

Don: Sultan not chief executive
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The claim by the Selangor sultan's private secretary Mohamad Munir Bani that the sultan is the "chief executive" of the state with "executive powers" is incorrect, constitutional law expert Abdul Aziz Bari said.

According to Abdul Aziz's interpretation of the federal constitution, the state authority is formally vested in the office of the sultan, but it rests with and is executed by the menteri besar and his elected government.

"It is not correct for Munir to say that the sultan is the chief executive, having executive powers. The position in a state or for the country cannot be compared to that of a company," he said.

Abdul Aziz (left), a law professor with the International Islamic University of Malaysia, said Munir's statement yesterday was unconstitutional.

"The private secretary (by) making that statement is actually something that goes against the constitution." he argued.

"This is because state power has to be exercised by those who are elected. This is important, for they have to be made accountable to the people through their representatives in the House."

Abdul Aziz was responding to a statement issued by Munir yesterday on behalf of the sultan, which chastised Selangor Menteri Besar Abdul Khalid Ibrahim for questioning the appointment of former Selangor Islamic Affairs Department head Muhammed Khusrin Munawi as the new state secretary.

'State pays ex-officio members'

Abdul Aziz said the ruler is mostly confined to a check-and-balance role, which is the basis of a constitutional monarchy and responsible governance.

"That is how the role of the sultan on the matter is to be understood. The sultan's duty is to ensure that the public service remains true to its constitutional role," he said.

Unlike the ceremonial role of the sultan, Abdul Aziz said, the menteri besar should have a say on the appointment of executive officers as the public service is the machinery that implements the government's policies and programmes.

Moreover, Abdul Aziz argued, although the state secretary is appointed by the federal Public Service Commission, his remuneration is derived from the state.

"Not many people realise that actually it is the state that pays the salaries and allowances of the state secretary, state legal advisor and state financial officer.

"Indeed, the federal officers serving in state agencies also are being taken care of by the

Selangor taxpayers," Abdul Aziz said.

He said it is strange that the palace is not defending the menteri besar's claim on the state's role in choosing the state secretary.

"It is hard to make sense as to why the sultan - as reported - did not quite bother to complain about the amendment which gave his powers away to the federal government," he said.

Constitutional bounds 'exceeded'

Abdul Aziz opined that the ongoing row over the appointment has seen the federal government going beyond its constitutional limits, such as by exerting pressure on the sultan to appoint the candidate of its choice.

The sultan has also failed to perform his check-and-balance role, since he has urged the state government to accept the federal government's appointee.

He also said the state government's intention in planning to restore the sultan's authority in the selection of the state secretary should be lauded as this shows its constitutional ideals.

He was commenting on Khalid's plan to amend the state constitution to address the 1993 amendment that restricted the authority of the Malay rulers in a number of areas.

For now, the onus will be on Umno and BN to explain why the ruler's authority in the appointment of an ex-officio member was removed in the first place in 1993.

"They owe a duty to the Selangor people as to why state autonomy was surrendered to federal authorities through the amendment," he added.

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