

**Tuanku Ismail remains Kelantan sultan: Counsel
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Tuanku Ismail Petra Ibni Sultan Yahya Petra continues to remain the Sultan of Kelantan although he is incapacitated or absent from the state, the Federal Court heard today.

His lawyer Azhar Azizan Harun submitted that Sultan Muhammad V (Tuanku Muhammad Faris Petra) who was appointed the regent of Kelantan on May 24 last year, by the Council of Succession by reason of his father's illness, did not take over exclusively the role of the Sultan.

"The regent being a caretaker ruler can only perform those duties which a Sultan is required by the Kelantan state constitution to perform whatever that Tuanku Ismail Petra cannot do because of his incapacitation or absence," he said.

Azhar said the regent only had the right to exercise his powers on matters confined to attending to the affairs of the state.

"The Regent, it is submitted with respect, does not subsume all the powers of the Sultan or Sovereign. His Royal Highness the Sultan does not surrender all his powers to the Regent. His Royal Highness maintains those powers as a Sultan," he said.

Hence, Azhar said, Tuanku Ismail was entitled to exercise his powers under the State Constitution to refer to the Federal Court for its opinion on any question relating to the effect of any provision of the State Constitution.

Azhar was making his submission on a preliminary issue raised by counsel Cecil Abraham representing Sultan Muhammad V, who is disputing his father's jurisdiction to file two petitions to seek the opinion of the Federal Court on the extent of the power and authority of a regent during a Sultan's incapacitation.

The petitions which were respectively filed on May 5 and June 22 this year, named Sultan Muhammad V and the Kelantan government as respondents.

Sultan Muhammad V was appointed the Sultan of Kelantan on Sept 13 by the Council of Succession. Tuanku Ismail Petra has been incapacitated since May last year.

The matter came up for continued hearing today before the Federal Court's three-man panel presided by justices Zulkefli Ahmad Makinudin, Md Raus Sharif and Abdull Hamid Embong.

The panel had heard submissions from Abraham on Oct 25 this year.

After completion of hearing of submissions from the parties in the case, justice Zulkefli adjourned to a date to be fixed to deliver the panel's decision on the issue as he said they needed some time to deliberate on the matter.

Earlier, Azhar also argued that the petitions filed by Tuanku Ismail Petra were pursuant to Article 63 (2) of Part I and Article 4 (4) of Part 2 of the Kelantan Constitution.

"It will create manifest absurdity if Articles 63 (2) Part 1 and 4 (4) Part 2 are to be interpreted in the manner suggested by the first respondent (Sultan Muhammad V) that the

Regent exclusively takes over the rule of the Sultan as if the Sultan no longer exists and that any reference for opinion of the Federal Court (under those two Articles) can only be applied by the Regent," he said.

He urged the court to dismiss the preliminary issue opposing Tuanku Ismail Petra's petitions.

In his reply, Abraham said when a regency was in place, where there was incapacitation or absence from the state, the powers of the Sultan was suspended until he returned to the state or recovered from his incapacitation.

However, in this case, Tuanku Ismail Petra had not recovered from his incapacitation, he said.

- Bernama

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