

05/12/2001

## A unique system of electing King

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BY LATE morning next Wednesday, we will know who will be our next King and his deputy. The nine Malay Rulers will choose one among themselves to be the nation's 12th Yang di-Pertuan Agong following the death of the popular Sultan Salahuddin Abdul Aziz Shah Alhaj ibni Almarhum Sultan Hisamuddin Alam Shah on November 21.

The new King will take his oath of office at Istana Negara on Thursday morning.

In the 44 years of Merdeka, four Kings - Tuanku Abdul Rahman ibni Almarhum Tuanku Muhammad, the first King, came from Negri Sembilan, the second monarch Sultan Hisamuddin Alam Shah of Selangor, Sultan of Kelantan Tuanku Yahya Petra and Sultan Salahuddin Abdul Aziz Shah, the son of the second King - died before completing their terms of office.

Sultan Salahuddin Abdul Aziz Shah was the eighth Sultan of Selangor, succeeding his father who passed away on September 1 1960, while he was King, after only five months in office, the briefest tenure so far.

The late King gave chunks of his territory, in the national interest, to the Federal Government, first Kuala Lumpur on February 1 1974, when he was the Sultan of Selangor, and while as King, he ceded Putrajaya. On both occasions, he overrode objections and reservations from certain powerful quarters.

The giving away of large estates for the establishment of Federal Territories could only be made by a Ruler who was far-sighted, and his great sacrifice will always be remembered. His love for Selangor was only rivalled by his attachment to the country.

This system of electing King or Kingship by rotation is a unique institution, the only one I know, and it has evolved very well indeed. The institution has proven to be a wise one.

I have known all the previous 11 Yang di-Pertuan Agongs with various degrees of intimacy; the closest was Sultan Yahya Petra, the sixth King who, being the Sultan of Kelantan, was also my state sovereign. He made me a Datuk when I was only 33 in 1971 and he decorated me three times in as many years; third, second and first class orders.

The other two I could claim to know well are Sultan Ahmad Shah of Pahang and Sultan Azlan Shah of Perak.

This sui generis, or peerless, elected monarchy was created at independence and all agree that the Yang di-Pertuan Agong is a striking symbol of unity in a remarkably diverse nation.

Hitherto, all the heads of the nine states have been elected, and, in the case of Negri Sembilan and Selangor, twice: Negri Sembilan, the first and 10th King, Selangor the second and 11th. If the custom and the tradition of rotation are followed, which I believe will be the case, then the Raja of Perlis Tuanku Syed Sirajuddin Putra Jamalullail will be our next King with the present acting King, Sultan Mizan Zainal Abidin of Terengganu, his deputy.

Be as it may, as Prime Minister Datuk Seri Dr Mahathir Mohamad pointed out, it is entirely for the Rulers to decide who should be the next King and deputy Yang di-Pertuan Agong.

In any event, there have been instances where senior Rulers were not keen to become King whose term is five years; and not renewable. The King can only be removed from office by the Conference of Rulers, not by the Cabinet or Parliament. I suppose a Ruler can become King twice, if he

lives for a further 45 years after finishing his term.

Not impossible, but probably it will not happen. One of the qualifications to be King is that he must be free from any physical or mental defect which might render him unsuitable for the throne.

Who is eligible for the election? The ruler must be an adult, he must consent to be a candidate and must be, as I have noted previously, free from any impediment which can incapacitate him.

He must be on the election list. The first election list held in 1957 comprised the States of all Rulers in order of their then recognised precedence among themselves based on the dates of accession to the throne. First was Johor, followed by Pahang, Negri Sembilan, Selangor, Kedah, Perlis, Kelantan, Terengganu and Perak.

Sultan Ibrahim Almarhum Sultan Abu Bakar of Johor and Sultan Abu Bakar ibni Sultan Abdullah, the Sultan of Pahang, for various reasons which I shall not discuss in this article, declined to be candidates in 1957.

The Rulers then elected, I was told by a very reliable source, on the advice of the Father of the Nation and Prime Minister Tunku Abdul Rahman Putra, Tuanku Abdul Rahman, the Yang di-Pertuan Besar of Negri Sembilan who was on the throne less than three years. He died in office on All Fools' Day 1960.

The Sultan of Johor did not attend the conference to elect the first King; instead he gave his proxy to his namesake Sultan Ibrahim of Kelantan, the grandfather of the present Sultan of Kelantan Tuanku Ismail Petra.

The list for subsequent elections varied because the Ruler who had become King was omitted from the list. And so it does, after each election. Rulers preceding on the list are transferred to the end of the list in the order in which they were then on the list.

Though the Federal Constitution has been amended 43 times since Merdeka, the position of the King was not much affected except for his power to issue a proclamation of Emergency and to assent to Bills. The Constitution (Amendment) Act 1983 (Act A566) states that it should be to the satisfaction of the Prime Minister instead of the King to declare the state of Emergency. Before that, it was at the personal discretion of the Yang di-Pertuan Agong.

When Article 66 of the Federal Constitution was amended, also in 1983, a Bill presented to the King would automatically become law if not assented to by him within 30 days of it being presented to him. Prior to this, the King must assent to Bills presented to him before they became law.

In 1993, the Federal Constitution was amended again to restrict the immunity of Rulers in their personal capacity. The Rulers, who previously could not be subjected to legal proceedings, can now be charged for an offence or sued in a Special Court.

Well, the Yang di-Pertuan Agong, though a Constitutional monarch, is not totally powerless. He acts in his discretion, that is, as he thinks fit, on the appointment of the Prime Minister, on withholding of consent to a request for the dissolution of Parliament and the requisitioning of a meeting of the Conference of Rulers concerned solely about their privileges, position, honours and dignities, and a few other matters.

The Malaysian system of Government is neatly divided into three distinct divisions of power - the Executive, Legislature and Judiciary. Perhaps not like the American system of separation of powers, it is nevertheless a separation of powers.

Despite many amendments, the Constitution has worked well for us. It has given us the stability we cherish which has been made possible by a workable and living Federal Constitution.

Sultan Salahuddin died, as he had lived, with his mind always upon his

duty. I heard from a reliable source that until his last conscious hours, his thoughts were on the claims of duty.

The source told me: "Tuanku was talking to me (also a present member of the Royal family) and I will never forget what he said. (The source did tell me but it's not for publication.) The devotion which was shown to the King was well reciprocated".

A law professor, H.E. Groves, in his book *The Constitution of Malaysia* stated that "the position of the Yang di-Pertuan Agong has emerged as one of the strong cohesive forces in the federal structure".

Another commentator, Prof R.H. Hickling, described the office of the elected King as "the essential one of the Malaysian Constitution, without which all others become meaningless".

I was stunned by the King's death. I felt a deep personal grief because he had conferred me the title Tan Sri three years ago. I was never able to take up his invitation to play golf with him. I told him I had long stopped chasing the white ball. He told me I should restart the game. I never did. We were never meant to play golf together. He was an avid golfer.

So the new sovereign will come to his great opportunity, and the grief of the people will be much compensated by the knowledge that the new sovereign will follow in the way that Sultan Salahuddin Abdul Aziz Shah has set before him.

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