

## **YOURSAY | Why was the Agong disappointed?**

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**Yoursay**

YOURSAY | 'Was the dissolution of Parliament a cabinet decision?'

Vijay47: Very strange. Why are lawyers from the law firm Hafarizam Wan & Aisha Mubarak acting for the three government respondents (caretaker prime minister Ismail Sabri Yaakob, the government, and the Election Commission in the lawsuit filed by incumbent Klang MP Charles Santiago to challenge the dissolution of Parliament)? Should that not be the function of the Attorney-General's Chambers?

Never mind, I digress, of course. Right ab initio (how I love that term!), we are reminded that the reserve squad of lawyers are no better than the first eleven.

The affidavits have Ismail Sabri written all over them, with more than a walk-on role from the legal advisors. You say the matter is now academic, but should it be allowed to rest? That would be akin to saying you cannot sue the doctor since the patient is already dead.

Ironically, the suit by Charles has in a way nothing to do with Yang di-Pertuan Agong Sultan Abdullah Sultan Ahmad Shah. It is solely directed to you, Ismail Sabri, and nobody else.

The issue of the Agong's constitutional power to dissolve Parliament does not arise at all, everybody respects that truth. But in the cause-and-effect equation, you are alleged to have given His Majesty inappropriate advice in the first place, you are the cause of the predicament we are in.

The king, in exercising his royal prerogative, acted in accordance with the application you made, misguided as your submission was. Of course, the Agong's power to dissolve Parliament is non-justiciable. But not the acts of one Ismail Sabri, a commoner from Bera, however much he may assume himself to be of royal heritage.

Mischievously and most disrespectfully, your affidavit-in-support suggests that "the Yang di-Pertuan Agong has already sought for GE15". His Majesty did no such thing, he is above elections and politics. You are the seeker.

So, tell me, Ismail Sabri, who is the one being disrespectful to the Agong?

Apanama is Back: The government of Ismail Sabri, attorney-general Idrus Harun

and the EC are smart. They know what they are doing in this case. They know how to strike it out.

In support of the nullification by the government, there is no mention of the advice to Agong. The focus is on Article 55(2) of the Federal Constitution - that the Agong had exercised his prerogative power under the Constitution judiciously.

The way the dissolution is undertaken is being portrayed as a request, as what is mentioned in the Palace press release. The word is "permintaan". There is no mention of advice as far as this dissolution issue is concerned.

There is a high possibility that this suit by Charles will be struck out, perhaps with cost to the government. Nevertheless, we need to know the issue at hand - whether the dissolution of the Parliament is undertaken in the right way.

The court needs to address both the "request" and "advice" and which one is being used in the dissolution of the 14th Parliament.

Dr Raman Letchumanan: I believe Charles did not name Agong as one of the respondents. So, the respondents should not implicate the Agong and drag the good offices of the Palace. It is insolent.

Indeed, they have not responded to the main issue, which is whether, in Article 40 (1), the prime minister can act contrary to/or without a cabinet's decision when he must act on behalf of the cabinet in offering the advice.

Maybe the result of Agong's sole discretion is non-judicial, but it is a good opportunity to clarify this issue on cabinet advice, and whether a prime minister/menteri besar can go 'rogue' and tie the hands of the rulers.

We had the earlier experience of a prime minister not adhering to the monarch's instructions/advice. The issue of the monsoon is not relevant to this case.

Kim Quek: Nothing Ismail Sabri has said so far has negated the unconstitutionality of his advice to the Agong to dissolve Parliament due to his lack of approval or even knowledge of his cabinet. Hence, the dissolution of Parliament remains unlawful and void.

With regard to his latest assertion that the Agong has the discretion to dissolve Parliament by virtue of Article 55(2) of the Federation Constitution, such assertion contradicts Article 40(1), Article 40(1A) and Article 40(2), which read together do not endow the Agong with such discretion.

Without a valid dissolution of Parliament, the EC cannot conduct the

parliamentary election. However, it can conduct elections in states where the legislatures have been lawfully dissolved.

Koel: Yes, this is curious. So, was this dissolution a cabinet decision? After all, we hear that 12 people from the administration disagreed.

So, who decided on this to tax Malaysians during an impending weather crisis and how was this decided? The monarch's role comes after this decision, we assume.

But how was this decided? Can we have some honesty and integrity, Ismail Sabri?

Jaybond: Ismail Sabri, you didn't listen to what the 'rakyat' wanted and now you drag the Agong into this turmoil.

You started everything by bowing to the court cluster, whose leader is so hard up and 'kemaruk' (thirsty) to be prime minister.

Aisyalam: The Agong wanted the elections before the monsoon.

You say you are a caring prime minister, Ismail Sabri, but the EC needs almost two weeks to have a meeting to decide on the nomination and polling dates for

GE15.

It does not appear reasonable to have such long notice to have a meeting, given the urgency. It looks like the elections will be held in the middle of the monsoon.

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