

**Don: King can't stop new traffic law**  
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Despite PAS' plea to the Yang diPertuan Agong to stop the controversial amendments to the Road Transport Act, constitutional law expert Abdul Aziz Bari contends that the King is powerless to act in the matter.

Scrutinising why this is so, he added, could well lead to another constitutional crisis.

Yesterday, six representatives from the Islamic party delivered a memorandum to Istana Negara, pleading for the King to return the amended bill to Parliament unsigned, so that it could be debated properly.

"They want the King to intervene by returning the bill to Parliament with his disagreement.

"The problem here is that the provision that allowed the King to return any bill to Parliament was abolished by the Mahathir administration by a constitutional amendment in 1994," the International Islamic University of Malaysia lecturer (right) explained.

Abdul Aziz said under the 1994 amendment to the Federal Constitution, Parliament obtained the power to bypass the King's approval for any bill. Any bill passed by Parliament and rejected by the King, or without his signature, would automatically become law in 30 days.

"What can the King do? He may just sit back and do nothing and let the bill become an Act of Parliament after the expiration of the 30 days," the law professor reasoned.

But the very amendment that gave Parliament the power to bypass the King in the enacting of laws, Abdul Aziz pointed out, was made without the consent of the Conference of Rulers. This fact could well trigger a constitutional crisis - should the Rulers decide to press their point.

**Amendment done behind the Rulers' back**

"The power to return a bill was actually a compromise formula to settle a deadlock following the 1983 constitutional crisis between former Prime Minister Dr Mahathir Mohamad and the Malay Rulers, after Mahathir tabled an amendment to take away the King's power to sign bills into law."

What Mahathir did in 1994 (by pushing the amendment empowering Parliament to bypass the King), Abdul Aziz explained, was essentially to go back on his word and, behind the Rulers' back, change the Constitution through the very amendment that triggered the 1983 crisis.

The major problem with the constitutional provision that allows the King to be bypassed, namely Article 66(4A), added the don, is that it was inserted into the Constitution without the consent of the Rulers, which is required under Article 38(4).

According to Article 38(4), "no law directly affecting the privileges, position, honours or

dignities of the Rulers shall be passed without the consent of the Conference of Rulers", something which Mahathir (left) conveniently ignored.

This gives grounds to call into question the legality and enforceability of the power of Parliament to bypass the Yang diPertuan Agong's consent for a bill to become law.

"Of no less relevance is the fact that Mahathir did it behind the Rulers' back, something that was clearly against the compromise made in 1983," Abdul Aziz said, adding that this could well trigger another crisis, should the monarchy take it up with the government.

### **Bill rushed through without sufficient scrutiny**

Nevertheless, he believes that those opposing new amendments passed by Parliament have a good starting point, especially since the controversial Road Transport Act amendment bill had MPs from both sides up in arms with the government for not giving them enough time to go through the bill.

"The bill was rushed through the two houses without sufficient debate or scrutiny. Given the controversial issues, such as letting a private company operate a system to issue summonses to traffic offenders, even the BN backbenchers supported it reluctantly, as the bill did not go down well with the ordinary people," said Abdul Aziz.

In a rare move, even BN backbenchers took pot shots at the government over the unpopular bill when it was first tabled in April.

He contends, that this was evident from the support PAS Pokok Sena parliamentarian Mahfuz Omar, who was one of those who delivered PAS' memorandum to the palace yesterday, received in his anti-postal summons campaign.

What is needed, added Abdul Aziz, is for a person to mount a legal challenge on the status of the bill after it becomes law.

"This person, preferably an MP, can go to court and ask for a declaration on the status of the bill. But even an ordinary motorist can do the same as he or she certainly has the locus standi on the matter," he explained.

Despite the King's hands being tied, Abdul Aziz believes that the question of the legality of Parliament's power to bypass the King and the rush job in passing the bill may help Mahfuz and motorists who stand to be affected by the amendments to the Road Transport Act to challenge it.