

**Ex-sultan fails to get hearing adjourned**  
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The former Sultan of Kelantan, Tuanku Ismail Petra, who had petitioned to seek an interpretation of the Federal Court on the Article 63 of the state constitution, received a setback after the apex court dismissed an application from his counsel to adjourn the hearing today.

A three-men bench chaired by Federal Court judge Zulkefli Ahmad Makinudin made their judgement unanimously to disallow the application after taking into consideration the interest of the public.

The two other Federal Court judges were Md Raus Sharif and Abdull Hamid Embong.

Justice Zulkefli then directed counsel Cecil Abraham, who was acting for the respondent, Sultan Muhammad V, to submit on the issue of jurisdiction of Tuanku Ismail Petra who had filed two petitions dated May 5 and June 22.

Tuanku Ismail Petra had named Sultan Muhammad V of Kelantan as the first respondent and the state government as second respondent.

The counsel for Tuanku Ismail Petra, Tunku Sofiah Jewa, Yaacob Hussain Merican and Abdul Rashid Ismail told the court that they were not prepared to make the submission since they were only appointed recently and the lead counsel, Raja Aziz Addruse, needed further chemotherapy treatment in Singapore.

Yaacob also told the court that Raja Aziz was suffering from lymphoma.

Yaacob said if the court insisted on proceeding with the hearing, they had no choice but to discharge themselves.

Zulkefli then interjected and reminded the counsel that they just cannot walk out of the court, which was tantamount to showing disrespect to the court.

"Today we are not going into the merits of the petitions but more on the jurisdiction of the petitioner (Tuanku Ismail Petra) making the application and we, as officers of the court, should respect the decision of the court.

"Please don't jump the gun by assuming that you all have to reply by today itself, you can make the application later once the respondent's counsel completes his submission," Zulkefli told the counsel.

Abraham, who objected to the adjournment, said the proper way for the counsel to withdraw themselves was by filing proper applications according to the rules of the Federal Court.

After a brief deliberation, Zulkefli said the court had already ruled on the matter and directed Abraham to submit.

Tuanku Ismail Petra, in his first petition on May 5 this year, had sought an opinion of the Federal Court on two issues:

a) whether the regent of the state, acting during the sultan's incapacitation, was entitled to assume for himself the full powers of the sultan, to so conduct himself as if the sultan was no longer the sovereign of the state;

b) whether the regent, acting as such during the sultan's incapacitation, has the power or authority: (i) to remove any member of the Council of Succession appointed by the sultan, and (ii) to appoint other persons in their place in the Council of Succession.

In the second petition, filed on June 22, the petitioner sought the Federal Court's opinion on additional questions related to the fundamental liberties of the sultan.

On Sept 20, Tuanku Ismail Petra filed a third petition seeking the intervention of the apex court to declare as "unconstitutional" the proclamation of his eldest son, Tuanku Muhammad Faris Petra (now Sultan Muhammad V), as the new sultan of Kelantan.

Abraham, in his submission, contended that the petitioner had no right in law to refer on a question of law pursuant to Article 63 of the Kelantan state constitution since he was no longer the sultan.

Article 63(2) states that "his royal highness may refer to the Federal Court for its opinion any question as to the effect of any provision of the state constitution which has risen or appears to him be likely to arise, and the Federal Court shall pronounce in open court its opinion on any question so referred to it."

Abraham said by virtue that the respondent was appointed the regent of Kelantan, the state constitution provided him with vested powers of "his royal highness" until the petitioner recovered from his incapacitation.

"Here, the petitioner never recovered from his incapacitation and is deemed not fit to hold office or exercise his functions as a ruler."

Abraham submitted that in accordance with Article 22A(5) of the state constitution, the respondent was required to continue to act as the regent of Kelantan until the petitioner recovered.

"The court must ask itself whether two individuals may exercise the powers of 'his royal highness' within the meaning of the state constitution at the same time. The answer is a categorical no," he said.

As such, Abraham said that the petitioner had no locus standi to refer the matter to the federal court and that the three petitions should be dismissed with costs.

Zulkefli set Nov 11, for reply.

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