

Some can insult sultans with impunity

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Jiwi Kathaiah

A confident Umno took its battle against the rulers to Parliament on Dec 10, 1992, with the deputy prime minister tabling a motion stating that the Johor sultan had abused his power when he injured hockey coach Douglas Gomez and seeking the approval of the House to take all necessary action to ensure that similar incidents do not recur in the future.

After four hours of debate the House adopted the motion. A few hours later, the Umno supreme council met in an emergency session and decided that the immunity against prosecution enjoyed by the Rulers should be terminated.

12th malaysia parliament official king opening 290408 03This involved amendments to the constitution. Since the amendments affected the privileges enjoyed by the rulers, prior consent of the Rulers' Conference was mandatory.

Umno failed in its attempts to get the prior consent of the Rulers' Conference. Without the consent of the Rulers' Conference for the amendments proposed, Parliament was called into session on Jan 18, 1993.

The amending bill tabled by then Prime Minister Dr Mahathir Mohamad dealt with three matters: replacement of the immunity of the rulers, changes with respect to the rulers' power to grant pardon, and changes in respect of sedition in the context of parliamentary proceedings concerning the rulers.

iftco conference mahathir 220806 showing teethIn introducing the bill, Mahathir (left) said, "If the law is not amended, as proposed, it is certain that worse things could happen to cause the institution of monarchy to be hated by the people.

"It is not impossible that, some day, representations may be made to abolish the system of monarchy, whatever the provisions of the constitution."

He added, "The proposed amendments are intended to prevent or stop hatred against the rulers from escalating which could lead to demands for the abolition of the royalty. The amendments are to save the rulers themselves and the system of constitutional monarchy."

There was no doubt as to what would be the outcome of the debate on the bill. The debate in respect of the motion tabled earlier by the deputy prime minister was a simliar blatant show of disloyalty and expression of disrespect towards the rulers by the Umno members of parliament, who always proclaimed and still proclaim their unreserved loyalty and respect for the Malay rulers.

No patience for negotiation

Wan Hanafiah Wan Mat Saman (BN-Kota Setar) preferred the Malay rulers to be treated the way the Indian Maharajas were treated. He said in his speech:

"After the struggle for India's independence in 1947, Deputy Prime Minister Sardar V Patel was given the task of negotiating with the rulers to phase out them.

"Patel rounded up the Maharajas and put them in a hotel. On the first day of discussion, he

could not get them to agree to the government's proposal.

"On the second day, he placed soldiers around the perimeter of the hotel. On the third day, he cut the electricity supply; on the fourth day, he stopped the water supply and on the fifth day, he stopped food from being brought in. On the sixth day, all the rulers, who were confined to the building, agreed to the government proposals.

"When Patel was asked why he did not obtain the consent of the rulers in a normal fashion, Patel replied, 'Do you ask the consent of the chicken before it is slaughtered?'"

Continuing his speech, Wan Hanafiah said that "a similar approach could have been taken to solve the present problem with the rulers."

'False sense of power'

In the whole episode of the Gomez incident and the resultant constitutional amendments proposed by the government, the most devastatingly sensitive speech was made by Dr Affifuddin Omar (BN-Padang Terap).

Affifuddin asked, "How can we continue to uphold rulers who are known to be robbers, adulterers, drunkards and kaki pukul (thugs)?"

He told the House that "the rulers must be reminded that they were not reincarnations of dewa-dewa (deities). They were put in their position as rulers by the people."

"It was about time that the 'false sense of political power' associated with rulers in this country be abolished," Affifuddin demanded.

He went on, "They (the rulers) must be made to realise that they do not own this country. They are not Superman but placed on their thrones by the people."

He proclaimed, "The real power did not lie with them, but with us - the representatives of the people."

"The 'syndrome of religiosity' associated with the rulers was only to cloud the people's view of who the rulers actually were," Affifuddin said.

He cited several instances from the Malay Hikayat and said that "many Malay rulers and princes, who had gone overboard in their actions against the rakyat, eventually lost their power and territories."

"The monarchy in Malaysia would have been wiped out if not for Umno which had protected and saved the institution when it rejected the Malayan Union in 1946," he said.

Affifuddin told the House, "If not for Umno and Onn Jaffar, Malaysia would have been a republic today."

Referring to the privilege of immunity enjoyed by the rulers, Affifuddin said, "The immunity gave the rulers the status of 'half-man and half-god' and allowed irresponsible rulers to commit serious crimes which tarnished the image of the institution."

"There was a serious moral crisis among the rulers which led to them being involved in unhealthy practices," he added.

He also pointed out the involvement of the Kelantan sultan in politics which helped the opposition parties to come to power in the state. That was unconstitutional because rulers could not take part in politics and business.

Referring to the issue then involving the Johor sultan, Affifuddin, while describing himself as an "obedient servant of the Kedah sultan", urged the government to find a complete solution to the controversy involving the ruler's behaviour.

Concept out-of-date

Sy Kuala Terengganu by election 140109 syed hamid albar Hamid Albar (right), the law minister, said in the debate, "In the olden days the ruler was considered the 'fountain of justice'.

"Therefore, the common conception that a ruler could do no wrong but currently such a concept is considered out of date. Only Semangat 46 seems to advocate the concept."

He went on to say, "Sovereignty cannot exist through violence, arrogance and tyranny. Sovereignty is born from wisdom and the love of people."

There were a number of other parliamentarians like Sahidan Kassim (BN-Arau) who gave details of the crimes committed by the members of the Johor royal family; Ibrahim Ali (BN-Pasir Mas) who urged the government to amend the constitution spelling out clearly what privileges should be accorded to the members of the royalty.

NONESarawak Chief Minister Abdul Taib Mahmud (PBB-Kota Samarahan) (left) said, "(The) government's move to remove immunity is consistent with the teachings of Islam because the religion did not provide such privileges."

Many other members on either side of the divide made their contributions, but none matched that of Affifuddin Omar.

The question remains:

Is there a convention that allows only Umno members to speak in the manner in which Affifuddin, the obedient servant of the Kedah sultan, spoke insulting the Malay rulers with impunity?

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