

MAHATHIR WAS WRONG – THE ENTIRE GOVERNMENT WILL GO DOWN

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By Admin-s

There is no guarantee that the government would remain in Umno-BN hands. This is because we have yet to see a concrete guarantee that all 134 MPs would remain united under the coalition.

Aziz Bari, The Ant Daily

In his attempt to make the transition less painful for fellow Umno members, Dr Mahathir Mohamad said that the vote of no confidence against Prime Minister Najib Razak would not change the government. It was just to bring Najib down but the government would remain under Umno-BN as it was the majority party in Parliament.

The writing on his popular blog was immediately rebutted by Minister for Communication and Multimedia Salleh Said Keruak on Sept 1. The Sabah Umno strongman said to bring the prime minister down effectively meant bringing down the entire government.

From the point of view of the Constitution, it has to be said that Salleh was right and Mahathir was wrong. This is because the prime minister – just like the menteri besar or the chief minister at the state level – is the pillar of the government. He is *primus inter pares*; the first among equals among cabinet members. This is the principle that stands as the basis for collective responsibility among cabinet members. It is also the basis for the prerogative power on the part of the prime minister to sack ministers or change their portfolios.

Whether the exercise of such absolute power is justified or otherwise is a matter for the people to decide. It would be recalled that it was the constitutional position of the prime minister that was cited by the court to dismiss the challenge made by former Mahathir's deputy Anwar Ibrahim who was dismissed by the former in September 1998. It was the same justification used by Najib to drop Muhyiddin Yassin from his cabinet a month ago.

Abdullah Ahmad Badawi

Mahathir could have been influenced by what had happened all these years. These include the transfer of premiership in 2003 which saw the mantle passed on to his then deputy Abdullah Ahmad Badawi. In legal terms the change of premiership actually marked the end of the Mahathir administration. Even though Abdullah retained most of Mahathir's ministers, in law they formed a different government – that of Abdullah which took over from that of Mahathir.

To see it from a different angle; when Mahathir resigned in late 2003 he essentially tendered the resignation of his entire cabinet; not just his own. This was laid down in a high court case from Sabah in 1994 which arose out of a refusal of a minister who claimed that he still held office despite the resignation of former Chief Minister Joseph Pairin Kitingan. The court rejected his contention; holding that when the chief minister tendered his resignation, the entire cabinet went down with him *en bloc*.

Seen from the composition of MPs in Parliament, there is no guarantee that the government would remain in Umno-BN hands. This is because we have yet to see a concrete guarantee that all 134 MPs would remain united under the coalition.

It would be recalled that Umno had to take some 30 MPs to Taiwan when the party learnt that they might cross over to Pakatan Rakyat way back in September 2008.

As of now, it is evident that some of the 88 Umno MPs are not happy with the way Najib handled the 1MDB scandal. And some of them, like former cabinet members Muhyiddin Yassin and Shafie Afdal, are strong critics of the Najib administration.

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