

Anwar Challenges Amendments In 1994 Removing Royal Assent

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Former opposition leader Anwar Ibrahim alleges Parliament had no power to pass the amendments as they took away the mandatory requirement of royal assent.

(FMT) – Former opposition leader Anwar Ibrahim wants the Federal Court to declare null and void the Federal Constitution provision that allows bills to be automatically passed as law in 30 days, without the King's assent.

PKR president Dr Wan Azizah Wan Ismail who represented her husband, Anwar, in filing his case at the Federal Court registry today, said that this is Anwar's bid to restore constitutional democracy and fundamental rights.

He is seeking leave under Article 4(4) of the Federal Constitution from the Federal Court to question the validity of a few amendments made in 1983, 1984, and 1994 that removes the Yang Di-Pertuan Agong's powers to give the final approval for bills passed by the Dewan Rakyat.

Anwar alleged that the Parliament has no power to pass such amendments as they took away the mandatory requirement of royal assent. He said that the royal assent forms the basic structure of the Federal Constitution.

By that token, Anwar also wants the courts to declare that the National Security Council (NSC) Act, which became law in June 2016 without a royal assent, is invalid.

He named the government as the sole respondent in this direct challenge.

Previously, he had filed a lawsuit to strike down the National Security Council (NSC) Act.

He had claimed that Article 66(4A) which allows a parliamentary bill to automatically become law 30 days after it is presented to the Yang di-Pertuan Agong regardless of whether he assents to it or not, was unconstitutional.

However, his lawsuit was dismissed by the High Court on October 2016 and the Court of Appeal upheld the decision last year.

In dismissing Anwar's appeal, the appeals court had said he should have gone straight to the Federal Court as he was challenging the competency of Parliament to pass the law.

The controversial Act was passed by the Dewan Rakyat on Dec 3 and the Dewan Negara on Dec 22.

The law, gazetted in June 2016, allows the prime minister to chair the National Security Council to declare a state of emergency without having to go through the Yang diPertuan Agong.

The NSC Act became a law under Article 66 (4A) which stated a bill becomes a law 30 days after it was presented to the Agong, even without his assent.

Anwar is currently serving a five-year jail sentence for sodomy, and is expected to be out from prison by June, having served two-thirds of his sentence, which commenced in February 2015.

Anwar, was deputy prime minister in the government, led by then prime minister Dr Mahathir Mohamad, which amended the Federal Constitution in 1994, without referring to the Conference of Rulers as required, making it such that any Bill approved by Parliament would automatically become law even without royal assent after 30 days.

Before 1994, the Agong had the power to return a Bill to Parliament for reconsideration and to state his reasons for objecting to the Bill.

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