

Dr Mahathir: Sultan has no power to remove MB
Malaysiakini.com
May 6, 2008
Rahmah Ghazali

Dr Mahathir Mohamad today delivered a potential hammer blow to Prime Minister Najib Abdul Razak by stating that an elected head of a state government cannot be removed by a sultan.

Instead, the former prime minister said that the elected head of a state government can only be removed by a vote of no-confidence in the legislative assembly.

However, Mahathir was quick to add that the situation in Perak was different.

While he did not explain how it was different, the former premier could have been alluding to the ongoing court case to determine the legitimate menteri besar in Perak.

The state has been undergoing political turmoil ever since the Perak sultan ordered the Pakatan Rakyat Menteri Besar Mohd Nizar Jamaluddin to resign in February, following the coalition's drop in numbers in the assembly as a result of three defections.

The sultan had then agreed to the appointment of Barisan Nasional's Zambry Abd Kadir as menteri besar - a move which resulted in political and administrative chaos in the state.

A state assembly sitting is to take place tomorrow during which Zambry is expected to consolidate his position as the menteri besar.

However Pakatan representatives are equally adamant in that they will not give up power.

Constitution is 'clear' on the matter

Mahathir refused to comment when asked if he thought that Zambry's appointment was legitimate.

"I said the case of the Perak crisis is something else, something that is being decided by the court... [but] under the constitution and as far as I know, the federal constitution states very clearly that a monarch cannot remove a prime minister.

"He can refuse to appoint a prime minister, but once appointed you cannot remove him until there's a vote of no-confidence made against him," he said after delivering a keynote address on the separation of powers in Putrajaya today.

When asked again if this principle applied in the case of Perak, he said: "I should think that it applies to the state but if Perak is different, then I stand corrected."

Nizar has filed a suit against Zambry on the question of the latter's legitimacy as menteri besar and the matter is being heard at the Kuala Lumpur High Court today.

BN made 'hasty' decision

The former premier further revealed that BN may have been "a little bit hasty" when it decided to form the new government in Perak.

"It looks a bit like that, it was a little bit hasty. Maybe they are doing the right thing, but still, it was hasty," he said.

Elaborating on remarks in his keynote address, Mahathir stressed that the people should learn lessons from the ongoing political turmoil in Perak.

The people should not rush into making decisions, he said, or mistakes will be made.

"In any situation, just give yourself time to think (before making a decision)," he said.

Mahathir had also said in his speech that a speaker can be sued if there are complaints against him or if laws are broken - but that the judiciary cannot unilaterally interfere with the speaker's decisions.

"If someone makes a complaint or if there is evidence of breach of law the judiciary can pass judgement. If he (the speaker) is (performing duties in) accordance to the law, that is quite different.

"The rules of legislature have certain privileges. If these privileges are abused and people complain, then the judiciary has the right to judge the case if it is brought before them."

Mahathir refused to comment when asked if Perak speaker V Sivakumar (left) had abused his privileges in suspending Zambry and six state executive councillors.

"That is for the courts to decide. When the (matter is referred to the courts), we need to keep our mouth shut," he said.