the Yang di-Pertuan Agong regardless of whether royal assent is given.

Dr Mahathir said the modifications require two additions to the Bill. Firstly, the Yang di-Pertuan Agong will cease to exercise his functions if he faces any legal action. The same holds true for the Ruler of a State.

In the event that a Ruler faces legal action, he will have to stop functioning as

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a Ruler, and if found guilty and imprisoned for more than one day, he will have to step down, unless pardoned.

While a Ruler ceases to exercise his functions, a Regent or a Council of Regency will be formed according to the Constitution of the State to carry out his duties, the Prime Minister said.

The Prime Minister said he believed that the modifications were suggested by the Rulers because it would be strange and unacceptable to the public and the Rulers if any one of them continued to exercise his functions after being sentenced or while serving a sentence handed down by the Special Court.

To allow for the functions of a Ruler to be carried out by a Regent or Council of Regency, the Eighth Schedule of the Federal Constitution will have to be amended.

According to clause 4 of Article 71 of the Federal Constitution, the State Constitution must contain provisions as stated in the Eighth Schedule of the Federal Constitution.

As such, in accordance with the amendments being made to the Eighth Schedule, the State Governments are also required to amend their respective constitutions so that they will be in line with the provisions of the Eighth Schedule of the Federal Constitution.

Dr Mahathir said: "It is hoped that the State Governments will respect both the Rulers' decision as well as the Federal Constitution by making the required amendments.

"In the event that the State Constitutions are not amended to bring them in line with the amendments that are being made to the Eighth Schedule, Article 71, clause 4 of the Federal Constitution allows the legisla-

tion of a law at the Federal level to enable the provisions of the Eighth Schedule of the Federal Constitution to be enforced in the respective States.

"With this, we hope that the amendments will be carried out by all State Governments."

The second modification is that no action can be instituted against the Rulers without the consent of the Attorney-General. This is to guarantee that the Rulers are not dragged to court by people out to embarrass them or for unfounded reasons.

Dr Mahathir said that up till 1990, there was no one who would openly criticise or admonish the Rulers.

However, the general election of 1990 had fuelled resentment against the Kelantan Ruler because he had actively and openly campaigned on behalf of a certain party of his uncle.

The *rakyat* were unable to

accept not only the covert political actions of the Ruler, but also his attempt to promote his family to higher positions — a form of nepotism that is both feudalistic and undemocratic.

From that point onwards, the *rakyat* began to criticise the Ruler openly. They did not feel the need to restrain themselves anymore. The Ruler of Kelantan had opened a can of worms, he said.

Unfortunately, the stink that emanated stuck also to the other Rulers. As the Malay saying goes, *Kerana seekor kerbau membawa lumpur, habis semua terpalit juga* (one muddy buffalo can dirty a whole herd).

In his endeavour to reject the amendments which had been agreed to by the Rulers, the Kelantan Ruler had, among other things, alleged that the parliamentary sitting which debated the constitutional amendments on Jan 18 was invalid.

"I am afraid that the Kelantan Ruler may have again opened another can of worms. Whenever one party makes an accusation against another, a third party can also hurl the same accusation."

He added that if the Dewan had been falsely accused by the Kelantan Ruler, it too could make the accusation, with valid reasons, that perhaps the Ruler's appointment and installation as the Sultan of that State were not valid.

Perhaps there were others who had a greater right.

Towards the end of his speech, Dr Mahathir said certain people were trying to use the issue to further their political campaign, an exercise which the Prime Minister considered futile and unproductive.

Instead, he called on these people to work with the Government to develop the nation further.