

Khusrin's posting violates constitution, says Kit Siang
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DAP stalwart Lim Kit Siang said Mohd Khusrin Munawi's imminent appointment as the new Selangor state secretary, made without consulting the Selangor menteri besar, violates both the spirit and letter of the Selangor constitution.

Lim, who is also Ipoh Timor MP, blasted the federal government's arguments that neither the state constitution nor the MB needed to be consulted, and that Khalid's consent was also not required for the decision.

"This is a flimsy and unacceptable argument, for going by this literal interpretation, Putrajaya (then) should not have involved the Sultan in the appointment of the state secretary, as there is equally no mention in the state constitution that the Sultan must first be informed of the appointment, nor that royal consent is needed," said Lim.

"What is pertinent is that constitutional conventions like meaningful consultation with the menteri besar, and the Sultan, on the appointment of the top state civil servant are carried out to uphold the integrity of the state constitution and to fulfill the mandate given by the people to Pakatan Rakyat," he said.

Lawyer Derek Fernandez echoed Lim's views yesterday when he told Malaysiakini that convention dictates the menteri besar should have been consulted first.

Last Monday, government chief secretary Mohd Sidek Hassan announced Khusrin as the new state secretary replacing Ramli Mahmud.

The unilateral decision met with fierce criticism from the Pakatan-led Selangor government and prompted the MB's office to announce that Khusrin's appointment was "not final".

The state administration added that they had already shortlisted three candidates other than Khusrin, who is presently the Selangor Islamic Department director.

Consultation in spirit of constitution

Lim reminded that chief secretary should be mindful when making a decision on the appointee, that different political coalitions were running the federal and state governments respectively.

His duty, says Lim, is to therefore ensure that the appointee can work to bridge the federal and state governments, or at least, not to be seen as hostile to the state government in favour of the federal government.

"This is where the constitutional convention of meaningful consultation with the menteri besar on the appointment of the state secretary should have been observed," he said.

"The healthy growth of federal-state relations and parliamentary democracy at both the national and state levels would be greatly harmed if the spirit and letter of the constitution, as in having meaningful consultation with the menteri besar on this appointment, is

trampled upon.”

He added that misinterpreting the constitution in order to impose a “most unpopular officer” on the state government, that was against the wishes of the state exco, a majority of the elected assemblypersons and the voters, was unhealthy.

He pointed out that Article 55 of the Selangor constitution states that the Sultan is to act in accordance with the advice of the Selangor exco, with the exception of “specific cases”.

“The appointment of the state secretary is not one of the exceptional cases where the Sultan may act on his discretion.

'Spare us constitutional crisis'

He called on Sidek to rectify the situation and avoid a constitutional crisis by respecting the consultative process with the MB that is in line with the spirit of the state constitution.

“This would spare the country and people a constitutional crisis,” said Lim.

Following the state secretary fracas, Khalid has called for special prayers (solat hajat) to be held at his residence this evening to resolve the issue.

Khalid is also trying to get an audience with Sultan Sharafuddin Idris Shah to sort out the issue as Sidek had announced Khusrin's appointment to be effective from Jan 1.

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