

Sultan is 'chief executive', says lawyer
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Selangor State Islamic Religious Council (Mais) member Salehuddin Saidin said that the sultan is the chief executive of the state but the power to appoint the state secretary lies with the federal Public Service Commission (PSC).

"Clause 52 of state constitution states that the executive authority of the state shall be vested in his royal highness," said Salehuddin.

However, the prominent lawyer said that the power to administer the state is in the hands of the menteri besar and his cabinet through "executive power that comes from the sultan".

"The sultan is the state executive chief, different from administration chief (which is the menteri besar). Hence when the PSC wants to appoint a government officer, by convention the names are presented to his highness for his consent," said Salehuddin (in pink clothes), who is a former prosecutor in the Attorney-General's Chambers.

Salehuddin said this at a press conference called by the Selangor sultan's private secretary Mohd Munir Bani at the Istana Bukit Kayangan, Shah Alam.

He stressed that he was speaking in his capacity as a Mais member.

Debate on the sultan's role in the running of the state intensified after Munir released a statement on Tuesday, stating that the PSC had presented names of three candidates for the state secretary post to the sultan "in his capacity as the chief executive of the Selangor government".

Valid even without secrecy oath

However, this was rebutted by constitutional law expert Abdul Aziz Bari, who opined that while the state authority is formally vested in the office of the sultan, the power 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, adding that Munir's statement was unconstitutional.

Abdul Aziz's position appears to be reinforced by chief secretary to the federal government Mohd Sidek Hassan's statement yesterday that the state constitution does not stipulate that the PSC's appointment of the state secretary requires the sultan's consent.

"Instead, it is more of an act of courtesy for the sultan to consent to a nominee for the state secretary, who will become the chief administrator for his highness' state," said Sidek.

Reiterating Sidek's legal argument about the PSC's authority in appointing the state secretary, Salehuddin said that both the state and Sultan has no say in the matter.

"It is undeniable that Selangor also has its own state service commission but it is not the

appropriate service commission stated under Clause 52(1) (of the state constitution). It means PSC," said Salehuddin, adding that PSC submitted the candidate names to Sultan due to "convention".

On Selangor Menteri Besar Khalid Ibrahim's refusal to allow Khusrin to take his oath of secrecy, Salehuddin said that he is not sure what the outcome would be like as the law was silent on this.

He said that the state secretary can only be allowed to sit in the state cabinet meetings once the oath is taken, but stressed that the even without the oath, the validity of the appointment cannot be questioned.

Salehuddin is best known as the chief prosecutor in the Altantuya murder trial who was replaced after he was seen playing badminton with trial judge Mohd Zaki Md Yassid.

Statements were approved by sultan

Meanwhile, Munir denied claims that statements issued over the pass few days were his personal opinion and did not reflect that of the palace.

"All written press releases are orders from the sultan. All statements have been approved by the sultan. His highness vetted and went through all paragraphs written by me and he also ordered me to seek advise from experts on issues related to law.

"I only released the statements after discussions with experts and sought approval from the sultan," said Munir, adding that he was ordered by the sultan to issue this rebuttal.

On Tuesday, Munir had released a scathing statement, chastising Khalid and his colleagues over their statements on Khusrin's appointment.

Khalid replied yesterday that the Munir's criticism was his own and did not reflect the position of the palace.

Munir also clarified that he was not a member of Umno nor had he acted in bias in handling this issue.

"I feel upset that some said I'm a Umno and BN man who is playing politics and not supporting the current state government.

"I would like to state that I'm not involved in politics either Umno or PKR because as a government official, I have to be neutral and professional," he said.

He said that the state government should give Khusrin a benefit of a doubt before condemning his appointment.

"Who know he may be better than others? Who know he may might be very cooperative with the state government? It is not fair for us to judge too early," he said.

Munir also opined that Khalid should have discussed the appointment of the new state secretary with the PSC several months before and not wait until the sultan had already made his decision.

"Now it is the other way round. (They) only wanted to discuss after the appointment. This is

not very nice.”

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