

TARIKH	RABU, 18 OGOS 2021
AKHBAR	NEW STRAITS TIMES
TAJUK ARTIKEL	'CIVIL SERVICE CAN FUNCTION WITHOUT MINISTERS'
M/S	P4
BIDANG	CIVIL SERVICE
KATA KUNCI	CIVIL SERVICE

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# 'CIVIL SERVICE CAN FUNCTION WITHOUT MINISTERS'

A caretaker PM still needed to fulfil some constitutional obligations, say experts

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**C**ONSTITUTIONAL experts and lawyers are of the opinion that the country's civil service is well developed and can function without ministers at the helm. However, they said Yang di-Pertuan Agong Al-Sultan Abdullah Ri'ayatuddin Al-Mustafa Billah Shah should appoint a caretaker prime minister to fulfil certain legal obligations under the Federal Constitution.

International Islamic University Malaysia legal adviser Professor Dr Nik Ahmad Kamal Nik Mahmud said the king was a member of the executive and could not act on behalf of the cabinet.

"Led by the chief secretary, the government machinery can still function without a cabinet as civil servants only implement policies that have already been decided by the government.

"However, a caretaker prime minister is required to endorse certain orders that cannot be done by the chief secretary or the secretaries-general of the ministries.

"For instance, there are provisions under the law that requires the home minister to sign orders for detentions without trial. A caretaker prime minister is required to attend to such matters now," he told the *New Straits Times*.

Nik Ahmad also said the caretaker prime minister would continue to serve until a successor takes over.

On Monday, Tan Sri Muhyiddin Yassin resigned as prime minister, after several members of parliament from Umno withdrew their support for his 18-month old Perikatan Nasional government. The king appointed the Pagoh MP as caretaker prime minister until a new prime minister is appointed.

Lawyer Nizam Bashir said the Federal Constitution made no distinction between a prime minister and a caretaker prime minister.

"Some take the view, consequently, that the powers of the two are one and the same.

"Additionally, pursuant to the Ministers of the Federal Government Order 2021, the caretaker prime minister helms all ministries.

"While there may be some informal limits to the powers, these are unusual times for the nation and those exigencies must be kept in mind when considering the issue of the prime minister's powers," he said.

Constitutional lawyer Lim Wei Jiet said a caretaker prime minister could give general orders on how the government machinery should function.

He said the caretaker prime minister could not make drastic policies as he was tasked with only steadying the ship until his successor took office.

Yesterday, Chief Secretary to the Government Tan Sri Mohd Zuki Ali chaired a special virtual meeting with secretaries-general of ministries and heads of services.

He gave an assurance that every agency and ministry would implement existing policies.



Professor Dr Nik Ahmad Kamal Nik Mahmud

DISEDIAKAN OLEH	1-CIK RAJA MUSFARIZAL BINTI RAJA MUHAMAD (S19), BPM 2-EN CARLOS LINTON (S19), BPM UNIT PERPUSTAKAAN, BPM
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