

**Nizar: Original suit never questioned sultan's powers**  
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Ousted Perak Menteri Besar Mohd Nizar Jamaluddin reiterated today that his suit did not challenge the prerogative of the Perak sultan in the appointment of a new menteri besar Zambry Abd Kadir.

Instead, Mohd Nizar claims that it was the attorney-general's chambers that has caused the sultan's powers to be questioned by the courts.

In a press statement today, Mohd Nizar said that the suit filed at the Kuala Lumpur High Court on Feb 13 was against Zambry for unlawfully usurping the office of the Perak menteri besar.

Now that the matter has now been referred to the Federal Court, Mohd Nizar is expressing concern over the four questions to be decided upon. These questions are:

(1) Whether the withholding of consent to a request for the dissolution of the state legislative assembly of Perak under Article 16(6) read together with Article 18(2)(b) of the Constitution of Perak by His Royal Highness the Sultan of Perak is justiciable.

(2) If the answer above is to the affirmative, the next question is whether the withholding of consent by His Royal Highness the Sultan of Perak is lawful.

(3) Whether the appointment of the new menteri besar of Perak under Article 16(2)(a) read together with article 18(2)(a) of the Constitution of Perak by the Sultan of Perak is justiciable.

(4) If the answer to the above question is affirmative, the next question is whether the new menteri besar is validly appointed.

AG questioning sultan's powers?

These questions were framed by the senior federal counsel Kamaluddin Md Said who represented the AG and adopted in toto by the Kuala Lumpur High Court to be referred to the Federal Court.

Mohd Nizar's lawyers have protested against the four questions at the High Court to no avail and the matter would be heard by the Federal Court tomorrow.

The lawyers grounds were that the four questions were irrelevant to the suit brought by Mohd Nizar.

"It is extremely interesting to note that the suit does not seek to impugn the sultan or question the sultan's wisdom or discretion.

"(However) the A-G and the court have framed questions which relate to the actions of the sultan. The sultan has unfortunately been brought into the fray by the AG and the courts.

"This situation is most disheartening to me," said Mohd Nizar in a 11-page press statement.

### **Avoiding real issues?**

Describing the four questions as "extraordinary and surprising", Mohd Nizar said it appeared as though the AG and Zambry were avoiding the crux of the constitutional impasse in Perak.

"The redress I seek in the suit will not be addressed if the Federal Court proceeds to hear and decide on the four questions and not the questions raised in the suit," he said.

“Why is there an implicit, if not explicit, avoidance of the real question as framed in the suit? Is it because there is only one answer to it?” he asked.

It is understood that Mohd Nizar will be filing an application to the Federal Court tomorrow to amend the four questions being posed.

In the suit, Nizar, among others, is seeking a declaration that he is the rightful Perak menteri besar.

He is also seeking an interpretation of Article 16(6) of the Perak Constitution on whether the menteri besar's post can be vacated when:

- (1) The menteri besar had advised the ruler on dissolution of the state legislative assembly;
- (2) There was no dissolution of the assembly;
- (3) There was no motion of confidence against the menteri besar in the state legislative assembly; and
- (4) The menteri besar did not resign.

In his application, Nizar said Zambry should cite the authority (quo warranto) that allowed him to legitimately become the menteri besar.

Nizar is also seeking a declaration that Zambry has no right to be menteri besar at any material time plus an injunction to prevent him or his agents from continuing his task and role as the menteri besar.