

Sultan can appoint one not on the lists as MB

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The law allows Sultan Sharafuddin Idris Shah to appoint the new menteri besar of Selangor, even a person not on the lists submitted by Pakatan Rakyat.

This was the view of senior lawyers Sallehuddin Saidin as well as former United Nations special rapporteur for Independence of Judges and Lawyers, Param Cumaraswamy.

If the person selected by the sultan is not from the lists and does not have the majority support of the state assembly, Param (left) said, the ruler can dissolve the assembly.

Sallehuddin, who was formerly the head of the Department of Prosecution in Selangor, and who has been in private practice for more than five years, said there is no limit for the sultan to choose the new menteri besar from the lists submitted to him.

“There is nowhere in the state constitution that says the sultan is restricted to the list(s) submitted to him to determine the person who is likely to command the majority support of the state assembly.

“It affords a guide, but does not restrict his discretion. The ruler can resort to any means at his disposal to determine who is likely to command the majority,” Sallehuddin told Malaysiakini when contacted today.

The lawyer said what the sultan is doing is not by convention but the law allows the monarch to do so.

Sallehuddin (right) said the pre-condition is that the person must have the majority support from members of the legislative assembly.

Param, a former Malaysian Bar president, said the Selangor sultan may appoint someone who may not be on the lists, but one who he considers, in his judgment, will command the confidence of the majority of the elected representatives.

Sallehuddin and Param said this when asked to comment on the sultan's statement issued by the ruler's private secretary Mohamad Munir Bani, that majority support is not the sole criteria for appointing the new menteri besar and that the monarch can choose a name that is not on the lists.

Yesterday, academician Abdul Aziz Bari, who is also a constitutional expert, maintained the sole qualification for a MB is having the majority support in the state assembly and that the personal preference of the ruler has no place in a constitutional monarchy.

What if candidate doesn't have majority?

While Param agreed the sultan is not restricted to just choosing from the names on the lists, he said the ruler's choice must command the majority support of the legislature, where there are 56 elected assemblypersons.

PAS and DAP each have 15, while PKR has 13, following incumbent MB Abdul Khalid Ibrahim's expulsion from the party. Umno/ BN has 12.

In their nominations for new MB, PKR and DAP had sent in one name namely PKR president and Kajang assemblyperson Dr Wan Azizah Wan Ismail (left), while PAS submitted three.

When Malaysiakini asked on the possibility of the sultan's choice not having the command of the majority in the assembly, Param said the ruler may decide on advice to dissolve the assembly together.

"This is to prevent the imbroglio from prolonging further," he said, adding the state administration should be allowed to continue.

At present Khalid is running the state with four exco members from PAS.

However, Khalid or the incoming MB may have a problem in tabling the state budget normally done in November, if he does not have majority support in the House.