

Nazri: Council has final say on Kelantan sultan
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Minister in the Prime Minister's Department Nazri Aziz said the federal government considers as valid the appointment of Regent Tengku Mohamad Faris Petra as Kelantan's new ruler.

parliament gobind singh ban over nazri mistake 251108 04 "It falls under the jurisdiction of the council of succession," said the de facto law minister today, "And the federal government accepts whatever the decision that the council comes up with."

Nazri (left) cited the case of Negeri Sembilan two years ago, where the government did not interfere when the state's council of succession, comprising the four undang (noble chiefs), chose someone other than the sultan's direct male heir as the successor.

Asked if the courts could intervene even if the federal government could not, Nazri emphatically said they could not.

Last week, lawyers reportedly acting on behalf of the ailing Kelantan Sultan Tuanku Ismail Petra submitted two motions to the Federal Court to block any attempts to remove the ruler from his seat.

The proclamation ceremony today was a subject of controversy because of this, along with claims by the incumbent sultan's eldest sister Tengku Merjan Sultan Yahya Petra yesterday that "conspirators" were out to oust her brother through unconstitutional means.

Although the press speculated that the proclamation ceremony would take place today, it was only confirmed hours before the event at Istana Bala Besar, Kota Bharu proceeded at 11.30am.

Tengku Mohamad Faris was made acting sultan last May after his father was incapacitated due to a stroke, sparking a tumultuous year ahead for the Kelantan royal household.

'Court powerless'

Constitutional law expert Abdul Aziz Bari also rubbished the attempts as mere procedural posturing by the lawyers.

perak federalisme talk 010410 abdul aziz bari "While the Federal Court is the right forum to determine constitutional issues, the law as it stands now is that it is the Majlis Perajaan (council of succession) that has the final say.

"The Federal Court will not interfere with the decision pertaining to disputes pertaining to the right of succession," stressed Abdul Aziz (left), a UIA law professor.

Abdul Aziz cited as precedence the court's reluctance to intervene in the Negeri Sembilan case mentioned by Nazri, as well as the case of Terengganu's Sultan Ali who was deposed from office by the British Military Administration for alleged collusion with the Japanese in 1946.

"Under the constitutional scheme it is the council who makes or breaks the ruler. Not the court. The court has no power over the council.

"More so, Article 71 of the Federal Constitution expressly states that the federation will undertake to protect the state's rights of succession," he added.

He explained that the courts recognise the constitutional right of the council as the sole authority to appoint a successor or declare a sultan unfit.

"That is the inherent power of the council, article 23A of the Kelantan state constitution simply makes it clearer," Abdul Aziz opined.

bbpm tengku faris 120408 tengku farisThe newly amended Article 23A gives the council express powers to declare a sultan unfit for duty should he be incapacitated, and to name his replacement.

The council and the state government relied on this article in their announcement this morning naming Tengku Faris (left) as the new Sultan of Kelantan.

The Kelantan royal household has been riddled with controversy since Sultan Tuanku Ismail suffered a stroke in May this year, effectively incapacitating him.

Tengku Faris was appointed regent but faced opposition from his brother Tengku Fakhry Ismail who has the support of the sultan's consort Tengku Anis Tengku Abdul Hamid.

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