
**THE
SULTAN
&
THE
CONSTITUTION**

Muhammad Kamil Awang

Dewan Bahasa dan Pustaka
Kuala Lumpur
1998

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FOREWORD

It gives me great pleasure to warmly welcome this book entitled *The Sultan and the Constitution*.

The learned author Haji Muhammad Kamil Awang deserves our compliments and congratulations for this major effort on his part to crystallise his thesis into a book, which I think will be useful as a textbook for students studying law.

Haji Muhammad Kamil Awang is a graduate of London University and a Barrister of the Honourable Society of the Inner Temple London, and did a post-graduate course at the University of Kent at Canterbury, England. Upon graduation he joined the Judicial and Legal Service Malaysia. Subsequently, he was elevated to the High Court Bench. The publication of this book is not only a personal credit to him but equally a credit to the Malaysian judiciary.

I am sure everyone of us will find the book very useful and stimulating especially to the general reader who wants to know more of the history and development of the Constitution.

This book has been translated into Bahasa Malaysia, and it is also my hope that it will be revised from time to time to incorporate future amendments of the law.

I wish the book every success.

Tan Sri Dato' Seri Hj. Mohd. Eusoff b. Chin
Lord President
Malaysia

PREFACE

In the indigenous Malay society the Malay ruler was an absolute monarch, but over the years a transformation has taken place in which the ruler has become a constitutional monarch. This was formalised when the Malay state received its first written constitution. The present study was undertaken to examine the position of the ruler in the constitutions of the Malay states and the development of the constitutions to their present day form. The work consists of four chapters and a conclusion.

Chapter One traces the acquisition of British jurisdiction in the Malay states and the formation of the Protected Malay States. It examines the evolution of the native administrative machinery before 1874 and, after that date, with the introduction of Western Residential and the Advisory Systems in the Malay States. The introduction under both the residential and advisory systems of the State Council is examined and discussed. These, and the functions of Malay authorities and their composition are examined in the light of similar institutions in a protectorate and colony.

The origin of the Legislative and Executive Councils as found in the State of Johore is discussed and the membership of these Councils is examined. Discussion also focuses on the changes in the composition of these Councils, and that of the Council of State with modified membership qualification to admit Europeans and other races to sit in the various Councils.

Movement towards closer union under the Residential System with the formation in 1895 of the Federated Malay States as sort of loose