

Khalid now required by law to resign, says law professor
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Tan Sri Khalid Ibrahim is now required by law to tender his resignation following PAS's announcement of its support for PKR president Datuk Seri Dr Wan Azizah Wan Ismail and her deputy, Azmin Ali, to take over as Selangor menteri besar, a law professor said today.

The decision was a clear sign that the Islamist party had rejected him as MB, said Professor Gurdial Singh Nijar of the University Malaya law faculty.

If Khalid refused to step down, his MB post and the state executive councillors' posts would be deemed to be vacated, he said, adding that there was no need for the Sultan of Selangor to dismiss him and the exco.

Gurdial added that this was the essence of the judgment in the Federal Court case of Nizar vs Zambry over the Perak crisis, where the court had said: "Once the MB is made to know that he has lost the confidence of the majority of the members of the legislative assembly, he should take the honourable way out by tendering his resignation and the resignation of the executive council.

"If the menteri besar refuses or does not tender his resignation and the resignation of the executive council, the fact remains that the executive council is dissolved (which also includes the menteri besar) on account of the MB losing the confidence of the majority of the members of the legislative assembly.

"Therefore, it is not necessary for the DYMM Sultan... to remove Nizar (the then Perak MB) and the other members of the executive council. His Royal Highness must appoint someone who has the command of the confidence of the majority of the members of the legislative assembly."

Gurdial said in a statement today that given this precedent, all that was left was for the sultan to appoint the "someone".

"This also means that all acts done by the MB from the time he knows he has lost

his majority may be illegal," Gurdial added.

PAS deputy president Mohamad Sabu earlier today said the party backed PKR president Datuk Seri Dr Wan Azizah Wan Ismail and her deputy, Azmin Ali, as candidates to take over as Selangor menteri besar.

He also said that the party would stand by the Pakatan Rakyat (PR) coalition.

"Khalid's name does not arise any more. He has been sacked (from PKR) and is no longer in PR.

"We collaborate with the party, not the individual," Mohamad had said. – August 17, 2014.

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