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When PM resigns, entire Cabinet should quit

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FOR some time now Datuk Seri Dr Mahathir Mohamad has been saying that Umno should inject new blood into the party. On his return from overseas recently he was told that some Umno leaders had indicated that they would not be standing at the next election.

Dr Mahathir welcomed this development and remarked "in fact they should all resign" adding that some of the leaders had been in office for as long as he has been Prime Minister.

In elaboration, Dr Mahathir said that Pak Lah should be given the chance to choose his own team. This suggestion breaks new ground in the country's political system and will set a precedent for future generations.

Under the Federal Constitution, if the Prime Minister ceases to command the confidence of the majority of MPs in the Dewan Rakyat, then, unless at his request the Yang di-Pertuan Agong dissolves Parliament, the PM shall tender the resignation of the Cabinet.

There is, however, no specific provision in the Constitution in the event a Prime Minister resigns during his term of office, a possibility come October.

Since Independence, Umno, being the dominant political party in Parliament and Government, has developed the tradition that the Umno president will be the Prime Minister and the Umno deputy president the Deputy Prime Minister.

So it was when Tengku Abdul Rahman resigned and DPM Tun Abdul Razak became PM. When Tun Razak died in office, DPM Tun Hussein Onn became PM. And when Tun Hussein resigned on health grounds, DPM Dr Mahathir became PM.

All these changes took place during the term of the Government in office. Only the PM changed but the rest of the Cabinet continued in office. It is through this tradition that we have had orderly changes of Government so far.

What then about the future? Under the Constitution, the Yang di-Pertuan Agong shall first appoint as Prime Minister to preside over the Cabinet a member of the Dewan Rakyat who in his judgment is likely to command the confidence of the majority of MPs in the Dewan Rakyat, and shall on the advice of the PM appoint other ministers from among the members of either the Dewan Rakyat or the Senate. The Constitution further provides that the Cabinet shall be collectively responsible to Parliament.

Under the Constitution, in practical terms, it is the Dewan Rakyat that decides who should be the PM and not Umno. And it is the Dewan Rakyat that has the power to allow the PM to remain in office for as long as he "commands the confidence of the majority of its members".

In other countries that have the same system as ours, the choice of PM is made by MPs. To reconcile our traditions with that of a parliamentary democracy we should establish a Malaysian parliamentary practice whereby after a general election, the Dewan Rakyat will convene soon thereafter to elect the leader of the House.

The majority party in the House will of course nominate its candidate to be elected the Leader of the House.

The Speaker will then report to the Yang di-Pertuan Agong that a new leader has been elected, whereupon the Yang di-Pertuan Agong will summon the leader to the palace and appoint him Prime Minister.

In the event the PM resigns or dies during term, the Dewan Rakyat will

follow the same procedure as after a general election. To be elected leader of the House is proof that the prospective PM enjoys the confidence of the majority of MPs in the Dewan Rakyat.

We have been very fortunate in having had the right PM at the right time for nearly half-a-century, but we must be prepared for any eventuality in the future. MPs should not feel that the PM has been imposed on them or that Parliament has no choice in the matter.

Dr Mahathir's suggestion that all must resign is in fact consistent with the power of the PM to appoint ministers to his Cabinet. If all the ministers resign following the resignation of Dr Mahathir, then Pak Lah will be free to choose his Cabinet. He is of course free to reappoint any minister from the present Cabinet but it will be his choice and not be seen as carrying the baggage left by Dr Mahathir. It should be parliamentary practice when the PM resigns or dies, the entire Cabinet resigns.

Even so, certain traditions will remain. The Barisan Nasional consists of 13 political parties and the leaders of these parties will expect to be members of the administration, an illustration of horse-trading in politics. In addition, Malaysia being a Federation, every State expects to be represented in the Cabinet. Pak Lah has little choice really.

All must resign, for changes in mid-stream will be another Mahathir legacy.