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'Rulers have no absolute power'

LIMITED: They have no right to sack a PM, says lawyer

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THERE is no provision in the law that will allow the Conference of Rulers to sack a prime minister.

Lawyer Datuk Salehuddin Saidin, in an interview with *Sinar Harian* recently, said the perception among some people that the Yang di-Pertuan Agong or the Conference of Rulers could intervene in government matters must be corrected.

"There is no provision in the Federal Constitution that says that the Yang di-Pertuan Agong or rulers have absolute power. However, in the question of appointing a prime minister, there are specific provisions that give the Yang di-Pertuan Agong discretionary powers."

Salehuddin said under Article 43(2) of the Federal Constitution, the Yang di-Pertuan Agong had the power to appoint a prime minister, subject to certain preconditions.

The candidate, he said, must be a member of parliament whom the Yang di-Pertuan Agong felt commanded the support of the majority in Dewan Rakyat.

"This means that a prime minister

can step down if he has lost the trust of a majority of the Dewan Rakyat members. The Yang di-Pertuan Agong is not given arbitrary power to sack a prime minister," he said.

Salehuddin said this, however, should not be misconstrued as the king and rulers not having any powers at all, adding that the Conference of Rulers had its role in the administration of the government.

"But, it (the power) is limited and the rulers' power had been reduced during the constitutional crisis in 1993," he said.

In 1993, when Tun Dr Mahathir Mohamad was prime minister, amendments to the Federal Constitution were passed in Parliament which limited the monarchy's power.

The amendments not only stripped the nine hereditary state rulers of immunity from prosecution, but also did away with the need for the Yang di-Pertuan Agong to consent to an amendment or legislation.

In the *Sinar Harian* article, Salehuddin also hit out at Dr Mahathir, who had urged the Conference of

Rulers to intervene in his efforts to topple the prime minister, when he himself had, at one time, belittled the royal institution.

"Strangely, at a time when he needs the support of the rulers towards his struggle, the royal institution is said to have a big role in deciding the direction of government rule and could intervene in government administration.

"He forgot that he had once, as a leader of the government, asked for the power of the royal institution to be reduced (leading to the amendments to the Federal Constitution).

"I feel that this is a desperate attempt to obtain support from the rulers."

Salehuddin said such an approach was "very unfair", as this showed that Dr Mahathir only needed the royal institution when the latter did not have enough support.

"Doesn't he feel any shame? It is as if he is using them to achieve a goal.

"If the Dr Mahathir-Kit Siang declaration wants the support of the Conference of Rulers to force the prime minister to step down, that is



Tun Dr Mahathir Mohamad